State of Washington Energy Facility Site Evaluation Council Cypress Creek Renewables – Carriger Solar LLC EFSEC Docket No. EF-230001

NOTICE OF SPECIAL COUNCIL MEETING May 5, 2025, 5:30-6:00 PM AND POSSIBLE PUBLIC COMMENT HEARING 6:00-8:00 PM (contingent, see below) Goldendale Grange Hall

Description of Proposal:

On February 10, 2023, the Washington State Energy Facility Site Evaluation Council (EFSEC) received an Application for Site Certification (ASC) for the Carriger Solar LLC project, a wholly owned subsidiary of Cypress Creek Renewables LLC, to build a 160-megawatt (MW) solar photovoltaic (PV) generation facility with a 63-MW battery energy storage system located in unincorporated Klickitat County, Washington. The ASC and other materials are posted on the EFSEC website: https://www.efsec.wa.gov/energy-facilities-1/carriger-solar-application

What is EFSEC proposing to do?

EFSEC is holding a special council meeting to take up the request from Cypress Creek Renewables to grant expedited processing of the application. (<u>WAC 80.50.075</u>) The council may grant an applicant expedited processing of any application for certification upon finding that the environmental impact of the proposed facility is not significant or will be mitigated to a nonsignificant level under <u>RCW 43.21C.031</u> and the project is found under <u>RCW 80.50.090(2)</u> to be consistent and in compliance with city, county, or regional land use plans and zoning ordinances. "Expedited processing" means that, instead of a formal, trial-type adjudicative hearing at which expert testimony and exhibits may be presented subject to cross-examination by attorneys for parties supporting and opposing the project, the council instead holds a less formal public comment hearing to help it develop its final recommendation to the governor.

At this meeting, the Applicant will provide a presentation summarizing the updated conditions and adverse impact mitigation measures it would implement if its application for site certification were to be approved. The public may then have an opportunity to provide comment for the Council's consideration.

Special Council Meeting on Request for Expedited Process, May 5, 2025, 5:30-6:00 PM: The Public Meeting will be hybrid, held in person and virtually via Microsoft Teams. You may attend the meeting in person at:

Goldendale Grange Hall 228 East Darland Drive Goldendale, WA 98620

You may attend the meeting via Microsoft Teams online or via phone at:

- https://bit.ly/CarrigerPublicMtg
- Phone number: +1 (564) 999-2000, Conference ID: 915 222 306#

How can you review the proposal documents?

Copies of the ASC and other materials are available at:

- https://www.efsec.wa.gov/energy-facilities-1/carriger-solar-application
- The EFSEC office, located at:

EFSEC 621 Woodland Square Loop PO Box 43172 Lacey, WA 98503-3172

Please review EFSEC's public meeting rules on our website: https://www.efsec.wa.gov/about-efsec/public-meeting-ground-rules. To request ADA accommodation or materials in a format for the visually impaired, contact the EFSEC office at (360) 664-1345.

Possible Public Comment Hearing on the Application, 6:00-8:00 PM or until last speaker:

If the council votes to grant the request for expedited processing, pursuant to <u>RCW 80.50.090(5)</u> the council will follow up with a separate hearing on the same evening to receive public comment on the application prior to issuing a recommendation to the governor. If this hearing is held, comments will be welcomed on how to protect the interests of the local government and the local community, including overburdened communities, that would be affected by the construction or operation of the proposed project.

How can you provide public comment?

An online EFSEC comment campaign will be open during the time of the possible public comment hearing from 6:00-8:00 PM or until last speaker, Monday May 5, 2025, at: https://comments.efsec.wa.gov. Written public comments will also be accepted during the public hearing or may be mailed to the EFSEC office via the address given above. **EFSEC would like to invite commentors who wish to speak to sign up ahead of the possible public comment hearing.** Anyone wishing to speak during the hearing may sign up by phone at (360) 664-1345 or email at efsec.wa.gov before 5:00 PM on May 5, 2025.

What kinds of comments are solicited?

All comments are welcome, but of particular interest to the council are comments on how to address the purposes of county ordinances that would apply to the project (as of the date of application to EFSEC) if Cypress Creek Renewables had applied for siting through local permitting instead of through the EFSEC process. This is because, if the council makes a recommendation to the governor to authorize the siting of the proposed project, it must propose conditions to recognize the purposes of local ordinances that are superseded by the Energy Facility Site Locations Act, RCW 80.50. Relevant local ordinances that EFSEC has previously identified include zoning provisions that would have required the developer to apply to Klickitat County for an operational permit for the portion of the project that is within the county's Energy Overlay Zone, and for conditional use permits for the portions of the project that fall outside the county's Energy Overlay Zone.

Two-thirds of the proposed project is located within the county's Energy Overlay Zone. The purpose of the Energy Overlay Zone is:

- **A.** To provide areas suitable for the establishment of energy resource operations based on the availability of energy resources, existing infrastructure, and locations where energy projects can be sensitively sited and mitigated.
- **B.** To provide siting criteria for the utilization of wind and solar energy resources. Each energy resource project will be subjected to individualized review and the imposition of conditions based on site specific information which will be tailored to address project impacts in accordance with the siting criteria. The ultimate goal is to achieve a predictable but sensitive siting process which effectively and efficiently addresses project impacts. (Klickitat County Code (KCC) 19.39:1)

Solar energy facilities such as the proposed project are permitted outright within the Energy Overlay Zone. (KCC Chapter 19.39) Therefore, no conditional use permit would have been required for this portion of the proposed project. However, the County would have required the preparation of an environmental impact statement, the development of project-specific mitigation measures and conditions to mitigate adverse project impacts, and an operations permit to ensure compliance with mitigation conditions.

Another portion of the project is proposed to be sited outside the Energy Overlay Zone, in the County's Extensive Agriculture district. According to the county code, "[t]he purpose of the extensive agriculture district is to encourage the continued practice of farming on lands best suited for agriculture and to prevent or minimize conflicts between common agricultural practices and various nonfarm uses." (KCC 19.16.010) Proposed land uses eligible to apply for conditional use permits in the Extensive Agriculture district include utility facilities necessary for public service and other uses judged by the Board of Adjustment to be consistent with the purposes and intent of the Extensive Agriculture chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as the expressly eligible uses, including quarries, mines, and sand and gravel pits. (KCC 19.16.030(E), (H)) The applicant would have been required to apply for a conditional use permit for this part of the project and County decisionmakers could potentially have denied approval, or imposed reasonable conditions and/or restrictions to render the use compatible with the existing and potential uses in the vicinity, based on their judgment as to whether the project met these criteria. (KCC 19.04.160)

A third portion of the project, also outside the Energy Overlay Zone, would fall in the County's General Rural district. "The purpose of the general rural zone is to maintain openness and the rural character of the countryside, to protect the county's water and other natural resources, and to provide areas which are appropriate for typical rural development of all kinds." (KCC 19.18.010). Proposed land uses eligible to apply for conditional use permits in the General Rural district include uses of a public works, public service, or public utility nature and other uses judged by the Board of Adjustment to be consistent with the purposes and intent of the General Rural district chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as the expressly eligible uses, including the excavation, removal, and processing of sand, gravel, stone, and other natural materials, airports, and solid waste disposal facilities. (KCC 19.18.030(H), (Q)) As with conditional uses such as solar energy facilities proposed in the Extensive Agriculture district, proposed conditional uses in the General Rural district can be denied or approved with conditions or restrictions to make them compatible with existing or potential uses in the vicinity.

The full text of relevant county zoning ordinances can be found here: Mini TOC: Title 19 - ZONING | Code of Ordinances | Klickitat County, WA | Municode Library

The EFSEC Council's prior decision determining what land use ordinance were in effect and applicable to the project on the date that the application for site certification was submitted to EFSEC can be found here: 889 - Carriger Solar Land Use Order.pdf

For more information about the project, contact Joanne Snarski at (360) 485-1675 or joanne.snarski@efsec.wa.gov.