

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application

Docket No. EF-230001

CARRIGER SOLAR, LLC

Council Order No. 899

ORDER GRANTING EXPEDITED
PROCESSING

BACKGROUND

Synopsis. *Cypress Creek Renewables requested expedited review of an application it filed with the Energy Facility Site Evaluation Council (EFSEC or Council) for site certification and approval of the Carriger Solar, LLC project. The Council may grant expedited review when it finds the project is consistent and in compliance with land use plans and zoning ordinances, and the environmental impacts are insignificant or can be mitigated to a nonsignificant level. The Council, by this order, concludes that the criteria for expedited review have been satisfied and will use the expedited process authorized by RCW 80.50.075 to evaluate the application.*

- 1 **Nature of Proceeding.** This matter involves an application for site certification (Application or ASC) filed on February 10, 2023, by Cypress Creek Renewables LLC on behalf of Carriger Solar, LLC (the Applicant). Carriger Solar, LLC is proposing to construct and operate a solar photovoltaic (PV) electric generating facility and a supporting battery energy storage system (the Project or the facility). The Project would be located approximately 2 miles west of the City of Goldendale, Washington, on a total of 25 parcels in unincorporated Klickitat County.
- 2 The Applicant and the Council mutually agreed as required by WAC 463-43-050 to extend the processing time of the application and to decide upon the request for expedited process, through June 25, 2025.¹ This extension was intended to allow time for the Council to assess impacts to Traditional and Cultural Properties (TCP) and complete a State Environmental Policy Act (SEPA) threshold determination.

¹ Letters from Cypress Creek Renewables LLC requesting extension were received by EFSEC on February 11, 2024, March 12, 2025 and April 9, 2025.

- 3 The Applicant requests that EFSEC use the expedited process authorized by RCW 80.50.075 to evaluate the Application. Expedited process means that the council does not conduct a formal, adjudicative hearing to receive testimony and evidence in support or opposition to the application but instead holds a less formal public comment meeting on the application.² An applicant is eligible for expedited processing when EFSEC finds (1) the environmental impacts of the proposed project are not significant or can be mitigated to non-significant levels and (2) the proposed project is consistent and in compliance with city, county, or regional land use plans.³
- 4 **Land Use Consistency Finding.** RCW 80.50.090(2) requires EFSEC to “conduct a public hearing to determine whether or not a proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances.” On April 27, 2023, EFSEC issued a Notice of Informational Public Hearing and Land Use Consistency Hearing and scheduled a virtual hearing by Microsoft Teams or by telephone participation for 5:00 p.m. on Tuesday May 16, 2023.⁴
- 5 On May 16, 2023, the Council conducted the virtual land use consistency hearing. The purpose was to hear testimony regarding whether the proposed facility site would have been expressly prohibited under Klickitat County’s zoning code in effect on the date the application was filed, or whether the developer would have at least been eligible to apply to the county for a conditional use permit.
- 6 The Council issued an Order Granting a Finding of Land Use Consistency (Order No. 889) on September 25, 2023. The order is incorporated by reference herein. In that order, the Council found that the portion of the site within the county’s Energy Overlay Zone could have been permitted outright. For those portions of the project in the Extensive Agriculture and General Rural zones, the Council determined that, despite moratorium on the receipt of conditional use permit (CUP) applications for commercial solar projects, the adopted county zoning provisions allowed a developer to apply to the county for a CUP. Based on these determinations, and on a longstanding Council interpretation of when the “land use consistency” threshold is met, the Council granted the Applicant’s request for a finding of land use consistency. The Council indicated that later in the application review process, it would convene a hearing to receive information and comment on whether the applicable conditional use

² RCW 80.50.075(2); RCW 80.50.090(4), (6).

³ RCW 80.50.075; WAC 463-43-030.

⁴ The Council sent this Notice to all interested persons on the application mailing list and the project mailing list. Further, the Council purchased a legal advertisement in the Columbia Gorge News and the Goldendale Sentinel.

criteria are in fact met.⁵

7 **SEPA Mitigated Determination of Non-Significance:** On April 7, 2025, EFSEC's SEPA responsible official, EFSEC Director Sonia Bumpus, issued a Mitigated Determination of Non-Significance (MDNS) for the Project and invited public comment as required by WAC 197-11-340.

8 The comment period ended on April 20, 2025, during which EFSEC received 7 comments. The responsible official reviewed and considered all comments, finding that no new issues were raised that had not already been considered.

FINDINGS OF FACT

- 9 (1) On February 10, 2023, Cypress Creek Renewables, LLC, submitted an application for site certification to construct and operate the facility. The facility would be located on 2108 leased acres in unincorporated Klickitat County, Washington.
- 10 (2) On February 10, 2023, the Applicant submitted a written request that the Council use the expedited processing procedure authorized by RCW 80.50.075.
- 11 (3) On May 16, 2023, the Council convened a land use consistency hearing, pursuant to due and proper notice. The Council heard testimony from the Applicant's attorney, two Klickitat County Commissioners, and 11 community members.
- 12 (4) The Council issued an Order Granting a Finding of Land Use Consistency for the Carriger Solar Project proposed site on September 25, 2023.
- 13 (5) On April 7, 2025, EFSEC's SEPA responsible official issued a Mitigated Determination of Non-Significance under the State Environmental Policy Act.

CONCLUSIONS OF LAW

- 14 (1) The Council has jurisdiction over the subject matter of this proceeding and the parties to it pursuant to RCW 80.50.075 and WAC chapter 463-43.
- 15 (2) As determined by the Council in Order No. 889, the Applicant met its burden of proof of demonstrating that the site is consistent and in compliance with Klickitat County's Comprehensive Plan and applicable zoning ordinances, as required by RCW 80.50.075(1).

⁵ Order No. 889 at ¶¶ 28, 60.

- 16 (3) The environmental impact of the proposed Carriger Solar LLC project can be mitigated to a nonsignificant level under RCW 43.21C.031 as required by RCW 80.50.075(1).
- 17 (4) The criteria for expedited processing set forth in RCW 80.50.090 and WAC 463-43-050 have been satisfied, and therefore, the Applicant's request for expedited processing should be granted.

ORDER

THE COUNCIL ORDERS:

- 18 Cypress Creek Renewable, LLC's request for expedited processing is GRANTED; EFSEC will evaluate Cypress Creek Renewable, LLC's Application for Site Certification of the Carriger Solar LLC project in an expedited process consistent with the requirements of RCW 80.50.075, RCW 80.50.090 and WAC chapter 463-43.

DATED at Olympia, Washington, and effective May 5, 2025.

WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL


KURT BECKETT, Chair