



SKAMANIA COUNTY BOARD OF COMMISSIONERS

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PAUL J. PEARCE
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Chairman Luce, Commissioners,

Thank you very much for the opportunity to speak tonight on Land Use Consistency. I present you with Resolution 2009-22 Certification of Land Use Consistency Review for Whistling Ridge Wind Energy Project, which passed unanimously by the Board of Commissioners on May 5th. Included is the letter of Consistency from our Planning Director and the staff report.

Zoning Ordinance Process

You will also hear a great deal about the appeal of our proposed zoning ordinance and the ruling of the hearing officer as it pertains to that ordinance. We want to supply a little history on that process. The county has never been covered by a complete comprehensive plan or full comprehensive zoning. This Board of Commissioners initiated that process three years ago. After the comprehensive plan was adopted we moved on to zoning. We have attached a timeline of the zoning process. It began with a series of daylong Board of Commissioners workshops in March of 2008 and was presented as a draft to our planning commission in May of 2008.

The BOC feels strongly about renewable energy and the current national discussion around the issue. Therefore in the draft we included language around small scale and large scale renewable energy projects. There is language for wind production at the individual home level. Within the areas we zoned as Commercial Resource lands we included Large Scale Wind and other large scale renewable.

The Planning Commission proceeded to hold four public hearing throughout the county on the zoning plan. They took testimony from over a 100 people and received thousands of pages of additional testimony. The Planning Commission then held four multi-hour long deliberations between July and September 2008. On September 30th the Planning Commission presented the BOC with their

recommended Draft Zoning. This included a number of changes including specific recommendations on the Large Scale Renewable energy pieces.

A SEPA was completed and a DNS issued in October. SOSA and Friends of the Gorge, among others, filed an appeal of the SEPA. The BOC cancelled a public hearing on the proposed draft awaiting the outcome of the appeal.

The appeal was heard in January and the decision overturning the SEPA determination occurred in February. The decision was that an EIS should have been done on the zoning even though there was no actual project application in place. All of which is based primarily on King County v. Boundary Review Board, an annexation case in which an EIS was not done prior to the action.

The examiner also found a lack of rationale for some of the Large Scale Wind requirements in the zoning text which were actually requirements that the county had adopted based on previous EFSEC decisions.

At that point the BOC had the option of appealing, preparing an overwhelming EIS, or starting the process over. The BOC has tabled the zoning process at this time due to a number of state required planning processes we must complete before the end of the year.

Interestingly, because of the lack of comprehensive zoning most of the area involved in the present application is, in fact, unzoned.

Thank you for your time and efforts.

A handwritten signature in blue ink, reading "Jim R. Kibler". The signature is written in a cursive style with a large, sweeping initial "J".

IMPORTANT DATES RELATED TO THE ZONING ORDINANCE

1. Research began: December 2007
2. 1st workshop held with the Board of County Commissioners: March 31, 2008
9:00-4:00
3. 2nd workshop held with the Board of County Commissioners: April 11, 2008
9:00-4:00
4. Copy of proposed text and map was sent over to the Clerk of the Board: May 1, 2008.
5. Board initiated the draft: May 6, 2008
6. Planning Commission Workshop (BCC transmitted their initiated draft): May 6, 2008
7. Began SEPA Checklist: May 6, 2008
8. SEPA mailing sent out and published in newspaper: May 14, 2008
9. SEPA comment period up: 5:00 p.m. May 27, 2008
10. Conducted 4 Planning Commission Public Hearings:
 - a. Notice sent to newspaper: May 9, 2008
 - b. Location/date:
 1. West End Washougal American Legion Hall: June 3, 2008
 2. Stevenson Rock Creek Rec. Center: June 10, 2008
 3. Mill A School: June 24, 2008
 4. Stevenson Rock Creel Rec. Center: July 8, 2008
11. Planning Commission and Board of County Commissioners workshop June 10, 2008, at the Rock Creek Center, Stevenson. (5:30-6:30)
12. Planning Commission and Board of County Commissioners workshop July 8, 2008, at the Rock Creek Center, Stevenson (6:00-7:00)
13. Planning Commission deliberation:
 1. July 29, 2008 – Rock Creek Center
 2. August 12, 2008 - Annex
 3. August 19, 2008 – Annex
 4. September 2, 2008 – Annex
15. SEPA withdrawn September 4, 2008. Notices sent out to agencies and mailing list that received the original SEPA notice, plus SOSA and Friends of the Columbia Gorge.
16. Planning Commission/BCC meeting to transmit “Planning Commission Recommended Draft” September 30, 2008 @ 6:00pm in the Commissioners Meeting Room.
17. SEPA 08-35 was issued for the PC Recommended draft zoning text - October 8, 2008.

18. October 22, 2008, Friends of the Columbia Gorge and SOSA filed appeals on SEPA 08-35.

19. January 21-22, 2009, Appeal hearing was held in the Annex.

20. February 19, 2009, Hearing Examiner issued a decision.