

1  
2  
3 BEFORE THE STATE OF WASHINGTON  
4 ENERGY FACILITY SITE EVALUATION COUNCIL

5 In the Matter of Application No. 2003-01; )  
6 )  
7 SAGEBRUSH POWER PARTNERS, LLC; )  
8 )  
9 KITTITAS VALLEY WIND POWER PROJECT )  
10 \_\_\_\_\_ )

11  
12 **INTERVENOR ROKT PREFILED SUPPLEMENTAL TESTIMONY**  
13 **WITNESS # 1: ED GARRETT**

14 Q: Please state your name and residence address.

15  
16 A: My name is Ed Garrett. I reside at 19206 67th Ave SE, Snohomish WA 98296.  
17 I am the owner of property located on the eastern perimeter of the proposed Kittitas  
18 Valley Wind Power Project (“KVVPP Project”). The property is owned by my spouse  
19 – Rosemary Monaghan – and myself. The property is situated approximately 400 feet  
20 from J- String, particularly turbine J-3 of the project.  
21

22  
23 Q: What is your present occupation and for whom do you represent?

24  
25 A: I am a retired Registered Nurse in the specialty of Critical Care Medicine. I  
26 occasionally work as a hired consultant in healthcare issues.  
27

28  
29 Q: As a Lay Representative in this manner, who do you represent?

30  
31 A: I represent myself and my wife, Rosemary Monaghan as we own property very  
32 near the KVVPP. I also am the representative for Intervenor, ROKT.  
33

34 Q: Please explain what ROKT stands for.  
35

1 A: ROKT is an acronym for Residents Opposed to Kittitas turbines. It is an  
2 association local residents as well as some landowners, such as myself who have yet  
3 developed our properties near Ellensburg. We formed this group in response to the  
4 initial discussions with then Zilkha Renewable Energy, which is now Horizon Wind  
5 Energy. We had common concerns about the siting and affects of this project. Our  
6 members have been most active in the permitting process at the county level, especially  
7 in Public Hearings. We have been involved in the EFSEC process since the application  
8 has been filed.  
9

10  
11 Q: What will be the subject of your testimony?  
12

13  
14 A: I have three separate areas of concern for comment:  
15

16 First, changes and development that have occurred in the proximity of the proposed  
17 Kittitas Valley Wind Power Project.  
18

19  
20 Second, comments concerning purported revisions to the KVVWPP project proposal.  
21

22 Third, comments and observations on the recent land use consistency hearings  
23 conducted by Kittitas County for the Horizon Wind Energy (“Horizon”) master  
24 application for comprehensive plan overlay, rezone, Development Agreement and  
25 permit for the KVVWPP Project.  
26

27  
28 Q: Would you describe the changes that have occurred in, near or around the  
29 proposed KVVWPP Project area?  
30

31 A: Rural development has been the most profound over the past five (5) years.  
32 Numerous new houses, cabins and permanent/recreational residences have been built  
33 within close proximity to the project. By close, I mean within ½ mile of the project  
34 border. The two most significant areas of new development have been on  
35

1 Ellensburg Ranches Road and Bettas Road, both of which connect with Highway 97.

2  
3 Ellensburg Ranches area has seen continued subdivision and development of larger  
4 recreational lots to smaller lots. There are currently 43 landowners with 64 separate  
5 parcels. Horizon's Preliminary Site Layout map of October 17, 2005 now shows there  
6 are 20 residents or inhabitable cabins. The area is a prime location for further rural  
7 development.

8  
9 Bettas Road has continued to develop with a recent subdivision called Horse Canyon  
10 Estates consisting of 23 lots. Ten (10) structures have already been constructed within  
11 the development. All in all, Horse Canyon has sixteen (16) structures located along  
12 Bettas Road as it extends to and from Highway 97. In contrast, 5 years ago, there were  
13 only five (5) residences. Horse Canyon is located at the foot of Stuart Range and is one  
14 of the most scenic rural settings within the Kittitas County.

15  
16  
17 Q: Please explain why this growth is happening in this particular location.

18  
19 A: The proposed project location is situated in a unique and desirable area of  
20 Kittitas County known for the panoramic open views and bucolic rural environment.  
21 When on higher ground there are views of Lookout Mountain, Table Mountain and in  
22 some areas, the Stuart Mountain Range. The Manastash range is visible from virtually  
23 all high ground. The area is desirable because it is only about 13 miles from Ellensburg  
24 and near forest historic and recreational areas. Highway 97 has been designated as a  
25 scenic byway. Moderate sized parcels are available, reasonably priced, and it is only  
26 about a 2 ½ hour drive from the Seattle area. Much of the area is undisturbed shrub  
27 steppe and rural zoning allows for a variety of residential and recreational uses. The  
28 properties in Horse Canyon are down in a lovely and tranquil valley again with scenic  
29 views of surrounding hillsides.  
30  
31  
32  
33  
34  
35

1 Q: Can you explain why this development is occurring when this same area is being  
2 considered for a widely publicized wind farm project.  
3

4  
5 A: While I cannot speak for everyone, I have been an active participant in the  
6 proceedings and have extensive contact with neighbors and property owners in the area.  
7 We have discussed the reasons for development and the current status of property  
8 ownership. There are a variety of reasons for the recent growth.  
9

10 The first and most apparent reason is the simple reality that this area offers a unique and  
11 special opportunity for capturing a rural environment and lifestyle. Many residents  
12 came from Western Washington and unaware of this KVVWPP Project. It was  
13 inconceivable that this special area would be destroyed by an intrusive development.  
14

15  
16 The second factor was confusion or misunderstanding of the status of wind power  
17 proposals within the area. Horizon had placed the KVVWPP Project on hold to pursue  
18 the Wild Horse Development. The understanding was that Wild Horse offered an  
19 appropriate alternative that did not impinge upon residential uses of scenic corridors.  
20 Kittitas County had also determined that the adjacent Desert Claim (enXco Project) was  
21 incompatible with existing land uses and locational options. The community simply  
22 believed in the process and the determinations of its elected officials.  
23  
24

25 Third, a wind farm project is not a permitted land use in the area. We actively  
26 participated in the development of the Wind Power Overlay Ordinance in order to  
27 insure an appropriate process for locating these facilities. Horizon (previously known  
28 as Zilkha) refused to participate in the process. That process recognized the existence  
29 of competing interests and the critical considerations associated with locational choices.  
30  
31

32 Q: What comments would you like to make regarding recent revisions to KVVWPP  
33 Project?  
34  
35

1 A: In reality, the revisions are merely cosmetic. Horizon is again skirting the real  
2 issues in their proposal. The proposal was also ambiguous and illusory. Turbine strings  
3 remained virtually unchanged and micro siting of towers non-existent. Illustrations  
4 identified 64-65 turbines while the written narrative spoke in terms of 80 turbines.  
5 Many of the ambiguities were unanswered in the hearing process.

6  
7 Horizon is suggesting a reduction in the number of turbines stating it will reduce  
8 impacts to surrounding landowners, yet propose even larger turbines. The maximum  
9 height was increased to be 410 feet. Larger turbines exacerbate rather than reduce  
10 impacts to adjoining residences and the scenic corridor. It is still unclear from  
11 Horizon's development documents as to the size and number of turbines. The 3-way  
12 scenario states up to 80 turbines. Chris Taylor states in his testimony to the BOCC there  
13 will only be 65 turbines. Then he adds that anything less would be uneconomical for  
14 Horizon to build. Despite these assertions, it is clear that Horizon has developed  
15 smaller projects such as Blue Canyon WWP (74 MW); Mill Run WWP (15 MW – 10  
16 turbines); Somerset WWP (9 MW – 6 turbines); Mt. Davis WWP (30 MW); and Top of  
17 Iowa WWP (80 MW – 89 turbines).  
18  
19

20  
21 Horizon does not address the basic question of is this a proper site in regards to the  
22 current land use of the proposed location. The area is no longer commercial agricultural  
23 use, but now rural recreational with increasing rural residential use. Most of the land  
24 surrounding the project area (and some actually in it) are private properties with some  
25 DNR land here and there. It is land use compatibility that is the focus of the locational  
26 determination. Wind farms are incompatible with existing and potential rural  
27 residential development and scenic corridors. They are appropriate, however, in areas  
28 where such conflicts do not exist such as Wild Horse and Ryegrass.  
29  
30

31 Q: What comments and or observations on the recent land use consistency hearings  
32 between the Applicant and the Board of County Commissioners in Kittitas County  
33 would you like to make.  
34  
35

1 A: I have read copies of the official transcripts from the public hearings in Kittitas  
2 County before the Planning Commissioners as well as the Board of County  
3 Commissioners. I also attended virtually all the wind farm meetings since day one. I  
4 have commented extensively and attempted to take a reasoned and balanced view of  
5 wind farm development. I did not oppose the Wild Horse project.  
6

7  
8 One observation I have is how orderly and thorough this whole process has been for  
9 both applicants and the community. Even though this has been going on for almost five  
10 (5) years now, everyone involved has been prepared and civil. The county staff, now  
11 called Community Development Services, has been extremely helpful. The meetings  
12 they have coordinated have gone smoothly, except maybe for a few sound system  
13 mishaps. Document preparation has been top notch and always readily available for the  
14 public to review. All the Commissioners acted professionally and the meetings, some of  
15 which went very late into the evening, were conducted to the letter of the law.  
16

17  
18 What really impressed me was the quality of the testimony given from the public. They  
19 were prepared and knowledgeable in their comments either for or against the KVVPP  
20 proposal. Statements and positions were supported by research, data and personal  
21 experiences. Also included was an extraordinary turn out by the citizens of our  
22 community. Kittitas County Board of Commissioners, Planning Commission and Staff  
23 sorted through the mass of information and have made determinations based on the  
24 weight of testimony and evidence. The local processes should be respected.  
25  
26

27  
28 I would add, for the benefit of those new EFSEC Council members, that you actually  
29 read the whole transcripts of those Planning Commissioner Hearings as well as the  
30 BOCC Hearing. That is where the meat and potatoes are, not in these pre-filed  
31 testimonies.  
32

33  
34 Another observation I noted is how overly patient the BOCC was during the course of  
35 public hearings. For instance, during the public hearing of January 10, 2006, a hearing

before the combines BOCC and Planning Commissioners Horizon representative had the opportunity for opening comments. The room was packed with citizens who wanted the opportunity to testify. The meeting started at 6:30 p.m. After about 20 minutes into the meeting, Mr. Peck had the opportunity for his opening comments and “update” on the project. This in itself is not unusual, but the Applicant usually only gets 20 to 30 minutes. The rest of the time is for public testimony. But Mr. Peck called up 10 of his expert witnesses who attempted to explain their revised studies. This started on page 44 of the meeting transcript or about 7:00 p.m. By 8:30 p.m., there was a break so the court reporter could stretch. Chairman Black asked how much more time he needed to complete his presentation. Mr. Peck “another 10 to 15 minutes.” (Page 95, line 3). Chairman Black stated there were over 90 names on the public testimony list and commented it is obvious not everyone would get in. Mr. Peck was allowed to continue with 3 more witnesses because they could not make it back the next night. After those witnesses, Mr. Peck wanted closing comments and then after that Erin Anderson wanted to make a summation. It was after 9:30 p.m. when they finished. Needless to say, members of the public were not appreciative. Only about 10 got to give their testimony and only being 3-5 minutes. My impression, the county gave the Applicant above and beyond every opportunity to state their case. By the way, you should know that the public hearings spilled over for another two nights and many did not return after the first one.

Next example was the public hearing in front of the BOCC on when the preliminary denial was discussed. Horizon had nothing really to say. BOCC left the door open and scheduled another public hearing on June 6. In good faith, they allowed Horizon to resume the process. On June 6, Horizon was there and has nothing to submit or to really say. So the BOCC officially denied the project.

Interesting, they say now that the county imposed a 2500 foot setback to residences. It never got that far. Horizon dropped out of the process the moment it was brought up. There was no motion and no official position. Horizon didn’t want to hear that their last setback suggestion was inadequate.



**Kittitas Valley Wind Power Project Application No. 2003-01**

**Service List**

Unless otherwise indicated, copies must be served on all persons on this list.

<b>Energy Facility Site Evaluation Council:</b>		
<p>Mr. Allen J. Fiksdal (<b><u>original and 15 copies</u></b>) EFSEC Manager Energy Facility Site Evaluation Council 925 Plum Street SE, Building 4 PO Box 43172 Olympia, WA 98504-3172 Ph: (360) 956-2152 Fax: (360) 956-2158 <a href="mailto:allenf@cted.wa.gov">allenf@cted.wa.gov</a></p> <p><b>Serve an electronic version of all documents to both:</b></p> <p><b><u>NOTE NEW E-MAIL</u></b> <b><u>allenf@cted.wa.gov</u></b> <b><u>irinam@cted.wa.gov</u></b></p>	<p>Adam Torem Administrative Law Judge Office of Administrative Hearings Olympia Field Office – SHS P.O. Box 42489 Olympia, Washington 98504-2489 Ph: (360) 753-2531 Fax: (360) 586-6563 <a href="mailto:atore@oah.wa.gov">atore@oah.wa.gov</a></p>	
<b>Counsel for the Environment:</b>		
<p>Michael Tribble Assistant Attorney General Counsel for the Environment Office of the Attorney General 1125 Washington St. S.E. P.O. Box 40100 Olympia, WA 98504-0100 Ph: (360) 753-2711 Fax:(360) 664-0229 <a href="mailto:michaelt1@atg.wa.gov">michaelt1@atg.wa.gov</a></p>		
<b>Applicant - Sagebrush Power Partners L.L.C.:</b>		
<p>Chris Taylor Horizon Wind Energy 53 SW Yamhill Street Portland, OR 97204 Ph: (503) 222-9400 Fax:(503) 222-9404 <a href="mailto:chris.taylor@horizonwind.com">chris.taylor@horizonwind.com</a></p> <p>Dana Peck Horizon Wind Energy 222 E Fourth Avenue, Suite 105 Ellensburg, WA 98926 <a href="mailto:dana.peck@horizonwind.com">dana.peck@horizonwind.com</a></p>	<p>Darrel Peeples Attorney at Law 325 Washington Street NE, #440 Olympia, WA 98501 Ph: (360) 943-9528 Fax: (360) 943-1611 <a href="mailto:dpeeples@ix.netcom.com">dpeeples@ix.netcom.com</a></p> <p>Erin L. Anderson Attorney at Law Cone Gilreath Law Offices 200 E. Third Ave. P.O. Box 499 Ellensburg, WA 98926 Ph: (509) 925-3191 <a href="mailto:eanderson@eburglaw.com">eanderson@eburglaw.com</a></p>	<p>Timothy L. McMahan Attorney at Law Stoel Rives LLP 805 Broadway Street, Suite 725 Vancouver, WA 98660 Ph: (360) 699-5900 Fax: (360) 699-5899 <a href="mailto:tlmcmahan@stoel.com">tlmcmahan@stoel.com</a></p> <p><i>Please also e-mail to:</i> Joy Potter <a href="mailto:joy.potter@horizonwind.com">joy.potter@horizonwind.com</a> and Wendy McMillen <a href="mailto:wendy.mcmillen@horizonwind.com">wendy.mcmillen@horizonwind.com</a></p>

<b>Washington State Department of Community, Trade and Economic Development:</b>	
<p>Tony Usibelli  Assistant Director, Energy Policy Division  CTED  PO Box 43173  Olympia, WA 98504-3173  Ph.: (360) 956-2125  Fax: (360) 956-2180  <a href="mailto:tonyu@cted.wa.gov">tonyu@cted.wa.gov</a></p>	<p>Mark Anderson  Senior Energy Policy Specialist  CTED  PO Box 43173  Olympia, WA 98504-3173  Ph: (360) 956-2170  Fax: (360) 956-2180  <a href="mailto:marka@cted.wa.gov">marka@cted.wa.gov</a></p>
<b>Kittitas County:</b>	
<p>James E. Hurson  Kittitas County Prosecutor  Kittitas County Courthouse - Room 213  Ellensburg, WA 98926  Ph: (509) 962-7520  Fax: (509) 962-7022  <a href="mailto:JAMESH@co.kittitas.wa.us">JAMESH@co.kittitas.wa.us</a></p>	<p>Darryl Piercy  Kittitas County Planning  411 N Ruby Street, Suite 4  Ellensburg WA 98926  Ph: (509) 933-8228  Fax: (509) 962-7682  <a href="mailto:darryl.piercy@co.kittitas.wa.us">darryl.piercy@co.kittitas.wa.us</a></p>
<b>Renewable Northwest Project:</b>	
<p>Troy Gagliano  Renewable Northwest Project  917 SW Oak Street, Suite 303  Portland, OR 97205-2214  Ph: (503) 223-4544  Fax: (503) 223-4554  <a href="mailto:troy@rnp.org">troy@rnp.org</a></p>	<p>Susan Elizabeth Drummond  Foster Pepper &amp; Shefelman P.L.L.C.  1111 Third Avenue, Suite 3400  Seattle, WA 98101-3299  Ph: 206-447-4400  <a href="mailto:DrumS@foster.com">DrumS@foster.com</a></p>
<b>Phoenix Economic Development Group:</b>	
<p>Debbie Strand  Executive Director  Economic Development Group of Kittitas County  1000 Prospect Street  PO Box 598  Ellensburg, WA 98926  Ph: (509) 962-7244  Fax: (509) 962-7141  <a href="mailto:phoenix@elltel.net">phoenix@elltel.net</a></p>	
<b>Sierra Club Cascade Chapter:</b>	
<p>Louise S. Stonington  Sierra Club Cascade Chapter  1922 15<sup>th</sup> East  Seattle, WA 98112  Ph: (206) 322-7193  <a href="mailto:lstoni@hotmail.com">lstoni@hotmail.com</a></p>	<p>Andy Silber  6552 37th Ave SW  Seattle WA 98126  Ph: (206) 774-4218  Cell: (425) 443-8692  <a href="mailto:andyds11@mac.com">andyds11@mac.com</a></p>

**Residents Opposed to Kittitas Turbines (ROKT):**

Residents Opposed to Kittitas Turbines  
P.O. Box 1680  
Ellensburg, WA 98926  
Phone: (425) 868-5959

Mike Robertson  
4101 Bettas Rd.  
Cle Elum, WA 98922  
Ph: (509) 857-2113  
mhr@elltel.net

Hal and Gloria Lindstrom  
1831 Hanson Rd.  
Ellensburg, WA 98926  
Ph: (509) 925-1807

Geoff Saunders  
8241 Elk Springs Road  
Ellensburg, WA 98926  
Ph:  
geoff@geoffsaunders.com

Ed Garrett and Rosemary Monaghan  
19205 67th Avenue SE  
Snohomish, WA 98296  
Ph: (425) 483-9770  
garrett\_ew@comcast.net

James C. Carmody  
Velikanje, Moore & Shore, P.S.  
405 East Lincoln Avenue  
P.O. Box 22550  
Yakima, WA 98907  
Ph: (509) 248-6030  
Fax: (509) 453-6880  
jcc@vmslaw.com

Please also e-mail Shawna Butler at  
shawna@vmslaw.com

**F. Steven Lathrop:**

F. Steven Lathrop  
Lathrop, Winbauer, Harrel, Slothower &  
Denison, LLP  
1572 Robinson Canyon Road  
P. O. Box 1088  
Ellensburg WA 98926  
Ph: (509) 925-5622  
Fax: (509) 925-3861  
steve@lwhsd.com

Jeff Slothower  
Lathrop, Winbauer, Harrel, Slothower &  
Denison, LLP  
201 West Seventh Avenue  
Ellensburg, WA 98926  
Ph: (509) 925-6916  
Fax: (509) 962-8093  
jslothower@lwhsd.com