

KLICKITAT COUNTY  
**BOARD OF COUNTY COMMISSIONERS**



115 W. COURT STREET, ROOM 201, MS-201, GOLDENDALE WASHINGTON 98620 • FAX 509 773-6779 • VOICE 509 773-4612  
JACOB L ANDERSON, DISTRICT #1  
LORI ZOLLER, DISTRICT #2  
DAN CHRISTOPHER, DISTRICT #3

April 25, 2023

**VIA ELECTRONIC MAIL AND HAND DELIVERY**

Energy Facility Site Evaluation Council  
Ami Hafkemeyer  
PO Box 43172  
Olympia, WA 98504-3172

Re: Carriger Solar Project

Dear Ms. Hafkemeyer:

Klickitat County is aware of the proposed Carriger Solar Project (Project) near the vicinity of the BPA Knight Substation by Carriger Solar, LLC (Applicant). In this letter and the attachments, the County comments on (1) Project consistency with local jurisdiction's adopted ordinances, codes, plans and policies; and (2) a request for a full Environmental Impact Statement (EIS).

**1. Klickitat County Ordinances, Codes, Plans and Policies**

**1.1 Solar Moratorium – Resolutions 00823 and 04323**

A moratorium is currently in effect where the Project is proposed. As stated in the resolutions, no land use application associated with large scale solar development over one acre in size shall be accepted as either consistent or complete while this moratorium is in effect.

**1.2 Conditional Use Permit is Required – Resolution 01121**

Solar energy development proposals to be connected to the Bonneville Power Administration (BPA) Knight Substation shall be subject to review through the conditional use permit process.

**1.3 Model Decommissioning Plan – Ordinance 0121322**

All wind and solar development is required to comply with the County's Model Decommissioning Plan. The Plan ensures that developers and operators are held responsible for the financial and physical removal of energy projects. Decommissioning security shall cover full decommissioning cost. Credit for value of equipment shall not be factored into total decommissioning cost. The Plan specifies funding deadline and requires the permit holder to begin funding the decommissioning security no later than 30 days *before* commencement of project construction. The Plan also addresses acceptable forms of financial security, among other requirements.

#### **1.4 Klickitat County Code Chapter 9.15 Public Disturbance Noises**

The *Application for Site Certification (ASC)* and the Acoustic Assessment Report evaluates potential sound impacts relative to the applicable noise regulations prescribed in the Washington Administrative Code (WAC). Klickitat County Code addresses public disturbance noises as well. Note that noise emanating from temporary construction sites is partially exempt from the County's noise ordinance *except* between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 8:00 a.m. on Saturdays, Sundays and state recognized holidays.

#### **1.5 Klickitat County Building Department Comments**

Per adoption of the Washington State Building Code, RCW 19.27, Operations and Maintenance (O&M) Building, Solar Array Areas and Battery Energy Storage System (BESS) would require permitting from the Klickitat County Building Department. Building permit applications received after July 1, 2023 would fall under the 2021 codes. Additional requirements effective with adoption of the 2021 codes would include hazard mitigation analysis, commissioning plan, decommissioning plan and emergency responder communication coverage.

#### **1.6 Klickitat County Public Works Comments**

A Franchise Agreement is required to be in place prior to the developer installing any utilities within County right-of-way. The developer shall apply for and receive permits for any new or existing driveways used for the Project. A formal Road Haul Agreement with financial security shall be developed and agreed to prior to construction. Permits will only be approved after the Road Haul Agreement has been executed. Based on previous large scale solar project applications, it could take 18-24 months to receive an executed Road Haul Agreement.

#### **1.7 Klickitat County Environmental Health Comments**

If an O&M Building is proposed, a suitable method of wastewater disposal is required in accordance with Klickitat County Code 8.10 and WAC 246-272A.

## **2. SEPA Threshold Determination of Significance – An EIS is Required**

### **2.1 Incomplete application/Insufficient Information**

Klickitat County generally supports the Washington State's energy strategy. However, such development must comply with SEPA and ensure protection of sensitive resources. Several special reports mentioned in the ASC have yet to be posted on the EFSEC website, including *Attachment M Phase 1 Environmental Site Assessment*. The County as well as the general public do not have sufficient information to provide complete comment on the Project.

### **2.2 Proper Analysis related to Public Right of Ways is Required**

At the time of this letter, no Traffic Impact Analysis nor Geotechnical Analysis have been completed on County roadways. The Project will create a significant increase in traffic on county roads, including over-width and over-length loads. A Traffic Impact Analysis (TIA) completed by an Engineer licensed in the State of Washington whom

specializes in Traffic Engineering is required. The TIA is to provide estimates and calculations for the expected daily trips of construction traffic for the entire duration of the Project. Once the TIA has been reviewed and accepted by the Klickitat County Public Works Department, a geotechnical report to adequately evaluate the Project and its potential impacts to county roads, including pavement and subsurface condition, is required. The analysis shall be performed by a Geotechnical Engineer licensed in the State of Washington who specializes in pavement analysis and design, and shall be conducted for all County roads that are outlined in the accepted TIA.

A formal Road Haul Agreement with financial security between the developer and Klickitat County shall be developed and agreed to prior to construction to address road maintenance issues and damages that may arise during construction. The Road Haul Agreement's maintenance and mitigation elements will be based on the conclusions of the TIA and the geotechnical report. Any mitigation necessary in order to support the Project's traffic impacts shall be performed prior to the start of any hauling operations. All materials used on county roads shall meet the requirements for materials and placement in the most current version of the WSDOT Standard Specifications for Road, Bridge, and Municipal Construction.

### **2.3 Battery Energy Storage System (BESS)**

BESS technology plays a strong role in turning intermittent energy source into reliable power source, however, it is not risk free. The Project includes a 63 MW of battery energy storage component sited in close proximity to many residences and the City of Goldendale. No information is provided as to the type and method of the proposed BESS. Due to the rapidly changing technology options for BESS design and installation specific to fire, thermal runaway and explosion hazards, the Applicant shall work with local emergency management and emergency response agencies to determine appropriate emergency plans and mitigation measures in the design and construction of the BESS.

There is no discussion in the ASC on how BESS fire suppression will be managed nor the potential for contaminated firewater or firefighting foams impacting groundwater and surface water. It is critical to ensure first responders have the proper training and equipment when responding to an incident involving BESS. An emergency management plan that specifically addresses how a BESS fire will be extinguished is required.

Air quality hazards that will exist for the area residents in the event of a fire incident at the Project location would necessitate the use of a robust public alert and warning system for evacuation and other information. The emergency management preplans for this potential hazard will need to include a detailed evacuation plan. An analysis of worst case scenarios for the community should be included. Factors to be considered include excessive fumes, prevailing winds, and evacuation zones.

### **2.4 Impacts to Area Residences**

The Project is sited in a location of high population density and small lot sizes. The Project should include a broader analysis of potential impacts to area residences before construction, during construction, and after construction.

### **2.5 Agriculture productivity and Water Right Concerns**

The project will impact 70 acres of irrigated farmland. According to the ASC, the soils at the Project site have moderate to low inherent productivity. The productivity of irrigated land is likely higher than suggested by the NRCS National Crop Productivity Index as this index classifies non-irrigated land. The ASC also does not address what will happen to the water right associated with the 70 acres of irrigated farmland impacted by the Project. While water rights are the property of the water right holder, the community has interest that the portfolio of water rights in the Little Klickitat River Basin will not be diminished.

### **2.6 Water Facilities**

The project anticipates to use approximately 50-acre feet over a 15-month construction period. This volume of water supplied through the existing well, as currently proposed, will require a water right. Additional groundwater studies should be considered to demonstrate this withdrawal will not impact current local existing water rights in the area or private residential water supplies of existing homeowners. Sourcing water from municipalities in the area needs further clarification and comments from said municipalities before construction is considered. More information regarding water sourcing and use during construction is needed.

### **2.7 Other Considerations**

The County encourages the Applicant to demonstrate that the manufacturer of these PV Modules panels has passed the Toxicity Characteristic Leaching Procedure (TCLP) as required by Resource Conservation and Recovery Act (RCRA).

The ASC states approximately 350-450 full time construction workers per day at construction peak. Are these jobs to be filled locally by residents who live here or will transient workers be expected? More details on the construction logistics will be beneficial to avoid code compliance issues.

### **2.8 An Environmental Impact Statement (EIS) is Required**

Based on the available information on the EFSEC website, potentially significant impacts that could be caused by the Project have not been thoroughly discussed, therefore an issuance of a Determination of Significance (DS) is appropriate. A DS will require the applicant to proceed with a full EIS, and ensure that all reasonably foreseeable environmental impacts of the Project will be addressed.

## **3. Conclusion**

Klickitat County respectfully requests that EFSEC subjects the Project to the most rigorous scrutiny to assure the Project is sited responsibly with a sensitivity to local impacts. Attachments 1 through 5 provide additional information on the County's concerns.

Klickitat County looks forward to the opportunity to participate in the scoping process for an EIS. As additional and/or clarifying information and addenda are released, further comments will be provided.

Thank you for the opportunity to provide comment.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

  
Dan Christopher, Chairman

  
Jacob Anderson

  
Lori Zoller

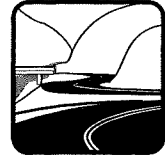
Attachments:

1. Klickitat County Public Works Department Comments (April 18, 2023)
2. Klickitat County Environmental Health Comments (April 20, 2023)
3. Klickitat County Emergency Management Comments (April 21, 2023)
4. Klickitat County Natural Resources Department Comments (April 21, 2023)
5. Klickitat County Building Department Comments (April 24, 2023)

# Attachment 1

KLICKITAT COUNTY

**PUBLIC WORKS DEPARTMENT**



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228 WEST MAIN STREET, MAIL STOP, CH-19, GOLDENDALE, WASHINGTON 98620 • FAX 509 773-5713 • VOICE 509 773-4616  
JEFFREY S. HUNTER - PUBLIC WORKS DIRECTOR

**DATE:** April 18, 2023  
**TO:** Mo-chi Lindblad, Planning Director  
**FROM:** Jeff Hunter, Director  
**RE:** Carrier Solar Energy Project

Public Works has the following comments:

**Franchise Agreement**

A Franchise Agreement is required to be in place prior to the developer installing any utilities within the County R/W. A blank Franchise Agreement has been attached for your use.

**Construction Schedule**

The construction schedule shows construction taking place 15 months. If road construction is proposed during the winter, the following concern needs to be addressed: Typically, Klickitat County experiences freezing temperatures during these months and compaction of the soil and crushed rock for road building requires the addition of water to obtain maximum compaction. How does the applicant plan to obtain compaction of their materials during these times?

**Stormwater:**

The applicant is required to prepare a Stormwater Report per the Washington State Department of Ecology's (DOE) Stormwater Management Manual for Eastern Washington State.

**Traffic Study**

The Carriger Solar project will create a significant increase in traffic on county roads. A Traffic Impact Analysis is required to be submitted to Public Works for review and acceptance prior to submitting the Geo-tech Report. The TIA is to provide estimates and calculations for the expected Daily Trips of construction traffic for the entire duration of Carriger Solar Project. The Daily Construction Trips shall consist of labor force commuters, mail, fuel, sanitation, food trucks, equipment deliveries, construction materials such as water and aggregate, and all other project related trips. The trip distribution shall be shown entering and exiting the project on all County Road segments. The trips shall be identified from point of origin to destination within Klickitat County. The Traffic Impact Analysis shall be completed by an Engineer licensed in the State of Washington that specializes in Traffic Engineering. The draft report will be submitted to Klickitat County Public Works for review. The Developer shall reimburse the County for all expenses related to the review and acceptance of the TIA. The cost will include staff time and County Traffic Consultant peer review costs. To reduce time for both parties,

Public Works is recommending a meeting with the Developer's Traffic Engineer to answer any questions prior to starting the TIA.

**County Roads Geotechnical Report**

Once the Traffic Study has been accepted by Public Works geotechnical report which analyzes pavement and subsurface conditions to adequately evaluate the Carriger Solar Project proposal and its potential impacts to county roads is required.

The Developer needs to analyze the adequacy of county roads, i.e., the routes proposed to be used as Haul Routes for labor force commuters, materials such as gravel, concrete, water, etc. and solar parts to determine if they will support the proposed traffic loads. The analysis shall be performed by a Geotechnical Engineer licensed in the State of Washington who specializes in pavement analysis and design. This analysis shall be conducted for all County Roads that are outlined in the accepted TIA. The draft report will be submitted to Klickitat County Public Works for review. The Developer shall reimburse the County for all expenses related to the review and acceptance of the Geo-Tech Report. The cost will include staff time and County Geo-Tech Consultant peer review costs. To reduce time for both parties, Public Works is recommending a meeting with the Developer's Geo-Tech Engineer to answer any questions prior to getting started. Please see attached "Guidelines for Geotechnical Evaluation of Klickitat County Roads" for guidance preparing the geo-tech report.

Any mitigation necessary to support this project's traffic impacts shall be performed prior to the start of any hauling operations.

If mitigation work occurs on county roads as a result of the Geotechnical Evaluation, the applicant shall reimburse the county for reasonable road inspection costs.

All materials used on county roads shall meet the requirements for materials and placement in the most current version of the WSDOT Standard Specifications for Road, Bridge, and Municipal Construction.

It will be required that a formal Road Haul Agreement with financial security be developed and agreed to prior to construction to address road maintenance issues and damages that may arise during construction. The Road Haul Agreement maintenance and mitigation elements will be based on the conclusions of the TIA and the Geo-Tech Studies.

The Developer shall apply for and receive permits for any new or existing driveways used for this project. Permit applications are the County website under Public Works. Permits will only be approved after the Road Haul Agreement has been executed.

Public Works will work diligently with the Developer to get through the process. The Developer should schedule 18-24 months to receive a executed Road Haul Agreement. This time line is based on previous solar farm applications.



## **Guidelines for Geotechnical Evaluation of Klickitat County Roads**

Several large capital developments have been constructed in various areas of Klickitat County (County). The construction of these facilities requires transportation of heavy equipment and materials to remote areas of the County using its roads that are not generally designed to handle such traffic loading. This increased loading has a negative impact on the roadway pavement or traffic bearing surface resulting in reduced service life and, in some instances, pavement distress or premature failure. Accordingly, the County requires means of assessing what the potential near and long-term impacts these large development projects are likely to have on its roadway infrastructure. With this information in hand, the County can then determine what mitigation measures will be necessary to be implemented in advance and/or follow-up to completion of any given project.

For each proposed large development project, the impacted roads should be identified, analyzed and their structural capacity should be determined in the context of anticipated additional loading conditions that the project(s) will impose. If and as necessary the structural capacity of the roadway sections being impacted should be increased to accommodate the anticipated traffic loading associated with the specific development project. Alternatively, post-project completion reconstruction of roadway sections should be performed on section-specific basis, as identified with follow-up studies.

This document is intended to serve as a general guideline for geotechnical investigations or studies directed at determination of the structural condition and adequacy of existing Klickitat County roads for purposes of handling increased traffic related to construction of large capital developments within County boundaries. The following should be included in such investigative studies but it is not intended to preclude or limit provision of other information that may be relevant to the structural assessment.

### **A. IDENTIFICATION OF PROJECT LOCATION AND POTENTIALLY IMPACTED ROADWAYS**

For a given large development project, all key components of the project, including building and facility sites, temporary lay down and materials supply (i.e. concrete and roadway construction aggregates) and storage areas, should be located on suitable mapping, and the project transport routes that utilize any and all portions of County roads clearly identified. Concrete batch plant and asphaltic pavement processing facilities should also be located relative to the proposed project development. Traffic loading conditions and frequency, in terms of project-duration equivalent single axle loadings (ESALs), should be established for each roadway route segment affected. Special traffic loading conditions, such as exceptionally heavy equipment and/or materials transporters should be identified specifically, as may be appropriate.

### **B. GEOTECHNICAL INVESTIGATION**

A geotechnical investigation should be performed on a representative portion of the County roadway system that will be impacted by the traffic that will be associated with the development project. This investigation should be performed and submitted to the County and its agents for

review sufficiently in advance of the project to permit the County to adequately assess the potential impacts and formulate plans related to determination of mitigation measures that it may deem necessary. It is recommended that such investigation include but not necessarily limit themselves to addressing the following aspects.

### **1. Site Geology**

Site geology should be identified and its relevance or otherwise to the proposed project development and County roadway system discussed. This discussion should include information on local/regional ground water conditions and potential influence on the roadways and their utilization. For example, are there any ground water discharge areas along the routes that may influence roadway embankment and pavement structure performance?

### **2. Climatological and Terrain Conditions**

Climatological factors such as precipitation and freeze-thaw characteristics prevalent to the project area and influencing the County roadways should be identified and discussed in respect to potential impacts on roadway performance and serviceability. For example, is there a need to seasonally restrict pavement loading due to frost dissipation conditions. Terrain conditions should be identified, both on a regional and localized basis, in respect to potential impact of precipitation runoff and any significant areas of ponding adjacent to portions of the roadway embankment, or within the pavement structural layer, should be identified and flagged for potential mitigation measures.

### **3. Non-Destructive Testing of Existing Roads.**

Non-destructive testing of the roadway pavement, such as performed with a Falling Weight Deflectometer (FWD), should be conducted on identified routes that will be used to truck in all necessary equipment and materials to build the development project. FWD testing can be used to identify any isolated irregularities in existing pavement structures. FWD testing results can also be used to back-calculate the resilient modulus of existing subgrade soils.

### **4. Subsurface Investigation.**

A subsurface investigation program of the identified routes should include advancing an adequate number of shallow (7.5 feet to 10 feet deep) boreholes to investigate the composition and the geometry of the existing pavement sections. The frequency and spacing of the boreholes should be sufficient to adequately identify both pavement structural conditions and subgrade characteristics. Typically, a maximum spacing of the order of 500 to 600 feet is recommended, but this may need to be reduced where significant variability is apparent in the subgrade soils, or may be increased where uniformity is identified. Results from the FWD testing may serve as an initial indicator to borehole spacing requirements.

In general, SPT testing and soil sampling should be performed at 2.5-foot depth intervals to assess the consistency and characteristic nature of the subgrade soils. The cuttings from borehole drilling of subgrade soils should also be sampled, as necessary to augment the SPT samples for purposes of proper classification of subsurface soil materials. Groundwater conditions should also be noted. Logs of all boreholes should be prepared which includes SPT results and sufficient descriptions of subsurface materials and conditions encountered to permit assessment of subgrade characteristics.

## **5. Laboratory Testing of Soils.**

Laboratory testing should be conducted on selected representative soil samples to characterize relevant engineering properties of the on-site soils. Laboratory tests should include, but not necessarily limited to, moisture content determinations, grain size distributions, Atterberg Limits, and any other tests that are needed to characterize the subsurface soils. Soil samples obtained from cuttings should be aggregated into representative bulk specimens to be used to identify Modified Proctor moisture-density relationships, and for CBR testing. CBR testing samples should be reasonably distributed along the entire routes in order to yield representative values of CBR ratio. Alternatively, or in addition to, resilient modulus testing of representative soil specimens may be performed to augment the CBR results and confirm back-calculated modulus values based on the FWD testing results.

## **6. Pavement Analyses**

The subsurface soil exploration results should be used to identify existing 'typical' pavement structures. Reasonable structural coefficients need to be assumed for each material encountered in these pavement sections, and Structural Number (SN) values are to, accordingly, be assigned to the existing 'typical' pavement sections.

FWD testing results should be used to check if any substantial irregularities exist along the identified routes, and whether additional subsurface explorations will be warranted. Resilient modulus values for existing subgrade soils shall be estimated either from FWD testing results or using CBR ratios obtained from laboratory testing of various soils.

## **7. Calculation of Estimated Traffic Loading.**

The traffic loading to be considered for any given roadway section should include all traffic generated during construction and commissioning of the proposed development project. This loading should be expressed in terms of Equivalent Single, Axle Load (ESAL) and should include at least the following components:

- ESALs associated with the transportation of all gravel.
- ESALs associated with the transportation of workforce needed to erect the infrastructure.
- ESALs associated with the transportation of concrete and steel reinforcement needed to cast the foundations of all structures.

- ESALs associated with the transportation of cement or asphalt and aggregates to the proposed batch plant locations.
- ESALs associated with the transportation of electrical equipment associated with re-assembling of all the infrastructure.
- ESALs resulting from the rehabilitation of the existing routes, as well as, those associated with the building of all new needed temporary roads.
- ESALs associated with the transportation of water needed in the concrete batch plant and water used in the construction of new and rehabilitated roads.
- ESALs associated with any other activity that is not indicated above.

Various relevant components of anticipated traffic loading should be summed together for different sections of the existing roads and these are to be used to establish the degree of pavement rehabilitation needed.

## **8. Design of Road Rehabilitation**

AASHTO 93 pavement design method should be used to estimate the design SN needed to accommodate anticipated traffic loading related to the building of the development. To determine the existing SN of 'typical' pavement sections, data from boring logs should be used to determine the depth of each layer and an adequate structural coefficient should be selected for each existing pavement layer. This existing SN shall be subtracted from the design SN and the resulting SN will thereby serve as the basis for recommendations or measures to rehabilitate pavements of all route sections. The pavement rehabilitation design should be performed in such a way that the resulting post-construction pavement sections will still have at least the current remaining service life.

## **9. Geotechnical Reporting**

The geotechnical engineering report should include all relevant data acquired in the investigation process, as discussed above, in a format that is concise and clearly laid out. Methods and means used in the investigation and exploration program, as well as laboratory testing, should be identified and any anomalies in any of the data/results should be explained sufficiently in respect to conclusions reached.

Conclusions should be provided in a clear and concise manner regarding existing pavement conditions and their serviceability or design life prior to proposed development construction activities.

Proposed mitigation measures should be identified from available viable alternatives and reasons given for selection of a specific mitigation or remediation alternative. A section of the report should include detailed construction recommendations for the proposed mitigation or rehabilitation measure proposed.

KLICKITAT COUNTY PUBLIC WORKS DEPARTMENT

TO: WHOM IT MAY CONCERN

FROM: JEFF S. HUNTER,  
DIRECTOR OF PUBLIC WORKS

SUBJECT: FRANCHISING PROCESS

Pursuant to the authority provided in RCW 36.55 and in accordance with Klickitat County's Accommodation of Utilities on County Road Right-of-Way Policy, the Board of Klickitat County Commissioners may grant a non exclusive franchise to use the right-of way of county roads for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric light lines, sewers and any other such facilities and right to build and maintain tramroads and railway roads upon county roads. To apply for a franchise, complete the application and submit to address listed on the application form along with the appropriate Fee as set forth in the Klickitat County's Accommodation of Utilities Policy. Refer to the Klickitat Counties Accommodation of Utilities Policy to determine whether or not a franchise is required.

This office will review all applications received and make contact with the applicant for additional information as required. Once all the required additional information is received and reviewed, the application process will be considered complete. Once the application process is completed, the county will schedule a public hearing date and time with the Board of County Commissioners. Scheduling a hearing on the application with the Board of County Commissioners does not imply this Department is for or against the issuance of a franchise, only that the application contains sufficient information to proceed to a public hearing.

It may take up to thirty (30) days from the date that the application process is complete until a public hearing is held and final consideration of your application can be given by the Board of County Commissioners. The Board of County Commissioners reserve the right to reject completely or accept applications as submitted. The Board of County Commissioners also reserve the right to impose any kind of special franchise conditions as part of the final consideration given. Once the final consideration is given by the Board of County Commissioners, a formal Franchise Agreement will be forwarded to the Applicant for Signature. The Applicant will be required to sign and have notarized the Certificate of Acceptance page included in the Franchise Agreement and return the original to the County for final execution and recording. A copy will then be returned to the applicant.

If you have other questions concerning the process or how to complete the form, please call this office at (509) 773-4616.

Klickitat County's Accommodation of Utilities Policy was developed based on RCW 36.55.

**For informational purposes, the following are those sections of the Revised Code of Washington.**

**Chapter 36.55 RCW  
Franchises on roads and bridges**

**36.55.010 Pipe line and wire line franchises on county roads.**

Any board of county commissioners may grant franchises to persons or private or municipal corporations to use the right-of-way of county roads in their respective counties for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric light lines, sewers and any other such facilities.

[1963 c 4 § 36.55.010. Prior: 1961 c 55 § 2; prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]

**36.55.020 Cattleguards, tramroad, and railway rights.**

Any board of county commissioners may grant to any person the right to build and maintain tramroads and railway roads upon county roads under such regulations and conditions as the board may prescribe, and may grant to any person the right to build and maintain cattleguards across the entire right-of-way on any county road, under such regulations and conditions as the board may prescribe: PROVIDED, That such tramroad or railway road shall not occupy more than eight feet of the county road upon which the same is built and shall not be built upon the roadway of such county road nor in such a way as to interfere with the public travel thereon.

[1963 c 4 § 36.55.020. Prior: 1941 c 138 § 1; 1937 c 187 § 39; Rem. Supp. 1941 § 645039.]

**36.55.030 Franchises on county bridges.**

Any board of county commissioners may grant franchises upon bridges, trestles, or other structures constructed and maintained by it, severally or jointly with any other county or city or town of this state, or jointly with any other state or any county, city or town of any other state, in the same manner and under the same provisions as govern the granting of franchises on county roads.

[1963 c 4 § 36.55.030. Prior: 1937 c 187 § 40; RRS § 6450-40.]

**36.55.040 Application — Notice of hearing.**

On application being made to the county legislative authority for franchise, it shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting notices in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing. The county legislative authority shall also publish a like notice two times in the official newspaper of the county, the last publication to be not less than five days before the day fixed for the hearing. The notice shall state the name or names of the applicant or

applicants, a description of the county roads by reference to section, township and range in which the county roads or portions thereof are physically located, to be included in the franchise for which the application is made, and the time and place fixed for the hearing. [1985 c 469 § 49; 1963 c 4 § 36.55.040. Prior: 1961 c 55 § 3; prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]

**36.55.050 Hearing — Order.**

The hearing may be adjourned from time to time by the order of the board of county commissioners. If, after the hearing, the board deems it to be for the public interest to grant the franchise in whole or in part, it may make and enter a resolution to that effect and may require the applicant to place his utility and its appurtenances in such location on or along the county road as the board finds will cause the least interference with other uses of the road.

[1963 c 4 § 36.55.050. Prior: 1961 c 55 § 4; prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]

**36.55.060 Limitations upon grants.**

(1) Any person constructing or operating any utility on or along a county road shall be liable to the county for all necessary expense incurred in restoring the county road to a suitable condition for travel.

(2) No franchise shall be granted for a period of longer than fifty years.

(3) No exclusive franchise or privilege shall be granted.

(4) The facilities of the holder of any such franchise shall be removed at the expense of the holder thereof, to some other location on such county road in the event it is to be constructed, altered, or improved or becomes a primary state highway and such removal is reasonably necessary for the construction, alteration, or improvement thereof.

(5) Counties shall, in the predesign phase of construction projects involving relocation of sewer and/or water facilities, consult with public utilities operating water/sewer systems in order to coordinate design.

[2007 c 31 § 6; 1963 c 4 §36.55.060 . Prior: 1961 c 55 § 5; prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]

**36.55.070 Existing franchises validated.**

All rights, privileges, or franchises granted or attempted to be granted by the board of county commissioners of any county prior to April 1, 1937, when such board of county commissioners was in regular or special session and when the action of such board is shown by its records, to any person to erect, construct, maintain, or operate any railway or poles, pole lines, wires, or any other thing for the furnishing, transmission, delivery, enjoyment, or use of electric energy, electric power, electric light, and telephone connection therewith, or any other matter relating thereto; or to lay or maintain pipes for the distribution of water, or gas, or to or for any other such facilities in, upon, along, through or over any county roads, are confirmed and declared to be valid to the extent that such rights, privileges, or franchises specifically refer or apply to any county road or county roads, or to the extent that any such county road has prior to April 1, 1937, been actually occupied by the bona fide construction and operation of such utility, and such rights, privileges, and franchises hereby confirmed shall have the same force and effect as

if the board of county commissioners prior to the time of granting said rights, privileges, and franchises, had been specifically authorized to grant them.

[1963 c 4 § 36.55.070. Prior: 1937 c 187 § 41; RRS § 6450-41.]

**36.55.080 Record of franchises.**

The board of county commissioners shall cause to be recorded with the county auditor a complete record of all existing franchises upon the county roads of its county and the auditor shall keep and maintain a currently correct record of all franchises existing or granted with the information describing the holder of the franchise, the purpose thereof, the portion of county road over or along which granted, the date of granting, term for which granted, and date of expiration, and any other information with reference to any special provisions of such franchises.

[1963 c 4 § 36.55.080. Prior: 1937 c 187 § 42; RRS § 6450-42.]



<b>KLICKITAT COUNTY</b> Department of Public Works 228 West Main; MS-CH-19 Goldendale, WA 98620 PH: (509) 773-4616 FAX: (509) 773-5713	<b>APPLICATION FOR FRANCHISE</b>	
	Date Received:	<input type="text"/>
	Franchise Number:	<input type="text"/>

<b>Applicant (Owner or Company)</b>	<b>Location &amp; Description of Franchise Facility</b>
Name/Company	<input type="text"/>
Address	<input type="text"/>
City <span style="float: right;">WA</span>	<input type="text"/>
Phone: <span style="float: right;">e-mail</span>	<input type="text"/>
Signature:	<input type="text"/>

**FRANCHISE TYPE:**  Project Specific  County Wide.  Renewal  New  
 (check all that apply) (blanket)

**FRANCHISE USE:**  Water ..  Sewer ..  Solid/Liquefied Waste ..  Electric  
 (check all that apply)  Natural Gas ..  Oil/Petroleum  Fiber Optic  Cable TV  
 Telecommunications  Oil/Petroleum  
 Other \_\_\_\_\_  
(describe)

**Methods of Construction:**  Boring .  Trenching .  Plowing ..  Aerial  Other  
 (check all that apply)

**APPLICANT INSTRUCTIONS (Please Read)**

- 1) Please print information Clearly and Neatly and be complete with the Location & Description of franchise being requested.
- 2) Prior to any and all work, the Applicant is required to obtain any necessary permits and approvals, including but not limited to Right-of-Way Use Permits, Conditional Use Permits, etc.
- 3) Franchises are required for persons or private or municipal corporations or any other entity that need to use, enter upon, cross, go under County Road Right-of-Way for the purpose of constructing, maintaining, operating, etc. a utility or other similar type of facility, including any appliances and appurtenances in connection there with. Most individual, private, and single residential/farm utility installations on county right-of-way that only affect one property owner do not require franchises.
- 4) Franchise Conditions and requirements are set forth by RCW 36.55 and Klickitat County's Accommodation of Utilities Policy.
- 5) Franchise Fee's and Charges are set forth by Klickitat County's Accommodation of Utilities Policy. Applicants are required to reimburse the County for any and all costs that are in excess of the basic fees paid with the application. The appropriate application fee must be submitted with the application.
- 6) Upon the county receiving an application, the county will fix a time and place for a public hearing and a public notice will be posted in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing. The county will also have published a like notice two times in the official newspaper of the county, the last publication to be not less than five days before the day fixed for the hearing. The notice will state the name or names of the applicant or applicants, a description of the county roads by reference to section, township and range in which the county roads or portions thereof are physically located, what is to be included in the franchise for which the application is made, and the time and place fixed for the hearing by the Board of County Commissioners. It may take up to thirty (30) days from the date that the application process is complete until a public hearing is held and final consideration of your application can be given by the Board of County Commissioners.
- 7) Applications must be returned to the Klickitat County Public Works - 228 W. Main Street, MS-CH-19, Goldendale, WA 98620  
 If you have any questions, please call Klickitat County Public Works at (509)773-4616. Klickitat County Public Work will contact

FRANCHISE AGREEMENT NO. \_\_\_\_\_

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Klickitat County, hereinafter designated as the "County", and \_\_\_\_\_ hereinafter designated as "Grantee"

**WHEREAS**, Grantee has made application with the County requesting to be granted a non-exclusive, County Wide Right-of-Way Franchise attached as Exhibit "B"; and

**WHEREAS**, the County pursuant to the authority provided in RCW 36.55 and in accordance with Klickitat County's Accommodation of utilities on County Road Right-of-Way Policy, the Board of Klickitat County Commissioners may grant a non exclusive franchise to use the right-of-way of county roads for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric light lines, sewers and any other such facilities and right to build and maintain tramroads and railway roads upon county roads; and

**WHEREAS**, the County Auditor gave public notice thereof at the expense of the Grantee, by posting notices in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing; and

**WHEREAS**, the Board of County Commissioners also published a like notice two times in the official newspaper of the county, the last publication not less than five days before the day fixed for the hearing; and

**WHEREAS**, the Board of County Commissioners did hold a Public Hearing to take public comment at \_\_\_\_\_ and has deemed it to be for the public interest to grant such franchise under the provisions of RCW 36.55.

**NOW, THEREFORE**, in consideration of the terms, conditions, and covenants contained herein as EXHIBIT "A", it is mutually agreed as follows:

**EXHIBIT "A"**  
KCLICKITAT COUNTY  
TERMS AND CONDITIONS OF FRANCHISE

**INDEX OF TERMS AND CONDITIONS OF FRANCHISE**

1. Scope and Duration
2. Definition of Terms
3. Permits, Plans, and Specifications
4. Performance of Work
5. Aesthetic/Scenic Considerations
6. Maintenance of Facilities
7. Hazardous Wastes, Substances
8. Relocation
9. Non-Exclusive/Other Occupants
10. Insurance and Security
11. Hold Harmless and Indemnity
12. Reservation of Police Power
13. Applicable Laws
14. Eminent Domain, Powers of the People
15. Annexation
16. Vacation
17. Termination
18. Assignment
19. Effective Date
20. Severability
21. Limitation of Liability
22. Hazardous Conditions
23. Notices
24. Governing Law and Stipulation of Venue

**1. Scope and Duration**

\_\_\_\_\_ its successors and assigns (hereinafter called "Grantee") are hereby granted a franchise to set, erect, install, place, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use electric transmission and distribution systems, including, but not limited to poles and towers (with or without crossarms), wires, lines, conduits, cables, braces, guys, anchors and vaults, meter-reading devices, and communication systems, together with any and all other equipment, appliances, attachments, appurtenances and other items necessary, convenient, or in any way appertaining to any and all of the foregoing, whether the same be located over or under ground (collectively, "Facilities") in, upon, over, under, along, across and through the Klickitat County roads and rights-of-way falling within the area

described on the attached Appendix 1 (such roads and rights-of-way being hereafter referred to at times as the "Franchise Area"), for a period of fifty (50) years, all in accord with the ordinance granting this Franchise, all applicable provisions of Klickitat County Utility Accommodation Policy, Codes and Ordinances, whether specifically referred to or not, and this Exhibit A; provided that, notwithstanding the County's continued right to enact codes and ordinances, in the event of any conflict or inconsistency of such codes and ordinances with the terms and conditions of this Franchise (including, without limitation, this Exhibit A), the terms and conditions of this Franchise shall govern and control.

**2. Definition of Terms**

COUNTY WIDE (BLANKET) RIGHT-OF-WAY PERMIT	A single permit granted to a franchised entity to cover a series of activities in rights-of-way within the entire county.
COUNTY	Klickitat County.
COUNTY COMMISSIONERS	Klickitat County Commissioners.
COUNTY ENGINEER	Klickitat County Engineer
COUNTY ROAD STANDARDS	The policy titled "Klickitat County Minimum Road Standards for Developments" or the policy's successor.
COUNTY UTILITY POLICY	The policy titled "Accommodation of Utilities on County Road Right of Way for Klickitat County" approved by the County Commissioners February 9, 1998 or the policy's successor.
FRANCHISE	The terms and conditions of this franchise agreement, as set forth in this Exhibit A. In accordance with RCW 36.55 and RCW 80.32.
GRANTEE	<b>Company Name</b> , its successors and assigns, and any other person named in any permit as permittee, and any successor to any rights or interests of a permittee under a permit or in property installed on the right-of-way pursuant to a permit.
MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)	Latest edition of the MUTCD, Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, Federal Highway Administration.

MAP OF DEFINITE LOCATION – for new construction not pre-existing facilities.	Construction plans; plans and specifications; design standards and specifications.
PERMIT	A document including any license, permit, or franchise, authorizing specified use of county rights-of-way and granted under the provisions of this franchise and (county code).
RESTORATION	A general term denoting replacing, repairing, or otherwise restoring the right-of-way to same or equal condition as before any change or construction began thereon.
RIGHT-OF-WAY	All property falling within the area described on the attached Appendix 1 in which the County has any form of ownership or title and which is held for public road, right-of-way or other public purposes, regardless of whether or not any road or facility exists thereon or whether or not it is used, improved, or maintained for public travel.
ROADWAY	The portion of the right-of-way, within the outside limits of the side slopes (shld. to shld.) or between curb lines, used for vehicular travel.
TRAFFIC CONTROL	A general term more specifically defined in the MUTCD.

### 3. **Permits, Plans, and Specifications**

- A. Prior to commencing any work within the Franchise Area on any county road or right-of-way, the Grantee shall comply with and obtain all necessary permits to do such work. Permits required may include, but are not limited to, Right-of-Way Use Permits, Approach Permits, Conditional Use Permits, Haul Road Permits and/or any other County, State or Federal Permit required. Refer to the Klickitat County Utility Accommodation Policy, Comprehensive Plan and other County Development Regulations for necessary county permitting.

Right-of-Way Use permits will require, at a minimum, plans and specifications in duplicate showing: the position, depth, and location of Facilities to be constructed within the Franchise Area at that time and their positions in relation to any involved county road and their locations within the right-of-way. These plans, all drawn to scale, shall be known as the “map of definite location”. Specifications will include class and type of materials and equipment to be used, manner of excavation,

construction, installation, and backfill; location of temporary and permanent structures to be erected; description of road facilities which will be disturbed and plans for their restoration; traffic controls; traffic turnouts and detours; road obstructions; and such other details as are required by the County Engineer.

To the extent that work is permitted under a then-existing permit issued by the County in connection with the detailed plans and specifications stated above are not required. Grantee shall pay all costs and expenses incurred by the County in reviewing plans and specifications, as and to the extent required by applicable provisions of the Klickitat County Utility Accommodation Policy.

4. **Performance of Work**

- A. No work on any County road or right-of-way shall be commenced until all necessary permits have been obtained and a set of plans and specifications, reviewed, approved, and endorsed by the County Engineer, has been returned to the Grantee.

All work shall be performed in accordance with the approved plans and specifications, and shall be subject to inspection and incremental approval by the County Engineer. Grantee shall pay all reasonable costs and expenses incurred by the County in inspecting and approving the work, as and to the extent required by applicable provisions of the County Utility Policy. Grantee shall remain solely responsible for compliance with all applicable laws, regulations, codes, and standard plans and specifications in the design and construction of Grantee's Facilities within the Franchise Area. The Grantee shall notify the County Engineer at a minimum of 48 hours prior to starting any construction activity.

If and to the extent Grantee reasonably determines that action on Grantee's part is necessary to respond to an emergency situation involving Grantee's Facilities within the Franchise Area, and such action would otherwise require the notice specified above, the County hereby waives the requirement that Grantee give such notice as a prerequisite to undertaking such activity; provided, however, Grantee shall notify the County Engineer, verbally or in writing, as soon as practicable and no later than 24 hours following the emergency if the roadway shoulders, embankment or cut slopes, or drainage facilities are disturbed.

- B. Grantee's Facilities within the Franchise Area shall be laid in exact conformance with the map of definite location except where deviations are allowed in writing by the County Engineer pursuant to application

by Grantee, in which case Grantee shall file a corrected map of definite location.

- C. Any work which disturbs any soil, surface, or structure of any County road or right-of-way shall be controlled by applicable design standards and specifications of the County, and applicable provisions of the Klickitat County Accommodation of Utility Policy and County Road Standards. Grantee, at its expense, shall restore such surface or other facility to at least a condition the same as it was in immediately prior to such disturbance (or make provisions therefore), all to the reasonable satisfaction of the County Engineer. The County Engineer may cause to be done, at the expense of the Grantee, all work necessary to render any County road or right-of-way safe where a condition which is dangerous to life, health, or property is created by Grantee as a result of work undertaken by Grantee within the Franchise Area or where Grantee fails to restore any surface or other facility within the Franchise Area as required in this paragraph, but in each case only if Grantee does not promptly take corrective action after receiving written notice from the County Engineer regarding such condition or failure.
- D. All work within the Franchise Area shall be done in accordance with the current County standards in a thorough, professional, and workmanlike manner with minimum interference in public use of the county road. Where any work includes opening of trenches and/or ditches and/or tunneling under a county road or right-of-way, Grantee shall take all reasonable precautions necessary to protect and guard the public from any condition caused by the work. Grantee shall conform to the MUTCD, including directing traffic, signs, and barricades. Subject to Section 8, below, and specifically the rights of Grantee with respect to third parties under Section 8(C), if any line, pole or other facility of Grantee is located that, in the opinion of the County Engineer, any hazard to travel of the public is created, Grantee shall relocate the line, pole, or other facility at its expense upon request of the County Engineer. Grantee shall be liable for any damages, including any costs incurred by the County in remedying any failure to provide adequate traffic controls and protection to members of the public and their property.
- E. Before any work which may affect any existing monuments or markers of any nature relating to subdivisions, plats, roads, or other surveys is performed by Grantee within the Franchise Area under this Franchise, Grantee shall reference all such monuments and markers. Reference points shall be so located that they will not be disturbed during Grantee's operations under this Franchise. The method of referencing monuments or other points to be referenced shall be approved by the County Engineer. The replacement of all such monuments or markers

disturbed during construction shall be made as expeditiously as conditions permit and as directed by the County Engineer. The cost of monuments or markers lost, destroyed, or disturbed, and the expense of replacement of approved monuments shall be borne by the Grantee. A complete set of reference notes for monument and other ties shall be filed with the County.

- F. All work undertaken by Grantee within the Franchise Area shall be performed by the Grantee in compliance with all applicable Federal, State, and County laws, regulations, and policies (including, without limitation, applicable environmental and land use laws and regulations); provided that, notwithstanding the County's continued right to enact codes and ordinances under the Klickitat County Utility Accommodation Policy, in the event of any conflict or inconsistency of such codes and ordinances with the terms and conditions of this Franchise (including, without limitation, this Exhibit A), the terms and conditions of this Franchise shall govern and control.

5. **Aesthetic/Scenic Considerations**

- A. If Grantee intends to use pesticides within the Franchise Area to control or kill weeds and brush in scenic areas, prior approval must be granted by the County at least annually (which approval shall not be unreasonably withheld or delayed). The County may limit or restrict the types, amounts, and timing of applications if a significant negative impact on the aesthetics of the area is anticipated, provided such limitations or restrictions are not in conflict with State law governing utility right-of-way maintenance.
- B. Refuse and debris resulting from the installation or maintenance of the Facilities by Grantee shall be promptly removed once the work is completed.

6. **Maintenance of Facilities**

The County will not assume responsibility for damage to the Grantee's property and various objects that are placed in county roads and rights-of-way. The Grantee will maintain its above-ground Facilities within the Franchise Area so as not to unreasonably interfere with county maintenance or free and safe passage of traffic.

7. **Hazardous Wastes, Substances**

Grantee agrees that it will not negligently or intentionally cause the release of any hazardous substance, waste, or pollutant or contaminant (as defined by applicable law) into or upon any County road or right-of-way in violation of any state or federal law with respect thereto. Grantee shall



notify the County and the State Department of Ecology in writing of any such illegal release. Grantee shall be completely liable for any and all consequences of such illegal release, including liability under any federal or state statute or at common law. Grantee shall indemnify and hold the county harmless, as provided in paragraph 10, from any and all liability resulting from such an illegal release and shall have full responsibility for completely cleaning up, as required by any government agency, any and all contamination from such release. The County shall be entitled to full contribution for all costs incurred by it as the result of any release of such materials by Grantee in violation of any state or federal law. Upon any such illegal release of a hazardous substance by Grantee, the County may give immediate notice of termination of this Franchise, or enter the Franchise Area and take whatever steps it deems appropriate to cure the consequences of any such release, all at the expense of the Grantee, but only if Grantee does not promptly take corrective action after receiving written notice from the County Engineer.

8. **Relocation**

A. Utility Installations shall be located to minimize need for later adjustment to accommodate future roadway improvement and to permit access to servicing such installations with minimum interference to roadway traffic. If the County causes any County road or right-of-way to be constructed, improved, relocated, realigned, or otherwise changed within the Franchise Area; including traffic controls, drainage, and illumination; or if any part of such road or right-of-way becomes a state highway and relocation or readjustment is directed by the State Director of Transportation so as to reasonably necessitate relocation of any Facility of the Grantee on such road or right-of-way within the Franchise Area (in any case for purposes other than those described in Section 8(C), below), the County will:

- (a) provide Grantee, within a reasonable time prior to the commencement of the road or right-of-way project, written notice requesting the relocation; and
- (b) provide Grantee with reasonable plans, timetables and specifications for such road or right-of-way project.

After receipt of such notice and such plans, timetables and specifications, Grantee shall relocate such Facilities within the Franchise Area at no charge to the County. If the County requires the subsequent relocation of any Facilities within five (5) years from the date of relocation of such Facilities pursuant to this Section or within five (5) years after the original installation of the Facilities, the County shall bear the entire cost of such subsequent relocation. The County will also provide Grantee a copy of its six year road transportation improvement program.

- B. The County Engineer shall have the final approval of the relocation schedule. Grantee shall be responsible for timely compliance with Facility relocation and coordinate with the County or the County's contractor.

The construction, operations, maintenance, and repair of Grantee's Facilities authorized by this Franchise shall not preclude Klickitat County, its agents, or its contractors from blasting, grading, excavating, or doing necessary road work contiguous to the said Facilities of the Grantee, provided that the Grantee shall be given forty-eight (48) hours notice of said blasting or other work, and provided further that the foregoing shall be subject to all other provisions of this Franchise and shall not substantially or unreasonably impair the rights granted to Grantee under this Franchise.

- C. Whenever (a) any public or private development within the Franchise Area, other than a public right of way improvement of the type described in Section 8(A), above, requires the relocation of Grantee's Facilities within the Franchise Area to accommodate such development; or (b) the County requires the relocation of Grantee's Facilities within the Franchise Area for the benefit of any person or entity other than the County, then in such event, Grantee shall have the right as a condition of such relocation, to require such developer, person or entity to make payment to Grantee, at a time and upon terms acceptable to Grantee, for any and all costs and expenses incurred by Grantee in the relocation of Grantee's Facilities.
- D. Any condition or requirement imposed by the County upon any person or entity, other than Grantee, that requires the relocation of Grantee's Facilities shall be a required relocation for purposes of Section 8(C), above (including, without limitation, any condition or requirement imposed pursuant to any contract or in conjunction with approvals or permits for zoning, land use, construction or development).
- E. Nothing in this Section 8 shall require Grantee to bear any cost or expense in connection with the location or relocation of any Facilities then existing pursuant to easement or such other rights not derived from this Franchise.

9. **Non-Exclusive/Other Occupants**

- A. This Franchise is not exclusive. It shall not prohibit the County from granting other franchises or permits for use of any County roads or rights-of-ways or parts thereof. Subject to this Franchise, Grantee shall not prevent or prohibit the County from constructing, altering,

maintaining, or using any of said roads or rights-of-way, or affect its jurisdiction over them or any part of them, the County having full power to make all necessary changes, relocations, repairs, maintenance, etc., of the same as the County may deem fit.

- B. All installation, operation, maintenance, and repair by the Grantee of its Facilities on any county road or right-of-way within the Franchise Area shall be done so as not to unreasonably interfere with installation, construction, operation, maintenance, or repair of other utilities, drains, ditches, structures, or other improvements permitted upon such road or right-of-way, subject to the preference and priority rules set forth below. Owners, public or private, of any such facilities installed prior to construction and/or installation of the Facilities of Grantee, shall have preference as to positioning and location of such facilities. Likewise, Grantee's Facilities shall have preference as to positioning and location over any such other facilities that are installed after the construction and/or installation of the Facilities of Grantee. Such preference shall continue if relocation is required as a result of any construction relocation, realignment, and/or change of grade by the County.

10. **Insurance and Security**

- A. For the period after the assignment of this Franchise by **Company Name** to the Utility Assignee under Section 18, below, the following insurance provisions shall apply:

Prior to the effective date of this franchise and during its life, the franchisee shall obtain and maintain continuously liability insurance necessary to comply with the hold harmless agreement herein with limits of liability not less than:

\$2,000,000.00 per occurrence

The County Engineer may further determine that Business Auto Liability Insurance may also be required. Such insurance shall include Klickitat County, its officers, elected officials, agents, and employees as an additional insured and shall not be reduced or cancelled without thirty days written prior notice to the County. Such insurance, in its provision for additional insured, shall include a "Cross Liability Endorsement", "Severability of Interests", or "Separation of Insured's" provision indicating:

"The inclusion of more than one insured under this policy shall not affect the rights of any insured as respects any claim, suit, or judgment made or brought by or for any other insured or by or for any employee of any other insured. The policy shall protect each

insured in the same manner as though a separate policy had been issued to each except that nothing herein shall operate to increase the company's liability beyond the amount or amounts for which the insurer would have been liable had only one insured been named."

All insurance policies will be issued on an occurrence basis. Claims made policies are unacceptable. Grantee shall maintain coverage for the duration of this Franchise. Grantee shall provide the County annually a signed certificate of insurance naming Klickitat County as an additional insured. Proof of all insurance shall be in a form acceptable to the County, and all conditions and requirements of insurance stated in this clause 10.A shall be satisfied prior to commencement of construction. All insurance documentation shall be submitted and reviewed by the Klickitat County Prosecuting Attorney prior to commencement of construction.

The County may require additional bond, deposit or security as provided in the Klickitat County Accommodation of Utility Policy. Acceptance by the County of any work performed by the Grantee at the time of completion shall not be a ground for avoidance of this covenant.

In lieu of the insurance requirements set forth in this Section 10, Grantee may self-insure against such risks in such amounts as are consistent with good utility practice and the per occurrence minimum of \$2,000,000.00. Grantee shall provide the County with a self-insurance letter as evidence that Grantee maintains a self-insurance program.

11. **Hold Harmless and Indemnity**

- A. The Grantee shall defend, indemnify and hold harmless the County, its appointed and elected officials, agents, and employees, against all third party claims, losses, suits, actions, costs, counsel fees, litigation costs, expenses, damages, judgments, or decrees on account of any injury or damage to the person or property of another, to the extent such injury or damage is caused by the negligence, willful misconduct, or from any breach of any common law, statutory or other delegated duty pursuant to this Franchise of Grantee, Grantee's employees, agents, or subcontractors, in exercising the rights granted to Grantee in this Franchise.
- B. For the avoidance of doubt, for those provisions of this Franchise which a court of competent jurisdiction determines are subject to RCW 4.24.115, then, in the event of damages arising out of bodily injury to persons or damage to property caused by or resulting from the concurrent negligence of the County, its appointed and elected

officials, agents or employees, and the Grantee or the Grantee's agents or employees, the Grantee's liability to hold harmless and indemnify the County is enforceable only to the extent of the Grantee's negligence.

- C. The Grantee's obligation shall include, but not be limited to, investigating, adjusting, and defending all claims alleging loss from any negligent act, error, or omission or from any breach of any common law, statutory or other delegated duty pursuant to this Franchise of the Grantee or its employees, agents, or subcontractors.
- D. In the event any claim or demand is presented to or filed with the County by reason of the above-mentioned causes, the County shall promptly notify Grantee thereof, and Grantee shall have the right, at its election and at its sole cost and expense, to settle and compromise such claim or demand. In case suit or action is brought against Klickitat County for damages arising out of or by reason of the above-mentioned causes, the County shall promptly notify Grantee thereof and the Grantee will, upon notice to it of the commencement of said action, settle, compromise or defend the same at its sole cost and expense, and in case judgment shall be rendered against the County in suit or action, the Grantee will fully satisfy said judgment within ninety (90) days after suit or action shall have finally been determined, if determined adversely to Klickitat County. In the event Grantee refuses a tendered defense by the County pursuant to section 11 of this Franchise and if Grantee's refusal is subsequently determined by a Court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter) to have been a wrongful refusal, then Grantee shall pay all of the County's reasonable costs for defense of the action including all legal costs, witness fees and attorney fees and indemnify the County for any settlement made by the County of the wrongfully refused claim or demand.
- E. Solely to the extent required for the County to enforce Grantee's indemnification obligations under this Section 11, Grantee waives its immunity under RCW Title 51; provided that the foregoing waiver shall not in any way preclude Grantee from raising such immunity as a defense against any claim brought against Grantee by any of its employees. This waiver has been mutually negotiated by the parties.
- F. The provisions of this Section 11 shall survive the expiration or termination of this agreement.

12. **Reservation of Police Power**

In granting this Franchise, the County does not waive any of its police powers to regulate the use of County roads or rights-of-way in the interest of public health, safety, and general welfare; provided, however, that the County shall adopt ordinances and regulations in a manner consistent with the terms of this Franchise.

13. **Applicable Laws**

Grantee shall comply with all federal, state, and local laws, rules, and regulations applicable to any work, facility, or operation of Grantee upon County roads or rights-of-way during the life of this Franchise.

14. **Eminent Domain, Powers of the People**

This Franchise is subject to the power of eminent domain and its existence shall not preclude the County from acquiring by condemnation, in accordance with applicable law, all or a portion of Grantee's Facilities within the Franchise Area for the fair market value thereof. In determining the value of such Facilities, no value shall be attributed to the right to occupy the Franchise Area conferred by this Franchise. Nothing herein, however, is intended to or will limit any severance damages arising out of any impact of any such condemnation on the Name of Project or related Facilities.

15. **Annexation**

If any road or right-of-way covered by this Franchise is incorporated into the limits of any city or town, this Franchise shall terminate as to any road or right-of-way within the corporate limits of such city or town (except as otherwise provided by applicable law); but this Franchise shall continue as to county roads and rights-of-ways not incorporated into a city or town.

16. **Vacation**

If the County vacates all or a portion of any county road or right-of-way which is subject to this Franchise, and said vacation is for the purpose of acquiring the fee or other property interest in said road or right-of-way for the use of the County in either its proprietary or governmental capacity, the County Commission may, at its option and by giving thirty (30) days written notice to the Grantee, terminate this Franchise with reference to any county road or right-of-way so vacated and, in its vacation procedure, reserve and grant an easement to Grantee for Grantee's Facilities, and the County shall not be liable for any damages or loss to the Grantee by reason of such termination.

Whenever a county road or right-of-way or any portion thereof is vacated upon a finding that it is not useful and the public will be benefited by the vacation, the County may retain an easement in respect to the vacated land for the construction, repair, and maintenance of public utilities and services which at the time of the vacation are specifically authorized under paragraph 3 or physically located on a portion of the land being vacated, but only in accordance with the provisions of RCW 36.87.140. In such event, the County shall also, in its vacation procedure, reserve and grant an easement to Grantee for Grantee's Facilities. The County shall not otherwise be liable for any damages or loss to the Grantee by reason of any such vacation.

17. **Termination**

- A. If Grantee defaults on any term or condition of this Franchise, the County may serve upon Grantee a written order to so comply within sixty (60) days from the date such order is received by Grantee. If Grantee is not in compliance with this Franchise after expiration of said sixty (60) day period, the County may, by ordinance, declare an immediate forfeiture of this Franchise; provided, however, if any failure to comply with this Franchise by Grantee cannot be corrected with due diligence within said sixty (60) day period (Grantee's obligation to comply and to proceed with due diligence being subject to unavoidable delays and events beyond its control), then the time within which Grantee may so comply shall be extended for such time as may be reasonably necessary and so long as Grantee commences promptly and diligently to effect such compliance. Upon such termination, all rights of the Grantee hereunder shall cease. Should any action or proceeding be commenced to enforce any of the provisions of this Franchise, the prevailing party in such action shall be awarded, in addition to any other relief it may obtain, its reasonable costs and expenses, not limited to taxable costs, and reasonable attorney's fees.
- B. The County, at its option, may terminate this Franchise by ordinance, as to those roads and rights-of-way upon which Grantee has not constructed or placed any Facilities within five (5) years of the effective date of this Franchise.
- C. In the event that the use of all or any part of Grantee's Facilities is permanently discontinued for any reason, including, but not limited to, discontinuance, obsolescence, or abandonment of the Facilities, or the abandonment, termination, or expiration of this Franchise, the Grantee is solely responsible for the removal and proper disposal of the abandoned/surplus Facilities within the Franchise Area. The Grantee is not entitled to abandon any Facilities in place without the County's

prior express agreement and written consent. The Grantee shall restore the county roads and rights-of-way from which such facilities have been removed to the same or equal conditions as before.

- D. Upon the expiration of this Franchise for any reason other than a default by Grantee or abandonment of the Facilities, the Grantee shall have the first and preferential right to take and receive such authority upon similar terms and conditions.

18. **Assignment**

All terms and conditions of this Franchise are burdens upon the successors and assigns of Grantee, and all privileges as well as all obligations and liabilities of the Grantee inure to its successors and assigns equally as if they were specifically mentioned wherever the Grantee is mentioned. Neither this Franchise nor any interest therein shall be sold, transferred, or assigned without the prior written consent of the County which consent shall not be unreasonably withheld or delayed; provided, however, that Grantee (including, without limitation, **(Company Name)**) may at any time, without the consent of the County, assign and transfer this Franchise and all of its rights and interest in and to this Franchise to **(Company Name)** or any other regulated utility (the "Utility Assignee"). For the avoidance of doubt, upon any assignment of this Franchise by Grantee to a Utility Assignee, Grantee shall remain liable for all obligations and liabilities arising under or in any way pertaining to this Franchise prior to the effective date of such assignment, and shall be discharged and released of all obligations and liabilities to the County arising under or in any way pertaining to this Franchise after the effective date of such assignment. Further, notwithstanding the foregoing, the Utility Assignee shall have the right, without the consent of or notice to the County, to mortgage its rights, benefits and privileges in and under this Franchise for the benefit of bondholders.

19. **Effective Date**

This Franchise shall be effective thirty (30) days after approval by the County Commissioners; PROVIDED that Grantee within such time has signed a copy thereof and returned it to the County Commissioners.

20. **Severability**

If any provision of this Franchise or its application to any person or circumstance is held to be invalid, such decision shall not affect the validity of the remaining portions of this Franchise or its application to other persons or circumstances.



21. **Limitation of Liability**

Administration of this Franchise shall not be construed to create the basis for any liability on the part of the County, its appointed and elected officials, and employees for any injury or damage from the failure of the Grantee to comply with the provisions of this Franchise; by reason of any plan, schedule, or specification review, inspection, notice and order, permission, or other approval or consent by the County; for any action or inaction thereof authorized or done in connection with the implementation or enforcement of this Franchise by the County, or for the accuracy of plans submitted to the County.

22. **Hazardous Conditions**

Whenever any conditions or operations caused by any activity undertaken by Grantee pursuant to this Franchise have become a hazard to life and limb, endanger property or public resources, or adversely affect the safety, use, or stability of a public way or drainage channel, the County Engineer shall notify the Grantee in writing of the property upon which the condition or operation is located, or other person or agent in control of said property, and direct them to repair or eliminate such condition or operation within the period specified therein so as to eliminate the hazard and be in conformance with the requirements of this Franchise.

Should the County Engineer have reasonable cause to believe that the situation is so adverse as to preclude written notice, he/she may take the measures necessary to eliminate the hazardous situation, provided that he/she shall first make a reasonable effort to notify the Grantee before acting. In such instance, the Grantee (responsible for the creation of the hazardous situation) shall be responsible for the payment of any reasonable costs incurred. If costs are incurred and the hazardous situation has been created in conjunction with or as a result of an operation for which a bond has been posted pursuant to this title or any other County authority, the County Engineer shall have the authority to forfeit the bond or other security to recover the costs incurred.

23. **Miscellaneous**

This Franchise may be amended only by written instrument, signed by both parties, which specifically states that it is an amendment to this Franchise and is approved and executed in accordance with the laws of the State of Washington.

This Franchise is subject to the provisions of any applicable tariff on file with the Washington Utilities and Transportation Commission or its successor. In the event of any conflict or inconsistency between the

provisions of this Franchise and such tariff, the provisions of such tariff shall control.

24. **Notices**

Notices provided for in this Franchise shall be sent to the following addresses:

1) Klickitat County Public Works Department  
228 W. Main; MS-CH-19  
Goldendale, WA 98620

2) Grantee:

If to Company Name:

Company Name

Address

Attn:

with a copy to:

\_\_\_\_\_  
\_\_\_\_\_

Attn: \_\_\_\_\_

If to the Utility Assignee:

\_\_\_\_\_  
\_\_\_\_\_

Attn: \_\_\_\_\_

25. **Governing Law and Stipulation of Venue**

The Grantee shall promptly notify the County of any change in notice address. The Grantee hereby agrees to be bound by the laws of the State of Washington and subjected to the jurisdiction of the State of Washington. The parties hereby stipulate that this Franchise shall be governed by the laws of the State of Washington and that any lawsuit regarding this contract must be brought in Klickitat County, Washington, or in the case of a federal action, in the United States District Court for the Eastern District of Washington at Spokane, Washington.

APPENDIX 1  
Franchise Area Boundaries

Entire County.

## APPENDIX 2

### Construction Work Technical Standards

Grantee shall submit drawings for the construction work, if required by the County Engineer. Drawings shall be to a working scale, showing position and location of work. Names or number and width of roads, streets, etc., showing their location in plats, or subdivisions of sections, township and range, showing the relative position of such work to existing utilities, constructed, laid installed or erected upon such roads, streets or public places.

Grantee shall specify the type of construction by submitting plans showing the class of material and the manner in which the work is to be accomplished. All such materials and equipment shall be of the highest quality and the manner of excavation, fills, construction, installation, erection of temporary structures, traffic turnouts, road obstruction, barricades, etc., shall meet with provisions of the County Utility Accommodation Policy (WAC136-40), and shall require approval of the County Engineer. Signing, barricades, and traffic control in the vicinity of the work shall strictly conform to provisions of "the Manual on Uniform Traffic Control Devices for Street and Highways." Grantee shall pay to the County all applicable fees and charges prescribed by the policy for "Accommodation of Utilities on County Road Right of Way for Klickitat County."

The location, type of work, materials, and equipment used, manner of erection or construction, safeguarding of public traffic during work or after doing same, mode of operation and manner of maintenance of project petitioned for, shall be approved by the County Engineer prior to start of work and shall be subject to inspection of the County Engineer so as to assure proper compliance with the terms of this Franchise.

Grantee shall leave all roads, streets, alleys, public places, and structures after installation and operation or removal of utility, in a good and safe condition in all respects as same were in before commencement of work by Grantee.

In case of any damage to any roads, streets, public places, structures or public property of any kind on account of said work by Grantee, Grantee will repair said damage at its own sole cost and expense.

The County Engineer, his agents or representative may do, order, or have done any and all work considered necessary to restore to a safe condition any street, alley, public place or structure which is in a condition dangerous to a life, or property resulting from Grantee's Facilities within the Franchise Area or its installation as permitted herein, and upon demand Grantee shall pay to the County all costs of such work and material.

CERTIFICATE OF ACCEPTANCE

The undersigned grantee hereby accepts all the terms and conditions of this franchise as set forth in Exhibit A for himself and for his heirs, executors, administrators, successors and assigns, being Franchise No. \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

APPLICANT:

BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

\_\_\_\_\_  
(Company or Organization)

\_\_\_\_\_  
Dan Christopher, Chairman

\_\_\_\_\_  
(authorizing signature of applicant)

\_\_\_\_\_  
Jacob Anderson, Commissioner

\_\_\_\_\_  
(Type or print name and title)

\_\_\_\_\_  
Lori Zoller, Commissioner

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(address)

ATTEST:  
Clerk of the Board

\_\_\_\_\_  
In and for the County of Klickitat,  
State of Washington

APPROVED AS TO FORM:

\_\_\_\_\_  
Klickitat County Prosecuting Attorney

# Attachment 2



Klickitat County  
Department of Public Health

115 W. COURT ST, BOX 103, GOLDENDALE WASHINGTON 98620 • VOICE 509 773-4565 • FAX 509 773-5991  
501 N.E. WASHINGTON ST, P.O. BOX 159, WHITE SALMON, WA. 98672 • VOICE 509 493-1558 • FAX 509 493-4025  
DIRECTOR OF PUBLIC HEALTH: ERINN QUINN, ARNP  
HEALTH OFFICER: DR. JOEL MCCULLOUGH

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## MEMORANDUM

Date: 4/20/2023  
To: Mo-Chi Lindblad, Planning Director  
From: David Kavanagh, Environmental Health Director  
Subject: Preliminary site application and submissions to the Energy Facility Site Evaluation Council (EFSEC) regarding the Carriger Solar Project

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### Local Permitting Requirements and Considerations

#### *Section 3.1.1 PV Modules*

Since it was not mentioned in the application, we encourage the applicant to **demonstrate** the manufacturer of these panels has passed the Toxicity Characteristic Leaching Procedure or TCLP as required by Resource Conservation and Recovery Act (RCRA). A mitigation plan should also be considered in the event of "abnormal" conditions or damaged panels that may leach metals. A similar comment may be provided by Ecology during their review.

#### *Section 3.4 Operations and Maintenance Building*

The current application states "**may**" include an O&M building that will consist of a single-story structure with office space and a bathroom. If an O&M building is proposed through local permitting, a suitable method of wastewater disposal will be reviewed by the Local Health Officer in accordance with local code 8.10 and state code WAC 246-272A. Any industrial wastewater generated during construction or operations & maintenance shall be reviewed by the State Department of Ecology.

The use of a 10,000-gallon water cistern for fire suppression is not applicable to local Health requirements, however it does fall within emergency management plan review and requirements. The applicant should submit a plan for review with our local Emergency Management Department before the "90-day" deadline mentioned in the application. This should provide the County enough time to address local concerns, training, or equipment needs. In regards to the battery energy storage site (BESS), the application is vague on how fire suppression will be managed. Environmental Health would like to see an emergency plan that specifically addresses "how" a battery storage fire will be extinguished. We would encourage methods that **do not use PFOS or PFAS** based firefighting foams to extinguish these fires, as it may jeopardize local groundwater supplies if used. A similar comment may be provided by State Department of Health or Ecology during their review.

### *Section 3.5.5 Solid Waste*

This section is brief and does not address how the project will secure special waste permits for disposal within the County. The applicant should consider common solid waste handling practices that are consistent with WAC 173-350. The application does not address recycling and material recovery or address if there are any plans to send discarded or broken materials to a material recycling and material recovery permitted facility. In section 6.0, Decommission, it does state equipment will be shipped off-site to be recycled or disposed of at a licensed disposal facility in accordance with Washington SB 5939. Full implementation of this program in the State of Washington is not expected until 2025 as stated on Ecology's website. The County strongly encourages a stewardship plan addressing handling, shipment, and recycling of solar panels to be reviewed and approved by Ecology prior to construction.

### *Section 3.5.6 Water Facilities*

In this section the application states that during construction activities, the project anticipates to use approximately 50-acre feet over a 15-month construction period. This volume of water supplied through the existing well, as currently proposed, will require a water right to be granted from Ecology. Additional ground water studies should be considered to demonstrate this withdrawal **will not impact current local existing water rights** in the area or private residential water supplies of existing homeowners. Sourcing water from municipalities in the area needs further clarification and comments from said municipalities before construction is considered. More information regarding water **sourcing** and use during construction is needed.

### *Section 5.0 Operations and Maintenance*

Environmental Health strongly encourages further discussion and plans regarding fire suppression protocols, BMPs, Fire Control Plans, and methods proposed for extinguishing fires and managing possible explosions. These discussions should be had with local Emergency Management and the Fire Marshal to ensure Klickitat County has the equipment and training. It is also strongly recommended that a formal emergency preparedness plan is developed in cooperation with Carriger and the County. This plan should be "*practiced*" or reviewed yearly to standardize response methods, update old processes, improve asset utilization, improve communication, mitigate site hazards, and reduce incidents through risk evaluations.

## **Other Considerations**

### *Section 4.1 Construction Staff*

The site application states approximately 350-450 full-time construction workers per day at construction peak. I'm not aware of a facility, campground, or RV park in the area that can support this number of employees during construction. Is a campground or RV park proposed to house and stage staff during construction? Are these jobs to be filled locally by residents who live here or will transient workers be expected? There may be additional local permitting regarding potable water and wastewater disposal if a staging area is required. I would advise the County to seek more details on the construction logistics & planning and additional comments from Washington State Labor and Industries on such a large project.

With little time to review the ASC before the requested comments, we hope to provide additional comment during the SEPA threshold Determination – assuming an EIS is required prior to site certification.



# Attachment 3



**Klickitat County  
Department of  
Emergency Management  
9-1-1 Dispatch**



199 Industrial Way, Goldendale, WA 98620  
PH (509) 773-0582  
Fax (509) 773-0362

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Jeff King, Department of Emergency Management Director

**MEMO**

**Date:** April 21, 2023  
**To:** Board of County Commissioners  
**From:** Jeff King, Director  
**RE:** Proposed Carriger Solar Project

Klickitat County Department of Emergency Management (KCDEM) has the following comments:

As has already been noted, this application does not provide me with sufficient information, nor has the limited time this information has been available been enough to review the volume of information and comment fully on some subjects. Understanding that considerable hazards and risks to our community do exist in a project of this nature, but can be mitigated if properly addressed, I believe there should be time allowed for additional review and further comment as additional and/or clarifying information and addendums are released.

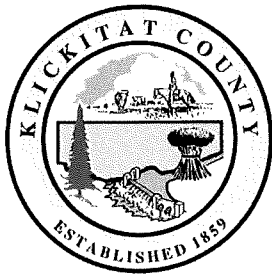
From an emergency management incident preplanning and response perspective, the battery energy storage system (BESS) in this project is my primary concern. No information is provided as to the type and method of the applicant's BESS. Due to the rapidly changing technology options for BESS design and installation specific to fire, thermal runaway and explosion mitigation, I believe the applicant's BESS should meet not only the NFPA standards as listed in the application but also the guidelines and standards of IFC, IBC, NEC as well as current industry best practices available from sources such as the Pacific Northwest National Laboratory and the International Code Council and others.

The applicant should be required to work with local emergency management and emergency response agencies to determine not only appropriate emergency response plans, but also mitigation measures to be included in the design and construction of the BESS that will inform emergency response plans and affect the local jurisdictions ability to deal with emergency incidents involving these systems.

Due to the unique and rapidly changing nature of BESS technology specifically, and that it has not been utilized in Klickitat County up to this point, the applicant should provide the local emergency management and emergency responder agencies with the specialized resources (training & equipment) needed to mitigate and respond to the added fire, thermal runaway, and explosion hazards and risks that will be present at the applicants BESS facilities.

Emergency management is also concerned with the air quality hazard that will exist for the local residents and City of Goldendale residents in the event of a fire incident at this facility. This would necessitate the use of a robust public alert and warning system for evacuation and other information that will be unique to incidents at this industrial site. This may include the need for an automated early warning and notification system directly to the KCDEM 9-1-1 Dispatch through an alarm system. The emergency management preplans for this potential hazard will need to include a detailed evacuation plan to include specific evacuation routes away from this fixed location hazard for the thousands of residents and other members of the public in the City of Goldendale and surrounding rural areas.

# Attachment 4



**KLICKITAT COUNTY  
NATURAL RESOURCES &  
ECONOMIC DEVELOPMENT DEPARTMENT**

115 W. Court St., MS 204, Goldendale, Washington 98620  
Telephone: 509 773-7060

Date: April 21, 2023

To: Mo chi Lindblad, Planning Director

From: David McClure, Director

RE: Carriger Solar Project -- Application for Site Certification (ASC)

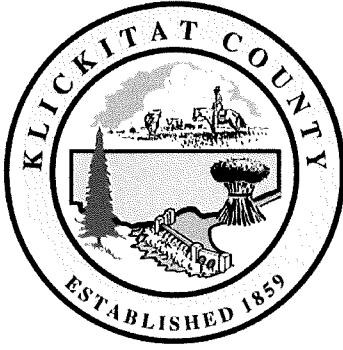
There has been insufficient time to review the ASC. Below are my initial comments based on a partial review of Attachment B, Land Use Consistency Review.

Appendix B Section 2.1.5 and/or Section 2.1.15 There is potential for the Battery Energy Storage System (BESS) to catch fire and emit air toxics. I did not see where this is addressed in the ASC. If there is a BESS fire, could there be significant risk to the public and first responders?

Appendix B Section 2.1.15 The Battery Energy Storage System (BESS) will be mounted on a cement pad that is encircled by a gravel buffer. The BESS will have a fire suppression system. I did not see information in the ASC regarding the potential for water/contaminant runoff in the event of a fire. If there is a fire in one or more BESS containers, would water be used to fight the fire and/or cool adjacent containers? What is potential for contaminated firewater runoff impacting groundwater or surface water? What are the contaminants and what is the risk to the fish hatchery and wells downgradient from the BESS.

Appendix B Section 2.1.7 The project will impact approximately 70 acres of irrigated farmland. According to the ASC, the soils at the project site have moderate to low inherent productivity, per the NRCS National Crop Productivity Index. I believe this index classifies non-irrigated land. The productivity of irrigated land is likely higher than suggested by the index, but I did not see where this is addressed in the ASC. I also did not see where the ASC addresses what will happen to the water right associated with the 70 acres of irrigated farmland impacted by the project? Is there a plan to change the water right's authorized place and/or purpose of use? It is impossible to get a new unmitigated water right for irrigation or other out of stream uses in the Little Klickitat River Basin. While water rights are the property of the water right holder, the community has interest that the portfolio of water rights in the area not be diminish.

# Attachment 5



**KLICKITAT COUNTY  
BUILDING DEPARTMENT**



115 W COURT ST ROOM 301, GOLDENDALE WASHINGTON 98620  
PHONE 509 773-3706 • 800-583-8078 • FAX 509 773-2480  
LYNN WARD: BUILDING DEPARTMENT DIRECTOR

**DATE:** April 24, 2023  
**TO:** Mo-Chi Lindblad, Planning Director  
**FROM:** Lynn Ward, Building Department Director  
**RE:** Carriger Solar Energy Project

**Washington State Building Code – RCW 19.27  
WAC 51-50 State Building Code Adoption and Amendments**

Per adoption of the Washington State Building Code the following is applicable:

**SUBSTATION** The substation would not be under the jurisdiction of the building department.

**OPERATIONS AND MAINTENANCE (O&M) BUILDING** The O&M building would require a permit. In order to issue a permit, the building department would need engineered plans, a geo-technical analysis of the site, an application and the plan review fee. The plans would need to clearly indicate the use of each portion and room of the building. Applicable code requirements would be noted on the plans if not part of the submission, and vague information would be clarified. Permit fee would be calculated by the square footage and use(s). Fire sprinkler systems, alarm systems, and other types of monitoring systems would be permitted separately as applicable. Balance of permit fees would be due at time of permit issuance.

**SOLAR ARRAY AREAS** The solar arrays would require a permit. For permitting, the building department would require engineering, a geo-technical analysis of the site, an application and the plan review fee. Special inspections would be required for concrete and rebar placement, drilling of piling footings, connections, or any other specialty features. Permit fee would be calculated by the valuation of the arrays on the individual parcel, not the project as a whole. Permits would be issued to each parcel number, and the balance of fees due in order to issue the permits.

**BATTERY ENERGY STORAGE** In order to permit the battery energy storage, the building department would need the complete scope of information on the battery storage. Plan review and permit fees will also be applicable, and will be issued specific to each parcel. This would include:

- Size of each container storing the batteries.
- The type(s) of batteries in each container.
- The quantity of each type of battery in the container.
- The method of exhaust in each container to maintain the proper operating temperature and conditions.

- The method of containment/suppression in each container if a failure should occur.
- Specifications on the container or structure that the battery storage will be placed within.
- Location clearly noted on a site plan that can be made available to other departments and agencies.

**2021 CODE CYCLE ADOPTION JULY 1, 2023** Applications received after July 1, 2023 would fall under the 2021 codes rather than the 2018 codes. Additional requirements effective with adoption would include a hazard mitigation analysis, commissioning plan, decommissioning plan, and emergency responder communication coverage.

All required permits would be routed to planning, health, public works, the applicable fire district and emergency management for review and comment. Appropriate signage would be required in all areas as indicated within the Building Code. The building department would perform required inspections upon request, and would require the special inspection reports prior to issuing any Certificates of Occupancy.



4/25/2023

Chair, and members of the EFSEC board,

I am Klickitat County Commissioner Dan Christopher, and this is my district. I am here speaking on behalf of the voters of Klickitat County.

I believe Klickitat County is the Green energy capital of Washington state. We have and continue to be Pro green energy. This county has permitted over 602 wind mills, a landfill gas facility that's second to none, and a 194 mega-watt solar farm. We are also currently in permitting of another 150 mega-watt solar farm.

We have many more solar, wind and water pump storage projects planned and coming, and we are welcoming of them, as long as they can continue to be sensitively sited.

As you can see, we are pro green energy. I am sure you have dealt with many anti-green energy counties in the past. But please understand that we are different.

What we also are is a county that wants to sensitively site these projects in a way that doesn't hurt our people.

We have areas of our county that are deemed by the state as poor and impoverished. Areas that are begging for growth and economic development. Yes, I'm speaking of Goldendale. There are currently 3-4 solar company's looking to surround this poor and impoverished community on all sides with about 10,000 acres of solar panels. That would forever stifle growth, economic development and jobs in this area. That would be a 3-year boom, followed by 40 years of economic devastation. You may hear testimony from some people looking to cash in on this short-term money grab. I am not one of them.

As chairman of the Klickitat County Board of Commissioners, I am begging you to honor and allow us to work through our current solar moratorium and create population density criteria in this valley. Let us work with the residents, to establish areas of this county where we can continue to sensibly site solar projects in a way that won't cripple this community or its people for generations.

Thank you for your time and consideration,

Klickitat County Commissioner

Dan Christopher

A handwritten signature in black ink, appearing to read "Dan Christopher", written over the printed name.

*Carringer Solar Testimony, 4-25-23,  
before The E.F.S.E.C.*

KLICKITAT COUNTY HAS BEEN TARGETED AS AN ENERGY SACRIFICE ZONE. WHEN PUBLIC SENTIMENT TURNED AGAINST A CORPORATE ENERGY TAKE-OVER OF OUR COUNTY, THAT INDUSTRY DOUBLED DOWN AND BROUGHT US THE ENERGY OVERLAY ZONE, SUPPOSEDLY AUTHORED BY OUR ECONOMIC DEVELOPMENT DIRECTOR WHO JUST HAPPENED TO COME FROM RENEWABLE ENERGY AND RETURNED TO RENEWABLE ENERGY WHEN THE EOZ WAS APPROVED. THAT EOZ "STREAMLINED" REGULATIONS, AND, TELLINGLY, IT GREATLY REDUCED PUBLIC COMMENT.

FAR LESS THAN ONE PERCENT OF LOCAL PEOPLE SPOKE IN FAVOR OF THE EOZ, AND YET OUR COUNTY COMMISSIONERS ACCEPTED A FEW BOOSTERS AND PROPONENTS FOR COUNTYWIDE SUPPORT. CONSIDERING THE MAGNITUDE OF THE EOZ IT SHOULD HAVE BEEN PUT TO A VOTE OF THE PEOPLE, BUT OUR COUNTY LEADERS COULD NOT HAVE ALLOW THAT, BECAUSE THEY KNEW IT WOULD HAVE BEEN DECISIVELY DEFEATED.

FEDERAL, STATE AND COUNTY GOVERNMENT ALL SUPPORT AND ENCOURAGE RENEWABLE ENERGY. THEY HAVE LEGISLATED TAX BREAKS AND SUBSIDIZES FOR RENEWABLES. FEDERAL AND STATE WILDLIFE AGENCIES KNOW THAT TO OPPOSE RENEWABLES COULD BE FATAL TO THEIR BUDGETS. WE BELIEVE THIS HAS GREATLY HINDERED A MUCH NEEDED CHECK AND BALANCE OVER LARGE CORPORATE ENERGY PROPOSALS. EVEN THE EFSEC IS NOT FREE FROM THE POSSIBILITY OF FUTURE BUDGETARY REDUCTIONS IF YOU MISBEHAVE.

WHEN ZONING WAS ESTABLISHED HERE IT FAIRLY WELL RECOGNIZED LOCAL LAND USES. ZONING WAS INTENDED TO PROTECT THOSE LOCAL LAND USES AND THE PEOPLE OWNING LAND FROM CONFLICTING USES. THE EOZ IS LANDING ON THOSE PEOPLE AND THEIR PROPERTIES WITH A RESOUNDING THUD. PROPERTY RIGHTS USED TO BE ASSURED BY MAINTAINING NONCONFLICTING LAND USES. NO MORE. NOW A FEW CAN DISRUPT THE MANY, AND THAT IS A "TAKING" WITHOUT ANY COMPENSATION.

A GOOD TEST OF FAIRNESS, IS TO PLACE YOURSELF IN THE OTHER PERSONS SHOES. IF YOU LIVED HERE, HOW WOULD YOU FEEL ABOUT THE FARM AND RANGLANDS AROUND YOUR HOME BEING CONVERTED TO A CONFLICTING LAND USE LIKE INDUSTRIAL ENERGY PRODUCTION?

I'LL END WITH MY DEFINITION OF "NIMBY" (NOT IN MY BACK YARD): ENERGY DEVELOPERS LEAVE THEIR NICE COMMUNITIES TO COME HERE TO SITE THEIR INDUSTRIAL PROJECTS IN OUR RURAL BACK YARDS TO OUR GREAT DETRIMENT, AND THEN WE ARE CRITISIZED FOR OBJECTING.

*Dave Thies, Pres.  
Columbia Gorge Audubon Society  
P.O. Box 1393  
White Salmon, WA-98672*

*We do oppose this project.*

## **Carriger Solar Application for Knight Road in Klickitat County**

I would like to share with you an excerpt from my testimony at the April 18<sup>th</sup> hearing before the Klickitat County Commissioners regarding their Solar Moratorium.

Thank you for the opportunity to participate on this issue. I will be kind and try to focus on one thing.

### **PLANNING**

I was one of the signators of the Energy Overlay Zone and want to clarify the rationale and the process. Wind Power was headed our way and we wanted to be prepared. The question was, what did the citizens of the County want? And where did they want it? We held numerous public hearings in all communities county wide. West end said “no thanks” and east end was supportive. Many saw the windmill income as an opportunity to continue farming and ranching. All of this was done through the Planning Commission with public process. Then onto the Board of County Commissioners for more hearings and public process. Concurrently, we also did the full-blown Environmental Impact Study; which was lengthy, expensive and more public process. Each Wind Power project still had to do site specific applications just not an Environmental Impact Study which the County had already done. At that time, Solar Energy was nothing more than rooftop solar panels. Given the rapid advances energy technology has been making, the 1996 EOZ should have been updated 15 years ago with as much citizen input as possible. As it stands, the EOZ doesn't address the magnitude of solar projects and their impacts in anyway, and shouldn't be considered a document that allows them.

In addition to the statement made to Klickitat County Board of County Commissioners: My message to this body is the Carriger Solar and future solar applications belong in the hands of the citizens through their elected Commissioners and those decisions must be made according to county land use regulations.

Thank you,

A handwritten signature in cursive script that reads "Joan Frey" followed by the date "5/25/23".

Joan Frey, Former Klickitat County Commissioner

April 25, 2023

Presentation to Energy Facility Site Evaluation Council (EFSEC)

Regarding Carriger Solar Project

EFSEC Docket No. EF-230001

My name is Tom Holub. I am a resident of Klickitat County, WA. My wife and I have owned 4 ½ acres here since 2006. We are not opposed to solar power in general. We have solar panels on the roof of our house where they belong. I am here to speak because my wife and I are adamantly opposed to the proposed Carriger industrial solar project.

When looking for a place to retire, one of our priorities was the unspoiled natural beauty of the surrounding area. We brought all of our assets and out-of-state retirement income to Washington State. We have invested hundreds of thousands of dollars locally to develop our property and build a house. We retired in Klickitat County largely to escape the “growth for the sake of growth” we experienced elsewhere.

Our planet is experiencing a climate crises because since the beginning of the the industrial revolution, people, governments, and companies have been exploiting the earth's natural resources for profit and to promote seemingly limitless growth. It seems to me the purpose of this meeting is essentially to examine the perpetuation of this same pattern.

The Klickitat County economy will marginally benefit from this solar installation. Why should Klickitat County sacrifice our natural resources, especially its natural beauty, to feed the insatiable energy hogs on the West side of the State. Most of the financial benefits of this solar project will go to companies outside of Washington and possibly to parent companies outside of the United States. The majority of the components used to build this solar complex will be made in China. How does this benefit the community, the State of Washington, or the United States? This makes no sense for Washington.

My wife and I ask that the State of Washington not exploit Klickitat County for the production of more energy. More power production just leads to more useage. We can't solve an energy crisis by feeding the energy consuming giant. We can't solve an ecology crisis by depositing thousands of acres of future waste on farmland. The focus for Washington must lead to less power usage, not more power production.

How do we fight big government policies, deep pockets, and big money? We speak up and speak out. We request that EFSEC deny this site application and leave the right to the outcome of this large Carriger industrial energy project proposal to the citizens of Klickitat County.

A handwritten signature in cursive script that reads "Tom Holub". The signature is written in black ink and is positioned in the lower right quadrant of the page.

**From:** [Sheri Bousquet](#)  
**To:** [EFSEC \(EFSEC\)](#); [EFSEC mi Comments](#)  
**Subject:** Klickitat County Large Scale Moratorium  
**Date:** Tuesday, April 25, 2023 8:12:36 AM  
**Attachments:** [Moratorium Resolution 00823 1-10-23.pdf](#)  
[Moratorium Resolution 02523 1-31-23.pdf](#)  
[Moratorium Resolution 04323 4-18-23.pdf](#)

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External Email

Dear EFSEC,

Please place my email and attachments on the EFSEC record for the proposed Carriger Solar Project.

Be advised that Klickitat County currently has a moratorium for large scale solar specifically on the land that the Carriger Solar Project is proposed to be sited on. SEE attachments. The Klickitat County large scale moratorium was in place prior to Cypress Creek submitting their proposed Carriger solar project. EFSEC needs to adhere to our local moratorium. The people of Klickitat County will stand up for our local moratorium when our County officials fail to do so.

EFSEC is violating our County's large scale solar moratorium. EFSEC needs to cease and desist any further action with the Carriger solar project immediately. I believe the State of Washington is trespassing on our County's local large scale solar moratorium and there could be legal ramifications to your actions.

Sincerely,  
Sheri Bousquet  
CEASE, Citizens Educated About Solar Energy

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington**

**IN THE MATTER OF SETTING A PUBLIC HEARING DATE ON A MORATORIUM FOR LARGE SCALE SOLAR PROJECTS OVER ONE ACRE IN SIZE LOCATED WITHIN TOWNSHIPS-RANGES 3-14, 3-15, 3-16, 4-14, 4-15, 4-16, 4-17, 5-15, 5-16 AND 5-17, KLUCKITAT COUNTY, WASHINGTON**

Resolution # 02523

**WHEREAS**, on January 10, 2023, under Resolution No. 00823, the Board of County Commissioners found that it is in the interests of the residents of the Goldendale and Centerville valleys that a moratorium be established for large scale solar projects over one acre in size located within Townships-Ranges 3-14, 3-15, 3-16, 4-14, 4-15, 4-16, 4-17, 5-15, 5-16 and 5-17 in Klickitat County, Washington; and

**WHEREAS**, RCW 36.70.795 allows adoption of a moratorium without holding a public hearing provided a public hearing on the adopted moratorium must be held within sixty (60) days of the moratorium's enactment and findings of fact must be made to support the action; and


**WHEREAS**, the Board of County Commissioners, meeting in regular session, and having before it the need to set a public hearing on the adopted moratorium (Resolution No. 00823).

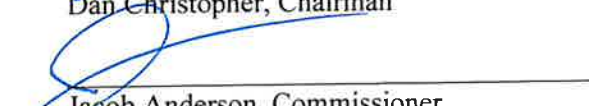
**NOW THEREFORE, BE IT RESOLVED**, that a public hearing be held on the 28<sup>th</sup> day of February 2023, beginning at the hour of 1:30 PM and 6:00 PM at the Klickitat County Services Building, 115 West Court Street, Goldendale, WA 98620.


**BE IT FURTHER RESOLVED**, that the notice of said hearing shall be posted, distributed and published and that, at said hearing, any interested person may provide written or oral testimony for or against the moratorium.

DATED this 31<sup>st</sup> day of January, 2023.


BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

  
\_\_\_\_\_  
Dan Christopher, Chairman

  
\_\_\_\_\_  
Jacob Anderson, Commissioner

  
\_\_\_\_\_  
Lori Zoller, Commissioner

ATTEST:  
Clerk of the Board

  
\_\_\_\_\_  
in and for the County of Klickitat,  
State of Washington

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington**

<b>IN THE MATTER OF COUNTY PLANNING;</b>	}	
<b>AMENDING AND CONTINUING A MORATORIUM</b>	}	
<b>FOR LARGE SCALE SOLAR PROJECTS</b>	}	<b>Resolution #</b> <u>04323</u>
<b>OVER ONE ACRE IN SIZE LOCATED WITHIN</b>	}	
<b>TOWNSHIPS-RANGES 3-14, 3-15, 3-16,</b>	}	
<b>4-14, 4-15, 4-16, 4-17, 5-15, 5-16 AND 5-17,</b>	}	
<b>KLICKITAT COUNTY, WASHINGTON</b>	}	

**WHEREAS**, consistent with RCW 36.70.795, the Board of County Commissioners adopted a moratorium (Resolution No. 00823) on January 10, 2023 for large scale solar projects over one acre in size, located within Townships-Ranges 3-14, 3-15, 3-16, 4-14, 4-15, 4-16, 4-17, 5-15, 5-16 and 5-17 in Klickitat County, Washington; and

**WHEREAS**, applications for large scale solar projects as included in Resolution 00823 shall not be accepted during the pendency of the moratorium; and

**WHEREAS**, RCW 36.70.795 requires the Board to hold a public hearing within sixty (60) days of the moratorium’s enactment and findings of fact must be made to support the action; and

**WHEREAS**, the Board of County Commissioners held a public hearing on February 28, 2023 to receive public testimony and further considered the proposal on March 21, March 28, and April 18, 2023; and

**WHEREAS**, the Klickitat County Comprehensive plan recognizes energy development should be compatible with surrounding land uses, and large scale solar projects should be sensitively sited, and

**WHEREAS**, large scale solar projects have potential negative impacts on the peaceful enjoyment of neighborhoods in the Goldendale and Centerville valleys, and

**WHEREAS**, the use of property must be consistent with the comprehensive plan and appropriate zoning requirements, and

**WHEREAS**, periodic review and update of County’s plans, policies and regulations are important to protect the County and its constituents, protect their health, safety and welfare, their customs and cultures, and the natural resources and resource lands of Klickitat County; and

**WHEREAS**, it is in the county’s and its constituents best interest to start the planning process to establish written directive in the zoning code addressing permitting requirements for large scale solar development; and

**WHEREAS**, in order to negate the potential negative impacts created by large scale solar development to the detriment of the Goldendale and Centerville valleys, the county needs to engage in and complete the planning process for large scale solar and therefore must continue the moratorium; and



**WHEREAS**, this resolution is necessary and proper to protect the public health, safety and welfare, and that an emergency therefore exists.


**NOW, THEREFORE, BE IT RESOLVED** as follows by the Klickitat County Board of County Commissioners:

1. The above recitals are adopted as findings and conclusions herein.
2. Klickitat County does hereby amend and continue the six-month moratorium adopted on January 10, 2023 in Resolution 00823.
3. This moratorium shall be for the period from April 18, 2023 until midnight on Wednesday October 18, 2023, unless duly extended.
4. While this moratorium is in effect, no land use application associated with large scale solar projects over one acre in size located within Townships-Ranges 3-14, 3-15, 3-16, 4-14, 4-15, 4-16, 4-17, 5-15, 5-16 and 5-17 in Klickitat County, Washington, shall be accepted as either consistent or complete.
5. The Planning Department is hereby directed to work with the Planning Commission to establish zoning directives in regard to large scale solar development in the Goldendale and Centerville valleys specific to the land areas included in the moratorium.
6. This moratorium, pursuant to RCW 36.70.795, shall be effective immediately upon adoption.

DATED this 18<sup>th</sup> day of April, 2023.

BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

  
\_\_\_\_\_  
Dan Christopher, Chairman

  
\_\_\_\_\_  
Jacob Anderson, Commissioner

  
\_\_\_\_\_  
Lori Zoller, Commissioner

ATTEST:  
Clerk of the Board

  
\_\_\_\_\_  
in and for the County of Klickitat,  
State of Washington

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

IN THE MATTER OF:

ENACTING A MORATORIUM ON THE SITING,  
PERMITTING AND THE ACCEPTANCE OF PERMIT  
APPLICATIONS FOR LARGE SCALE SOLAR  
PROJECTS OVER ONE ACRE IN SIZE IN  
TOWNSHIPS-RANGES 3-14, 3-15, 3-16, 4-14, 4-15,  
4-16, 4-17, 5-15, 5-16 AND 5-17, LOCATED WITHIN  
KlickITAT COUNTY, WASHINGTON

}  
}  
}  
} Resolution No. 00823  
}  
}  
}

WHEREAS, most residents of Goldendale and Centerville never thought large scale solar farm development would be a possibility in the Goldendale and Centerville valleys; and

WHEREAS, it is the Board of County Commissioners' opinion that the citizens voices have not had a chance to be heard with regards to long range strategic planning in the Goldendale and Centerville valleys in regard to large scale solar farm development or locations; and

WHEREAS, the purpose of the moratorium is to protect the customs, culture, natural resources and resource lands of the residents of the Goldendale and Centerville valleys, and to ensure that the County's planning and future development is consistent with the local community's long range vision for the area, and

WHEREAS, RCW 36.70.795 allows adoption of a moratorium on land use activities for six (6) months without holding a public hearing, provided a public hearing on the adopted moratorium must be held within sixty (60) days of the moratorium's enactment and findings of fact must be made to support the action; and

WHEREAS, the moratorium may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, the Board of County Commissioners finds it is in the interest of the residents of the Goldendale and Centerville valleys for such moratorium.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED, that all applications for large scale solar projects over one acre in size located within Townships-Ranges 3-14, 3-15, 3-16, 4-14, 4-15, 4-16, 4-17, 5-15, 5-16 and 5-17 in Klickitat County, Washington, will not accepted for at least six months.

DATED this 10 day of January 2023.

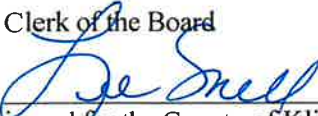
BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

  
\_\_\_\_\_  
Dan Christopher, Chairman

NO  
\_\_\_\_\_  
Jacob Anderson, Commissioner

  
\_\_\_\_\_  
Lori Zoller, Commissioner

ATEST:

Clerk of the Board  
  
\_\_\_\_\_  
in and for the County of Klickitat,  
State of Washington.

**From:** [Justin Bousquet](#)  
**To:** [EFSEC mi Comments](#); [EFSEC \(EFSEC\)](#); [Snarski, Joanne \(EFSEC\)](#)  
**Subject:** Comments Regarding Carriger Solar Project (EFSEC Docket No. EF-230001)  
**Date:** Tuesday, April 25, 2023 11:25:26 AM  
**Attachments:** [KC Bocc Resolution 00823.pdf](#)

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External Email

Dear Joanne & EFSEC Council members,

Please review and enter my following comments and attached document regarding the proposed Carriger Solar Project, EFSEC docket number EF-230001.

You should be well aware that Klickitat County currently has an existing moratorium for large-scale solar covering the area identified for this Carriger Solar Project proposal. Please see attached Klickitat County resolution 00823 for confirmation. Furthermore, the Klickitat County large-scale moratorium was in place prior to Cypress Creek submitting their proposed Carriger solar project. EFSEC must adhere to our county's moratorium. If you were not aware, please consider this as an official notification as such. Any further efforts to push this project forward in light of this notice is a direct violation of our county codes as well as existing state regulations (RCW 36.70.795).

Assuming EFSEC even has standing to consider this project at this time, there are limited details around decommissioning because they are not sufficiently documented. This project is assuredly going to have a significant lasting impact on our area. The **thousands** of acres being proposed are the highest yielding farming locations within our county. Installation of these panels, battery locations, and transmission facilities will devastate the land for generations. This cannot be interpreted as anything other than significant.

The people of Klickitat County have been and will continue to stay united in saying that this proposal is not zoned for this area and it should definitely not be sited around our county seat. There are far better alternative locations for this project that are not producing or capable of yielding viable crops. We will continue to stand up for our local moratorium even when our county and state officials fail to do so.

Considering all these details, this project should be outright denied by EFSEC or any other determining entity. EFSEC is violating our county's large-scale solar moratorium. EFSEC needs to cease and desist any further action with the Carriger solar project immediately. One could argue that the State of Washington is trespassing on our county's existing local large-scale solar moratorium. There rightfully should be legal ramifications for continuing to consider this proposal.

Thank you for your time and attention,  
Justin Bousquet  
Klickitat County Resident and Tax Payer

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**  
Klickitat County, Washington

IN THE MATTER OF:

ENACTING A MORATORIUM ON THE SITING,  
PERMITTING AND THE ACCEPTANCE OF PERMIT  
APPLICATIONS FOR LARGE SCALE SOLAR  
PROJECTS OVER ONE ACRE IN SIZE IN  
TOWNSHIPS-RANGES 3-14, 3-15, 3-16, 4-14, 4-15,  
4-16, 4-17, 5-15, 5-16 AND 5-17, LOCATED WITHIN  
KlickITAT COUNTY, WASHINGTON

}  
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}  
} Resolution No. 00823  
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}

WHEREAS, most residents of Goldendale and Centerville never thought large scale solar farm development would be a possibility in the Goldendale and Centerville valleys; and

WHEREAS, it is the Board of County Commissioners' opinion that the citizens voices have not had a chance to be heard with regards to long range strategic planning in the Goldendale and Centerville valleys in regard to large scale solar farm development or locations; and

WHEREAS, the purpose of the moratorium is to protect the customs, culture, natural resources and resource lands of the residents of the Goldendale and Centerville valleys, and to ensure that the County's planning and future development is consistent with the local community's long range vision for the area, and

WHEREAS, RCW 36.70.795 allows adoption of a moratorium on land use activities for six (6) months without holding a public hearing, provided a public hearing on the adopted moratorium must be held within sixty (60) days of the moratorium's enactment and findings of fact must be made to support the action; and

WHEREAS, the moratorium may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, the Board of County Commissioners finds it is in the interest of the residents of the Goldendale and Centerville valleys for such moratorium.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED, that all applications for large scale solar projects over one acre in size located within Townships-Ranges 3-14, 3-15, 3-16, 4-14, 4-15, 4-16, 4-17, 5-15, 5-16 and 5-17 in Klickitat County, Washington, will not accepted for at least six months.

DATED this 10 day of January 2023.

BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

  
\_\_\_\_\_  
Dan Christopher, Chairman

NO  
\_\_\_\_\_  
Jacob Anderson, Commissioner

  
\_\_\_\_\_  
Lori Zoller, Commissioner

ATEST:

Clerk of the Board  
  
\_\_\_\_\_  
in and for the County of Klickitat,  
State of Washington.

## EFSEC TESTIMONY:

Thank you for opportunity to come before you and speak on the Carriger solar application.

My name is Russ Hanson and my wife and I live immediately adjacent to the Carriger project. From our front door we will have a view of over 300 acres of the project including solar panels, new sub station and 2 acres of a Lithium Ion battery storage facility.

I'm not opposed to solar projects as a way of promoting clean energy, even thou it is not an efficient energy source at this time.

My concern is making sure these projects are "Sensitively Sited" and have a minimal impact on adjoining landowners, wildlife, natural resources and maintain the beautiful character of this county.

There are 9 homes within my immediate area that will be effected by this large scale solar project.

RCW 80.50.090 regarding Public hearings

Section #2- Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the **proposed site is consistent and in compliance with city, county or regional land use plans or zoning ordinances.**

The following are a few examples why this project is not consistent with local land use or zoning ordinances:

**1) County Strategic Economic Development Plan Purpose Statement:**

"Achieve steady, balanced growth that benefits the entire county and **protects the community's character.** This project destroys the community character.

**2) Policies from the County's Comprehensive Plan:**

A) Energy development should be **compatible with surrounding land use.**

B) Energy development that utilizes wind and solar are preferred and shall be considered. These technologies, if **sensitively sited**, designed and mitigated can be sited without significant, adverse environmental impacts. Siting this project with numerous homes immediately adjacent to the project is not sensitively siting.

### 3) Extensive Agriculture zoning:

Section 2.6:1 Purpose:

The purpose of this district is to **encourage the continued practice of farming** on lands best suited for agriculture and **prevent or minimize conflicts** between common agriculture practices and various non-farm uses.

Section 2.6:3 Conditional uses:

#8 Any other uses judged by the board of adjustment to be consistent with the purpose and intent of this chapter and **to be no more detrimental to the adjacent properties than, and of the same type and character as, the above listed uses.** This project will be very detrimental to adjacent properties and their land values.

Tetra Tech **Visual Impact Assessment** was an addendum added to the Carrigar application. This visual impact Assessment is incomplete and obviously weighted toward Cypress Creek who hired them to do the study.

Following are a few examples of why this report is incomplete and should not be used,.

Section 3.2.4 Key Observation Points:

Seven KOP's were selected as representative vantage points in the landscape with publicly accessible views of the project site control boundary. Factors considered in the selection of KOP's included **locations with sensitive viewers (e.g., local residences and motorists).** Yet not one local residence was considered as a KOP.

Section 4.4 Viewer Types and Characteristics

The term "**sensitive viewers**" refers to specific user groups associated with various land uses that have sensitivity to landscape change and therefore could be **adversely affected** by the construction and operation of the project. In this regard, potentially sensitive viewing locations are typically associated with key travel routes, recreation areas and **residential areas. But no residential sites were used for the assessment.**

Identifying groups of individuals that would likely be sensitive to visual change is an important part of the visual assessment process and helps to define specific locations from which to assess changes to the visual character of the landscape. The inventory of sensitive viewers considered 1) **the most critical viewpoints (i.e. views from communities, residential areas or recreational areas).**

**Again not one resident adjacent to the project had a view assessment done and included in the report. We talked with Cypress Creek representatives about coming to our home and looking at what this project would do to our view. They sent a Tetra Tech representative out to take pictures from our view and then have it overlaid with what the project would possibly look like, just like they did for the seven KOP's. They did come to our home and provide us copies of this assessment**

**and discuss it with us but yet our viewshed or any other residences viewshed was included in the report. WHY is that?**

**Local Residents:**

The local resident viewer group consists of people who live around the Project site Control Boundary, with some immediately adjacent to the site. Local residents may be **more sensitive** to changes in their specific views and may have adverse reactions to views of the project facilities. **Most certainly, with over 300 acres of solar panels, new sub station and 2 acres of Lithium Ion battery storage being added to our viewshed this will have an adverse reaction.**

How can EFSEC make an informed decision on a visual impact assessment if they don't have all the information? I would request that this assessment by Tetra Tech not be considered by EFSEC and that they hire their own independent company to do a complete visual impact assessment.

In conclusion I would restate, I'm not against industrial solar but it needs to be sensitively sited. The proposed location of the Carriger project defiantly does not meet the definition of sensitively sited with its close proximity to Goldendale and many residences that will be adversely affected.

Thank you

(I was unable to get the audio working. I could see everyone, but not hear them. Consequently, I'm submitting my comment in writing 😞 )

I'm Steve Heitmann. My wife and I live 10 miles from White Salmon. I designed and built a 20kW solar system, so we can live 100 percent off-grid for 8 months and 90% off-grid for 4 months during winter. I'm a research engineer with several decades' experience, and I've been a strong proponent and user of solar technology since 1974

Much more regional clean energy generation is urgently needed, as Pacific Northwest population steadily increases, agricultural demand increases, and Electric Vehicle battery charging is increasing--all this is increasing regional power demands.

Without more regional power generation, the cost of residential and commercial power will continue to increase. According to the January 2023 Klickitat P-U-D newsletter, *"Utilities are facing reduced supply and increased demand within the power market. This combined with increased load and cost of doing business reinforces the rate increase decision was prudent to ensure ongoing reliability & stability."*

Increasing regional power is important and somewhat urgent. But it's too early to discuss approving any large energy project, including the Carriger Solar Project.

More preliminary groundwork needs to be completed before we can start planning for any large-scale clean energy project. There are three specific areas of groundwork:

- 1) We need to start with improving EFSEC's approval process. We—meaning WA state, all counties, cities, native American communities, and energy companies—need to work together to establish ONE permitting process that is designed to accommodate WA state goals AND each county's, native American lands, and possibly each city's unique requirements AND energy company's profitability. That means EFSEC needs to accommodate BY LAW requirements specified by each potentially affected group. If a proposed project can't meet both state and local requirements, then it probably needs to be redesigned, relocated or terminated.

As it is EFSEC has mechanisms to gather requirements for all concerned, but it is not required to get approval by all concerned to issue a permit.

Without one permitting process, we will face similar problems that are already happening in cities throughout California. Large construction companies are bypassing city or county ordinances by getting CA state approval based on laws these companies helped write.

- 2) The "pro" and "con" discussion about megasolar farms is stuck in one tiny unimaginative box. We need to widen the scope of discussion of clean energy generation to address good alternatives to massive solar farms.

Yes, there are good alternatives:

ONE--offshore wind generators. Washington state produces 7.75% of its electrical power from land-based wind, but only 0.41% from solar PV panels. ONE average-size wind generator produces 2 MegaWatts at peak output and requires 1.5 acres, almost all of which is available for crop or livestock production. This ONE wind generator is equivalent to about 2-3 acres covered with 6,200 325W PV panels at peak output. Unless it's an agrovoltaic solar farm, virtually none of the land can be used for livestock or crops.

Ocean winds are even better for generating wind power, and in September 2022, off-shore wind generation was incentivized. Washington State's off-shore wind generation potential is 29.4 GigaWatts. Even if only 10% of the total potential is developed, that's 5 times more power generated than all three proposed Klickitat County



megasolar farms combined!

TWO—the second good alternative is agrivoltaic solar farms. Basically, this enables many small solar farms that together contribute more power than a single mega solar farm. They are more robust without one point of failure as is the case for a mega solar farm. Furthermore, agrivoltaic farms can use existing grid-tie infrastructure and not limited to locations near high-power transmission lines. And they double for livestock or crop production. To get detailed information about agrivoltaic solar farms [agrivoltaic.solar](http://agrivoltaic.solar)

THREE—a third good alternative is to install agrivoltaic farms on land already used for wind farms. I imagine “ribbons” of solar panels between each wind-generator mast. I estimate such an installation could produce 180MW or more, and the land would remain usable for crop or livestock production.

- 3) Other groundwork includes evaluating battery technologies other than Lithium. Yes, there are several on the market today. There are safer and just as effective battery technologies that can be used instead of Lithium.

The needed groundwork also includes establishing recycling requirements as a part of the permitting process. Spent solar panels, batteries, and electronic components must be properly recycled and not end up in landfills where soil and water can be polluted.

The big picture is we are shifting to greater reliance on clean electric energy, electric cars, electric trucks, and electric airplanes. The electric energy generation needed in the near future will far exceed the nation’s existing capacity.

Let’s make sure we have a complete understanding of the technology and alternatives. We need to assure we put in place the right planning and approval processes for the long-term to meet our future clean energy needs. For people, for state and county, and for energy businesses, let’s aspire to achieving a win-win-win sustainable clean energy future.

Email: [comments@efsec.wa.gov](mailto:comments@efsec.wa.gov)

Or comment <https://comments.efsec.wa.gov> until 11:59PM

**From:** EFSEC (EFSEC)  
**To:** EFSEC ml Comments  
**Subject:** FW: db completed Share your comment, upload a document or a picture  
**Date:** Tuesday, April 25, 2023 9:45:27 PM

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**From:** Comments WA EFSEC <notifications@engagementhq.com>  
**Sent:** Tuesday, April 25, 2023 9:45:06 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** EFSEC (EFSEC) <efsec@efsec.wa.gov>  
**Subject:** db completed Share your comment, upload a document or a picture

External Email

db just submitted the survey Share your comment, upload a document or a picture with the responses below.

**Name**

Dave Barta

---

**Email**

dbarta@gorge.net

---

**Are you part of an Agency or Organization?**

No

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**Share any comment**

The attached document is the Klickitat County Board of Commissioners land use resolution passed in January of 2021 stating that all solar projects hooking into the Knight Road Substation would be required to use the conditional use process, regardless of whether in or out of the energy overlay zone.

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**Upload your document (optional)**

[https://s3-us-west-1.amazonaws.com/ehq-production-us-california/aa8ea9444b307203a96d9741e7300d10ba3f92d0/original/1682484171/5a0d159dc785a22ec5c9455adb7de91a\\_knight\\_bpaResolution\\_01121.pdf?1682484171](https://s3-us-west-1.amazonaws.com/ehq-production-us-california/aa8ea9444b307203a96d9741e7300d10ba3f92d0/original/1682484171/5a0d159dc785a22ec5c9455adb7de91a_knight_bpaResolution_01121.pdf?1682484171)

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**Did you also share a video?**

No

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RESOLUTION # \_\_\_\_\_

BEFORE THE BOARD OF COUNTY COMMISSIONERS, KLICKITAT COUNTY, WA

IN THE MATTER OF COUNTY ZONING: ADMINISTRATION OF SOLAR ENERGY DEVELOPMENT PROJECTS TO BE CONNECTED INTO THE BONNEVILLE POWER ADMINISTRATION (BPA) KNIGHT SUBSTATION, LOCATED ABOUT 4 MILES NORTHWEST OF GOLDENDALE, IN SECTION 35, TOWNSHIP 5N, RANGE 15E, W.M., KLICKITAT COUNTY, WASHINGTON.

WHEREAS, it is the intent of the Klickitat County Zoning Ordinance No. 62678, as amended, to provide uniform equitable, and reasonable standards to govern the usage of land and structures in the interest of the public health, safety, and general welfare, and

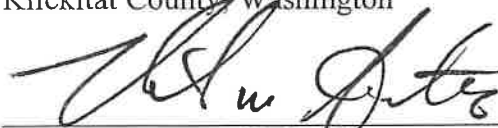
WHEREAS, the Klickitat County Comprehensive Plan contains goals and policies regarding energy development. Policy 5 of the Natural Resources/Energy Section states that energy development in areas not included in the "energy overlay" shall be subject to review through a conditional use process, and

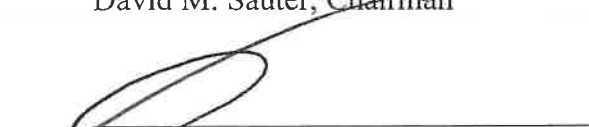
WHEREAS, the BPA Knight Substation is located outside the energy overlay zone.

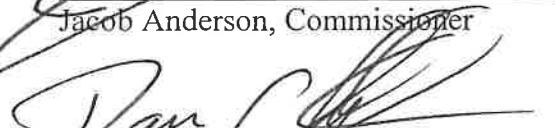
NOW, THEREFORE, BE IT RESOLVED that solar energy development projects that would connect into the Bonneville Power Administration (BPA) Knight Substation shall be subject to review through a conditional use process.

DATED this 19<sup>th</sup> day of January 2021.

BOARD OF COUNTY COMMISSIONERS  
Klickitat County, Washington

  
\_\_\_\_\_  
David M. Sauter, Chairman

  
\_\_\_\_\_  
Jacob Anderson, Commissioner

  
\_\_\_\_\_  
Dan Christopher, Commissioners

ATTEST:

Clerk of the Board

  
\_\_\_\_\_  
In and for the County of Klickitat,  
State of Washington

**From:** [Elaine Harvey](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Carriger Solar Project- Goldendale, WA comment letter  
**Date:** Tuesday, April 25, 2023 11:38:09 PM  
**Attachments:** [CArrigercommentletter.docx](#)

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External Email

Hello EFSEC,  
I attached my first comment letter for this proposed project. I speak as a Klickitat County resident, Kamiltpah Band member, and stakeholder. Please read my concerns.  
Thank you,

Elaine Harvey

Good evening,

My name is Elaine Harvey and I am a lifelong resident of Klickitat County and a member of the Kamiltpah Band (Rock Creek Band). We have already experienced detrimental impacts the solar industry has had to our cultural resources located on the Lund Hill Solar Project and the many different wind projects in the county. We are the local tribal people of this land and we can be contacted to discuss tribal cultural resources in this county. We still fish, hunt, and gather on the lands in the area and continue to lose more lands to green energy projects in the Klickitat County.

I have grave concerns for the water resources, cultural resources, wildlife impacts, socioeconomic impacts, Goldendale trout fish hatchery, and for all residents living within the Carriger Project footprint in the Knight Road, Hill Road, Hwy 142, and Pine Forest Road. My property values will most likely be decreased with the only remaining viewshed from my property will be of 1000's of solar panels. I live near the proposed lithium ion 2 acre battery storage and have safety concerns for my family and livestock.

Here is a list of concerns I have with this project:

- 1.) Cultural Resources impacts: loss of First Foods within project footprint
- 2.) Involuntary property value decreases to adjacent property owners to this project
- 3.) Impacts to the Water Resources in this area which include wetlands, ponds, unnamed ephemeral streams, Blockhouse and Spring creeks, hatchery spring source, and the local aquifer and ground water sources (no adequate buffers for protection)
- 4.) Impacts to many bird species (bald eagle, golden eagle, red-tail hawk, Ferruginous hawk, hummingbird spp., blue jays, sparrow hawk, wood pecker spp., etc.)
- 5.) Potential impacts to many wildlife species habitat, feeding areas, migration corridors, etc. (mule deer, coyote, fox, porcupine, ground squirrels, raccoon, skunk, etc.) The project proposed footprint has a high diversity of many wildlife and native plant species that grow in areas of ephemeral streams, ponds, and wetlands
- 6.) There is concern that this proposed solar project will offer a CHEAP mitigation plan similar to the Lund Hill Solar Project
- 7.) Impacts to endemic plants to this region and culturally significant species within the project area
- 8.) Carriger website: February 23, 2023 had a Telephone Town Hall that I was not aware of and I did not receive any information about it so I can join (lack of appropriate collaboration with stakeholders)
- 9.) This project is not sited in an appropriate area with so many potential negative impacts it will have on the environment and local community
- 10.) The Carriger Project should NOT be granted an expedited EFSEC process! There are too many concerns that need to be addressed
- 11.) If EFSEC decides to proceed with this project review, an EIS should be mandatory

- 12.) This project is planned in a farming and rural home community and there are negative socioeconomic impacts that will negatively impact the residents of this area.
- 13.) The adjacent property owners buffer from the solar and fence installations should be no less than 500 feet from the actual property line and not from a homesite. The Klickitat County Planning Department already specifies in their ordinances that structures need to be measured from the property boundary.
- 14.) The project proponents worked in secrecy to establish the leases and conduct their field studies, this is an example of lack of transparency which creates a LACK of TRUST with the local community
- 15.) This area is categorized as having a lower probability of capturing sun and conversion into energy. I have read this area of Washington state has only 22% efficiency.
- 16.) Water will be required for washing the panels. As a local resident here in the project area, there is a lot of dust buildup on glass and will need to be washed off. This will require many thousands of gallons of water.
- 17.) There is also a loss of efficiency with the high number of cloudy days during the fall, winter, and early spring months. This is not Arizona or Nevada.
- 18.) Studies have also shown that solar projects attract more heat to the land and have concern about drying out of the native plant species that require water for growth or this extra heat will dry out the wetlands and ephemeral streams at a faster unusual rate
- 19.) Tetra Tech's studies are not adequate in regards to species use within the proposed project area.
- 20.) Klickitat county does not have a finalized Critical Ordinance and Shoreline Masterplan in place. How can this project proceed? EFSEC is a Washington State agency and so is the Department of Ecology (who requires counties to have these protection documents in place). There is a conflict!
- 21.) This proposed solar project will only offer temporary jobs and post project completion, there is an anticipated 2-3 people working.
- 22.) There is no public safety plan for electrical fires from solar infrastructure and also from a potential explosion from a lithium battery storage center. Lithium battery storages should not be constructed near homes, schools, and public lands for the safety of all.

All ESA listed species and their critical habitat needs to be preserved and solar projects should not impede these people. Ferruginous hawks, steelhead, and soon to be grey squirrels habitat need to be protected. There is so much more I can discuss but you heard all the verbal testimony. Much of southern Klickitat canyon is important for winter deer habitat and with more green energy projects coming onboard, then the wildlife will be subjected to more loss of habitat.

I do not support this proposed Carriger Project and feel it will only have detrimental impacts to many native species.

Thank you for your time,  
Elaine Harvey  
(509)261-2360



**Respondent No:** 2

**Login:** Anonymous

**Email:** n/a

**Responded At:** Apr 25, 2023 17:56:35 pm

**Last Seen:** Apr 25, 2023 17:56:35 pm

**IP Address:** n/a

Q1. <b>Name</b>	Joseph essman
Q2. <b>Email</b>	Joeydrywallnomore@gmail.com
Q3. <b>Are you part of an Agency or Organization?</b>	No
Q4. <b>Share any comment</b>	I think we should slow down and look at the environmental impact this industrial solar is having things a moving way to fast
Q5. <b>Upload your document (optional)</b>	not answered
Q6. <b>Upload a picture (optional)</b>	not answered
Q7. <b>Did you also share a video?</b>	No
Q8. <b>What is the title of your video?</b>	not answered



**From:** [CEASE2020](#)  
**Subject:** C.E.A.S.E. comments on the Cypress creek Carriger solar project  
**Date:** Tuesday, April 25, 2023 11:51:58 AM

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External Email

C.E.A.S.E. members are submitting the following comments for the record concerning the certification of the Carriger solar project. The ASC submitted by CCR for their Carriger solar project is flawed, filled with errors, omissions, inaccuracies and non-factual information. There is no purpose for this project other corporate profits. It will do more harm than good. Klickitat county has rich history of over 150 years of ranching and farming. This project is not consistent with the current land use in its' proposed location and is not consistent with Klickitat County Comprehensive plan. This project is also not compatible in the area proposed. For these reasons this project should not be certified. There are multiple significant issues that cannot be mitigated. This project should not be allowed on productive farmland as it violates RCW 89.10.005 Farmland Preservation and the USDA Farmland Protection Act. Siting this project on 1000s of acres of productive farmland reduces the food supply for Americans, violates RCW 89.10.005 and makes our country more reliant on foods sourced from foreign countries. Countries which still apply harmful chemicals to those crops. Chemicals that were outlawed by the USA years ago. This contaminated food source endangers the lives of Americans. If a preliminary site study would have been done it would have been obvious that this project was in an inappropriate location and cannot be sensitively sited. The ASC is poorly written, with many assumptions and inaccurate data. Many of the required studies are out of date. Many studies were performed by Tetra Tech. The accuracy of those studies is questionable considering Tetra Tech is under investigation by the Department of Justice for fraud and two employees have been sentenced to prison for submitting fraudulent documents. Those studies should not be accepted and performed again by an independent firm hired by EFSEC. EFSEC should stop trusting the applicant studies. The ASC failed to accurately evaluate the projects impact on the visual aspect. The location of this project is in bowl shaped farmland valley. This project will be visible from at least 7 miles in any direction. The

ASC failed to provide accurate information concerning the visual impact. Citizen's views will be negatively impacted by this project. This project does not comply with CESA 2021 and Klickitat County code 19.46. This negative visual impact cannot be mitigated with screening or money. This project will forever destroy the beautiful views citizens cherish. This project lacks a H.I.S. Human Impact Study. Citizens are stakeholders in the Carriger project. CCR has failed to take into consideration or study devastating negative impact this project will have on the 8500 citizens living nearby. The biggest investment a citizen has is their home. Living near this site will reduce their homes value, their enjoyable way of life, endanger their safety health and welfare. The propose 2 acres of lithium-ion batteries capable of storing 63 million watts of electrical energy is an eminent danger to every citizen in a 7 miles radius. The deadly hydrogen fluoride fumes emitted from a lithium-ion battery fire can kill citizens. BESS system is a proven danger and should not be allowed. Klickitat County residents' lives will be devastated and CCR representatives will return home to their idyllic lives in Santa Monica California with never a thought or care of the harm they caused. Dust blowing from this proposed site will be a danger to the citizens. There isn't a 30-year dust control plan. The destruction to wildlife/habitat starts below ground with the ecosystem for insects, invertebrates and rodents. The bulldozed ground will kill and displace the creatures. Habitat for grounding nesting animals will no longer exist. Foraging and hunting in the once tall grass by raptors and predators will be gone forever. Chain link fencing will restrict or eliminate the migration of many animals. None of these issues can be mitigated. Klickitat County has a solar moratorium in place per RCW 36.70.795 that should be honored by EFSEC and CCR. Klickitat County has done more than its' share in support of Governor Inslee's CETA and reducing climate change with 602 wind turbines and the largest solar site in the state Lund Hill. We are over burden with renewables and the Carriger project needs to be sited in another county. This project violates RCW 43.21c.010/020. EFSEC failed to comply with RCW 43.21f.010 in not providing an unbiased analysis of this project. EFSEC failed to provide Due Notice by not posting the April 25th meeting in the Goldendale library. The April 25th meeting should be null/void and done over. EFSEC employees violated RCW 34.05.455 when conducting Ex Parte meetings with Cypress Creek representatives, violated RCW 42.30 OPMA with meetings held in private and RCW 42.36 Appearance of Fairness Doctrine. EFSEC employees have a Conflict of Interest which makes them incapable of rendering a fair and impartial decision considering

they are appointed by the Governor and their jobs depend on certifying this project. Governor Inslee has appeared to have violate RCW 42.36. He made a public comment in Egypt at COP 27 stating "I alone should have the final say on clean energy issue". This statement proves he cannot render a fair and impartial decision. Governor appears to be denying citizens of their Due Process and preempting local jurisdiction authority. Klickitat County has a solar moratorium in place which EFSEC should respect. Our county can make its' own decision on solar project permitting and does not need or want EFSEC's intrusion. EFSEC's lack of a cash security bond in a state escrow account for decommissioning places the state at a financial risk should CCR filed bankruptcy. The financial decommissioning burden would then fall upon the citizens which includes EFSEC employees. This project will have a devastating impact on the environment, citizens and our community. CCR Carriger solar project has nothing to do with global warming or clean energy. It is just a ruthless and dishonest corporate scam perpetrated by well-trained conmen who will say or do anything to accomplish their goal which is more profits. Governor Inslee has fallen for the scam and we the citizens will suffer. This project should not be certified as it has to many problems that are significant and cannot be mitigated.

Greg Wagner C.E.A.S.E. CITIZENS EDUCATED ABOUT SOLAR ENERGY  
CEASE2020.ORG

**From:** [John Miller](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Carriger Solar Project  
**Date:** Tuesday, April 25, 2023 8:50:32 PM

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External Email

I support the project, primarily because a land owner should be able to use his land as he desires. The approval should be much like a horse race: horse NIMBY vs horse IOTT\*.

\*I OWN THE TRACK

John Miller

**From:** [Kitt Tallman](#)  
**To:** [EFSEC \(EFSEC\)](#)  
**Subject:** Carriger Solar  
**Date:** Tuesday, April 25, 2023 10:09:22 PM

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External Email

I live in Goldendale WA. I was unable to attend the public meeting this evening but would like to comment.

I believe solar farms should be away from any town or populated area. We value our beautiful country and especially our beautiful rural vistas.

Please deny any building of solar farms here.

thank you,  
Kitt Tallman

**From:** [Bob Carroll](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Carriger, solar project, Goldendale, Washington  
**Date:** Tuesday, April 25, 2023 4:30:27 PM

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External Email

I am emailing in support of the Carriger Solar project near Goldendale, Washington, this project will create jobs, opportunities for the community in the form of taxes and other public good. In addition, it will lower the reliance on fossil fuels by creating renewable energy.

Thanks

Bob Carroll

Sent from my iPhone

**From:** [Rocel Dimmick](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Cypress Creek Carriger Project comments  
**Date:** Tuesday, April 25, 2023 11:10:41 AM  
**Attachments:** [questions for EFSEC.pages](#)

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External Email

Dear Meeting council,

Ryan Moe and Rocel Dimmick will be attending in person however, we would like to submit the following document for record. We are opposed to this project due to the lack of sufficient information regarding fire safety, property value depletion, water usage, employment, wildlife and several other incomplete reports done by Tetra Tech which is a company that works only for the developer and not the residents it will be impacting the most. The follow questions and statements we would like addressed:

Why is there not a NEPA needed for this project?  
Isn't the Bonneville Power Administration a federal entity? Is your project utilizing the substation on Knight Road owned by BPA?

“Consultation with agencies helped to inform project design”  
Who were the consultants and what makes them qualified to be experts? Is it true that Tetra Tech is paid by your company to help you permit projects? Will there ever be a third party non-bias study done by others not paid by your corporation? Basically, what checks and balances assure the county that these projects are safe for residents living next to them in regards to water, air quality and safety? Isn't Tetra Tech the same corporation that preformed similar studies in East Palestine OH? Do you think that the residents there have full confidence in their studies?

How many utility scale solar projects have they studied? How many include this many residents within a close proximity of the project like this one? Your pictures don't show any residents living next to these projects why?

How many utility scale solar projects are located in wildlands with volunteer firefighters? What is the plan if a wildfire were to come through the project? What are some of the toxins in the smoke that would impact the residents of Goldendale? To date name the training that our fire departments have taken to prepare for emergencies at these facilities. NOTE: we currently have a utility scale solar project in our county now.

It looks as though all the pictures in your presentation have green grass under the panels. In this area, winds of 50-80 mph are common. Which studies prove that air quality from dust will not negatively affect surrounding residents with poor air quality? How much water was estimated to maintain green grass to be under the panels? Why is this not listed? I have seen

many videos where these panels fly off their bases. If the panels were to become damaged where will the damaged ones be stored or how are they disposed of.

Where in the proposal addresses flooding caused by improper engineering? Who will be in charge? How long should residents expect damage to be repaired and who will be fined if a damaging flood should occur?

Who in our county has had experience in over seeing projects like these? Why does the proposal say you will be working with our county if there isn't anyone who has had experience in these projects?

The panels need replaced every 5 years. How many panels will this be for the next 50 years? Has there been research that there will be enough rare Earth minerals and raw materials to supply the hundreds or thousands of projects across the United States? What measures has your company taken to assure procurement? How long should a project be delayed for not having equipment? If procurement should become an issue when will the company decommission if they cannot supply their plant with adequate equipment to operate?

What are some of the examples of the titles of the "50 jobs in the community." Are these separate from the "350-450 full time construction jobs?"

At the hundred+ other projects your presentation mentions, estimate the percentage of construction workers that were local vs the ones that are transient workers that travel with these projects. How many local union paid workers make up the 350-450 construction workers, based on other projects that were done by your company in the past?

Where will these workers be lodging? What is the average commute for these 350—450 workers? The available housing that is mentioned in the proposal, where are these located?

Which roadways will they be using and where in the project proposal mentions maintaining the dirt roads to access the project. How often will they be grated and graveled? Who will be doing this? Who will be paying for this? Who governs them?

What is the brand of battery that will be utilized? How do they get recycled? Where can I find the studies that show it is safe for residents to live next to them. Is there a cradle to grave report that is available?

What determined the location of the battery? Typically winds blow from the West. If the battery were to explode or catch fire it would blow towards the substation. Wouldn't this make the fire more difficult to address? This oversight of putting them next to each other also happened at the Moss Landing Substation in Elkhorn, CA. This facility has had two fires, the last in Sept. 2022. Residents had to shelter down and many reported never being aware of the dangers of the toxic smoke. What measures have you taken in other project areas that addressed evacuations and monitoring toxins? Who in our county is appointed to address and signal an alarm?

In South Korea where BESS are widely used experienced 23 fires in a two year period between 2017-2019. It should be noted that the most common protocol for these fires is to simply allow them to burn out. Where can I find an example of other fire evacuation plans used in your other projects?



The computer generated study that was done to address visual impacts were not done on any of the residents that would be impacted except for the Hanson's. Why is this? Have you reached out to any residents asking for permission? How do you compensate residents for destroying their peace, safety and view shed? We are aware of the study done by the University of Texas proving that property values will be decreased.

In addition, we are aware that this project goes against our protective covenants. Those who signed leases with CCR who also agreed to those covenants will be violating them. Will you the lease holder be taking responsibility in litigating this? We have never been contacted by CCR even though we have left contact information with their project managers. Why will you not return calls or emails?

Lastly, allowing these projects in what should be our Urban Growth Areas will potentially destroy the economic growth needed for this area in Klickitat county. How many of projects of this size are sited in Urban Growth Areas? What is the impact? Has this ever been studied? According to [planning.org](http://planning.org) these areas should be avoided in siting these projects. If Klickitat county were not exempt from the Growth Management Act these areas would have been zoned as our Urban Growth Areas and for this reason I believe that more consideration should be taken before approving these areas. The area is located too close to Goldendale and is too populated with residents that will be negatively impacted.

Kind regards,

Ryan Moe and Rocel Dimmick

**From:** [EFSEC \(EFSEC\)](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** FW: Anonymous User completed Share your comment, upload a document or a picture  
**Date:** Tuesday, April 25, 2023 5:53:00 PM

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**From:** Comments WA EFSEC <notifications@engagementhq.com>  
**Sent:** Tuesday, April 25, 2023 5:52:53 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** EFSEC (EFSEC) <efsec@efsec.wa.gov>  
**Subject:** Anonymous User completed Share your comment, upload a document or a picture

External Email

Anonymous User just submitted the survey Share your comment, upload a document or a picture with the responses below.

**Name**

Beverly Nickerson

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**Email**

bjnickerson1@gmail.com

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**Are you part of an Agency or Organization?**

No

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**Share any comment**

I am opposed to the carriger industrial solar in the area of knight rd Goldendale Wa. There are so many reasons why this is a horrible idea for this area. The wildlife habitat will be gone, the wildlife won't be there, the industrial solar projects have taken thousands and of acres of land that they called home there is no place for them. Some of the animals that are on that land near knight rd are on the endangered species list & that is caused by humans this acceptable. Please do not let this happen eagles Hawkes Falcons pygmy rabbit the Cascadia Red Fox just to name a few

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**Did you also share a video?**

No

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**From:** [EFSEC \(EFSEC\)](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** FW: April 25, 2023 Cypress Creek Renewables Informational Public Meeting  
**Date:** Tuesday, April 25, 2023 6:52:06 AM

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-----Original Message-----

From: Steve Heitmann <steve.heitmann@zharma.com>  
Sent: Monday, April 24, 2023 11:39 PM  
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>  
Subject: RE: April 25, 2023 Cypress Creek Renewables Informational Public Meeting

External Email

I would like to express a summary of my opinions about this project and potential alternatives for clean energy generation. I'll also submit a document that develops my summary in more detail.

I'm a strong proponent of distributed agrivoltaic systems, off-shore wind farms, and constructing "ribbons" of agrivoltaic solar arrays on Klickitat County land already used for wind farms.

Personal info: We power our mostly off-grid home in White Salmon, WA with a 18kW solar system that I designed and constructed.

Steve Heitmann  
steve.heitmann@zharma.com  
408.824.0581

**From:** [EFSEC \(EFSEC\)](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** FW: db completed Share your comment, upload a document or a picture  
**Date:** Tuesday, April 25, 2023 9:42:06 PM

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**From:** Comments WA EFSEC <notifications@engagementhq.com>  
**Sent:** Tuesday, April 25, 2023 9:41:53 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** EFSEC (EFSEC) <efsec@efsec.wa.gov>  
**Subject:** db completed Share your comment, upload a document or a picture

External Email

db just submitted the survey Share your comment, upload a document or a picture with the responses below.

**Name**

Dave Barta

---

**Email**

dbarta@gorge.net

---

**Are you part of an Agency or Organization?**

No

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**Share any comment**

Please accept my full verbal comment. No time restriction to comments was published ahead of time. I was told when i checked in that I had 3 minutes. That was reduced to 2 minutes. The lack of forethought on Efsec's part forced me to drastically cut what needed to be shared on land use planning.

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**Did you also share a video?**

No

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**From:** [EFSEC \(EFSEC\)](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** FW: Klickitat County solar  
**Date:** Tuesday, April 25, 2023 12:39:58 PM

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-----Original Message-----

From: [compton26@juno.com](mailto:compton26@juno.com) <[compton26@juno.com](mailto:compton26@juno.com)>  
Sent: Tuesday, April 25, 2023 9:47 AM  
To: EFSEC (EFSEC) <[efsec@efsec.wa.gov](mailto:efsec@efsec.wa.gov)>  
Subject: Klickitat County solar

External Email

Jack Compton 4/20/2023  
827 Pine Street  
Goldendale, Wa 98620

Energy Facility Site Evaluation Council  
621 Woodland Square Lp SE  
Lacey Wa, 98503

RE: EFSEC Town Hall 4/25/23

Leaders, I am opposed to industrial solar that is not regulated to protect the citizens and the areas in Klickitat County. This should include the views, watershed, environment and native animals that we cherish in this county.

To expound on this I recommend the following: Natural animals that have been in place for thousands of years should not be inhibited from the lands both natural and agricultural. I say this to draw attention to the eight foot chain-link fences topped with barbwire. These fences around large industrial solar have the appearance of a penitentiary.

I recommend that industrial solar shall not be approved within 3000' of a residents water source, septic drain-fields, creeks, rivers or watersheds. This due to the potential risk so leakage from the toxic chemicals that are currently in solar panels. I've read they have to wash the dust/dirt that collect on the panels and that water run-off will impact not only the above but also have potential to harm our water tables.

Lithium batteries shall not be used. It has been documented all over the world that these batteries can overheat and cause fires that are extremely difficult to extinguish. Examples can be found of the only thing discovered so far is to pour literally tons of cement on the fires. They also have to evacuate residents for miles due to the toxic fumes the fires produce. IF batteries are to be used I suggest the solar companies pay for the training of the fire departments and also pay for all the equipment necessary to fight the fires.

Setback requirements should include seven miles from airports, State highways, community boundaries and watersheds. Pilots and drivers are often temporarily blinded by the reflection from the panels. See I-84 near Pendleton, Oregon as just one example and the number of crashes caused by the glare.

I recommend a tax method that does not depreciate the solar companies assets value so the citizens are not impacted monetarily due to industrial solar installations. The taxes collected must stay in Klickitat County.

If beams are used to support the panels, they shall be installed in a drilled hole and not pounded in. The impact of pounding them in causes not only an incredible amount of noise that can be heard for miles but also the shaking will cause neighboring properties damage to delicate objects in and around the neighboring properties.

At a bare minimum a bond sufficient to cover all cleanup and restoration of the land shall be in place before permitting. The potential cost for this will be substantial and the bond must reflect continuing inflation and shall be

in place before any industrial solar project is allowed/permited.

Respectfully,  
Jack Compton

**From:** [EFSEC \(EFSEC\)](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** FW: Solar Meeting Comments  
**Date:** Tuesday, April 25, 2023 8:27:12 PM

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**From:** Lynn Parrish <lynnmarieparrish@gmail.com>  
**Sent:** Tuesday, April 25, 2023 8:26:52 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** EFSEC (EFSEC) <efsec@efsec.wa.gov>  
**Subject:** Solar Meeting Comments

External Email

Thank you for this opportunity to voice our concerns regarding the solar project proposed on Knight Road, in Goldendale WA. I believe this issue is an extremely important one for our county's future, long before we aren't here anymore. All of us are caretakers of this land for a only short time. We have "owned" our small 5 acre plot for almost 24 years now. We overlook Knight Road and have a beautiful view of Mt Hood and the Klickitat Valley. We followed my husband's parents here after they retired, coming back to the county that was home to the ranch that my husband's grandfather owned up on High Prairie. Since moving here we have seen the windmills built on the Simcoes, the gas power plant built in Goldendale, and now Solar. It seems that we are located on the side of the state that provides energy to larger cities, sacrificing our agricultural lands, rivers, fish hatcheries, wildlife areas for dams, windmills, power plants and now solar farms. Please protect these lands from foreign owned companies that only seem to care about government subsidies to fund their projects. My concern is for the future of this area because once the solar panels are built here it will forever change the beauty, wildlife and land use that makes this area unique and desirable.

In a decision making process the best way to decide what is best is to look at the pros and cons. I can only see a couple of pros; money generated by leased land for the property owners and possible tax revenue for the county. I can see many cons to allowing solar farms in our County; destruction of agricultural land, loss of wildlife, future cost of dismantling all of the panels, batteries, glass, fencing, plastics that are used to make the solar farms. This is not "Green" energy. It is destructive and the energy doesn't stay here.

Please take the time necessary to weigh the far reaching outcome of thousands of acres of solar panels taking up valuable farm land. Set up reasonable boundary lines from residential property that protect all property owners avoiding harmful accidents and chemicals that will destroy the soil for many many years to come. If we truly want to have a place where people like to hunt, fish, hike, camp as well as work and raise a family then these solar farms are not for us.

Please keep ag farms and set up real guidelines that make sense for us that actually live here. Not for companies that care only about financial gain or for politicians that seeks certain "green" energy polices. We are at an important crossroad, do we actually care about this county or is this decision only based on greed and financial gain?

Sincerely,

Lynn Parrish  
75 Red Cedar, Goldendale WA  
509-424-0852



**From:** [J Englund](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Goldendale meeting  
**Date:** Tuesday, April 25, 2023 10:40:39 PM

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External Email

Dear Sirs,

Thank you for the presentations today, but I still STRONGLY OPPOSE the Carriger Solar Project near Goldendale, WA.

I attended the presentation and public meeting today in Goldendale for the EFSE council regarding the Carriger Solar Project. Of the people who spoke public comments during the meeting, the VAST MAJORITY was opposed to the Carriger project.

Issues related to money and jobs seemed to be the only positive comments favoring the project. However, few or no permanent jobs will probably exist after construction is finished.

BUT, the MAJORITY opposition brought up concerns/issues related to perhaps the most important--farmland preservation, ie. 'Do no harm' and other environmental issues, ie. battery storage, fire danger, waterways/water/erosion; along with negative visual impact, decreased property values, no electricity benefit to our town, etc.  
There were numerous recommendations for an Environmental Impact Statement.

Question: Would YOU personally like to live right next to a HUGE solar site? I seriously doubt your answer would be positive.

That's why you can build the Carriger project somewhere else...we don't want it in our backyard....we live in God's Country and we want it to stay that way!

Sincerely,  
Jeanne Englund

**From:** [Jesse Veen](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Letter in Support of Carriger Solar Project  
**Date:** Tuesday, April 25, 2023 1:50:55 PM

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External Email

State of Washington Energy Facility Site Evaluation Council,

I'm encouraged by Carriger Solar and what it represents for future generations of Klickitat County residents. This project is a chance to bring economic opportunity to our community while protecting its land from permanent development. Unlike commercial, residential, or industrial development, solar projects don't intensively and permanently change the land. Instead, the land can be returned to its original use after the project is decommissioned. While the project is in use, it will support public services and generate clean energy for our community and beyond. Residents of Klickitat County will enjoy the benefits of new investment alongside amazing environmental benefits, making our community a better place to live in the long run.

Jesse Veen  
jveen0014@gmail.com  
1616 156th Ave NE  
Bellevue, Washington 98007



**From:** [Jim Hill](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Letter in Support of Carriger Solar Project  
**Date:** Tuesday, April 25, 2023 1:53:14 PM

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External Email

State of Washington Energy Facility Site Evaluation Council,

Carriger Solar presents a rare opportunity for our community to attract outside investment without disrupting our infrastructure or way of life. Unlike other forms of development, solar projects are low-impact and don't put a strain on community resources or harm our environment. Despite the project's low-impact, it will generate millions in revenue for Klickitat County. We have the chance to capitalize on this amazing opportunity – please don't miss it.

Jim Hill  
JHILL@GORGE.NET  
3115 HWY 142  
GOLDENDALE, Washington 98620



**From:** [Robert Morrow](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Letter in Support of Carriger Solar Project  
**Date:** Tuesday, April 25, 2023 1:55:43 PM

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External Email

State of Washington Energy Facility Site Evaluation Council,

Carriger Solar is a chance to boost Klickitat County's economy. Solar energy is creating jobs in communities like ours across the nation, and this is an opportunity to get a piece of the renewable energy pie. Carriger Solar will create hundreds of jobs during the construction phase, training our workers in a rapidly expanding industry, and support local, high-paying jobs during the project's operation. I support this project because I support Klickitat County's workers, and I encourage Council to join me in my support. I believe renewable energy projects represent the most effective way for Landowners to create income from their property without having to sell it. If, at the end of the project life, the technology is obsolete, the property can revert back to agricultural uses. It is punitive to deny property owners the right to use their property in the Energy Overlay Zone for renewables. Opponents who owned their property at the time of adoption of the EOZ had their right to oppose its adoption; opponents who acquired their property after adoption KNEW OR SHOULD HAVE KNOWN of the existence of the EOZ. Renewable energy is good for our Nation, good for our State, and good for our County.

Robert Morrow  
kvcbobnjudy@gmail.com  
275 Pine Forest Road  
Goldendale, Washington 98620



**From:** [Derek Veen](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Letter in Support of Carriger Solar Project  
**Date:** Tuesday, April 25, 2023 2:01:19 PM

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External Email

State of Washington Energy Facility Site Evaluation Council,

As a Goldendale local and small business owner, I believe that Carriger Solar is an excellent fit for Klickitat County because it will bring much-needed economic investment to our community's schools. This project is poised to pay millions in taxes to the city and county, which will be used to improve school facilities, pay teachers' salaries, and support students' education. Investing in solar energy means investing in a more sustainable future for our entire community.

Thanks,  
Derek Veen | Proper Plumbing Solutions, LLC

Derek Veen  
derekjv23@hotmail.com  
230 East Court Street  
Goldendale, Washington 98620





**From:** [Adam mills](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Letter in Support of Carriger Solar Project  
**Date:** Tuesday, April 25, 2023 7:37:52 PM

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## External Email

State of Washington Energy Facility Site Evaluation Council,

I'm a resident of Klickitat County. I'm also a rancher, where I raise cattle on the 40 acres I own, along with my regular job off the farm. My home is off the grid, where solar energy plus battery storage provides 100% of my electricity.

I'm a big proponent of solar power. I installed my own system, and I've helped others in the area with theirs. One thing that most people don't realize is that solar energy production doesn't directly match the times of day when most energy is consumed. That's why battery storage is so important.

When I learned that this project has a large-scale battery storage component, I was impressed. This is a big leap forward compared to the power simply being fed into the grid directly.

I understand why some people may be against this project, especially if they graze cattle on land that will no longer be available to them. However, I believe the construction jobs and associated indirect economic benefits the project will bring, along with the sustained tax revenue that will be generated, far outweighs the minor loss that will be felt by the very few who may lose a small portion of leased grazing land.

If a solar developer wanted to lease my land, I'd get out of cattle in a heartbeat in favor of solar. There's very little income in grazing, and it's concentrated in the 4 families in the county that have all the cattle. Whereas this project will distribute benefits to every resident every year for the life of the project in the form of revenue for schools, infrastructure, and public services.

Another question that I've heard about solar projects is, "What happens at the end of their operational life?" The answer is the developer is required to pay for the full cost of decommissioning before they're allowed to start construction. In no way will residents, landowners, or the county be burdened with this.

Furthermore, the panels will likely still be producing well in 30 to 40 years and could probably be reused. If they aren't, then recycling infrastructure will almost certainly be able to capitalize on the resource, transforming them back into useful materials.

Adam mills  
info@notquidaranch.com  
20 Satus Loop Rd  
Goldendale, Washington 98620

**From:** [Joanne Freda](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Permit  
**Date:** Tuesday, April 25, 2023 10:26:39 PM

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External Email

Approve the permit and get this solar project moving. Central and Eastern Washington have the perfect climate for solar energy.

**From:** [J Englund](#)  
**To:** [EFSEC mi Comments](#)  
**Subject:** Solar site by Goldendale  
**Date:** Tuesday, April 25, 2023 2:02:23 PM

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External Email

Dear Sirs,

I strongly OPPOSE the solar site (or sites) that is being proposed in the Goldendale area. PLEASE go somewhere else! I don't want the thousands of solar panels ruining the land and view in our very scenic area; and all the possible side effects that go along with thousands of solar panels, i.e. disposal of batteries, panels, fires, etc.

Need more input. Contact me at [jenglund49@gmail.com](mailto:jenglund49@gmail.com)

Sincerely,  
Jeanne Englund

**From:** [Sheri Bousquet](#)  
**To:** [EFSEC \(EFSEC\)](#); [EFSEC mi Comments](#)  
**Subject:** Territorial Jurisdiction  
**Date:** Tuesday, April 25, 2023 11:19:38 AM

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External Email

Dear EFSEC,

Please place my comment on the Carriger Solar Project record of comments.

I am challenging EFSEC's claim to have territorial jurisdiction to hear and/or approve land use decisions for large scale solar in Klickitat County. Please provide for my inspection legal proof of EFSEC's territorial jurisdiction in Klickitat County and on private land

I claim that EFSEC's actions in Klickitat County are in violation of our constitutional rights. US Constitution Article 1, section 8, Clause 17 proves EFSEC does not have territorial jurisdiction to make any land use decisions regarding large scale solar in Klickitat County.

Until legal proof can be obtained that EFSEC does indeed have the authority and territorial jurisdiction to make land use decisions, EFSEC should cease and desist immediately all actions in Klickitat County. There could be legal ramifications to individuals that continue to trespass and abuse powers.

Sincerely,  
Sheri Bousquet  
CEASE, Citizens Educated About Solar Energy