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IN THE STATE OF WASHINGTON
COUNTY OF KITTITAS

KITTITAS COUNTY BOARD OF COUNTY)
COMMISSIONERS SPECIAL MEETING)
RE KITTITAS VALLEY WIND POWER)
PROJECT)

VERBATIM TRANSCRIPT OF PROCEEDINGS

April 12, 2006
6:00 p.m.
Kittitas County Fairgrounds
Ellensburg, Washington

HEARING BEFORE THE KITTITAS COUNTY
BOARD OF COUNTY COMMISSIONERS

REPORTED BY:
LOUISE R. BELL, CCR NO. 2676

1 APPEARANCES:

2 KITTITAS COUNTY BOARD OF COUNTY COMMISSIONERS:

3 COMMISSIONER DAVID BOWEN, Chairman

4 COMMISSIONER ALAN CRANKOVICH

5 COMMISSIONER PERRY HUSTON

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1 CHAIRMAN BOWEN: All right, it is Wednesday,
2 April 12th, 6:00 p.m. We are in the Kittitas --
3 at the Kittitas County Fairgrounds Home Arts
4 Building for continued public hearing to consider
5 the Kittitas Valley Wind Power Project Z-2005-22
6 submitted by Sage Brush Power Partners, LLC, for
7 siting of a maximum of 80 wind turbines and
8 associated facilities at a site located
9 approximately 12 miles northwest of the city of
10 Ellensburg.

11 And with that, I'm going to go ahead and go
12 into declarations for the commissioners.

13 I didn't have any conversations with anybody
14 other than staff. I did officially review the
15 additional testimony that was presented through
16 the Monday following our last hearing. I watched
17 a DVD and reviewed the CDs that were in the
18 original record which I had overlooked
19 previously, so I dug through and found those, so
20 I reviewed them.

21 Director Piercy did provide a worksheet to
22 use if we chose, which I used to kind of make
23 sure I collected my thoughts correctly and then

24 kind of set it aside and went on through my own
25 process.

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1 Chief Deputy Prosecutor Jim Hurson did
2 assist me with locating some setback info in the
3 DEIS and talked a little bit about process
4 tonight.

5 So with that, that would be my declarations.
6 Is there anyone here who wishes to object to my
7 continued sitting on this hearing?

8 Seeing no one wishing to object,
9 Commissioner Crankovich?

10 COMMISSIONER CRANKOVICH: Yesterday I talked
11 to Deputy Civil Prosecutor Jim Hurson about
12 procedures. I also reviewed the additional
13 testimony that was submitted before the deadline.

14 Mike Johnston from the Daily Record called
15 me today because he could not attend due to a
16 scheduling conflict, and he just wanted to know
17 how early he could call tomorrow morning for any
18 comment.

19 And other than that I have nothing else to
20 declare.

21 CHAIRMAN BOWEN: Hearing that, is there

22 anyone who wishes to object to Commissioner
23 Crankovich continued sitting on this public
24 hearing?

25 Seeing no one, Commissioner Huston?

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1 COMMISSIONER HUSTON: The only contact I
2 have had, Mr. Chairman, was a question today that
3 I posed to Mr. Piercy regarding what is the comp
4 plan designation for the footprint of the project
5 area. He did give me that answer. We examined a
6 map. I've asked him to bring the map that we
7 looked at for introduction into the record so
8 there would be no question as to -- as to which
9 map was it was we examined.

10 Other than that I've had no contacts.

11 I do have a question of the proponent, but
12 that would be more appropriately posed later in
13 my discussion.

14 CHAIRMAN BOWEN: Hearing that, is there
15 anyone here who wishes to object to Commissioner
16 Huston continued sitting on this hearing?

17 Seeing no one wishing to object, all
18 commissioners will remain seated. Thank you.

19 With that, I would like to start and see if

20 there's any comments from staff.

21 MR. PIERCY: Mr. Chairman, for the record,
22 Darrell Piercy, Director of Community Development
23 Services. We have no comments to offer
24 additional to what you have identified this
25 evening up to this point. We would be happy to

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1 respond to any questions that you might have,
2 however.

3 CHAIRMAN BOWEN: Okay, thank you. With
4 that, gentlemen, I guess I've been thinking about
5 different ways today could go, and I know I have
6 several questions for the applicant. I'm also
7 curious -- oops, we got just -- Mr. Hurson.

8 MR. PIERCY: Darrell Piercy again, if I may.
9 Just to clarify, you had made a notation in
10 your declaration, Mr. Chairman, in regards to the
11 matrix that we have provided to you. I just
12 wanted to state for the record that the decision
13 matrix was the same matrix that was utilized by
14 the Planning Commission and it is already in the
15 record.

16 CHAIRMAN BOWEN: Thank you. I appreciate
17 the clarification. I meant to say that.

18 So I assume my seatmates have some questions
19 or thoughts they'd like to throw out there to
20 kind of guide the discussion, so I -- I hadn't
21 really decided which direction we're headed this
22 morning -- or this evening, so any suggestions
23 from my seatmates?

24 COMMISSIONER HUSTON: Mr. Chairman, what I
25 might suggest is in any application of this

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1 nature, there's always a variety of issues that I
2 will -- will identify as housekeeping, if you
3 will, going through the recitation of a variety
4 of declarations and findings -- not declarations,
5 excuse me, findings and conclusions that are
6 almost general in their approach. And I'm
7 prepared to go through that if you'd like.

8 We do have some specifics here that would
9 give rise to the notion of either question or in
10 terms of how we wish to proceed. I am certainly
11 willing to frame those discussion points which
12 might give the two of you some targets, if you
13 will, and avoid any redundancy. Your call.

14 CHAIRMAN BOWEN: Mr. Crankovich, any --

15 COMMISSIONER CRANKOVICH: That's fine with

16 me.

17 CHAIRMAN BOWEN: Okay. Proceed.

18 COMMISSIONER HUSTON: Very good. In terms
19 of where we are today, it's always important, I
20 think, to go back, if you will, to the beginning.
21 And while I won't necessarily speak to all of the
22 specific comments made, there's certainly a
23 common theme in terms of the approach and the
24 comments I'm going to offer.

25 The first, of course, is the process itself.

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1 There's been a variety of discussion with regards
2 to consistent with the comp plan, not consistent
3 with the comp plan, et cetera, et cetera. And I
4 remind everybody that it was the legislative
5 intent of the Board of County Commissioners, of
6 which I was a member when this was adopted, that
7 each and every one of these projects would be
8 evaluated on a site-specific basis. That's key:
9 Site-specific basis.

10 To that end, certainly there will be
11 commonalties amongst different applications,
12 leading to commonalties in development
13 agreements, SEPA comments, mitigations, that sort

14 of thing.

15 But as a result of the decision the Board of
16 County Commissioners made, of which I was a
17 member -- and in fact drove the decision, if you
18 want to know for the sake of the record -- the
19 reality is there is no such thing as precedent in
20 terms of this discussion. Each one is
21 individually evaluated.

22 There may be commonalty. Let's keep in mind
23 that if you're going to do a site-specific and
24 independent analysis of a project, then the
25 documents that flow from that decision are also

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1 independent by nature of the very beast.

2 So to that end, what I'm going to suggest is
3 that the process that we have applied has been
4 consistently applied. I've heard absolutely
5 nothing in the record, nor do I glean anything
6 from the record from my own independent analysis,
7 that in some way this process has been tainted or
8 is skewed in any manner.

9 So to that end, the goal, the legislative
10 intent of the Board of County Commissioners has
11 been met and that this project has been given the

12 same process, the same opportunity for evaluation
13 that any process in the past or any other process
14 in the future will be given, barring changes put
15 into legislation by the Board, which of course is
16 not the case before us.

17 There's been discussion in the record of the
18 rules that were in place in the past versus rules
19 that are in place now, and I remind everybody
20 that that is exactly the case; the rules were
21 different in the past.

22 But as a matter of law and as a matter of
23 practice, an applicant is vested only at the time
24 of application. The rules that were in place at
25 the time this application was received are the

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1 exact same rules we've applied. So there's been
2 no change in terms of this particular process,
3 and that's an important point to note.

4 To that end, I'm going to find that the
5 process we've applied has been consistently
6 applied and is in accordance with Kittitas County
7 Code and all applicable statutes and regulations.

8 Now let's move to the Comprehensive Plan.
9 There's been the discussion as to whether it's

10 consistent or not. I'll go back to my previous
11 remarks. I'll remind everybody there is no
12 predesignation in the Comprehensive Plan. That
13 is process. The process requires a Comprehensive
14 Plan amendment.

15 If in fact the Comprehensive Plan already
16 allowed for this, there'd be no need for a
17 Comprehensive Plan amendment. By definition what
18 we're doing is evaluating the site, the actual
19 specific proposed site, to determine if it can be
20 made consistent with the Comprehensive Plan.
21 That's the process. And that is the goal, of
22 course, of the applicant and the decision we have
23 to evaluate.

24 So to that end, the only things I would
25 offer in terms of the Comprehensive Plan is that

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1 at this point -- and then I go back to a variety
2 of observations in the record about whether it's
3 resource land, not resource land; the GPOs
4 certainly lend a predisposition to the
5 preservation of resource land.

6 And the reason I asked Mr. Piercy for the
7 designation is this area is designated rural in

8 the Comprehensive Plan. Now, there may be a
9 variety of zones still in place within that rural
10 designation.

11 And we all know as a matter of past
12 discussions that the zoning was not wholesale
13 changed when the Comprehensive Plan was adopted,
14 because zoning speaks to a variety of different
15 issues. Land use densities being two primary
16 ones. So there was no effort at that point to
17 try to pre-guess what zones should exist when the
18 Comprehensive Plan was adopted. That's all been
19 driven by the landowner on a site-specific basis.

20 So the fact that a zone within the footprint
21 is commercial ag does not mean it is a resource
22 land designation; it is a rural land designation.
23 The rural designation allows for a variety of
24 uses. That's in the Comprehensive Plan and it's
25 in the county-wide planning policies.

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1 But it is also the area that is
2 predesignated to take higher densities of
3 residential development.

4 So that's the distinction, the key
5 distinction between a rural designation and many

6 of the other designations in the Comprehensive
7 Plan. It is an area that is pre-zoned to be
8 eligible -- "eligible" underscore -- for higher
9 levels of residential density as opposed to your
10 forestlands, long-term commercial significance,
11 mineral lands, et cetera.

12 So in terms of the Comprehensive Plan, what
13 we're looking at today is to determine if in fact
14 the proponents have provided sufficient
15 information that we are then able or willing, if
16 you prefer, to designate the Comprehensive Plan
17 to then make the project consistent. So the
18 question of consistent at this point is academic.
19 The question is can it be made to be consistent
20 with all of the following decisions.

21 The question of public benefit always comes
22 into the conversation. It comes into the
23 conversation at any point you're discussing
24 Comprehensive Plan amendments, rezones, something
25 of that nature.

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1 And I think we can note for the record that
2 there is information included that would suggest
3 that power generation by definition is a public

4 benefit. There's been a lot of discussion about
5 subsidy versus non-subsidy, but I've seen nothing
6 in the record that indicates that subsidized
7 power industry does not benefit the public.

8 And arguably, I've seen information in the
9 record that suggests all power generation
10 activities are subsidized in some way. So I'm
11 not going to rely on that in terms of determining
12 a benefit to the public or not.

13 We've had information in the record that
14 suggests some jobs are created; there is some
15 increase to the tax base; there's some revenue
16 generated, if nothing else to the individual
17 landowners involved in the project area, all of
18 which arguably lends to the notion of economic
19 development which lends to itself the notion of
20 public benefit.

21 To me, then, it comes down to a cost-benefit
22 analysis. Merely because there is a public
23 benefit, do the impacts of the project and the
24 associated mitigations reduce the adverse impacts
25 to the point where the public benefit emerges as

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1 predominant? That's the question before us.

2 We'll come back to that point, I'm sure, a number
3 of times in the rest of our discussion.

4 Now, as we come down to the cost-benefit
5 analysis, that takes us to the two key components
6 of the project application and any ensuing
7 permits that might be issued. That, of course,
8 is the SEPA process which identifies the impacts
9 and identifies the proposed mitigations, and then
10 the Development Agreement which flows from that.

11 And I do have a question for the proponent,
12 and I would ask at this point, Mr. Chairman, if
13 you would allow me to indulge --

14 Mr. Peck, could I bring you to the podium
15 for just a moment?

16 MR. DANA PECK: Yes, sir.

17 COMMISSIONER HUSTON: I'm sorry?

18 MR. DANA PECK: Yes, sir.

19 COMMISSIONER HUSTON: Oh.

20 MR. DANA PECK: Do I need to identify
21 myself?

22 COMMISSIONER HUSTON: Sure.

23 MR. DANA PECK: Dana Peck, Project Manager
24 for Horizon.

25 COMMISSIONER HUSTON: Okay. I realize that

1 direction to staff as contained in the staff
2 report indicated that the template of the Wild
3 Horse was the template we were going to use in a
4 proposed draft for this Development Agreement?

5 MR. DANA PECK: Yes.

6 COMMISSIONER HUSTON: That's accurate?

7 Let me direct your attention, then, to
8 Page 12, and I realize you don't have it. I'll
9 go ahead and read it to you.

10 Page 12 Section 5.10, Traffic Monitoring.
11 And what I need is to have you show me on the map
12 what we're talking about here. "Applicant shall
13 monitor traffic levels following completion of
14 construction of the project for a period of three
15 years. After that time, the applicant shall
16 continue monitoring of tourists and operations
17 traffic to the project upon written request from
18 the County. Should tourists and
19 operations-related traffic to and from the
20 project site exceed WSDOT warrants as contained
21 in Chapter 9.10 of the WSDOT design manual, the
22 applicant shall construct right- and/or left-turn
23 lanes on the Vantage Highway. Said improvements
24 shall be designed and constructed in accordance
25 with WSDOT guidelines."

1 Where on your project map are you going to
2 build left -- right- or left-hand turn lanes on
3 the Vantage Highway to mitigate the impacts of
4 tourism to your project?

5 MR. DANA PECK: Could I have a moment on --
6 with my staff folks on that as well?

7 COMMISSIONER HUSTON: If you need one.

8 MR. DANA PECK: I do.

9 (A discussion was held off the record.)

10 MR. DANA PECK: Always good to double-check
11 these things. Could I -- could I just
12 approach --

13 COMMISSIONER HUSTON: Please.

14 MR. DANA PECK: What we anticipated is that
15 this would be the principal access point for any
16 kind of use and that whatever sorts of traffic or
17 realignments needed to take place would take
18 place according to state guidelines --

19 COMMISSIONER HUSTON: So you're pointing on
20 the record to Highway 97?

21 MR. DANA PECK: Yeah.

22 COMMISSIONER HUSTON: Okay. The Development
23 Agreement indicates the Vantage Highway. Show me
24 where on the Vantage Highway you intend to
25 construct right- or left-hand turn lanes.

1 MR. DANA PECK: I'd say that that's a
2 classic case of cut and paste gone wrong and that
3 that would be a correction that we'd want to make
4 as we went through the Development Agreement
5 conversation with your staff.

6 COMMISSIONER HUSTON: So based on your
7 answer, then, there are elements in this
8 Development Agreement that you do not intend to
9 honor?

10 MR. DANA PECK: No, that we would find that
11 we'd probably have to go back and correct, as any
12 contractual agreement finds itself amended and
13 corrected as you get into the finer fine points.

14 COMMISSIONER HUSTON: There is a point to my
15 question, and the point I would make is if in
16 fact we get to the point where we do see an
17 amended version of the Development Agreement, do
18 not word-search "Wild Horse" and replace it with
19 "Kittitas Valley Wind Power" and hand it to me,
20 please.

21 I want you to go through this section by
22 section and make sure that every word is
23 something you intend to do. And I'm going to

24 submit by way of discussion that you do not
25 intend to build left- or right-hand turn lanes on

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1 the Vantage Highway to mitigate the impact of
2 tourism on this project.

3 MR. DANA PECK: That's certainly correct.

4 COMMISSIONER HUSTON: Very good. Thank you.

5 MR. DANA PECK: And our apologies for that.

6 As I said, one of those cut-and-paste things.

7 Probably one of those things that wouldn't have
8 happened in the typewriter age but can happen in
9 the computer age. Sorry about that.

10 COMMISSIONER HUSTON: Very good. I would
11 submit it also wouldn't happen if in fact we
12 monitored the submittals that come in to make
13 sure they're accurate.

14 At any rate, that's my question.

15 MR. DANA PECK: Appreciate the opportunity
16 to not just address but correct.

17 COMMISSIONER HUSTON: Thank you.

18 The point in all this is the Development
19 Agreement is the absolute heart and soul of the
20 mitigations of the impacts. And I assure
21 everybody I'm going to go through this again and

22 again and again with a fine-tooth comb. I expect
23 everyone else to do the same thing and I expect
24 that when I read something in here, that is
25 exactly what is intended to take place.

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1 Otherwise that gives question to the entire
2 Development Agreement. And we don't want that.

3 MR. DANA PECK: Yes, sir.

4 COMMISSIONER HUSTON: We want this to be a
5 document that is absolutely carved in stone, or
6 obviously we have other challenges in the rest of
7 the discussion I'm about to propose.

8 So SEPA. We've gone through a variety of
9 impacts that have been identified and certain
10 mitigations that have been proposed. I'm not
11 going to go through every one, but I think
12 there's some keys point that we do need to
13 address.

14 One: There's been a suggestion that the
15 impacts to wildlife has not been sufficiently
16 studied, and there's been a number of suggestions
17 that we study Wild Horse to determine what the
18 impacts there might be.

19 I don't agree with that. Back to my basic

20 premise that each is a site-specific evaluation,
21 I would suggest that whatever we glean from a
22 study of Wild Horse would be no more or less
23 relevant than any other wind farm that's in
24 existence at this point in time anywhere
25 throughout the world.

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1 We did build into the Development Agreement
2 the notion of ongoing monitoring with the
3 committee put in place to do that. I'm going to
4 suggest that because the question of impact to
5 wildlife in the record is not put in context, I
6 don't know that I have a point to specifically
7 study to.

8 There's discussion of bat kills, as an
9 example. But there's no suggestion that five or
10 fifty or five hundred a day is necessarily an
11 issue, other than the suggestion that we
12 shouldn't kill any bats, I suppose.

13 But in order for me to suggest ongoing
14 study, I need to have in context some notion that
15 there's a number out there that is in some way
16 unacceptable or in some way is incredibly
17 damaging to the particular creature we're talking

18 about in the study. And I don't see that in the
19 record.

20 I think the Development Agreement does deal
21 with the question of impact to wildlife, bird
22 kills, et cetera, has in place monitoring; and I
23 would suggest that's probably sufficient for the
24 purposes of the evaluation of this project.

25 Impacts to property values obviously has

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1 been an incredibly hot item in this discussion.
2 And again, the thing that is arguably lacking is
3 the context of that discussion. Impact to
4 property value up or down.

5 Going back to my real estate experience, the
6 buyer's the final arbiter of price. Well,
7 obviously if you have property and you want to
8 sell it to someone who does not want to live next
9 to a wind farm, the existence of a wind farm,
10 will, needless to say, be an impediment to your
11 sale. Arguably to someone who wants to lease
12 land to wind farms, arguably it's a plus.

13 There was -- and the only true hard data
14 that was introduced into the record is that there
15 have been sales of property since the

16 announcement of the wind farm process has been
17 made. Now, I don't know whether as high a price
18 as arguably it could be. It was higher than what
19 was paid for.

20 But what I find more lacking in the record,
21 or for that matter as a matter of case law, is I
22 can't find any indication that there's some --
23 some predetermined notion of guarantee of
24 speculative value, investment value.

25 The only thing that I can go back to that's

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1 relatively hard and fast is the question of
2 taking, a regulatory taking. And the mark there
3 is relatively high in terms of in order to
4 establish a regulatory taking, you have to
5 essentially establish if you've been stripped of
6 all value of your property. And no one has
7 suggested that would be the case.

8 On the other side of the coin, if by the
9 decision I might make is to deny the folks the
10 opportunity to lease to the wind farms, arguably
11 I've lowered the value their property.

12 So I guess at this point, if you will, I'm
13 between a rock and a hard place. No matter which

14 decision is made, somebody will suggest -- and
15 arguably could demonstrate -- that they did not
16 gain as much value from their property as they
17 might otherwise have done.

18 But no one has suggested that property is
19 rendered valueless in either event, nor has
20 anyone suggested that anyone's going to lose
21 money based on their purchase price. It's just a
22 notion of a decrease in your investment
23 potential, is essentially what has been
24 introduced into the record. And I don't
25 recognize that as an impact that we can mitigate.

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1 Because I think it's, it's impossible in any
2 specific terms to quantify.

3 So in terms of the discussion of property
4 value, I don't see that as an impact that we've
5 necessarily established was adverse, mostly
6 because we haven't established a starting point
7 in that discussion.

8 Now, there was discussion in terms of the
9 impacts to roads. Commissioner Crankovich made
10 the observation in terms of the Development
11 Agreement with regards to restoring roads to the

12 existing condition.

13 With all of the other discussions in the
14 record in terms of ongoing monitoring -- well,
15 and obviously whether tourism's going to be an
16 issue here or not, I suppose we have to discuss
17 that; but certainly the issue of construction
18 activity, the increase in activities on the
19 surrounding roads, et cetera, it would be a
20 relatively unusual circumstance where we would
21 not require that roads be brought up to a
22 particular standard.

23 Now, there's nothing in the record to
24 indicate they aren't at that standard. But just
25 to bring them up to the condition they're

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1 currently in I think falls short of the mark. I
2 think more information in terms of the condition
3 of those roads at this point is necessary,
4 whether the condition of the roads would deal
5 with the increased traffic that we're talking
6 about with regards to construction, ongoing
7 maintenance, tourism, et cetera, et cetera, and
8 whether or not those roads should be upgraded,
9 then, to that particular level of service

10 standard.

11 There's been a great deal of discussion in
12 terms of impacts to the viewshed. And here again
13 I think we have to try to find a starting point
14 in which we can identify that a viewshed exists
15 or, if you will, does not exist.

16 The question has essentially been one of
17 change to the viewshed. And I think we can
18 accept as a matter of record that the viewshed
19 will change, irrespective of whether this project
20 is approved or not. New houses will go up, new
21 things will be built, stuff will happen that will
22 change the nature of the viewshed.

23 If you're talking about actually obstructing
24 any and all view of the viewshed, then arguably
25 that's a condition that we should discuss, and

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1 I'll come back to that point later in my
2 discussion.

3 I do not believe that we have established
4 clearly that the mere existence of a project of
5 this nature will render the viewshed essentially
6 denied to everybody. I am going to suggest later
7 that there may be impacts in terms of proximity

8 to residences that arguably obstruct viewshed or
9 actually go to a more specific impact. Again,
10 I'll cover that when I come to that point.

11 I don't believe that a viewshed is something
12 I can guarantee to be unchanged. The viewshed in
13 this case arguably is already altered by the hand
14 of man. So I'm not prepared at this point to
15 deny a project based upon the fact that a
16 viewshed from a variety of points in the valley
17 will be impacted in some way.

18 Now, the impacts to potential --
19 "potential" -- residents, let's chat about that a
20 bit. The setbacks that are in the Development
21 Agreement parallel those that were proposed in
22 Wild Horse. But a key point in the Wild Horse to
23 discuss -- in the Wild Horse discussion was the
24 distinction between establishing a setback which
25 people coming in to build a residence would still

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1 need to adhere to.

2 The discussion was minimum safety setbacks,
3 by which I believe the County should not allow
4 construction, even if voluntary, within certain
5 setbacks, within certain areas of these projects

6 for safety's sake: ice throw, tower collapse,
7 all that sort of thing.

8 But we did make a distinction, and I thought
9 a clear one, between the notion of impacting
10 residences that do not exist where a person
11 arguably has the option of building or not
12 building or a person has the option of building
13 to take into account the impacts of the towers
14 or, for that matter, to see them more closely
15 if that's what they want to do, versus impact to
16 already existing residences.

17 And I guess this brings me now to the
18 stumbling block on which I still stand, and
19 that's the notion of how we're going to mitigate
20 impacts to existing residences created by this
21 project.

22 Page 22 of our Development Agreement
23 indicates that in fact there will be impacts from
24 shadow flicker, et cetera, et cetera -- I don't
25 need to read it -- as a result of this project.

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1 And the mitigations proposed are the blinds, the
2 trees, the screening.

3 But again I come back to the point, those

4 mitigations require people off site to mitigate
5 the impacts of a project through their own
6 actions; through alterations of their own
7 residences; through, if you will, alterations of
8 their lifestyle.

9 For arguing there are no impacts, that's a
10 different drill, but we're not; it's accepted in
11 the Development Agreement that those impacts
12 exist.

13 Now, we were talking about light, if you
14 will, in a project area, the mitigation -- in
15 15 years I've never encountered a mitigation that
16 suggested we install screens on everybody's
17 house. You shield the lights on the project so
18 that the light is directed away from the
19 surrounding areas. And that's a relatively
20 common mitigation to light pollution, if you
21 will.

22 Sounds, et cetera: generally mitigated in
23 the project area by the project proponent.

24 And this deviates from that; and it might
25 seem like a minor issue, but to me it's a

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1 critical point. How much am I going to ask the

2 neighborhood, if you will, to deal with impacts
3 to a project not their own? And this is a
4 critical point for me. The only alternative to
5 these mitigations that has ever been proposed in
6 terms of the record is distance.

7 Now, the setbacks proposed and the
8 declaration in the Development Agreement that
9 these impacts still exist are, obviously, one
10 does not deal with the other in an adequate
11 manner. I don't know what that number is. Or
12 even if that number exists.

13 And it's something I reserve the right to
14 come back in later discussion to deal with,
15 Mr. Chairman, because there's nothing at this
16 point in the record that demonstrates to me that
17 a thousand -- well, a thousand feet obviously is
18 not enough, because we're still proposing
19 additional mitigations.

20 Whether two thousand's enough, three
21 thousand's enough, in past hearings a mile was
22 suggested, but I don't know that there's any
23 magic in that number. And at some point we can
24 discuss how we might go about gleaning that
25 information to make a more complete decision.

1 But at this point, based upon the
2 information in the record, the setbacks are not
3 adequate to mitigate those impacts. Which the
4 proponent has acknowledged exist. So kind of
5 back to that point.

6 That takes me through the key points as I
7 see them, Mr. Chairman. As I've said, I've
8 indicated a few relatively minor issues, frankly.
9 The big key to me is the impact, the setbacks, if
10 you will, or other -- I suppose possibly you
11 could make the towers invisible, and I guess it
12 wouldn't be an impact, but no one has proposed
13 that that's possible; so I'm kind of coming back
14 to the one feasible, viable mitigation so far, at
15 least, is distance, and the distances proposed
16 would seem to be inadequate.

17 I can stop at that point and...

18 CHAIRMAN BOWEN: Commissioner Crankovich,
19 anything you want to pick up there that might
20 have been missed in Commissioner Houston's
21 oration?

22 COMMISSIONER CRANKOVICH: I can elaborate on
23 some of the things that he said. But I have kind
24 of a -- somewhat of a prepared statement. And a
25 lot of which Commissioner Huston already covered.

1 One thing I would like to point out that he
2 touched on a bit, and it was in, in Erin
3 Anderson's closing statement of March 30th. And
4 she emphasized choices on balancing individuals'
5 acceptance of conditions and risks and what it
6 means to them and citing her decision to live
7 near the airport and accept the associated
8 circumstances.

9 That's a point that I tried to make
10 previously when I quoted that the project is
11 located where the viewscape is dominated by large
12 electrical transmission corridor facilities.
13 That's true.

14 But with the exception of a few longtime
15 landowners, others purchased property in the area
16 accepting that the towers and power lines were
17 there. They made that choice.

18 And so with that in mind, their concerns
19 about this project should not be dismissed
20 without consideration. I mean, you are asking to
21 impact the area again. But this time it's with
22 those residences in place and people in place
23 that, you know, the towers aren't your -- your --
24 wind turbine generators aren't there right now.

25 There was also another statement by

1 Mr. Yoder, and he stated there are sacrifices
2 associated with progress. That's true. If there
3 weren't sacrifices for progress, we'd still be in
4 covered wagons.

5 But we are now still learning of and paying
6 for long-term negative effects of such things as
7 those living downwind of Hanford, the effects of
8 hydroelectric dams on the salmon where people
9 actually want to breach the dams. A failed
10 nuclear power project that was aptly named WPPSS.
11 That was some money pit. And the health risks
12 that are associated with the coal industries.

13 The potential health concerns for the wind
14 power projects should also not be dismissed
15 without consideration.

16 So with that, Commissioner Huston covered
17 pretty much everything else that I said -- or he
18 said about the mitigations.

19 I do have questions. And Mr. Peck, if I
20 could bring you up.

21 One thing, I -- if you could clarify for me,
22 that this was something that I noticed today in
23 reviewing the record that we have. On April 3rd
24 we received a petition that identified support

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1 one submitted by Mr. Yoder on March 29th only
2 identifies his support for wind power projects;
3 there's no mention of the Kittitas Valley Wind
4 Power Project.

5 Is that an oversight or is that -- I mean,
6 because the point I'm getting to is several
7 people in their testimony object -- that object
8 to this particular project have indicated a
9 support for wind power in general but not in this
10 this particular location. So to me that kind of
11 needs a point of clarification.

12 MR. DANA PECK: It's my understanding that
13 the petitioners as they went door to door
14 explained the two aspects of wind power in
15 Kittitas County, of the public benefit that they
16 perceived from it, both within the county in
17 terms of tax benefits that would flow into the
18 various tax districts, for instance, as well as
19 providing a fuel neutral or, you know, clean
20 energy source, as we tend to call it.

21 That was one explanation that was given of
22 why they were doing this petition drive, and that

23 they also discussed the Kittitas Valley project
24 but made it clear to the petitioner that what
25 they were formally supporting was the concept of

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1 renewable energy development, that they weren't
2 characterizing the petition drive as exclusively
3 focused on the Kittitas Valley project.

4 COMMISSIONER CRANKOVICH: Okay, so as I
5 stated previously, I have read the -- the ads in
6 the paper, and to me it's a mite misleading when
7 those ads show up at the time when this is being
8 considered and yet there is, by your own
9 admission, possibly no tie to the support for
10 this project versus the overall support of wind
11 power in general.

12 MR. DANA PECK: Well, I -- it would be my
13 supposition, much as you are making a guess at
14 what's going through people's minds when they
15 sign this, that although the petitioners, again,
16 as I understand, made it clear to these people
17 that this wasn't a formal endorsement of the
18 project, because of the time that we're in right
19 now, the context of the petition drive's timing,
20 if you will -- I mean, I'm always reluctant to

21 try to read somebody else's mind, but it would be
22 my guess that anybody that signed that petition
23 on the schedule that it was being circulated
24 understood that this project was very much a, you
25 know, a potential beneficiary of their signature.

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1 But I don't want to characterize that signature
2 as being directly linked to the project, because
3 I'm sure in some cases that's not the case.

4 COMMISSIONER CRANKOVICH: Okay. While I
5 have you here, let's see, I found a discrepancy
6 in the project boundary maps. And it's in Book 1
7 of your Findings and Conclusions. Exhibits 1, 4,
8 and 8 are similar and Exhibit 5 is different.

9 MR. DANA PECK: Boy, I have to take a look
10 at that. And I know having just come from a
11 county where one of the commissioners was a
12 former road department guy -- I don't know if you
13 you know Ray Theron or not, but he was my boss
14 for the previous eight years -- I know better
15 than to talk maps with a road guy without looking
16 at them first myself. And if there is a
17 discrepancy, we would certainly address it in the
18 Development Agreement process.

19 COMMISSIONER CRANKOVICH: Okay, there
20 definitely is a difference between the maps.

21 MR. DANA PECK: And I hope you don't mind me
22 just sort of punting on that, but like I said --

23 COMMISSIONER CRANKOVICH: And that's fine --

24 MR. DANA PECK: -- on a couple of
25 occasions --

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1 COMMISSIONER CRANKOVICH: -- it might be
2 something that you didn't even notice and it's
3 just that I did, so I just wanted to point that
4 out.

5 MR. DANA PECK: Ray made it real clear to me
6 that he knew a lot more about maps than I did,
7 and I'm not going to put myself in that situation
8 one more time if I can avoid it.

9 COMMISSIONER CRANKOVICH: Regarding the
10 thousand-foot setback that is proposed, and I
11 believe you stated that it surpasses industry
12 standards, is there any place that that's
13 documented or, you know, what the industry
14 standards are? Because right now I, I couldn't
15 find it in anything that I read.

16 MR. DANA PECK: I can't quote you chapter

17 and verse on that, but the national association,
18 the American Wind Energy Association, keeps
19 pretty thorough files on that. So we all, those
20 of us in the industry, tend to know what
21 everybody else is doing.

22 And you know, a thousand-foot setback is
23 pretty much the -- if you look project to project
24 nationwide, it's where the industry's coming down
25 on, because it basically takes the, the tallest

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1 tower height and adds 500 feet to it, just as a
2 sort of rule of thumb.

3 I think -- let's double-check -- look over
4 my shoulder as I say that just to double-check on
5 that.

6 So in our mind -- in the industry's mind, I
7 should say, we feel like in addition to a height
8 that's taller than the tallest tower that we're
9 proposing here from tower base to the tip of the
10 blade, we're adding 500 feet to that.

11 COMMISSIONER CRANKOVICH: Going back to the
12 roads, and I touched on this the last time, what
13 I see as necessary, improvements have been
14 identified from the northern portion of Hayward

15 Road.

16 MR. DANA PECK: Uh-huh.

17 COMMISSIONER CRANKOVICH: And the
18 recommendation for improvements to the southern
19 portion has been made for mitigation efforts to
20 support use by emergency services. This appears
21 in the original DEIS under the Summary of Impacts
22 Mitigation Table 1-3 and Page 1-54 under Impacts
23 for Fire Protection. It also appears in Book 2
24 of Facts and Conclusions and then the proposed
25 Development Agreement. And that's Exhibit 20.

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1 Proposed SEPA Mitigation Measures Page 41. And
2 it's -- also it has to do with response time
3 from -- by Fire District 1.

4 MR. DANA PECK: Right.

5 COMMISSIONER CRANKOVICH: Over the course of
6 the southern portion which is below the canal and
7 is in poor shape. And I know that for a fact.

8 MR. DANA PECK: We were just up there
9 yesterday, and it's pretty clear to me too.

10 COMMISSIONER CRANKOVICH: Okay. You know, I
11 mean, your response the last time was that the
12 roads will be restored to a good condition or

13 original condition. I still stand by my
14 requirement, I guess, that that be brought up to
15 a higher standard.

16 MR. DANA PECK: That reminded me of a
17 conversation we had with D.J. Evans, the fire
18 chief, not too long ago and that he was -- he was
19 very much of the opinion that the southern
20 portion of that road wasn't critical to him in
21 terms of firefighting issues.

22 COMMISSIONER CRANKOVICH: Well, that
23 conversation that I've had with D.J. Evans last
24 summer, not regarding this project, is that's
25 completely contrary to what he told me --

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1 MR. DANA PECK: Well, we --

2 COMMISSIONER CRANKOVICH: -- you know, so
3 I'm just pointing that out.

4 MR. DANA PECK: Yeah, well, you know --

5 COMMISSIONER CRANKOVICH: It may be
6 regarding this project --

7 MR. DANA PECK: And frankly, he might have
8 been saying stuff that we misread too. I know
9 that we're sure real interested in keeping our
10 partnership with his fire district and his

11 commissioners in the healthy state that it's in
12 right now --

13 COMMISSIONER CRANKOVICH: Correct. Because
14 his previous -- his previous comments to me were
15 in regards to -- and it was identified in the
16 mitigation measures of the response time to come
17 through the southern portion as opposed to having
18 to go I-90 and come up 97.

19 MR. DANA PECK: Right.

20 COMMISSIONER CRANKOVICH: You know, so
21 I'm -- I guess -- I guess it's possible that he
22 would have changed his view, but as adamant as he
23 was that it needed to be improved, not even
24 considering this project, maybe he was
25 misunderstood.

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1 MR. DANA PECK: Well, we'll be in full
2 consultation with the fire district on all of
3 this, both in terms of fire suppression
4 considerations during construction, what kind of
5 equipment and notification procedures; we need to
6 make sure what we've got on paper actually gets
7 implemented. And with the kind of road
8 construction we're going to be doing up there

9 once the mobilization has occurred and the
10 equipment's there, if he's -- if he's got some
11 suggestions he can make that will make his life
12 easier, I think we'll sure accommodate him.

13 I mean, I don't think we're talking about an
14 extension of Interstate 90 here for him, but I
15 think by the same token, if there's something we
16 can do to make those guys' life easier, we'll
17 sure -- we'll sure figure out a way to do it.

18 COMMISSIONER CRANKOVICH: Well, I think -- I
19 think it's a critical part, critical piece to the
20 fire protection that it be required.

21 MR. DANA PECK: Right. And you know, and
22 one of the things that we can really say to the
23 fire districts is, you know, we're a real good
24 neighbor when it comes to that; we make their
25 life a lot easier in a whole bunch of different

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1 ways, not just money and fire trucks. I mean,
2 we're making it possible to fight wildland fires
3 out there off of roads and not just running over
4 hills with a pack on your back. And if there's
5 road access that ought to be put in and improved
6 in some of these areas, with that thought in mind

7 I'm sure we'll find ways of getting D.J.'s made
8 to it.

9 COMMISSIONER CRANKOVICH: Okay.

10 MR. DANA PECK: I appreciate your flagging
11 that too, because if I got a misunderstanding
12 with that gentleman, it's one I want to resolve
13 real fast.

14 COMMISSIONER CRANKOVICH: Well, yeah, I find
15 it hard to believe that he did a 180 on us.

16 MR. DANA PECK: Well, and you know, he might
17 have been saying to us that the level of
18 improvement that he saw he needed in that area
19 was -- was at a different scale than what he saw
20 in other areas and we just didn't hear it right.

21 COMMISSIONER CRANKOVICH: Okay.

22 MR. DANA PECK: And I'm doing kind of a
23 little fancy footwork on that one, I know, but
24 it's something that I'll sure -- we'll sure
25 clarify with D.J. along the way.

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1 COMMISSIONER CRANKOVICH: And also getting
2 back to the roads and returning them to
3 condition -- existing condition or better, I'll
4 reiterate again, with my public works background

5 I know Bettis Road and I know it's going to be
6 damaged severely. Even in the state that it's
7 in. It was chip sealed a couple years ago, but
8 the base, especially from the Horse Canyon side,
9 is suspect. I'd still suggest that it be
10 considered that there be improvements made
11 regardless.

12 MR. DANA PECK: I think the argument that,
13 you know, restoring it just to the way we found
14 it might not be sufficient is sure one that we
15 hear and want to discuss with you as to what
16 "sufficient" was. There's -- you know, again,
17 there's -- there's some line between where we
18 started and Interstate 90 here --

19 COMMISSIONER CRANKOVICH: Right.

20 MR. DANA PECK: -- but I think that if -- if
21 it's better -- a little better than where we
22 started, that's certainly a conversation we'd be
23 willing to have. Because as you know, once you
24 mobilize this kind of hardware, you know, when
25 you've got a crusher on site or however you're

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1 handling your aggregate, you know, there's a lot
2 of things that you can do to help a road like

3 that out that's really -- that's the time to do
4 it.

5 COMMISSIONER CRANKOVICH: Okay. That's all
6 I have for now. Thank you.

7 MR. DANA PECK: Thank you. Appreciate it
8 too.

9 CHAIRMAN BOWEN: Both of my seatmates
10 obviously touched on the major issues that were
11 in front. I guess I'll elaborate on a few
12 things. I asked three specific questions last
13 time, and I'll add details those right now.

14 One of them was whether we've got 64 towers
15 or 80 towers. And I'm speaking for as one
16 commissioner, before I could sign a Development
17 Agreement I'd need to know the number of towers
18 and where they're going.

19 And I realize it's been evaluated for -- I
20 guess the final answer I got was 82 to 150
21 turbines, and -- but that still doesn't answer my
22 question. My question is, how many turbines do
23 we have, where are they at?

24 I also talked about the sub-area boundary
25 and basically got the answer: Not interested in

1 changing that back then; and there was a
2 follow-up letter, and the comments, they said
3 they wanted to be consistent in how it depicts
4 the plan boundary but they did make some -- the
5 northern parcels are in single ownership and they
6 didn't want to change the overlay over the top of
7 them and that an amendment could occur in
8 consultation with the County through the
9 Development Agreement process, if I'm reading
10 this correctly.

11 My concern here -- and I'll elaborate more
12 than I did then -- was we go ahead and approve
13 this project with the current footprint and
14 knowing that we've got EFSEC down the road, we
15 now have an overlay that says this is a good
16 place to put wind towers and wind towers should
17 go here, although it's specifically been denied
18 or -- or it's been a no-build zone or whatever, I
19 don't believe we're going to be able to enforce
20 that very well once the overlay's in place.

21 So I'd be interested in following a section
22 line or something, because the underlying zoning
23 still remains the same; people can still use the
24 rest of their property that didn't end up in the
25 overlay zone just as the way they did before.

1 But it would potentially protect us from being
2 preempted through a different process and taking
3 the local decision-making away from us here,
4 which is something I'm very concerned about.

5 I also talked about setbacks last time, and
6 the one-thousand-foot setback that keeps coming
7 up seems to be talking about safety. I haven't
8 seen it really proposed as a setback for
9 mitigation purposes.

10 And as Commissioner Huston said, I'm not
11 sure what that number is; I don't know if it's a
12 half-mile, if it's one mile, if it's two thousand
13 feet or a thousand feet, but I guess I don't have
14 information that tells me specifically what is
15 the right place, what is the right distance.

16 And I guess one of the answers to me at the
17 last -- at our last meeting was that yes, at two
18 thousand feet it totally takes the shadow flicker
19 away but at a thousand feet it mitigates it
20 tremendously. And I'm just -- if you can take it
21 away by going another thousand feet, it seems to
22 me it might be something worth doing.

23 I think that's everything on my three
24 questions there.

25 Other things I came across in the last --

1 what has it been, a week and a half, two weeks?
2 I wanted to make sure that we did address the
3 microwave interference for our EMS 911, make sure
4 we're not blocking any towers, make sure that has
5 been addressed. I don't remember seeing that in
6 here, but I have read through a lot of stuff, so
7 it may be in there and I just don't remember at
8 the moment.

9 Talked about the setbacks.

10 There was a lot of discussion about how tall
11 these towers are, and the DEIS shows that the
12 tower itself is going to be between 150 and
13 263 feet. To me I need -- I would really like to
14 know which tower we're using, which unit we're
15 using. I understand market conditions will
16 affect that some. That number came out of
17 Chart 2-7 out of the addendum to the Draft EIS,
18 is where I found those numbers.

19 I would reinforce what Commissioner Huston
20 said about being site-specific. Out at Wild
21 Horse we didn't have a whole lot of neighboring
22 land uses and the neighbors that were there were
23 satisfied that their setback was okay. And
24 because neighboring land uses will vary on

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1 will vary, based on compatibility with
2 neighboring land use.

3 It's written in our code and it's kind of a
4 common-sense thing and it's specifically
5 addressed as we wanted to look at each of these
6 as a site-specific project.

7 A lot of discussion about financial benefits
8 and detriments. I ended up in the same place
9 Commissioner Huston did. Yes, we expect our
10 property values to increase, and when we move
11 into a place we move into it because we like how
12 things look around it.

13 But we're not permanently I guess endowed
14 with the fact that it'll remain the same forever.
15 I think we all know that something will change,
16 whether it's housing or some other project.

17 There was a lot of discussion about these
18 being natural resource lands and that under
19 Forest and Range it says it's where natural
20 resource management is the highest priority.

21 But I would like to emphasize that where
22 this particular project is at, these are not

23 actually under a natural resource lands
24 designation in our comp plan; they are under
25 rural lands, and there are a lot of different

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1 uses in that rural lands.

2 And so that took me to the Kittitas County
3 Code, took me to Forest and Range. Within that
4 code there's 13 permitted uses, 21 conditional
5 uses. And it didn't eliminate wind farms, but it
6 didn't say wind farms specifically either.

7 And as you read through the rest of the
8 code, it also indicated that in Forest and Range
9 under 17.56.070, those people that bought
10 property out there should have expected the
11 structure heights on neighboring properties would
12 follow, "No structure shall exceed two and a half
13 stories or 35 feet in height, whichever is
14 greater. This limit does not apply to
15 agricultural buildings."

16 So unless you can make the great leap of
17 faith to a 263-foot tower being an agricultural
18 building, I'm not sure that it's, you know, in
19 the code that you can do this right now and that
20 you're vested in that.

21 And you go on to the Ag 20, the permitted
22 uses are the same as an Ag 3 plus 8 processing,
23 and there's four conditional uses. And it
24 specifies special setbacks for the hog feeding
25 operation, which I mentioned in the last set of

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1 hearings.

2 That covers my observations. I, I looked at
3 the maps. I guess the last time I'd asked also
4 about centering the towers more into the center
5 of the footprint to try and help mitigate the
6 distance. Once again, it all comes back to
7 setbacks and distance for me.

8 I compared the -- I compared the old with
9 the new, and I saw where there were five towers
10 removed that were pretty centrally located, and I
11 saw places where, in my mind, you could
12 potentially put four different strings that
13 weren't near the boundary lines and weren't near
14 the non-participating landowners.

15 And I'm not an engineer and I'm sure
16 somebody could tell me no way in heck could those
17 go there. But it's a topographical map, and as I
18 was looking through it, you know, I'm not sure

19 exactly what the scale is on the topography, but
20 it looked to me like it was -- some of the places
21 I thought they were able to go were less than
22 a -- less than 50 feet difference in elevation.

23 And some of the things could just be moved a
24 little bit -- some of them that are sited right
25 now could be moved a little bit further east, a

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1 little bit further southeast to get away from
2 being so close to non-participating land owners
3 and try and mitigate some of that distance
4 factor.

5 The one section that's bothering me most is
6 the southeast corner where we've got seven towers
7 put in place that have sandwiched two landowners
8 and their residences. And with the fact that
9 five towers were removed out of the central
10 section in the original application, why those
11 seven towers had to remain there and those five
12 had to go, I guess I'm a bit curious on the
13 explanation of that and how we might -- if that
14 might be a potential change that we could make.

15 There was a lot of discussion about growth
16 or no growth, and that really isn't what this

17 issue's about. It's about compatibility with
18 neighboring land uses and whether this particular
19 project will -- could comply with our
20 Comprehensive Plan and be placed here.

21 I noticed a lot of the -- as I was looking
22 at setbacks in the DEIS, most of the analysis was
23 done from .4 to 1.5 miles away, and there's
24 nothing in here that shows mitigation in those
25 ranges. If we're talking about setbacks, we keep

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1 talking about the one thousand feet, and that
2 just hasn't -- I don't see where that's been
3 documented in here that that mitigates anything
4 or has been analyzed necessarily.

5 So those would be my observations for now.
6 And Commissioner Huston, you indicated you had
7 some additional potential comments.

8 COMMISSIONER HUSTON: The cut and thrust of
9 my following comments, Mr. Chairman, would be
10 essentially where do we go from here. In terms
11 of -- in terms of the record and in terms of the
12 information that has been presented to us. I
13 think before I can indicate by way of an
14 agreement, a Development Agreement project

15 permit, that this project does in fact bring a
16 benefit to the public, it has to be reconciled
17 with the residential uses that are allowed in
18 this area under the current designation of the
19 Kittitas County Comprehensive Plan.

20 Now, that comes back to the notion of
21 mitigating the impacts that we all are in
22 agreement exist. The proponent has agreed in the
23 Development Agreement they exist, the record has
24 indicated they exist; that's the whole question
25 of the shadow flicker, the impact of the looming

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1 towers in proximity to existing residences.

2 I'm not talking about the impact to distant
3 viewshed. I'm talking about the identified
4 impacts to residences due to the proximity of
5 these towers. That's a deal-killer for me.

6 I realize that in any SEPA process there's
7 always the option of identifying a probable
8 significant adverse impact and saying, Oh, well,
9 we're prepared to accept that.

10 Commissioner Crankovich speaks to the issue
11 of the dams and the impact on salmon, but that
12 may be a good example of what I speak. That's

13 not a surprise. Nobody thought the salmon could
14 climb over those dams and suddenly we realized
15 they can't. That is not the case. That's why
16 the hatchery programs were put into place.

17 It was an identified impact; everyone knew
18 when you dammed up the river, the fish weren't
19 going past that dam. Nobody had any question
20 attached to that. So the hatcheries were
21 introduced. That was a mitigation, and now what
22 we're coming to is a discussion of whether that
23 mitigation was sufficient or not. That's a
24 different issue.

25 We have now an impact that is identified. I

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1 am not prepared to write that off. That impact
2 has to be mitigated. And in the current
3 Development Agreement I don't believe the
4 setbacks, if that's the way we're going to
5 mitigate the impact, is adequate.

6 I can't give you a number to go off and
7 bring back to me and then I'll be happy. I am
8 going to suggest some -- some ways in which I
9 might personally pursue trying to gather that
10 information, and I'll come back to that in just a

11 moment, Mr. Chairman.

12 Commissioner Crankovich did indicate the
13 issue of the petitions and whether they were
14 skewed or not. And I guess to that end I remind
15 everybody that it's well-founded in terms of land
16 use decision-making that the mere existence of
17 opposition -- or, for that matter, support --
18 does not justify an approval or a rejection.
19 Just because everyone in the room likes or does
20 not like it, we still have other issues to deal
21 with.

22 So while the petitions in the record are
23 certainly fascinating, frankly they don't do me
24 much good. Because we're still dealing with the
25 identified impacts and the need to mitigate those

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1 impacts. That's the deal-killer for me.

2 The rest of the issues we've discussed I'd
3 suggest in the greater scope of things are
4 relatively minor details. I have to get past the
5 question of impacting already existing residences
6 due to the proximity and size of these towers.

7 Now, to that end, Mr. Chairman, as we've all
8 discussed, we've all at some time wandered around

9 other projects. I haven't since this application
10 came; in fact, I haven't for some years. I may
11 need to, as a matter of fact, with a range finder
12 in hand, if you will, to figure out what a
13 thousand versus two thousand versus three
14 thousand versus four thousand, five thousand,
15 whatever feet from these things is actually --
16 what that is in terms of a perspective.

17 I can certainly ask the proponent to give me
18 all sorts of computer models, and I'm sure Desi'd
19 be more than happy to bring his models back in
20 and whatnot, but frankly that still begs the
21 question of extrapolation. I guess unless the
22 Board is prepared to argue at this point that the
23 impact is so onerous it just cannot be mitigated.

24 And I would suggest at this time that in the
25 interest of a complete process, if you will, in

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1 the interest of fairness that the proponent be
2 given the opportunity to come back with an
3 amended Development Agreement that speaks to the
4 concerns we've expressed.

5 But independent of that, I guess let's say I
6 need to go find a project with comparable towers

7 with a range finder in hand or pace a lot, at any
8 rate, and try to bring to my own mind a clearer
9 perspective of what these things look like and
10 what they do at a variety of distances.

11 Now, that isn't necessarily going to be all
12 I need to know. I still need what information
13 can be gleaned in terms of impacts of these
14 things: At a thousand feet the impacts still
15 exist; where might it not exist? I need good
16 hard information and agree that the proponent can
17 provide it or staff research or however the legal
18 department would suggest we proceed.

19 Obviously if we get too far astray of what
20 is in the current Development Agreement, the
21 Board always reserves the right to go back out
22 for comment. I would not suggest we do that as a
23 Board, Mr. Chairman.

24 CHAIRMAN BOWEN: I would agree.

25 COMMISSIONER HUSTON: Fair enough. I mean,

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1 logistically that has some appeal, but then comes
2 the notion of a representative of the proponent
3 and a representative of the opponent and whoever
4 else makes sure we don't look at one another,

5 send some kind of odd signal back and forth.

6 I suggest if the Board wishes to do that, we
7 just announce our intent to do that, we indicate
8 a period of time. I don't want to hear from the
9 proponent when I go look at them. I'm not taking
10 an opponent with me. I don't even want to talk
11 to the people at the project if I can avoid it;
12 however, they might arrest me for trespassing if
13 I don't at least tell them I'm going to go look
14 at their towers.

15 But if we do it, I suggest we do it
16 independently at the discretion of the individual
17 board member, and then we just come back and
18 disclose the contacts that took place, if any,
19 during that time period.

20 I have no magical number to suggest,
21 Mr. Chairman. I mean, certainly a couple of
22 weeks I would think would be more than adequate
23 to arrange a trip down Walla Walla way or some
24 such thing. So I can do a little bit of
25 independent research in terms of how to deal with

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1 this -- again, and I say quite it plainly, it's a
2 deal-killer. If I cannot mitigate this impact, I

3 am not prepared to dismiss it.

4 So we need to figure out what an adequate
5 setback if any exists to mitigate that specific
6 question of impact. The other minor -- more
7 minor details, obviously in the eye of beholder.
8 And then I can -- I can take a look at a
9 Development Agreement. If we can't get to that,
10 if the proponent is not prepared to propose
11 different setbacks, then I'm wasting everybody's
12 time.

13 CHAIRMAN BOWEN: Should we have the
14 proponent address whether they're interested in
15 doing that?

16 COMMISSIONER HUSTON: Save us a lot of time.
17 If a thousand foot's a deal-killer for them, then
18 I guess we go on from here.

19 MR. DANA PECK: Could we just have a minute
20 to caucus amongst ourselves?

21 CHAIRMAN BOWEN: Certainly. Why don't we
22 take a -- let's take a ten-minute break and give
23 our court reporter a chance to rest her hands and
24 you guys a chance to talk.

25 (A break was taken.)

1 CHAIRMAN BOWEN: I'll have the proponent
2 come up and at least address whether this is a
3 waste of time or not; and if it's not, then I'll
4 have my staff talk about how it might work.

5 MR. DANA PECK: Mr. Chairman and
6 Commissioners, certainly not a waste of time, and
7 we are very appreciative of all of the detail
8 that you've shown in going through the materials
9 that have been submitted, voluminous as they are.
10 I don't know how you do it. And same to staff.
11 I mean, we live this stuff; it's one thing on
12 your agenda. Thanks for giving us this much
13 attention.

14 We as the company and as the team that are
15 representing this project had a chance to talk
16 for a couple of minutes. We're very confident
17 that these sorts of -- what we would call
18 micrositing issues can be worked through on just
19 a real open conversation on Development Agreement
20 provisions.

21 We think that, you know, both parties
22 negotiating reasonably can find answers to these
23 questions. We're very encouraged in your
24 interest in going to other sites. People who go
25 to wind power sites tend to come back with real

1 strong opinions; sometime good, sometimes bad
2 from our perspective, but you'll -- you'll know
3 how you feel when you go to one. And I just
4 can't tell you what a positive development I
5 think that will be for both your staff to give
6 them guidance in your conversations with us.

7 But we feel that there certainly aren't any
8 deal-killers in the sorts of conversation that we
9 had tonight and that negotiating together in good
10 faith we can -- we can nail these issues in the
11 Development Agreement. And would very much like
12 to, you know, put some time parameters on that,
13 looking at the past Development Agreement
14 negotiations that others have been through, and I
15 suspect you would too. But we think we can get
16 there.

17 CHAIRMAN BOWEN: Okay, thank you.

18 Staff comments; Mr. Hurson, you had some
19 suggestions on how this might look.

20 I guess I should ask Commissioner
21 Crankovich, are you up for Commissioner Huston's
22 suggestion?

23 COMMISSIONER CRANKOVICH: Yes, that's fine.
24 I've only seen a project from the Tri-Cities
25 through binoculars, so that's as close as I've

1 ever been.

2 COMMISSIONER HUSTON: Okay.

3 MR. JIM HURSON: Jim Hurson, Deputy
4 Prosecutor.

5 The suggestion's an interesting one, but I
6 was trying to -- because generally you would go
7 on site together; but frankly, as I thought
8 through in my mind on the break, every time I've
9 had a, a group site visit with a board, it
10 doesn't work. I think on Wild Horse EFSEC
11 counsel went up with proponents, opponents,
12 various parties involved in the EFSEC counsel,
13 and then every now and then you'd look around and
14 you'd see, you know, two or three people over in
15 one portion and some other people over in
16 another, and somebody's trying to talk and
17 everybody can't hear it, so it is kind of an
18 unworkable situation.

19 So if you want to go down there, I think the
20 appropriate thing is each of you go
21 independently, you'd get the full report back on
22 the record what it is; we'd still go through, you
23 know, does anybody have a reason to disqualify,
24 appearance of fairness issue.

25 If it raises new issues or questions that

1 aren't already in the record, we may have a need
2 to reopen the record for people to respond if
3 there's some particular issue, and I think that
4 would take care of that issue.

5 Another thing I would suggest is that when
6 you go, you in essence have like an escort with
7 you to escort, guard, witness, whatever. Perhaps
8 it would be I could go with one of you
9 and Mr. Piercy could go with another one and
10 Ms. Kimball could go with a third so that you
11 have in essence someone there that can be a
12 buffer in case someone does try to approach you,
13 that we could be the people that could make sure
14 that there aren't any ex-parte contacts and then
15 we could kind of verify that on the record so
16 that people know that there's no inappropriate
17 discussions, contacts. I think this might make
18 it a little cleaner.

19 The other thing is if you're going to do
20 this, as far as finding a site -- and maybe we
21 could check into that, but as I recall, it's like
22 the Walla Walla turbines are the 240-foot-tall,
23 approximately, and they're like .6 megawatts, and

24 the ones in Kennewick are 300-foot tall and I
25 think they're 1 megawatt or maybe 1.2. I think

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1 there's a small one down at Biggs that has some
2 400-footers, but there may be a dozen.

3 Anyway, we can -- if you want to find one
4 that is the same size, I don't know if you'll
5 find one that has the same size or the same
6 numbers, but at least you might be able to get a
7 size. But we need to check into that so we can
8 make sure we have the right dimensions, if that's
9 what you're looking for. And I'm sure the
10 applicant can help us find the right kind of
11 sites that are in reasonable proximity so we
12 don't go to Costa Rica or something.

13 CHAIRMAN BOWEN: Okay. Commissioners, any
14 comments to what Deputy Prosecutor Hurson said?

15 COMMISSIONER HUSTON: No. I think
16 Mr. Hurson's suggestions are well-founded in
17 reality. Hadn't thought about taking a
18 bodyguard, but oh well, I guess that has some
19 merit to it.

20 And certainly the issue of looking at the
21 right thing is important, whether we obtain that

22 information from the applicant or someone in the
23 industry. I guess I don't necessarily care. But
24 it is relevant. The numbers of towers I'm not so
25 much concerned about as the size. I don't want

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1 to look at a 200-foot tower and then try to
2 extrapolate to what another tower might look
3 like.

4 I mean, ideally we would find exactly
5 identical structures; that would be perfect, but
6 as close as we can get certainly makes some
7 sense, so.

8 MR. JIM HURSON: And what we'd probably have
9 to do is -- I'm certain we'd have to contact
10 wherever you're going to go for permission to go
11 on, but we probably need to make it clear that
12 you're not there to see the dog-and-pony show,
13 they're not there for a presentation. Explain
14 why we're there, and I trust that they wouldn't
15 have any objection to us going for those
16 purposes. And then we can just make sure it's
17 insulated.

18 CHAIRMAN BOWEN: Thank you. Commissioners,
19 all three of us okay with this?

20 COMMISSIONER CRANKOVICH: His suggestions
21 are fine with me. They make a lot of sense that
22 we don't go together, and the notion of having
23 somebody else go with us to kind deflect any
24 potential conversation is good.

25 CHAIRMAN BOWEN: I guess we'll leave to it

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1 staff, then, to organize that and set those up.
2 Mr. Piercy, I believe you kind of volunteered to
3 do that, if that's the direction we went, while
4 we were in break?

5 MR. PIERCY: I'd be very happy to do that,
6 Mr. Chairman.

7 CHAIRMAN BOWEN: Thank you. In the
8 meantime, while we're doing that, do we as a
9 board want the proponent and our staff talking a
10 little bit about our details we brought forward
11 tonight and seeing how that fits in with the
12 Development Agreement, or what would we like to
13 do there?

14 COMMISSIONER HUSTON: Actually,
15 Mr. Chairman, I would suggest that the two
16 processes are essentially independent. When I
17 suggest going on site, what I'm trying to do is

18 create in my own mind a context.

19 I, I'd counsel the proponent to not wait
20 until I come back and venture a number that I
21 think might be acceptable. I'm looking for the
22 applicant to actually present additional
23 information to suggest a setback from their
24 perspective, mitigates the impacts that they have
25 agreed exist.

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1 So I'm looking at two independent tracks. I
2 want to go and create a context. I'm not
3 necessarily looking for a number, but I want to
4 know in my mind what 200 feet looks like, or
5 three or two or one or whatever.

6 So in terms of your question, I would think
7 it would be necessary, whether it be before we go
8 or after -- I guess I don't necessarily care;
9 it's a matter of time line. But at some point,
10 staff and the proponent need to gather up to deal
11 with, if nothing else, all the other issues we've
12 talked about, not the least of which is this
13 question of setback and mitigating those impacts.

14 So I would still be looking for the proposal
15 from the proponent in terms of what they believe

16 mitigates this impact. All I'm doing is trying
17 to, again, create a context by which I can
18 measure what they say with some level of personal
19 experience. So that's what I'm looking for.

20 I see no issue with that, Mr. Hurson, is
21 there?

22 So that would be my suggestion, that that
23 one track take on the schedule comfortable to the
24 proponent, the staff, and knowing that we're
25 going to come back at some subsequent date after

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1 we've done our own independent research.

2 CHAIRMAN BOWEN: Okay. Is there anything
3 else we wanted to cover tonight before we start
4 talking about the date we're coming back?

5 COMMISSIONER HUSTON: No. I think in terms
6 of what I'm looking for, I think I've been fairly
7 clear about what I'm dealing with is, frankly,
8 the question of an identified probable
9 significant adverse impact which I must mitigate.

10 And just to be clear for the record, I'm not
11 prepared to walk away from that as just an
12 acceptable impact and one that's not -- that
13 we're not able to mitigate. I don't believe

14 that's the case. I need to mitigate that impact
15 before I can determine that in fact this
16 project's public benefit outweighs the negative
17 impact. So in a nutshell that's it.

18 Now, obviously the other details I've
19 indicated need to be dealt with as well, but
20 let's be realistic: This is the -- this is the
21 key point. So just so long as that's clear so
22 there's no question in the mind of the proponent
23 of at least what one commissioner's looking for.

24 I'm not prepared to accept the global
25 notions that power generation is a public

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1 benefit; I'll just accept that, that's fine. But
2 we're dealing with the question of this project
3 generating power. Because as we've already
4 indicated with past decisions, there are other
5 sites at which wind farms can be placed. So it's
6 not a question of wind farm's good, wind farm's
7 bad; we've already covered that. The question is
8 in this site. Can the benefits that it will
9 generate, can they be made to outweigh the
10 impacts that they cause? Question of mitigation.

11 CHAIRMAN BOWEN: Okay. Commissioner

12 Crankovich, any other comments on this part?

13 COMMISSIONER CRANKOVICH: I would, you know,
14 offer up the same observations and hope that they
15 would work towards resolving or addressing some
16 of the other issues that were raised.

17 As far as visiting the site, I concur; I
18 would need to know for myself and be able to
19 measure distance to see what, what you're dealing
20 with. And so I believe that's a good suggestion.

21 The other ones, you know, need to be
22 addressed also. I mean, there are a couple that
23 are very important to me, so give it all
24 consideration.

25 CHAIRMAN BOWEN: Okay. I would concur with

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1 my seatmates. I think my question's -- I
2 probably made it pretty clear; got some
3 intelligent people over here with the proponent's
4 side who understand what their task is and what
5 the bar is, I guess.

6 With that, two weeks from now would be the
7 25 -- 25th, 26th, 27th. The 26th I'm not
8 available. The 25th I understand Mr. Piercy's
9 not available. And so that kind of leaves us

10 with that 27th, if we want to do a night meeting
11 or if we want to do it in the day in the
12 auditorium. I kind of assume we want to continue
13 to do this here, but.

14 COMMISSIONER HUSTON: I would suggest we
15 stick with our night meeting format,
16 Mr. Chairman, and have the capacity for folks to
17 view it. Needless to say, we'll at some point
18 have to grapple with the question as to whether
19 the changes we proposed are sufficient and we
20 need to go back out to public comment or not, but
21 that -- I realize it's logistically more
22 complicated, but I guess I'd be more comfortable,
23 to use your phrase, to think out loud with
24 everybody watching in the auditorium, and day
25 meetings does propose some obstacle to that.

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1 CHAIRMAN BOWEN: So I would propose that we
2 continue the -- this public hearing to the 27th,
3 6:00 p.m. here in the same building.

4 COMMISSIONER CRANKOVICH: Is that a motion?

5 CHAIRMAN BOWEN: Deputy Hurson has a comment
6 first.

7 MR. JIM HURSON: Yeah, Jim Hurson.

8 It sounds like you were maybe getting ready
9 to recess. One thing that occurs to me is the
10 process for the site visit. Some people might
11 think it's a bit unusual, so I might suggest that
12 the Chair ask if anyone present objects to that
13 process being used.

14 CHAIRMAN BOWEN: Sure. With that, anyone
15 here object to the process of the commissioners
16 doing a site visit?

17 Ma'am, please come to the microphone if you
18 have an objection.

19 MS. CHRISTINE COLE: Christine Cole, 7430
20 Robbins Road, Ellensburg.

21 I don't object to you going to the site, but
22 I think it should be done at day and at night to
23 view the lights.

24 CHAIRMAN BOWEN: Okay, thank you.

25 COMMISSIONER HUSTON: Good idea.

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1 CHAIRMAN BOWEN: Uh-huh. Anyone else
2 wishing to object?

3 Seeing no one, it looks like we'll move
4 forward with that process. Thank you,
5 Mr. Hurson.

6 Yes, I would move to continue this public
7 hearing to April 27, 6:00 p.m. here in the Home
8 Arts Center at the Kittitas County Fairgrounds.

9 COMMISSIONER CRANKOVICH: Second.

10 CHAIRMAN BOWEN: It's been moved and
11 seconded to continue this public hearing to April
12 27th, 2006, 6:00 p.m., Kittitas County
13 Fairgrounds Home Arts Building.

14 Any discussion to the motion?

15 Hearing none, all those in favor indicate by
16 saying aye.

17 COMMISSIONER CRANKOVICH: Aye.

18 COMMISSIONER HUSTON: Aye.

19 CHAIRMAN BOWEN: I too will vote aye, and
20 the motion carries. Thank you.

21 (The proceeding was adjourned at
22 7:24 p.m.)

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1 C E R T I F I C A T E

2 STATE OF WASHINGTON)
3) ss.
COUNTY OF YAKIMA)

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This is to certify that I, Louise Raelene Bell, Certified Court Reporter and Notary Public in and for the State of Washington, residing at Yakima, reported the within and foregoing hearing; said hearing being taken before me as a Notary Public on the date herein set forth; that said hearing was taken by me in shorthand and thereafter under my supervision transcribed, and that same is a full, true and correct record of the hearing.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I financially interested in the outcome of the cause.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal this _____ day of _____, 2006.

LOUISE RAELENE BELL, CCR
CCR No. 2676
Notary Public in and for the
State of Washington, residing at
Yakima. My commission expires
July 19, 2007.