

**KITTITAS COUNTY COMMUNITY
DEVELOPMENT SERVICES**

DEVELOPMENT ACTIVITIES APPLICATION

SUBMITTED BY:

SAGEBRUSH POWER PARTNERS, LLC

RECEIVED

JUN 16 2003

KITTITAS COUNTY
CDS

PROJECT DEVELOPED BY:

**ZILKHA RENEWABLE ENERGY
222 EAST FOURTH AVE.
ELLENSBURG, WA 98926**

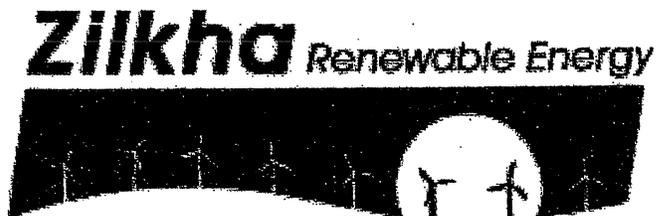


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**SECTION 1:
DEVELOPMENT ACTIVITIES APPLICATION**

**KITTITAS COUNTY PLANNING DEPARTMENT
DEVELOPMENT ACTIVITIES APPLICATION**

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. THE FOLLOWING ITEMS MUST BE ATTACHED TO THIS APPLICATION PACKET:

- ADDRESS LIST OF ALL LANDOWNERS WITHIN 300' OF THE SITE'S TAX PARCEL. IF ADJOINING PARCELS ARE OWNED BY THE APPLICANT, THE 300' EXTENDS FROM THE FARTHEST PARCEL:

Exhibit 1, "Land Ownership"

- SITE PLAN OF THE PROPERTY WITH ALL PROPOSED: BUILDINGS; POINTS OF ACCESS, ROADS, AND PARKING AREAS; SEPTIC TANK AND DRAINFIELD AND REPLACEMENT AREA; AREAS TO BE CUT AND/OR FILLED; AND, NATURAL FEATURES SUCH AS CONTOURS, STREAMS, GULLIES, CLIFFS, ETC. (PLAT APPLICATIONS EXCLUDED):

Exhibit 2, "Project Site Layout" and Exhibit 3 "Aerial Photo of Project Site Layout"

THIS DEVELOPMENT ACTIVITIES APPLICATION IS USED TO APPLY FOR ONE OR MORE OF THE FOLLOWING APPROVALS. IF YOU ARE UNSURE WHICH OF THE FOLLOWING APPROVALS WILL BE NECESSARY FOR YOUR PROJECT, PLEASE CONTACT THE PLANNING DEPARTMENT FOR ASSISTANCE.

1. Check all that apply to your project and complete those sections of the application:

SECTION I

Fee - \$150

Zoning Structural Setback Variance - to place a structure closer to the lot line than allowed:

*Residential front 15' side 5' rear 25'
Residential-2 front 15' side 5',10' rear 25'
Suburban, Sub.-II front 25' side 15' rear 25'
Agriculture, Liberty front 25' side 5' rear 25'
Rural-3 front 25' side 15' rear 15'
Forest&Range-20 front 25' side 10' rear 10'
Commercial Forest front 200' side 200' rear 200'*

SECTION II

Fee - \$350

Zoning Conditional Use Permit - proposing a use such as a bed & breakfast or campground.

SECTION III

Fee - \$450

Request to Rezone - to change from the existing zone to another zone.

SECTION IV

Fee - \$350

Shorelines Substantial Development/Conditional Use Permit - proposing a project greater than \$2,500 value w/in 200' of a water body listed in Section V.

SECTION V

Fee - \$350

Shorelines Structural Setback Variance - to place a structure closer than 100' of (*denotes portion of shoreline requiring 200' setback):

<i>Kachess River</i>	<i>Lake Keechelus</i>	<i>Lake Kachess*</i>
<i>Cabin Creek</i>	<i>Lake Cle Elum</i>	<i>Lake Easton</i>
<i>Log Creek</i>	<i>Cle Elum River</i>	
<i>Big Creek</i>	<i>Lost Lake*</i>	
<i>Little Creek</i>	<i>Unnamed Lakes (T.21 R.12)*</i>	
<i>Swauk Creek</i>	<i>Cooper Lake*</i>	
<i>Taneum Creek</i>	<i>Tucquala Lake*</i>	
<i>Teanaway River</i>	<i>Manastash Lake*</i>	
<i>(incl. West, Middle, North forks)</i>	<i>Manastash Creek (incl. South fork)</i>	
<i>Yakima River*</i>	<i>Naneum Creek</i>	
<i>Wilson Creek (so. of Eburg)</i>	<i>Columbia River*</i>	

SECTION VI

Fee - \$10.00

Flood Development Permit - for any construction or placement of buildings, mining, dredging, filling, grading, paving, excavation or drilling in the FEMA 100-Year Floodplain.

SECTION VII

Fee - \$190 plus \$10/lot Transportation; \$125 plus \$50/hr. over 2.5 hrs. Environmental Health; and, \$175 Planning.

Short Plat - to divide into 2-4 lots.

SECTION VIII

Fee - \$200 plus \$10/lot Transportation; \$625 plus \$50/hr. over 12.5 hrs. Environmental Health; and, \$400 Planning.

Long Plat - to divide into 5 or more lots.

Section IX.
Fee - \$100 initial

SEPA Environmental Checklist/Review - review required in conjunction with Sections II, III, IV, VIII. Or IX. Other development proposals may also require completion of this section.

2. Name, mailing address and day phone of land owner(s) of record:
See Exhibit 1
3. Name, mailing address and day phone of authorized agent, if different from land owner of record:
Chris Taylor
Project Development Manager
Zilkha Renewable Energy
222 E. Fourth Street
Ellensburg, WA 98926
Phone: 509-899-4609
Email: ctaylor@zilkha.com
4. Contact person for application (select one): Owner of record Authorized agent
All verbal and written contact regarding this application will be made only with the contact person.
5. Street address of property:
The proposed project is located approximately 12 miles NW of Ellensburg. The proposed project covers numerous individual parcels; please see legal descriptions in Exhibit 1.
6. Legal descriptions of property: *See Exhibit 1*
7. Tax parcel numbers: *See Exhibit 1 and Exhibit 4*
8. Property size: *Approximately 5,900 acres.*
9. Narrative project description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):

Overview

Sagebrush Power Partners, a wholly owned subsidiary of Zilkha Renewable Energy ('Applicant') proposes to build and operate the Kittitas Valley Wind Power Project (the 'Project') on a site located approximately twelve miles northwest of the city of Ellensburg. The Project will feature a well documented wind resource, state-of-the-art, megawatt-class wind turbine generators and experienced development and operations teams. The Project will help supply the growing demand for electricity in Washington and the Northwest with clean, renewable energy at a stable, competitive price.

Permitting Process

The Applicant has applied for site certification from the Washington Energy Facility Site Evaluation Council (EFSEC). The Applicant filed a formal Application for Site Certification (ASC) with EFSEC on January 13, 2003. Copies of the ASC have been provided to Kittitas County and the ASC provides detailed information on all aspects of the proposed Project. This application to Kittitas County for a development agreement, development permit, rezone and comprehensive plan amendment are made in order to seek local land use consistency in compliance with WAC 463-28. Approval of a comprehensive plan amendment, rezone, development agreement and development permit would be conditioned upon approval by EFSEC. The Applicant understands that any approval by the County of these limited applications cannot stand on their own merits, absent EFSEC approval.

This request for a site-specific rezone, sub-area comprehensive plan amendment, development agreement and development permit is being made in compliance with WAC 463-28. This project is subject to the jurisdiction of and being sited by the Washington Energy Facility Site Evaluation Council (EFSEC) pursuant to Application for Site Certification No. 2003-1. EFSEC has accepted the SEPA "lead agency" role pursuant to RCW 43.21C.030 and has issued a determination of significance (DS) and has begun the process of drafting an Environmental Impact Statement (EIS.) Therefore, detailed information regarding environmental impacts will be available in the EFSEC EIS. Kittitas County is exempt from preparing a "detailed statement" (SEPA EIS) required by RCW 43.21C.030 pursuant to RCW 80.50.180.

As part of the EFSEC review process, EFSEC requires the Applicant to make reasonable efforts to obtain land use consistency from the local jurisdiction. This re-zone and comprehensive plan sub-area amendment are requested in order to gain consistency with local land use regulations. While the Applicant does not believe that a development agreement or development permit are strictly necessary in this case, given the fact that the County's land use action is part of a broader EFSEC process, it understands the County's concern about separating these elements from the rezone and comprehensive plan amendment. Typically, an EFSEC applicant would not seek a development permit or development agreement to construct and operate a project because this is more the responsibility and function of EFSEC.

However because Kittitas County Code 17.61A does not appear to enable separate review of the plan amendment and rezone without these approvals (development agreement and development permit) the Applicant requests a development agreement and development permit in order to be consistent with KCC 17.61A. It is the Applicant's understanding that the County's consideration will be limited to traditional zoning issues, leaving site-specific permit decisions to EFSEC's jurisdiction.

Approval of a comprehensive plan amendment, rezone, development agreement and permit would be conditioned upon approval by EFSEC. The Applicant understands that any approval by the County of these limited applications cannot stand on their own merits, absent EFSEC approval.

The Applicant's intent is to make all reasonable efforts to ensure that the EFSEC application is consistent with the County's Comprehensive Plan and Zoning Code, in accordance with WAC 463-28-030. The fundamental siting proposal will be reviewed by EFSEC, and any final permit decision will be made by EFSEC. The Applicant anticipates that the development agreement and permit, if issued by the County, would be relatively abbreviated, primarily providing for approval conditioned upon EFSEC approval of the site certificate. As part of the zoning considerations, it would anticipate that the County would confine its decision to zoning-related standards, such as setbacks, density, and similar matters.

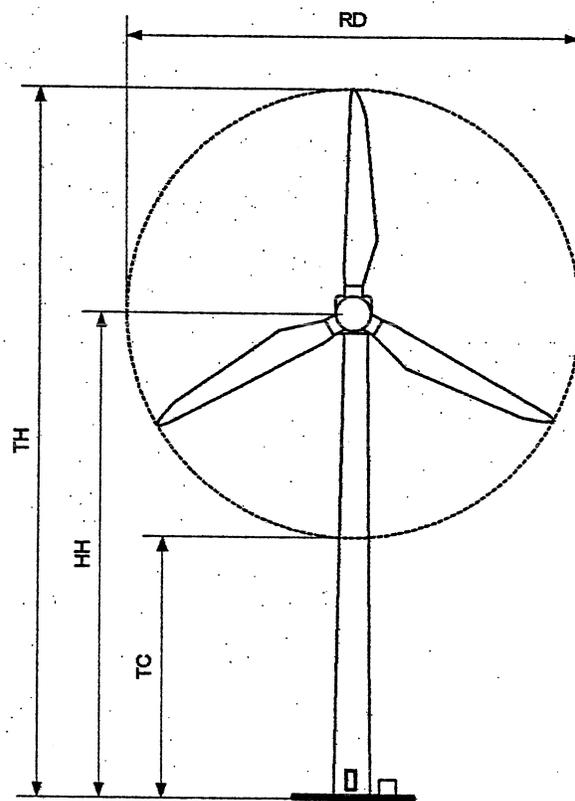
Location

The Project area is in the vicinity of Highway 97 and Bettas Road, as indicated in Exhibit 2, Project Site Layout. This area is traversed by six sets of high voltage electric transmission lines, five belonging to the Bonneville Power Administration (BPA) and one belonging to Puget Sound Energy (PSE). The Project will be built on land leased from private landowners and the Washington Department of Natural Resources (DNR). The dominant land use in the area currently is grazing and open space, with some scattered rural home sites. Approximately 90 acres of land (the Project footprint) will be permanently occupied by the Project and related support facilities, the rest of the land in the Project area will remain available for other uses.

Infrastructure

The Project will consist of up to 121 wind turbines for an expected installed nameplate capacity of 181.5 megawatts (MW) and a maximum nameplate capacity of 235 MW. The Applicant has not made a final selection of the specific turbine model to be used for this Project. Figure 1 below shows the minimum and maximum dimensions for the range of turbines being considered for this project. If a larger turbine model is selected (i.e. over 1.5 MW nameplate capacity), fewer turbines (i.e. less than 121) will be installed. For purposes of this application, the Applicant will reference the 181.5 MW expected nameplate capacity, as this is the most likely scenario. The Project will utilize proven, 3-

Figure 1 Wind Turbine Dimensions

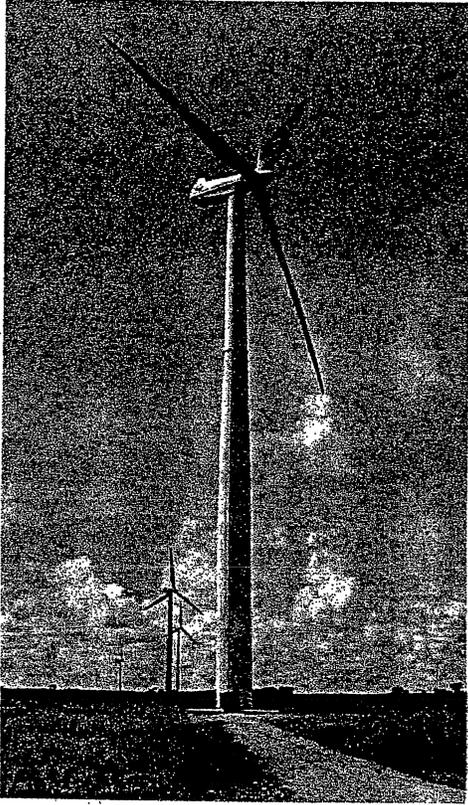


	MAX	MIN	Dimension
HH	80 m/262 ft.	46 m/151 ft.	Hub Height
RD	90 m/295 ft.	60 m/197 ft.	Rotor Diameter
TC	40 m/131 ft.	15 m/49 ft.	Tip Clearance
TH	125 m/410 ft.	76 m/249 ft.	Tip Height

bladed, upwind, megawatt-class wind turbines on tubular steel towers, as depicted in Figure 2. The wind turbine generators (WTGs) convert kinetic energy in the wind into useful electricity.

The Kittitas Valley Wind Power Project will also include other prime elements including roads, foundations, underground and overhead electrical lines, grid interconnection facilities, a substation, O&M center and associated supporting infrastructure and facilities. The Project turbines will be laid out in strings (also called rows), connected by a network of gravel access roads. A general site layout illustrating these key elements is contained in Exhibit 2, 'Project Site Layout'.

Figure 2 Typical Modern WTG



Wind Turbine Generators

Several wind turbine generators (WTGs) are under evaluation for the Project. Based on these evaluations, a number of wind turbine vendors have been pre-qualified to supply equipment for the Project including GE Wind Energy, NEG-Micon, Vestas, Nordex, Bonus, and Gamesa Eolica. The Project will consist of up to 121 wind turbines for an installed nameplate capacity of up to 181.5 megawatts (MW). The Project will implement 3-bladed wind turbines on tubular steel towers each ranging in size from 1.3 MW to 2.5 MW (generator nameplate capacity) and with dimensions as shown in Figure 1.

The pre-qualified wind turbines all have a minimum design life of 20 years under extreme high wind and high turbulence conditions. Based on the lower turbulence intensities and moderate wind speeds that have been measured on the Project site, it is likely that the original WTGs will operate well into their third decade before a retrofit or replacement program is implemented.

Wind Turbine Basic Configuration

Wind Turbines consist of 3 main physical components that are assembled and erected during construction: the tower, the nacelle (machine house) and the rotor (3-blades).

Tower

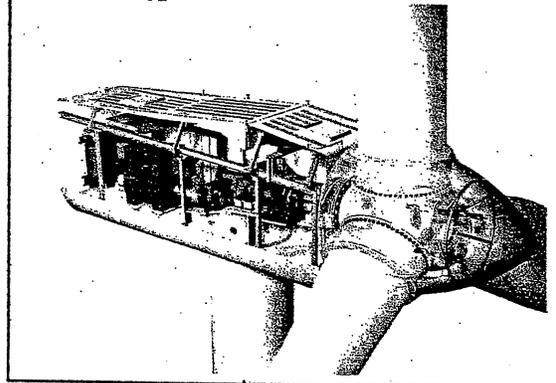
The WTG tower is a tubular conical steel structure that is manufactured in multiple sections depending on the tower height. Towers for the Project will be fabricated, delivered and erected in 2 to 3 sections. A service platform at the top of each section allows for access to the tower connecting bolts for routine inspection. An internal ladder runs to the top platform of the tower just below the nacelle. A nacelle ladder extends from the machine bed to the tower top platform allowing nacelle access independent of its orientation. The tower is equipped with interior lighting and a safety glide cable alongside the ladder.

The tower design is certified by experienced and qualified structural engineers who have designed several generations of turbine towers that have proven themselves well in some of the most aggressive wind regions of the world. The towers and foundations are designed for a survival gust wind speed of 90+ mph with the blades pitched in their most vulnerable position. For the cold-weather winter conditions on the Project site, special material specifications are set to ensure that materials do not go below the brittle transition temperature.

Nacelle

Figure 3 shows the general arrangement of a typical

Figure 3 Typical WTG Nacelle



nacelle that houses the main mechanical components of the WTG. The nacelle consists of a robust machine platform mounted on a roller bearing sliding yaw ring that allows it to rotate (yaw) to keep the turbine pointed into the wind to maximize energy capture. A wind vane and anemometer are mounted at the rear of the nacelle to signal the controller with wind speed and direction information.

The main components inside the nacelle are the drive train, a gearbox and the generator. On some turbines, the step-up transformer is situated at the rear of the nacelle that eliminates the need for a pad-mounted transformer at the base of the tower.

The nacelle is housed by a fully enclosed steel reinforced fiberglass shell that protects internal machinery from the environment and dampens noise emissions. The shroud is designed to allow for adequate ventilation to cool internal machinery such as the gearbox and generator.

Drive Train

The rotor blades are all bolted to a central hub. The hub is bolted to the main shaft on a large flange at the front of the nacelle. The main shaft is independently supported by the main bearing at the front of the nacelle. The rotor transmits torque to the main shaft that is coupled to the gearbox. The gearbox increases the rotational speed of the high speed shaft that drives the generator at 1200-1800 RPM to provide electrical power at 60 Hertz (Hz).

Rotor Blades

Modern WTGs have 3-bladed rotors that range in span from 200 to 300 feet in diameter. The rotor blades turn quite slowly at about 20-25 RPM resulting in a graceful appearance during operation. The rotor blades are typically made from a glass-reinforced polyester composite similar to that used in the marine industry for sophisticated racing hulls. Much of the design and materials experience comes from both the marine and aerospace industries and has been developed and tuned for wind turbines over the past 25 years. The blades are non-metallic, but are equipped with a sophisticated lightning suppression system that is defined in detail in part a.2 of Section IX B 7, "Environmental Health."

Turbine Control Systems

Wind turbines are equipped with sophisticated computer control systems which are constantly monitoring variables such as wind speed and direction, air and machine temperatures, electrical voltages, currents, vibrations, blade pitch and yaw angles, etc. The main functions of the control system include nacelle operations as well as power operations. Generally, nacelle functions include yawing the nacelle into the wind, pitching the blades, and applying the brakes if necessary. Power operations controlled at the bus cabinet inside the base of the tower include operations of the main breakers to engage the generator with the grid as well as control of ancillary breakers and systems. The control system is always running and ensures that the machines are operating efficiently and safely.

Central SCADA System

Each turbine is connected to a central Supervisory Control and Data Acquisition (SCADA) System as shown schematically in Figure 4. The SCADA system allows for remote control and monitoring of individual turbines and the wind plant as a whole from both the central host computer or from a remote PC. In the event of faults, the SCADA system can also send signals to a fax, pager or cell phone to alert operations staff.

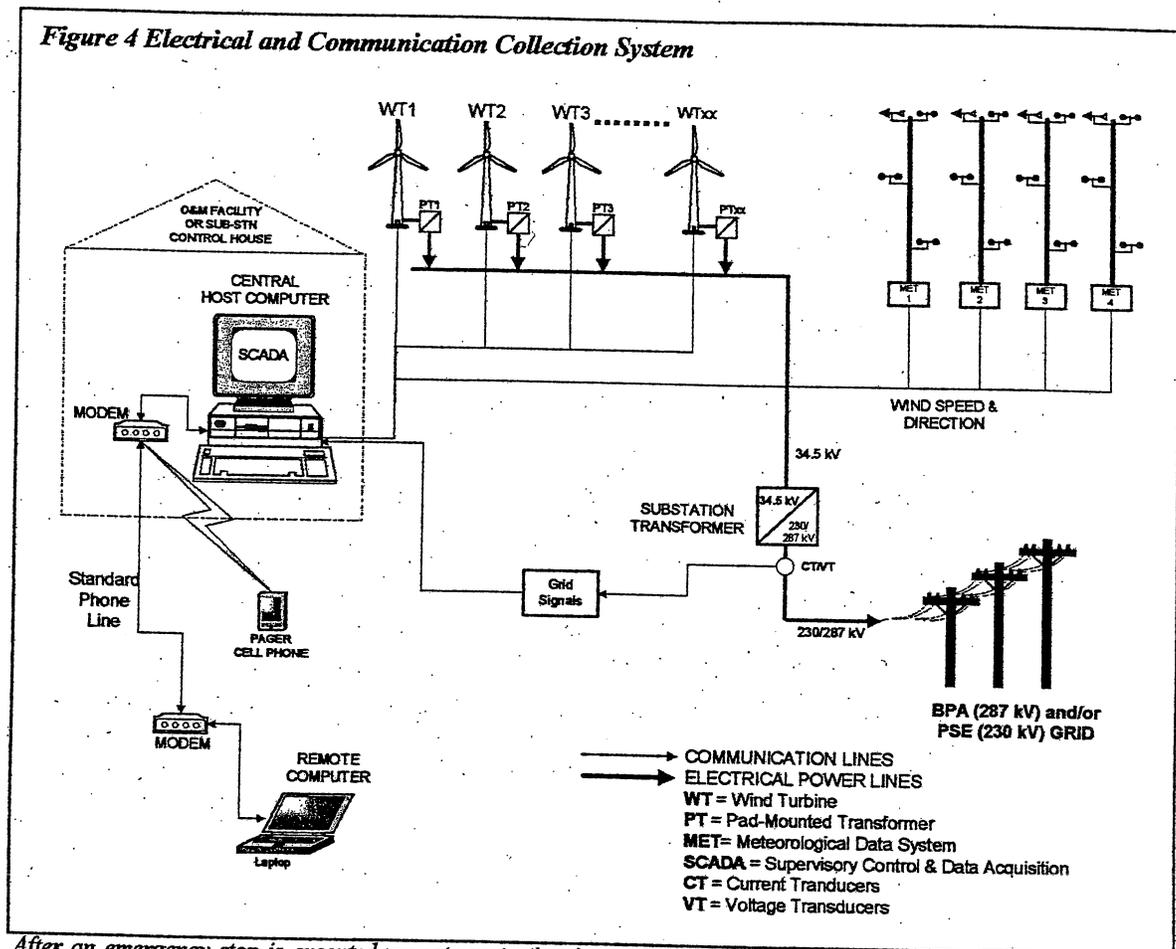
Safety Systems

All turbines are designed with several levels of built-in safety and comply with the codes set-forth by European standards as well as those of OSHA and ANSI.

Braking Systems

The turbines are equipped with two fully independent braking systems that can stop the rotor either acting together or independently. The braking system is designed to be fail-safe, allowing the rotor to be brought to a halt under all foreseeable conditions. The system consists of aerodynamic braking by the rotor blades and by a separate hydraulic disc brake system. Both braking systems operate independently such that if there is a fault with one, the other can still bring the turbine to a halt. Brake pads on the disc brake system are spring loaded against the disc and power is required keep the pads away from the disc. If power is lost, the brakes will be mechanically activated immediately. The aerodynamic braking system is also configured such that if power is lost it will be activated immediately using back-up battery power or the nitrogen accumulators on the hydraulic system, depending on the turbine's design.

Figure 4 Electrical and Communication Collection System



After an emergency stop is executed, remote restarting is not possible. The turbine must be inspected in-person and the stop-fault must be reset manually before automatic operation will be re-activated.

The turbines are also equipped with a parking brake that is generally used to "park" the rotor while maintenance routines or inspections that require a stationary rotor are performed.

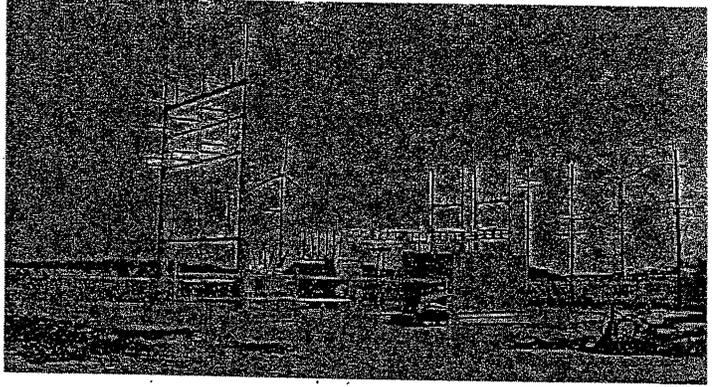
Electrical Collection and Communication System

The electrical output of the WTGs is collected and transmitted to the Project substation via underground and overhead electric cables. Underground cables are proposed wherever feasible to minimize visual and avian impacts. At the substation, the voltage will be increased to be compatible with the transmission lines to which the Project will be interconnected. Along with the electric collector cables, fiber optic or copper communication wires also link the individual turbines to a central operations and maintenance (O&M) center allowing around-the-clock remote monitoring and control of the turbines. This electrical collection and communication system is depicted schematically in Figure 4.

Substation and O&M Center

The proposed locations for the O&M center and substation are off of Bettas Road near its southern junction with Highway 97. The main function of the substation and interconnection facilities will be to step up the voltage from the collection lines (at 34.5 kV) to the transmission level (230 kV for PSE and 287 kV for BPA), to interconnect to the utility grid and provide fault protection. The basic elements of the substation and interconnection facilities are a control house, a bank of main transformers, outdoor breakers, relaying equipment, high voltage bus work, steel support structures, and overhead lightning suppression conductors. All of these main elements will be installed on concrete foundations that are designed for the soil conditions at the substations sites. The substations and interconnection facilities each consist of a graveled footprint area of approximately 2-3 acres a chain link perimeter fence, and an outdoor lighting system (see Figure 5 - Typical Substation).

Figure 5 Typical Substation



An O&M facility is planned to be located near the corner of state Highway 97 and Bettas Road as indicated on the Project Site Layout in Exhibit 2. The O&M Facility will include a main building with offices, spare parts storage, restrooms, a shop area, outdoor parking facilities, a turn around area for larger vehicles, outdoor lighting and a gated access with partial or full perimeter fencing. The O&M building will have a foundation footprint of approximately 50 ft. by 100 ft. The O&M facility area will be leveled and graded and will serve as a central base of construction and operations with up to 8 temporary office trailers and portable toilets parked in place during the construction phase of approximately one year.

Water Supply and Sewage Disposal

Water needs for operation of the Project are minimal (estimated to be under 1,000 gallons per day) and are limited to bathroom and kitchen use for the O&M facility. A new domestic well, to be inspected and approved by Kittitas County and/or Department of Ecology, will be drilled on site to serve the O&M facility. Water for construction of the Project (for road compaction, dust control, etc.) will be hauled in by the construction contractor from a permitted source.

During construction, sewage disposal will be via portable toilets which will be regularly serviced by a licensed firm. For Project operations, a septic system will be installed, in accordance with Kittitas County requirements, near the O&M center for sewage disposal.

10. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

Signature of Authorized Agent

Christopher Taylor

Date

6/10/03

Signature of Land Owner of Record (required for application submittal)

Date

Please see attached landowner consent letters.

SECTION I. ZONING STRUCTURAL SETBACK VARIANCE.

ADDITIONAL ITEMS TO COMPLETE: NONE.

1. Provision of zoning code for which this variance is requested and the way in which you wish to vary:
2. A variance may be granted when the following criteria are met. Please describe how each criteria is met for this particular request (attach additional sheets as necessary):
 - a. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography.

- b. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity.
- c. That authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.
- d. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern.

SECTION II. ZONING CONDITIONAL USE PERMIT.

ADDITIONAL ITEMS TO COMPLETE: SECTION IX SEPA ENVIRONMENTAL CHECKLIST.

- 1. Provision of the zoning code applicable:
- 2. A conditional use permit may be granted when the following criteria are met. Please describe how each criteria is met for this particular project (attach additional sheets as necessary):
 - A. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
 - B. The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that (1) it will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or (2) that the applicant shall provide such facilities; or (3) demonstrate that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.

SECTION III. REQUEST FOR REZONE.

ADDITIONAL ITEMS TO COMPLETE: SECTION IX SEPA ENVIRONMENTAL CHECKLIST.

- 1. Present zoning district
Agriculture 20 (AG-20) and Forest and Range (FR) – See Exhibit 18 of the Application for Site Certification, "Zoning Map."
- 2. Zoning district requested:
Wind Resource Overlay
- 3. Applicant for rezone must demonstrate that the following criteria are met (attach additional sheets as necessary):
 - a. The proposed amendment is compatible with the comprehensive plan.

The Kittitas County Comprehensive Plan was reviewed to assess the Project's consistency with county policies. Only the policies listed below were determined to be potentially relevant to the proposed wind Project. The policy number is provided, followed by the policy itself in quotation marks. The analysis of the Project's consistency is indented below the policy statement.

Chapter 2 Land Use

"GPO 2.114B: Economically productive farming should be promoted and protected. Commercial agricultural lands includes those lands that have the high probability of an adequate and dependable water supply, are economically productive, and meet the definition of "Prime Farmland" as defined under 7CFR Chapter VI Part 657.5...."

The proposed Project would be developed on non-irrigated land, most of which is used for cattle grazing. This land does not meet the definition of Prime Farmland. Removal of minor amounts of rangeland would not affect the productivity of cattle grazing operations. Therefore, the Project would be consistent with this land use policy.

power development regulations and would therefore be consistent with this policy.

"GPO 6.10. Community input should be solicited prior to county approval of utility facilities which may significantly impact the surrounding community."

The county, EFSEC and the Project developer have solicited community input on the proposed wind farm.

"GPO 6.18. Decisions made regarding utility facilities should be consistent with and complementary to regional demand and resources and should reinforce an interconnected regional distribution network."

This policy is similar to GPO 6.7. The proposed Project would significantly reinforce an interconnected regional power transmission and distribution network by connecting to Puget Sound Energy's (PSE) and/or Bonneville Power Administration's (BPA) electric power grid. Therefore, the Project is consistent with this policy.

"GPO 6.21. Avoid, where possible, routing major electric transmission lines above 55 kV through urban areas."

The Project does not propose any new major electric transmission lines but will connect to existing BPA and/or PSE high voltage transmission lines. The collector cables that connect each wind turbine and strings of turbines will be located underground. In addition, the Project will not be developed in an urban area; therefore, it is consistent with this policy.

"GPO 6.32. Electric and natural gas transmission and distribution facilities may be sited within and through areas of Kittitas County both inside and outside of municipal boundaries, UGAs, UGNs, Master Planned Resorts, and Fully Contained Communities, including to and through rural areas of Kittitas County."

This policy is identical to Policy GPO 5.11B and has been addressed previously.

"GPO 6.34. Wind Farms may only be located in areas designated as Wind Farm Resource overlay districts in the Comprehensive Plan. Such Wind Farm Resource overlay districts need not be designated as Major Industrial Developments under Chapter 2.5 of the Comprehensive Plan."

This policy requires that the area where the Project is proposed be designated a Wind Farm Resource overlay district. Such a designation requires the Applicant to seek a sub-area comprehensive plan amendment. A docketing application for a comprehensive plan amendment has been submitted along with this request for rezone. It is anticipated that the County will process both requests concurrently, pursuant to the requirements of Kittitas County Code Chapter 17.61A.040.

Chapter 8 Rural Lands

"GPO 8.7. Private owners should not be expected to provide public benefits without just compensation. If the citizens desire open space, or habitat, or scenic vistas that would require a sacrifice by the landowner or homeowner, all citizens should be prepared to shoulder their share in the sacrifice."

The proposed wind Project would be constructed on privately owned and DNR land through lease agreements with willing landowners. This comprehensive plan policy suggests that landowners should not be expected to forgo the opportunity to develop wind generation on their properties simply because of potential visual effects, unless the public at large compensates them for their lost opportunity.

"GPO 8.24. Resource activities performed in accordance with county, state and federal laws should not be subject to legal actions as public nuisances."

The proposed Project, to the extent it is a "resource activity" because it uses the area's wind resource, would be constructed and operated in accordance with all county, state, and federal laws, and thus is consistent with this policy.

"GPO 8.42. The development of resource based industries and processing should be encouraged."

Wind energy production is a type of resource-based industry in that it uses a natural renewable resource, the wind. The proposed Project could thus be considered to be consistent with this policy encouraging such industries.

"GPO 8.62. Habitat and scenic areas are public benefits that must be provided and financed by the public at large, not at the expense of individual landowners and homeowners.

This policy is similar to GPO 8.7, and implies that landowners should not be expected to forgo the opportunity to develop wind generation on their properties simply because of potential visual effects, unless they are compensated for their lost opportunity by the public at large.

b. The proposed amendment bears a substantial relation to the public health, safety or welfare.

The Project bears a substantial relation to the public health, safety, and welfare. The Project will develop one of Kittitas County's renewable resources, wind. It will provide a clean source of power while helping to reduce the region's dependence on polluting, non-renewable and often volatile energy sources. Additionally, the Project will provide significant added tax revenue while not increasing the demand for local public services, such as public safety, schools and infrastructure. An analysis of these economic impacts is presented in the November 2002 report: "Economic Impacts of Wind Power in Kittitas County- A Report for the Phoenix Economic Development Group" by ECONorthwest (Application for Site Certification Exhibit 23, 'Phoenix Study'.) Tax revenues generated by the Project can be used to finance public services that improve public, health, safety and welfare and/or to reduce the current tax burden on existing taxpayers. New jobs will be created during both construction and operation of the Project and local purchases of supplies and services will provide a further boost to the local economy.

c. The proposed amendment has merit and value for Kittitas County or a sub-area of the county.

The Project has merit and value for Kittitas County. As stated in (b) above, the Project will provide a significant long term increase in local tax revenues without increasing demand on local services and will create new jobs in the county. The Project will also help diversify the regional energy portfolio and reduce the region's dependence on non-renewable energy sources that are subject to price volatility and generate significant pollution. In the immediate Project area, participating landowners will realize substantial increases in income in the form of royalty payments for wind turbines on their land. This additional income will help promote the conservation of the area's rural character by reducing pressure on landowners to subdivide their land and convert from open space and grazing to residential development. Development of wind energy facilities in the Project area will result in far less demand for public services than would be the case for residential development.

d. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.

In enacting Ordinance 2002-20 (establishing new wind farm development rules), the County established that wind farms "are a permitted use in a Wind Farm Resource Overlay Zoning District." (Section 17.61A.030). However, under Ch. 17.61A, sub-area plan and zoning amendments are required, as well as a development agreement and development permit. Consequently, under the relevant code provisions, the "changed circumstances" test is not readily applicable to the proposed plan and zoning amendments. There is a "need for additional property" in Kittitas County having the Wind Farm Resource overlay designation, in that while the County has determined that wind farm uses are a permitted use within the overlay district, no properties having this designation currently exist in Kittitas County. Additionally, and in the alternative, for the reasons described below, the proposed sub-area district and zoning overlay designations are "appropriate for reasonable development of the subject property."

Fundamentally, setting aside site-specific issues addressed in the site-specific permitting process, properties are suitable for wind energy facility development (and consequently are generally suitable for the sub-area plan and zoning overlay designations) if they have the appropriate underlying zoning (Ag-20, Forest & Range, Commercial Agriculture, and Commercial Forest), AND because they have substantial, steady, reliable, commercially-viable winds, AND because

they are situated in close proximity to electric transmission facilities. Therefore, only a limited number of properties could be eligible for such development. Because of the very limited range of properties suitable in Kittitas County for this property use, the proposed project site is an appropriate area to be assigned the sub-area plan and zoning overlay designation due to need for additional property, and because wind energy facility use is appropriate for the reasonable development of the property.

The proposed sub-area plan designation and rezone are appropriate because the Project area is suitable for Wind Farm development. The Project area is appropriate for Wind Farm development for several key reasons.

- The wind resource in the Project area is vigorous, well-documented and commercially viable;
- The Project area is already crossed by 6 different sets of high voltage electric transmission lines, therefore, no new above ground transmission lines are needed;
- The Project area has a good network of existing public and private roads, thus minimizing the amount of new road construction necessary for building and operating the Project;
- The development of a Wind Farm in the Project area is consistent with current land uses in the area (grazing, open space, scattered rural homesites);
- Extensive environmental, cultural resource, noise and visual studies have shown the impacts from the Project will be minimal and can be mitigated successfully through the site-specific permits.

- e. The subject property is suitable for development in general conformance with zoning standards for the proposed zone.

The Wind Farm Resource overlay district, as defined in Ch. 17.61A, does not contain zoning standards, but instead relies upon the site-specific development permit to implement appropriate development standards. The subject property will be developed in compliance with a Wind Resource Overlay zone and in conformance with the zoning standards contained in that zone, as well as any additional standards or conditions imposed by EFSEC as part of a Site Certification Certificate.

- f. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.

The project will not be materially detrimental to the use of properties in the immediate vicinity of the Project Area because all existing land uses within the Project Area - including grazing, open space, and rural residential, would continue, with no limitations or restrictions on the use of properties in the immediate vicinity as a consequence of the proposed property use.

- g. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.

There will be no impact to irrigation water deliveries. The area requested for rezoning is not currently irrigated. The Kittitas Reclamation District (KRD) canal runs south of one portion of the proposed Project, but will not be affected by the construction or operation of the Project.

**SECTION 2:
APPLICATION FOR DEVELOPMENT AGREEMENT**

APPLICATION FOR DEVELOPMENT AGREEMENT

SECTION I - INTRODUCTION.

Kittitas County may enter into development agreements with a person having ownership interest or control of real property within the County's jurisdiction, pursuant to RCW 36.70B.170-210. A decision to enter into a development agreement shall be made on a case by case basis.

A development agreement may be appropriate for large, complex or phased projects, or projects which were not contemplated by existing development regulations or existing application procedures. Projects which may be suitable for development agreements contain the following types of components:

- phased development over a five year period or longer;
- the project site is over twenty-five acres;
- a mixed-use project containing two-hundred or more residential units; or
- commercial or industrial development over one-hundred thousand (100,00) square feet.

Kittitas County Board of Commissioners shall only approve a development agreement by ordinance or resolution after a public hearing held by the County Planning Commission. If the development agreement relates to a project permit application, the provisions of Ch. 36.70C RCW shall apply to the appeal of the decision on the development agreement.

A development agreement shall be recorded with the real property documents of Kittitas County. During the term of the development agreement, the agreement is binding on the parties, their successors and assigns, including any city that assumes jurisdiction through incorporation or annexation of the area covering the property subject to the development agreement.

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the built-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by Kittitas County after the execution of the development agreement must be consistent with the development agreement.

Nothing in RCW 36.70B.170 - 36.70B.200 and Section 501, Ch. 374, Laws of 1995 or this chapter is intended to authorize the County to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law and a development agreement agreed to by both the applicant and Kittitas County.

SECTION II - GENERAL REQUIREMENTS.

Application for development agreement must include the following items in complete form;

please type or print clearly in ink.

- 1)
 - a) Site plan, with surrounding vicinity, including but not limited to all: existing buildings, points of access, roads, and parking areas; and, natural features such as contours, bodies of water etc.
 - b) Address list of all landowners within three-hundred feet of site.
 - c) A description of the project.
 - d) The specific reasons why the project is suitable for a development agreement.
 - e) Any other reasonable information requested by the County.

Please refer to Applicant's application for rezone to Kittitas County and Application for Site Certification to EFSEC. All of the above information is provided in these applications. As stated in the Applicant's concurrent application for rezone and comprehensive plan amendment, this request is being made in compliance with WAC 463-28. This project is subject to the jurisdiction of and being sited by the Washington Energy Facility Site Evaluation Council (EFSEC) pursuant to Application for Site Certification No. 2003-1. The reason the project is suitable for a development agreement is that KCC 17.61 requires a development agreement for approval of a wind farm resource overlay.

- 2) Set forth proposed development standards and other provisions that shall apply to and govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement. These standards shall be consistent with applicable County development regulations, except as such development regulations have been modified by the development standards contained in the agreement. Development standards include but are not limited to the following:
 - a) Project elements such as permitted uses, residential densities, and non-residential densities and intensities or building sizes.
 - b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications.
 - c) Mitigation measures, development conditions, and other requirements under Ch. 43.21C RCW.
 - d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features.
 - e) Road and sidewalk standards.
 - f) Affordable housing.
 - g) Water, sewer, storm drainage and other infrastructure requirements.
 - h) Parks and open space preservation.
 - i) Phasing.
 - j) Development review processes, procedures and standards for implementing decisions, including methods of reimbursement to the County for review processes.
 - k) A build-out or vesting period for applicable development standards.
 - l) Process for amending the development agreement.
 - m) Any other appropriate development requirement or procedure.

Please refer to Applicant's application for rezone to Kittitas County and Application for Site Certification (ASC) to EFSEC. All of the above information, including proposed setbacks, is provided in these applications. The setbacks proposed by the Applicant to EFSEC are as

follows:

The minimum setback distances incorporated into the proposed Project layout are based several factors, including avoidance of safety and nuisance concerns, industry standards and Applicant's own experience operating wind power projects. Some are fixed distances (i.e. 1,000 feet) that are based on estimates or modeling of potential nuisance impacts such as noise and shadow flicker. Others, such as "tip height" are related to the size of the actual turbines to be installed (see Figure 2.3.6-1 of the ASC). Tip height refers to the total distance from the base of the turbine to the tip of the blade at its highest point. Tip height setbacks are primarily safety-related, e.g. in the event of a massive earthquake combined with a hurricane force wind, if the entire tower and turbine were to collapse, they would not fall on a public road or a neighbor's property.

The setbacks that are proposed are as follows:

- Setback from residences of neighboring (i.e. those without signed agreements with the Applicant) landowners: 1,000 feet
- Setback from property lines of neighboring landowners: 50 feet beyond the tip of the blade at its closest point to the property line.
- Setback from County/State roads: Turbine tip height
- Setbacks from residences with signed agreements with Applicant: At least blade tip height. However, it may be greater based on the property owner's approval. Some landowners want to have turbines closer than 1,000 feet to their residence in exchange for more turbines on their land and the revenue generated by them.
- Setback from property lines of landowners with signed agreements with Applicant: None. All property owners with signed agreements with the Applicant have agreed to a zero setback from property lines, as this allows the most efficient and lowest impact placement of wind turbines across various landowners.
- Setback from BPA/PSE transmission lines: Blade tip height.

In the event that the final turbine selected for the Project is larger or smaller than the scenario presented in the ASC, minor adjustments will be made to the proposed Project layout to maintain the minimum setbacks described above.

3) Name, mailing address and day phone of land owner(s) of record:

Please refer to Applicant's application for rezone to Kittitas County and Application for Site Certification to EFSEC. All of the above information is provided in these applications.

4) Name, mailing address and day phone of authorized agent, if different from land owner of record:

Christopher Taylor
Project Development Manager
Sagebrush Power Partners, LLC
222 E. 4th Street
Ellensburg, WA 98926

Tel: 509-899-4609

5) Contact person for application (select one): Owner of record Authorized agent
All verbal and written contact regarding this application will be made only with the contact person.

6) Legal description of property and acreage (attach additional sheets as necessary):

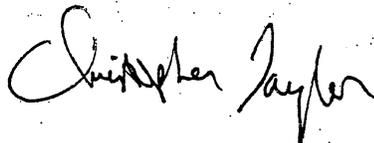
Please refer to Applicant's application for rezone to Kittitas County and Application for Site Certification to EFSEC. All of the above information is provided in these applications.

7) Tax parcel number(s):

Please refer to Applicant's application for rezone to Kittitas County and Application for Site Certification to EFSEC. All of the above information is provided in these applications.

Application is hereby made for development agreement. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work. This development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. This development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety. This development agreement may include provisions which are different (but not less than) or in addition to other County development regulations.

Signature of Authorized Agent



Date 6/10/03

Signature of Land Owner of Record (required for application submittal)

Date

Please refer to the attached landowner authorization letters.

**SECTION 3:
APPLICATION FOR DOCKETING AMENDMENTS**

APPLICATION
FOR DOCKETING AMENDMENTS
TO THE
KITITITAS COUNTY COMPREHENSIVE PLAN

DEADLINE 5:00 PM, JUNE 30

DATE: June 10, 2003

PROPOSED AMENDMENTS:

This comprehensive plan amendment accompanies a re-zone request filed concurrently with the Kittitas County Community Development Services for a Wind Resource Overlay for the proposed Kittitas Valley Wind Power Project, located approximately 12 miles northwest of Ellensburg, WA. We request that the County adopt a sub-area comprehensive plan amendment to designate the area as a Wind Resource Overlay. The area for which Wind Resource Overlay designation is requested is described by tax parcel number and legal description in the accompanying re-zone request and illustrated graphically in the attached map.

Both of these actions are requested in the context of an Application for Site Certification for the Kittitas Valley Wind Power Project which is currently pending with the Washington Energy Facility Site Evaluation Council (EFSEC). As such, EFSEC is the lead agency under SEPA for this project. Kittitas County SEPA review of this project is governed by RCW 80.50.180, which exempts local governments and state agencies from the SEPA review requirements for actions which are taken in conjunction with EFSEC review of a project.

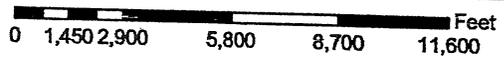
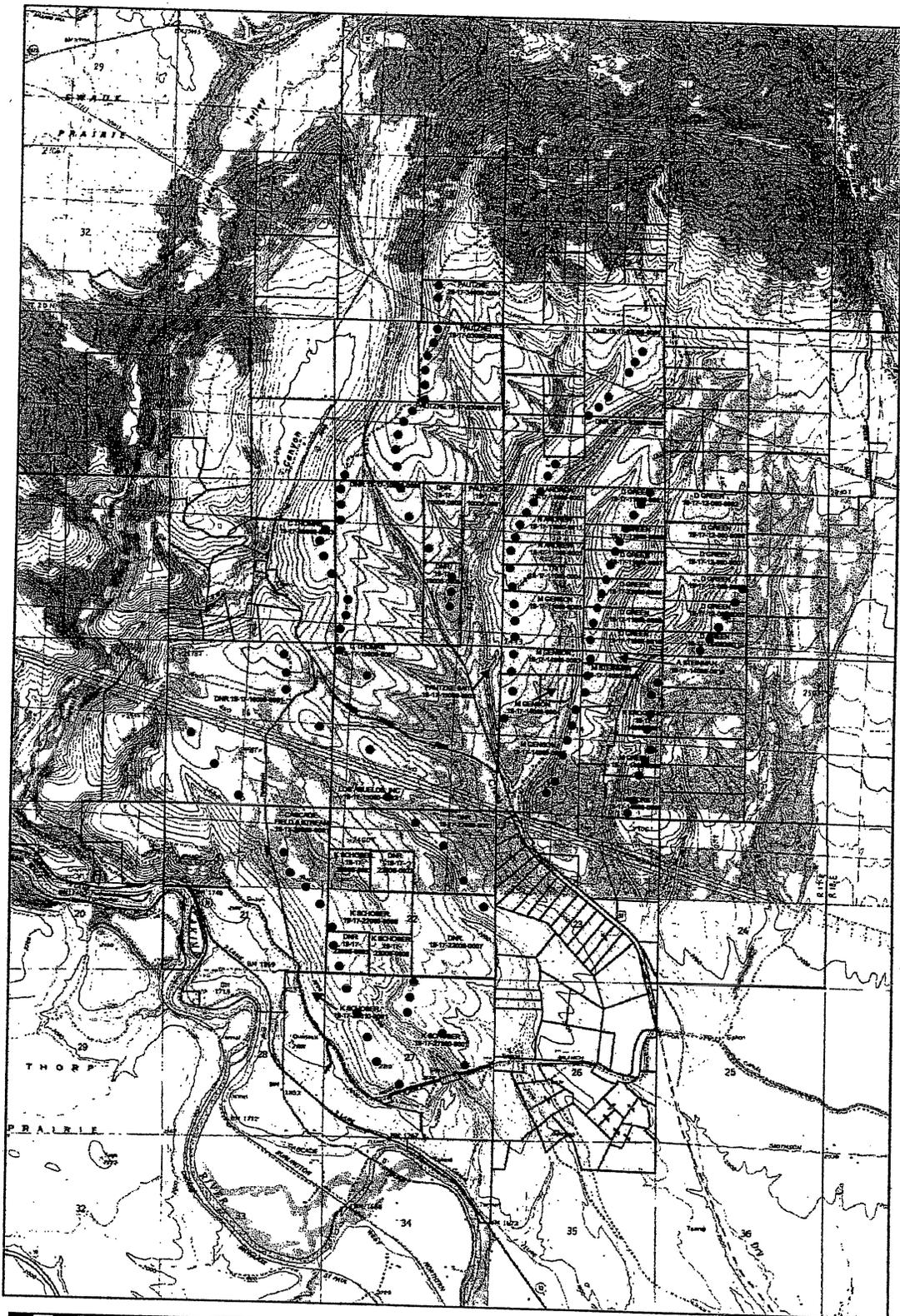
NAME: Chris Taylor, Zilkha Renewable Energy

PHONE NUMBER: 509-899-4609

ADDRESS: 222 E. Fourth Street, Ellensburg, WA 98926

SIGNATURE: _____

Christopher Taylor



- Legend
- REQUESTED REZONE TO WIND RESOURCE OVERLAY
 - PROPOSED WIND TURBINE LOCATIONS

**KITITTAS COUNTY COMPREHENSIVE PLAN
AMENDMENT REQUEST**

KITITTAS VALLEY WIND POWER PROJECT
APRIL 2003

**EXHIBIT 1:
LEGAL DESCRIPTIONS AND LAND OWNERSHIP INTERESTS**

EXHIBIT 1: LAND OWNERSHIP

Introduction

The Kittitas Valley Wind Power Project will be constructed across a land area of approximately 5,000 acres in Kittitas County, although the actual permanent facility footprint will only comprise approximately 90 acres of land. Proposed turbine strings will be located primarily on the north-south oriented ridges in Township 19N Range 17E, and Township 20N Range 17E.

The core of the Kittitas Valley Wind Power Project site and the proposed interconnect points lie on privately-owned lands and parcels which are owned by the Washington Department of Natural Resources (WA DNR). The Applicant has obtained wind option agreements with landowners for all private lands within the Project site boundary necessary for installation of the plant.

Approximately one fourth of the proposed turbines lie on WA DNR lands. The Applicant has secured access to all of the DNR lands as well as all of the private lands surrounding the DNR parcels of interest. DNR has notified the Applicant in writing that the Applicant has been selected as the successful bidder for a wind lease following a sealed public auction process. A copy of the "award of lease" letter from DNR is also attached.

Legal Descriptions of Lands Under Option with Applicant

Noel Andrew
2701 Elk Springs Road
Ellensburg, WA 98926
Phone No. 509-306-5348

Legal Description:

The Property consists of approximately 150 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:
Tracts 1, 2 & 3 of Survey No. 501915, (located in the West one-half (W1/2)), Section 11, Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No's 19-17-11000-0002, 19-17-11000-0003 & 19-17-11000-0011

Larry L. Tritt
PO Box 725
Roslyn, WA 98941
Phone No. 509-649-3611

Legal Description:

The Property consists of approximately 50 Acres of land located in Kittitas County, Washington, State, and more specifically described as follows:
Tract 4, of Survey No. 501915, (located in the West one-half (W1/2)), Section 11, Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No. 19-17-11000-0004

Michael and Louise Genson
PO Box 521
Snoqualmie, WA 98065
Phone No. 509-964-9082

Legal Description:

The Property consists of approximately 425 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:
Tracts 5 and 6 of Survey No. 501915, located in the Southwest one-quarter (SW1/4), Section 11; and the West one-half (W1/2) of Section 14, Excepting there from that portion lying Southwesterly of the State Highway, and that portion of the West one-half (W1/2), Section 23, lying Northerly of the B.P.A. power line road and being a portion of Tract B of Survey No. 504472.

Kittitas County Tax Parcel No's, 19-17-11000-0005, 19-17-14000-0002, 19-17-14000-0003, 19-17-14000-0004 & 19-17-23000-0014.

Pautzke Bait Co., Inc.
c/o Gerry Williams
PO Box 36
Ellensburg, WA 98926
Phone No. 509-925-9365

Legal Description:

The Property consists of approximately 700 Acres of land located in Kittitas County, Washington State, and more particularly described as follows:

The Northeast one-quarter (NE1/4), and the South one-half (S1/2) of Section 3, excepting there from that portion lying Westerly of the State Highway, and the East one-half (E1/2) of the East one-half (E1/2) of Section 10, and that portion lying Easterly of the State Highway within the Northeast one-quarter (NE1/4) of Section 15. All of the above is located within Township 19 North, Range 17 East, W.M. And together with the South one-half (S1/2) of the Southeast one-quarter (SE1/4) of Section 34, Township 20 North, Range 17 East, W.M.

Kittitas County Tax Parcel No's 19-17-03000-0003, 19-17-10000-0001, 19-17-15000-0003 & 20-17-34000-0004.

Carla L. Thomas
911 Robbins Road
Ellensburg, WA 98926
Phone No. 509-962-8572

Legal Description:

The Property consists of approximately 500 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

All of that portion of the South one-half (S1/2), of Section 3, lying Westerly of the State Highway, and that portion of the Southeast one-quarter (SE1/4) of Section 9, lying Easterly of the County Road, and that portion of Section 15, lying Northerly of the County Road. All of the above is located within Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No's 19-17-03000-0001, 19-17-09000-0003 & 19-17-15000-0001.

Daniel A. and Marcia M. Green
715 Carplake Road
Camano Island, WA 98282
Phone No. 360-387-3495

Legal Description:

The Property consists of approximately 800 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

All of that portion of the Southwest one-quarter (SW1/4), Section 1; and the East one-half (E1/2), Section 11, and the West one-half (W1/2), Section 12, Township 19 North, Range 17 East, W. M.

Kittitas County Tax Parcel No's 19-17-01000-0002, 19-17-01000-0009, 19-17-01000-0010 & 19-17-01000-0011; 19-17-11000-0001, 19-17-11000-0006, 19-17-11000-0007, 19-17-11000-0008, 19-17-11000-0009 & 19-17-11000-0010; 19-17-12000-0002, 19-17-12000-0006, 19-17-12000-0007, 19-17-12000-0008, 19-17-12000-0009 & 19-17-12000-0010.

James L. Majors
411 Rustic Road
Ellensburg, WA 98926
Phone No. 509-962-4059

Legal Description:

The Property consists of approximately 50 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

Lot 3, of Survey No. 505298, (located in the East one-half (E1/2)), Section 14, Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No. 19-17-14000-0006.

Keith Schober
PO Box 72
Cle Elum, WA 98922
Phone No. 509-674-2217

Legal Description:

The Property consists of approximately 785 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

The Southwest one-quarter (SW1/4) of the Northwest one-quarter (NW1/4) and the Northwest one-quarter (NW1/4) of the Southwest one-quarter (SW1/4), and the East one-half (E1/2) of the Southwest one-quarter (SW1/4), Section 22. Also, all of that portion lying Easterly and Northeasterly of Hayward Road, Section 27, Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No's 19-17-22000-0003, 19-17-22000-0008 & 19-17-22000-0009, and 19-17-27000-0001.

Cascade Field and Stream Club
c/o Monty D. Miller, Club President
PO Box 424
Cle Elum, WA 98922
Phone No. 509-674-9278

Legal Description:

The property consists of approximately 182 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

All of that portion of Section 21, lying east of the County road and lying East of the Easterly boundary of the Kittitas Reclamation District Canal, Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No. 19-17-21000-0001.

Karl Krogstad
PO Box 95260
Seattle, WA 98145
Phone No. 206-323-6472

Legal Description:

The Property consists of approximately 54 Acres of land located in Kittitas County, Washington State, and more particularly described as follows:
Lot 1, Survey No. 505298, (located within the East one-half (E1/2)), Section 14, Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No. 19-17-14000-0001.

Los Abuelos, Inc.
c/o Pete Bugni, President
361 Cedar Cove Road
Ellensburg, WA 98926
Phone No. 609-925-3902

Legal Description:

The Property consists of approximately 282 Acres of land located in Kittitas County, Washington State, and more particularly described as follows:
All that portion lying South and Southwesterly of the County Road located within Section 15, Township 19 North, Range 17 East, W.M., Kittitas County, State of Washington

Kittitas County Tax Parcel No. 19-17-15000-0002.

Merle Steinman
19822-28 Avenue West
Lynnwood, WA 98036
Phone No. 425-774-0790

Legal Description:

The Property consists of approximately 40 Acres of land located in Kittitas County, Washington State, and more particularly described as follows:
Lot 6, of that certain Survey as recorded June 22, 1987 in Book 15 of Surveys at pages 62 and 63 under Auditor's File No. 505298, records of Kittitas County, Township 19 North, Range 17 East, W.M., Kittitas County, State of Washington.

Kittitas County Tax Parcel No. 19-17-14000-0009.

Andrea Steinman
19822-28 Avenue West
Lynnwood, WA 98036
Phone No. 425-774-0790

Legal Description:

The Property consists of approximately 40 Acres of land located in Kittitas County, Washington State, and more particularly described as follows:
Lot 7, of that certain Survey as recorded June 22, 1987 in Book 15 of Surveys at pages 62 and 63 under Auditor's File No. 505298, records of Kittitas County, Township 19 North, Range 17 East, W.M., Kittitas County, State of Washington.

Kittitas County Tax Parcel No. 19-17-14000-0010.

Washington State Department of Natural Resources (DNR)
c/o Milt Johnston, Regional Manager
713 Bowers Road
Ellensburg, WA 98926
Phone No. 509-925-8510

The Property consists of approximately 2,080 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:
The East one-half (E1/2), the West one-half of the Southwest one-quarter (W1/2SW1/4), the Southeast one-quarter of the Southwest one-quarter (SE1/4SW1/4), and the Southwest one quarter of the Northwest one-quarter (SW1/4NW1/4), Section 2; The West one-half of the East one-half (W1/2E1/2), and the West one-half (W1/2), Section 10; All of Section 16: The East one-half (E1/2), and the Southwest one-quarter of the Southwest one-quarter (SW1/4SW1/4), and the North one-half of the Northwest one-quarter (N1/2NW1/4), and the Southeast one-quarter of the Northwest one-quarter (SE1/4NW1/4), Section 22; All of the above is located within Township 19 North, Range 17 East, W.M. All of section 36, Township 20 North, Range 17 East, W.M.

Kittitas County Tax Parcel No's 19-17-02000-0001, & 19-17-02000-0005; 19-17-10000-0006; 19-17-16000-0001; 19-17-22000-0001, 19-17-22000-0002, 19-17-22000-0005 & 19-17-22000-0007 & 20-17-36000-0001.

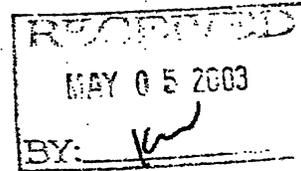
A copy of the DNR Award of Lease Letter has been attached to this Exhibit (Attachment 1).

**ATTACHEMENT 1:
WA DNR AWARD OF LEASE LETTER**



April 28, 2003

Zilkha Renewable Energy, LLC
Attn: Michael Skelly
1001 McKinney Suite 1740
Houston TX 77002-0000



RE: Lease No. 60-074259

Dear Mr. Skelly:

We are please to inform you that Sagebrush Power Partners, LLC, has been awarded the above referenced lease in Kittitas County.

Thank you for your initial rent payment of \$28,261.88. I have enclosed two (2) originals of your new lease for signature.

I am also enclosing a lease guaranty which provides a guaranty from Zilhka Renewable Energy to the Department of Natural Resources for the above lease.

Please sign all originals in ink on the lines indicated before a notary public, and return them to the Department of Natural Resources at the address below. Both originals of the lease must be returned to Southeast Region Office within 20 days of the date of this letter.

The lease will then be presented to the Commissioner of Public Lands for execution. Upon signing, one original will be returned to you, at which time you will be entitled to the rights granted therein.

Sincerely,

M. Johnston

Milt Johnston
Assistant Region Manager

Enclosures

c: Chris Taylor



**ATTACHEMENT 2:
LAND OWNER CONSENT TO APPLICATION**

KITTITAS VALLEY WIND POWER PROJECT

**Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment,
Rezone, Development Agreement and Wind Farm Permit**

Noel Andrew
2701 Elk Springs Rd.
Elkensburg, WA 98926

Name and Address of Landowner

Tax Parcel No's 19-17-11000-0002, 19-17-11000-0003 & 19-17-11000-0011

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.



(Signature of Landowner)

5-12-03
Date

Noel Andrew
2701 Elk Springs Road
Ellensburg, WA 98926
Phone No. 509-306-5348

Legal Description:

The Property consists of approximately 150 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

Tracts 1, 2 & 3 of Survey No. 501915, (located in the West one-half (W1/2)), Section 11, Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No's 19-17-11000-0002, 19-17-11000-0003 & 19-17-11000-0011

KITTITAS VALLEY WIND POWER PROJECT

Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment, Rezone, Development Agreement and Wind Farm Permit

Larry Tritt
P.O. Box 725
Roslyn, WA 98941

Name and Address of Landowner

Tax Parcel No. 19-17-11000-0004

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.

Larry Tritt
(Signature of Landowner)

5/12/03
Date

Larry L. Tritt
PO Box 725
Roslyn, WA 98941
Phone No. 509-649-3611

Legal Description:

The Property consists of approximately 50 Acres of land located in Kittitas County, Washington, State, and more specifically described as follows:
Tract 4, of Survey No. 501915, (located in the West one-half (W1/2)), Section 11, Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No. 19-17-11000-0004

KITTITAS VALLEY WIND POWER PROJECT

Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment, Rezone, Development Agreement and Wind Farm Permit

Michael & Louise Genson
P.O. Box 521
Snoqualmie, WA 98065

Name and Address of Landowner

Tax Parcel No's, 19-17-11000-0005, 19-17-14000-0002, 19-17-14000-0003, 19-17-14000-0004 & 19-17-23000-0014

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.

Michael K. Genson
(Signature of Landowner) 3
Louise M. Genson

5/13/03
Date

Printed Name of Landowner
Printed Name of Applicant
Printed Name of County Assessor
Printed Name of Planning Commission
Printed Name of Planning Director

Printed Name of Planning Commission
Printed Name of Planning Director
Printed Name of County Assessor
Printed Name of Applicant

Michael and Louise Genson
PO Box 521
Snoqualmie, WA 98065
Phone No. 509-964-9082

Legal Description:

The Property consists of approximately 425 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:
Tracts 5 and 6 of Survey No. 501915, located in the Southwest one-quarter (SW1/4), Section 11; and the West one-half (W1/2) of Section 14, Excepting there from that portion lying Southwesterly of the State Highway, and that portion of the West one-half (W1/2), Section 23, lying Northerly of the B.P.A. power line road and being a portion of Tract B of Survey No. 504472.

Kittitas County Tax Parcel No's, 19-17-11000-0005, 19-17-14000-0002, 19-17-14000-0003, 19-17-14000-0004 & 19-17-23000-0014.

KITTITAS VALLEY WIND POWER PROJECT

Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment, Rezone, Development Agreement and Wind Farm Permit

Carla Thomas
911 Robbins Rd.
Ellensburg, WA 98926

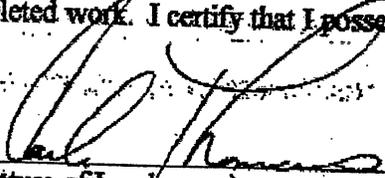
Name and Address of Landowner

Tax Parcel No's 19-17-03000-0001, 19-17-09000-0003 & 19-17-15000-0001

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.



(Signature of Landowner)

5/12/03
Date

Carla L. Thomas
911 Robbins Road
Ellensburg, WA 98926
Phone No. 509-962-8572

Legal Description:

The Property consists of approximately 500 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

All of that portion of the South one-half (S1/2), of Section 3, lying Westerly of the State Highway, and that portion of the Southeast one-quarter (SE1/4) of Section 9, lying Easterly of the County Road, and that portion of Section 15, lying Northerly of the County Road. All of the above is located within Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No's 19-17-03000-0001, 19-17-09000-0003 & 19-17-15000-0001.

KITTITAS VALLEY WIND POWER PROJECT**Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment,
Rezone, Development Agreement and Wind Farm Permit**

**Gerry & Paula Williams
Pauzke Bait
P.O. Box 36
Ellensburg, WA 98926**

Name and Address of Landowner

Tax Parcel No's 19-17-03000-0003, 19-17-10000-0001, 19-17-15000-0003 & 20-17-34000-0004.

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.

Paula K. Williams
(Signature of Landowner)

5-12-03

Date:

Pantzke Bait Co., Inc.
Gerry Williams
PO Box 36
Ellensburg, WA 98926
Phone No. 509-925-9365

Legal Description:

The Property consists of approximately 700 Acres of land located in Kittitas County, Washington State, and more particularly described as follows:

The Northeast one-quarter (NE1/4), and the South one-half (S1/2) of Section 3, excepting there from that portion lying Westerly of the State Highway, and the East one-half (E1/2) of the East one-half (E1/2) of Section 10, and that portion lying Easterly of the State Highway within the Northeast one-quarter (NE1/4) of Section 15. All of the above is located within Township 19 North, Range 17 East, W.M. And together with the South one-half (S1/2) of the Southeast one-quarter (SE1/4) of Section 34, Township 20 North, Range 17 East, W.M.

Kittitas County Tax Parcel No's 19-17-03000-0003, 19-17-10000-0001, 19-17-15000-0003 & 20-17-34000-0004.

KITTITAS VALLEY WIND POWER PROJECT

Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment, Rezone, Development Agreement and Wind Farm Permit

Daniel & Marcia Green
715 Carp Lake Rd.
Camano Island, WA 98282

Name and Address of Landowner

Tax Parcel No's 19-17-01000-0002, 19-17-01000-0009, 19-17-01000-0010 & 19-17-01000-0011; 19-17-11000-0001, 19-17-11000-0006, 19-17-11000-0007, 19-17-11000-0008, 19-17-11000-0009 & 19-17-11000-0010; 19-17-12000-0002, 19-17-12000-0006, 19-17-12000-0007, 19-17-12000-0008, 19-17-12000-0009 & 19-17-12000-0010

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.


(Signature of Landowner)

5/12/03
Date

Daniel A. and Marcia M. Green
715 Carp lake Road
Camano Island, WA 98282
Phone No. 360-387-3495

Legal Description:

The Property consists of approximately 800 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

All of that portion of the Southwest one-quarter (SW1/4), Section 1; and the East one-half (E1/2), Section 11, and the West one-half (W1/2), Section 12, Township 19 North, Range 17 East, W. M.

Kittitas County Tax Parcel No's 19-17-01000-0002, 19-17-01000-0009, 19-17-01000-0010 & 19-17-01000-0011; 19-17-11000-0001, 19-17-11000-0006, 19-17-11000-0007, 19-17-11000-0008, 19-17-11000-0009 & 19-17-11000-0010; 19-17-12000-0002, 19-17-12000-0006, 19-17-12000-0007, 19-17-12000-0008, 19-17-12000-0009 & 19-17-12000-0010.

KITTITAS VALLEY WIND POWER PROJECT

**Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment,
Rezone, Development Agreement and Wind Farm Permit**

**James Majors
411 Rustic Rd.
Ellensburg, WA 98926**

Name and Address of Landowner

Tax Parcel No. 19-17-14000-0006

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.

James Majors
(Signature of Landowner)

5-12-03
Date

James L. Majors
411 Rustic Road
Ellensburg, WA 98926
Phone No. 509-962-4059

Legal Description:

The Property consists of approximately 50 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

Lot 3, of Survey No. 505298, (located in the East one-half (E1/2)), Section 14, Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No. 19-17-14000-0006.

KITTITAS VALLEY WIND POWER PROJECT

**Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment,
Rezone, Development Agreement and Wind Farm Permit**

**Keith Schober
P.O. Box 72
Cle Elum, WA 98922**

Name and Address of Landowner

**Tax Parcel No's 19-17-22000-0003, 19-17-22000-0008 & 19-17-22000-0009, and
19-17-27000-0001**

County Assessor's Tax Parcel Number(s)
(Legal Description attached) *KS.*

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.

Keith Schober
(Signature of Landowner)

5-9-03
Date

KITTITAS VALLEY WIND POWER PROJECT

**Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment,
Rezone, Development Agreement and Wind Farm Permit**

**Monty Miller
Cascade Field and Stream
P.O. Box 424
Cle Elum, WA 98922**

Name and Address of Landowner

Tax Parcel No.19-17-21000-0001

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.

Monty D. Miller
(Signature of Landowner)

5/9/03
Date

Cascade Field and Stream Club
Monty D. Miller, Club President
PO Box 424
Cle Elum, WA 98922
Phone No. 509-674-9278

Legal Description:

The property consists of approximately 182 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

All of that portion of Section 21, lying east of the County road and lying East of the Easterly boundary of the Kittitas Reclamation District Canal, Township 19 North, Range 17 East, W.M.

Kittitas County Tax Parcel No.19-17-21000-0001.

KITTTAS VALLEY WIND POWER PROJECT**Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment,
Rezone, Development Agreement and Wind Farm Permit**

**Pete Bugni
Los Abuelos
361 Ceder Cove Rd.
Ellensburg, WA 98926**

Name and Address of Landowner

Tax Parcel No. 19-17-15000-0002

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.



(Signature of Landowner)

5-12-03
Date

Los Abuelos, Inc.
Pete Bugni, President
361 Ceder Cove Road
Ellensburg, WA 98926
Phone No. 609-925-3902

Legal Description:

The Property consists of approximately 282 Acres of land located in Kittitas County, Washington State, and more particularly described as follows:

All that portion lying South and Southwesterly of the County Road located within Section 15, Township 19 North, Range 17 East, W.M., Kittitas County, State of Washington.

KITTITAS VALLEY WIND POWER PROJECT

Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment, Rezone, Development Agreement and Wind Farm Permit

**Merle (Mick) Steinman
19822 28th Ave. W.
Lynnwood, WA 98008**

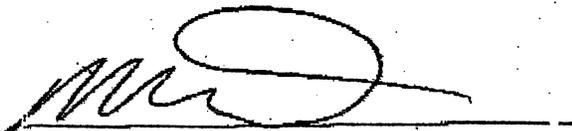
Name and Address of Landowner

Tax Parcel No 19-17-14000-0009

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.



(Signature of Landowner)

 MAY 12, 03
Date

Merle Steinman
19822-28 Avenue West
Lynnwood, WA 98036
Phone No. 425-774-0790

Legal Description:

The Property consists of approximately 50 Acres of land located in Kittitas County, Washington State, and more particularly described as follows:

Lot 6, of that certain Survey as recorded June 22, 1987 in Book 15 of Surveys at pages 62 and 63 under Auditor's File No. 505298, records of Kittitas County, Township 19 North, Range 17 East, W.M., Kittitas County, State of Washington.

KITTITAS VALLEY WIND POWER PROJECT**Land Owner Consent to Application for Sub-Area Comprehensive Plan
Amendment, Rezone, Development Agreement and Wind Farm Permit**

Andrea Steinman
19822 28th Ave. W.
Lynnwood, WA 98008

Name and Address of Landowner

Tax Parcel No 19-17-14000-0010

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.

Andrea A. Steinman

(Signature of Landowner)

5-12-03

Date

Andrea Steinman
19822-28 Avenue West
Lynnwood, WA 98036
Phone No. 425-774-0790

Legal Description:

The Property consists of approximately 20 Acres of land located in Kittitas County, Washington State, and more particularly described as follows:

Lot 7, of that certain Survey as recorded June 22, 1987 in Book 15 of Surveys at pages 62 and 63 under Auditor's File No. 505298, records of Kittitas County, Township 19 North, Range 17 East, W.M., Kittitas County, State of Washington.

KITTITAS VALLEY WIND POWER PROJECT**Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment,
Rezone, Development Agreement and Wind Farm Permit**

Marvin Green
P.O. Box 205
Holladay, TN 38341

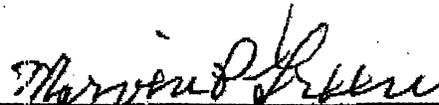
Name and Address of Landowner

Tax Parcel No 19-17-14000-0005

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

I am the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. My property, identified above, is included in the Project.

I am familiar with the information contained in the application(s), and to the best of my knowledge and belief, such information is true, complete and accurate. I consent to, and join in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. I hereby grant to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. I certify that I possess the authority to join in this application.



(Signature of Landowner)

05-12-03
Date:

Marvin Green
P.O. Box 205
Holladay, TN 38341
Phone No. 217-553-2130

Legal Description:

The Property consists of approximately 50 Acres of land located in Kittitas County, Washington State, and more specifically described as follows:

Lot 2, of that certain Survey recorded June 22, 1987, in Book 15 of Surveys, at pages 62 and 63, under Auditor's File No. 505288, records of Kittitas County, Washington, being a portion of the East one-half (E1/2), Section 14, Township 19 North, Range 17 East, W.M., Kittitas County, State of Washington.

Kittitas County Tax Parcel No. 19-17-14000-0005.

KITTITAS VALLEY WIND POWER PROJECT

**Land Owner Consent to Application for Sub-Area Comprehensive Plan Amendment,
Rezone, Development Agreement and Wind Farm Permit**

Department of Natural Resources
Attn: Milt Johnston
713 Bowers Rd.
Ellensburg, WA 98926

Name and Address of Landowner

Tax Parcel No's 19-17-02000-0001, 19-17-02000-0003 & 19-17-02000-0005; 19-17-10000-0006; 19-17-16000-0001; 19-17-22000-0001, 19-17-22000-0002, 19-17-22000-0005 & 19-17-22000-0007 & 20-17-36000-0001

County Assessor's Tax Parcel Number(s)
(Legal Description attached)

Washington State Department of Natural Resources (DNR) is the landowner shown above. The Applicant, Sagebrush Power Partners, LLC, is applying for a sub-area comprehensive plan amendment, rezone, development agreement and wind farm development permit from Kittitas County as part of the Energy Facility Site Evaluation Council (EFSEC) process, for approval of the Kittitas Valley Wind Power Project. State land managed by DNR, identified above, is included in the Project.

DNR representatives are familiar with the information contained in the application(s), and to the best of our knowledge and belief, such information is true, complete and accurate. DNR consents to, and joins in the application(s) filed with Kittitas County and EFSEC for all actions and permits related to the Kittitas Valley Wind Power Project. DNR hereby grants to the agencies to whom the application(s) is/are made the right to enter the Property described herein to inspect the proposed and/or completed work. DNR certifies that Milt Johnston is authorized to represent DNR in this action to join in this application.

Milt Johnston
(Signature of Landowner)
Assistant Regional Manager

5-9-03
Date

Washington State Department of Natural Resources (DNR)

Milt Johnston, Assistant Region Manager

713 Bowers Road

Ellensburg, WA 98926

Phone No. 509-925-8510

The Property consists of approximately 2,080 acres of land located in Kittitas County, Washington State, and more specifically described as follows:

The East one-half (E1/2), the West one-half of the Southwest one-quarter (W1/2SW1/4), the Southeast one-quarter of the Southwest one-quarter (SE1/4SW1/4), and the Southwest one-quarter of the Northwest one-quarter (SW1/4NW1/4), Section 2; The West one-half of the East one-half (W1/2E1/2), and the West one-half (W1/2), Section 10; All of Section 16: The East one-half (E1/2), and the Southwest one-quarter of the Southwest one-quarter (SW1/4SW1/4), and the North one-half of the Northwest one-quarter (N1/2NW1/4), and the Southeast one-quarter of the Northwest one-quarter (SE1/4NW1/4), Section 22; All of the above is located within Township 19 North, Range 17 East, W.M. All of Section 36, Township 20 North, Range 17 East, W.M.

Kittitas County Tax Parcel No's 19-17-02000-0001, 19-17-02000-0003 & 19-17-02000-0005; 19-17-10000-0006; 19-17-16000-0001; 19-17-22000-0001, 19-17-22000-0002, 19-17-22000-0005 & 19-17-22000-0007 & 20-17-36000-0001.

**ATTACHEMENT 3:
ADJACENT LAND OWNERS WITHIN 300 FEET**

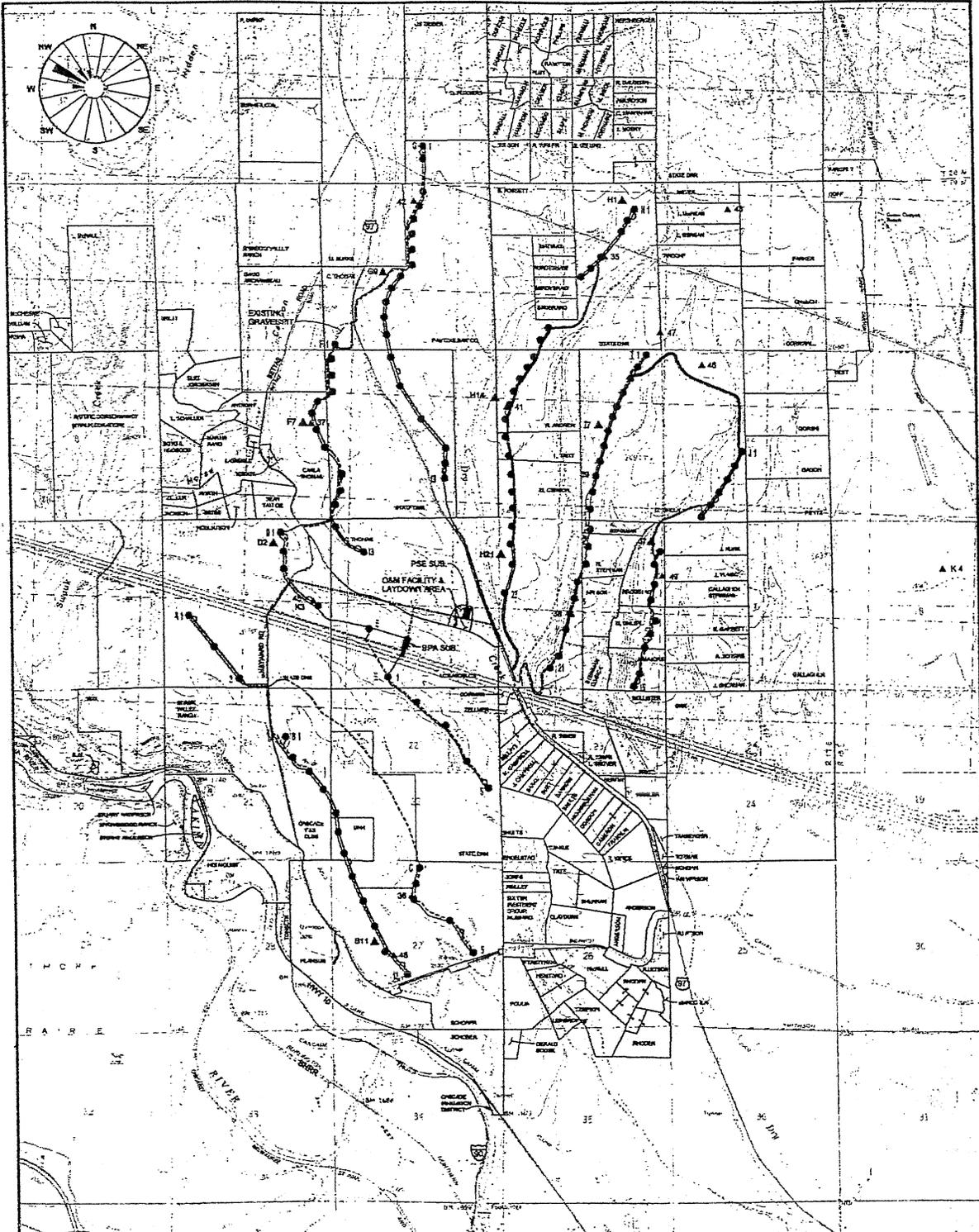
ZILKHA RENEWABLE ENERGY
KITTITAS VALLEY WIND POWER PROJECT
 Adjacent Landowners Within 300 feet

T	R	Section	Parcel	Landowner	Address	Situs Address
19	17	01000	0004	David E Meyer	2652 Fireside Circle, Lexington, KY 40513	Not Listed
19	17	01000	0006	Todd Gerean	5100 Elk Springs Road Ellensburg, WA 98926	Not Listed
19	17	01000	0007	Lee Gerean	5100 Elk Springs Road Ellensburg, WA 98926	Not Listed
19	17	01000	0008	Robert Brooke	P.O. Box 594, Snoqualmie, WA 98065	Not Listed
19	17	01000	0009-11	Daniel Green	715 Carlake Rd Camano Island WA 98282	Not Listed
19	17	02000	0002	Susan Fossett	4851 Elk Springs Ellensburg, WA 98926	Not Listed
19	17	02000	0004	Martin Mathias	7425 Zircon Dr SW Lakewood, WA 98498	Not Listed
19	17	02000	0006	Emilia Burdyslaw	2806 SW Adams Seattle, WA 98126	Not Listed
19	17	02000	0008	Timothy Sambrano	5446 Faunteroy Way SW, Apt. 3 Seattle, WA 98136	Not Listed
19	17	04000	0005	David Archambeau	1751 Bettas Rd Cle Elum, WA 98922	1751 Bettas Road, Cle Elum, WA 98922
19	17	04000	0007	Rainbow Valley Ranch	2636 6th Ave Clarkston, WA 99403	1371 Bettas Road, Cle Elum, WA 98922
19	17	09040	0001	Todd Gaskill	3201 Bettas Rd Cle Elum, WA 98922	3201 Bettas Road, Cle Elum, WA 98922
19	17	09040	0002	Washington Department of Transportation	PO Box 12560 Yakima, WA 98909	Bettas Road, Cle Elum, WA 98922
19	17	09050	0002	Michael Robertson	1337 222nd Place NE Redmond, WA 98074-6831	Bettas Road, Cle Elum, WA 98922
19	17	09050	0014	Eric Anthony	3111 Bettas Rd Cle Elum, WA 98922	3111 Bettas Rd Cle Elum, WA 98922
19	17	09050	0017	Mark Jackson	4205 Auburn Way S #54 Auburn, WA 98092	3293 Bettas Road, Cle Elum, WA 98922
19	17	09050	0019	Brad Estes	1912 E 12th Spokane, WA 99202-3517	Bettas Road, Cle Elum, WA 98922
19	17	09050	0020	Jason Zeller	38254 49th Ave S Auburn, WA 98001	3291 Bettas Road, Cle Elum, WA 98922
19	17	09050	0024	Martin Rand and Robert Schaller	12031 Northup Way Suite 202 Bellevue, WA 98005	Bettas Road, Cle Elum, WA 98922
19	17	09050	0026	Sean Taylor	3511 NE 44th St Seattle, WA 98105	3911 Bettas Road, Cle Elum, WA 98922
19	17	12000	0003	Kyle Gagnon	24201 44th Ave W Mountlake Terrace, WA 98043	Not Listed
19	17	12000	0004	Mark Gorski	6411 125th Ave Kirkland, WA 98033	Not Listed
19	17	12000	0005	William Pentz	P O Box 683 Buckley, WA 98321	Not Listed
19	17	13000	0007	Jill Kuhn	14732 SE Eastgate Dr Bellevue, WA 98006	Not Listed
19	17	13000	0008	Jeanice Vasic	9500 NE 137th St Kirkland, WA 98034	Not Listed
19	17	13000	0009	Gordon Gallegher & Merle Steinman	19822 28th Ave W Lynnwood, WA 98036	Not Listed
19	17	13000	0011	Albert Schwab	P O Box 290 Maple Valley, WA 98038	Not Listed
19	17	13000	0012	James Sherman	7350 Ravenna Ave NE Seattle, WA 98115	Not Listed
19	17	14000	0008	Jess Nelson	935 167th Ave NE Bellevue, WA 98008	Not Listed
19	17	14050	0001	Lisa Bowman	P O Box 269 Coviche, WA 98923	Hwy 97, Ellensburg, WA 98926
19	17	17000	0001	Swauk Valley Ranch	1661 E Olive Seattle, WA 98102	18511 Hwy 10, Cle Elum, WA 98922
19	17	20000	0001	USA (BLM) Bill Schurger	915 Walla Walla, Wenatchee, WA 98801	
19	17	21030	0007	David Holmquist	16532 Hwy 10 Ellensburg, WA 98926	Hwy 10, Cle Elum, WA 98922
19	17	23000	0002	James Hollister	4391 Fairview Rd Ellensburg, WA 98926	Not Listed
19	17	23000	0014	Russell Wines	P O Box 986 Ellensburg, WA 98926	Hwy 97, Ellensburg, WA 98926
19	17	23050	0007	Ray Schufts	1310 S Ruby Ellensburg, WA 98926	Sage Brush Road, Ellensburg, WA 98926

**ZILKHA RENEWABLE ENERGY
KITITAS VALLEY WIND POWER PROJECT
Adjacent Landowners Within 300 feet**

T	R	Section	Parcel	Landowner	Address	Situs Address
19	17	23050	0009	Gary Engelstad	505 Pearl St #28 Ellensburg, WA 98926	Ellensburg Ranch Road, Ellensburg, WA 98926
19	17	23050	0010	Michael Campbell	16281 Hwy 97 Ellensburg, WA 98926	16281 Hwy 97 Ellensburg, WA 98926
19	17	23050	0019	John Campbell	13609 W Lk Kathleen Dr SE Renton, WA 98059	Hwy 97, Ellensburg, WA 98926
19	17	23050	0021	Sharon Millett	16801 Hwy 97 Ellensburg, WA 98926	16801 Hwy 97, Ellensburg, WA 98926
19	17	23050	0027	Sharon Millett and Dean Zellmer	16801 Hwy 97 Ellensburg, WA 98926	16801 Hwy 97, Ellensburg, WA 98926
19	17	26000	0001	US Timberlands Yakima	625 Madison Ave New York, NY 10022	Not Listed
19	17	27000	0002	Edward Pearson	P O Box 758 Cle Elum, WA 98922	Hwy 10, Cle Elum, WA 98922
19	18	06050	0001	Robert Best	210 Tomahawk Ln Ellensburg, Wa 98926	Tomahawk Ln Ellensburg, Wa 98926
20	17	34000	0006	Patrick Burke	980 Burke Rd Cle Elum, WA 98922	Hwy 97, Ellensburg, WA 98926
20	17	35000	0004	James Wilson	15617 Lawrence Lk Rd SE Yelm, WA 98597	Elk Springs Road, Ellensburg, WA 98926
20	17	35000	0018	Hubert Sandall	8560 Elk Springs Rd Ellensburg, WA 98926	8560 Elk Springs Road, Ellensburg, WA 98926
20	17	35000	0034	Steven Oslund	31802 NE 139th St Duvall, WA 98019	4951 Elk Springs Road, Ellensburg, WA 98926
20	17	35000	0038	Rich Weiler	32002 SE 266th St Ravenale, WA 98051	Elk Springs Road, Ellensburg, WA 98926

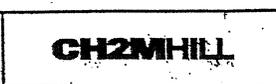
**EXHIBIT 2:
PROJECT SITE LAYOUT**



LEGEND:

- PROPOSED WTG LOCATION
- |_ STRING NAME & TURBINE COUNT
- - - EXISTING ACCESS ROAD
- NEW ACCESS ROAD
- △ ROAD TURN-AROUND AREA
- UNDERGROUND ELECTRICAL
- OVERHEAD ELECTRICAL
- UGRO ANCHOR G.H. ELECTRICAL
- ▲ G3 MET TOWER - TEMPORARY
- ▲ H12 MET TOWER - PERMANENT

PRELIMINARY
NOT FOR
CONSTRUCTION



CONFIDENTIAL

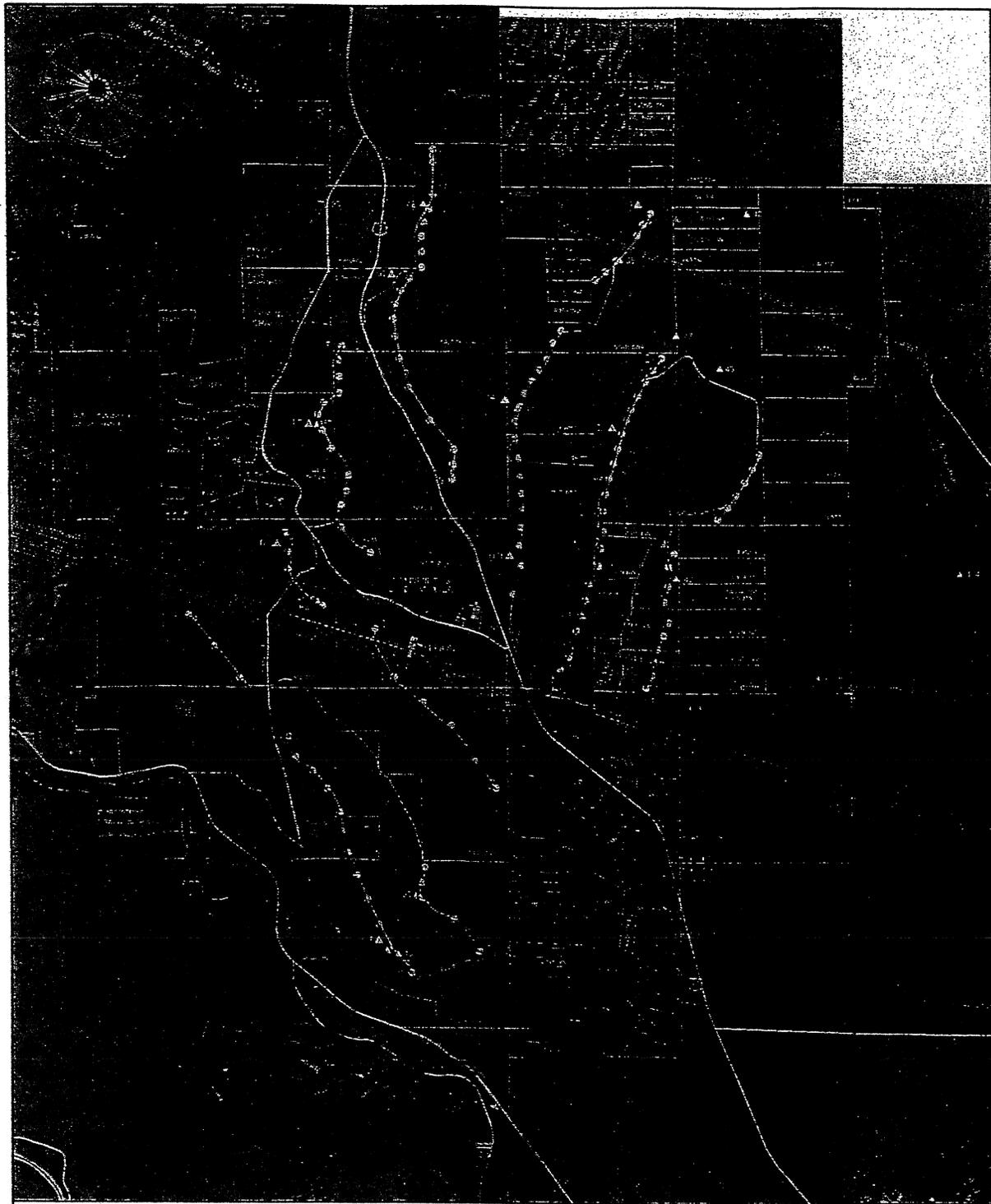
Sagebrush Power Partners, LLC
Zebra

WYTTISAS VALLEY WIND POWER PROJECT
EXHIBIT 2
PROJECT SITE LAYOUT

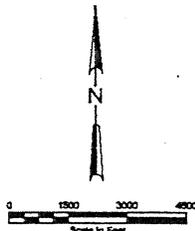
SHEET	DWG EXHIBIT 2
DATE	JAN 2003
PROJ	170396

REVISIONS: 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

**EXHIBIT 3:
AERIAL PHOTO WITH PROJECT SITE LAYOUT**



THESE DOCUMENTS AND THE INFORMATION CONTAINED HEREIN ARE PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE INFORMATION IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

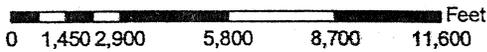
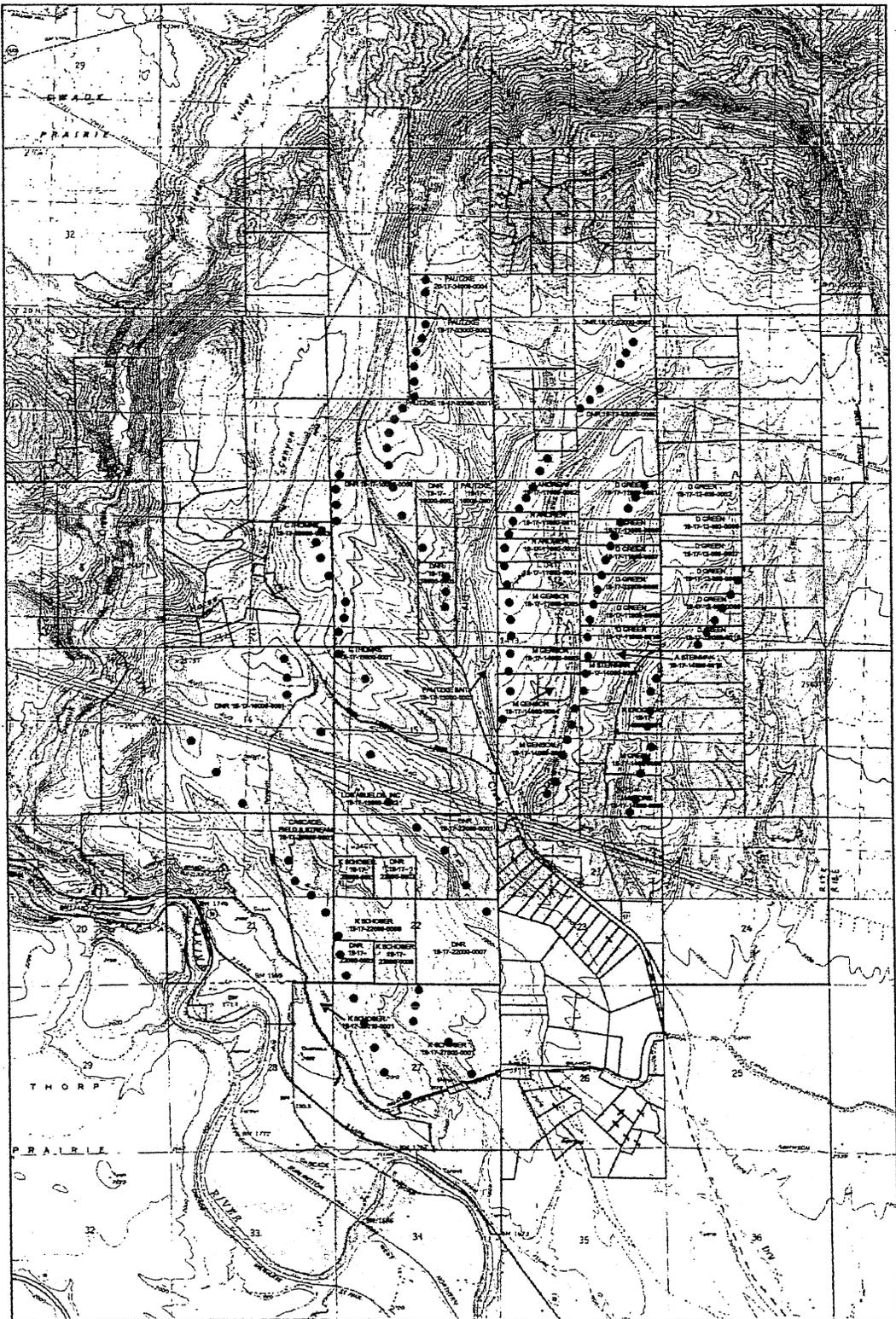


- LEGEND:**
- PROPOSED WTS LOCATION
 - STRIPING NAME & TURBINE COUNT
 - EXISTING ACCESS ROAD
 - NEW ACCESS ROAD
 - ROAD TURN-AROUND AREA
 - UNDERGROUND ELECTRICAL
 - OVERHEAD ELECTRICAL
 - UNDER AND/OR O.H. ELECTRICAL
 - NET TOWER - TEMPORARY
 - NET TOWER - PERMANENT

CONFIDENTIAL

PRELIMINARY NOT FOR CONSTRUCTION		Sagebrush Power Partners, LLC 	KITITIA'S VALLEY WIND POWER PROJECT EXHIBIT 3 AERIAL PHOTO WITH PROJECT SITE LAYOUT	SHEET DWG: EXHIBIT 3 DATE: JAN 2023 PROJ: 170396
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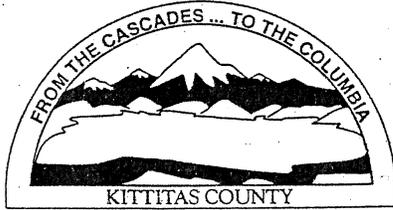
**EXHIBIT 4:
TAX PARCELS INCLUDED IN WIND RESOURCE OVERLAY
REZONE REQUEST**



- Legend
- REQUESTED REZONE TO WIND RESOURCE OVERLAY
 - PROPOSED WIND TURBINE LOCATIONS

PARCELS INCLUDED IN WIND RESOURCE
OVERLAY REZONE REQUEST

KITTITAS VALLEY WIND POWER PROJECT
APRIL 2003



Kittitas County

Community Development Services

411 N. Ruby, Suite 2, Ellensburg, WA 98926
 Telephone: (509) 962-7506 • Facsimile: (509) 962-7697

MEMORANDUM

TO: Federal Aviation Administration
 Federal Communication Commission
 Wa St Dept. Ecology - SEPA Registrar
 Wa St Dept. Ecology - Yakima
 Wa State Dept. of Fish and Wildlife
 Wa St Dept. Natural Resources
 Kittitas Co. Fire Marshal
 Kittitas Co. Environmental Health
 Kittitas Co. Prosecuting Attorney
 Kittitas Co. Public Works
 Kittitas County Sheriff's Dept.
 Kittitas County Commissioners Office
 Zilkha Renewable Energy
 Kittitas County PUD
 ROKT
 Renewable Northwest Project
 Adjacent Property Owners
 Interested Parties List

Bonneville Power Administration
 Kittitas Reclamation District
 City of Ellensburg
 City of Cle Elum
 City of Roslyn
 City of Kittitas
 Kittitas Co. Plans Examiner
 KITTCOM
 Yakama Nation
 Northwest Seed
 Puget Sound Energy
 Kittitas County Fire Dist. No. 2
 Charter Communications
 Ellensburg Telephone
 Pacific Northwest Regional Council of Carpenters
 EFSEC
 CTED
 Town of South Cle Elum

FROM: Clay White *CW*
 Planner II
 Kittitas County Community Development Services

DATE: June 25th, 2003

SUBJECT: Sagebrush Power Partners L.L.C. (Zilkha Renewable Energy)
 NOTICE OF APPLICATION – Wind Resource Development Permit Z-2003-06

Pursuant to RCW 36.70B and KCC 15A.03, notice is hereby given that Kittitas County did on June 16th, 2003, receive a complete application from Sagebrush Power Partners L.L.C. for a Windfarm consisting of a maximum of 121 wind turbines with a maximum height of 410ft (Ground to Blade Tip) and maximum width of 295ft (Rotor Diameter). The application is for a Development Agreement/Development Permit, a site-specific zone change that would overlay the existing Forest and Range and Agricultural-20 zoning with a Wind Resource Overlay Zoning, and a site-specific amendment to the Kittitas County Comprehensive Plan from a Rural designation to Wind Resource Overlay District. Enclosed please find a Notice of Application and related documents for the referenced application. Please retain these items for future reference.

Pursuant to RCW 80.50.180 Kittitas County is exempt from processing SEPA on this project (as required under RCW 43.21C.030) and the Energy Facility Site Evaluation Council (EFSEC) is lead agency for this project. Specifically, Sagebrush Powers L.L.C. in their application made to Kittitas County on June 16th, 2003 specifically tied their submission to the application submitted to EFSEC on January 13th, 2003.

Copies of the application submitted by Sagebrush Powers. L.L.C. to EFSEC on January 13th, 2003 are available to interested parties by contacting the Kittitas County Community Development Services Department.

Although Sagebrush Powers L.L.C. submitted an application to EFSEC on January 13th, 2003 they are required to comply with local land use as specified in WAC 463-28 and KCC 17.61A. Kittitas County is not limited in the scope of our review for this project. Further, if Kittitas County approves the submitted application, Sagebrush Powers. L.L.C. will need EFSEC approval before project construction. If EFSEC does not grant approval of the application submitted to them, the permits granted by Kittitas County would be void.

The submitted application is requesting a Wind Resource Development Permit as described in KCC 17.61A by obtaining the following permits:

- A Development Agreement/Development Permit to set forth the development standards for this project.
- A site-specific zone change that would overlay the existing Forest and Range and Agricultural-20 zoning with a Wind Resource Overlay Zoning.
- A site-specific amendment to the Kittitas County Comprehensive Plan from a Rural designation to Wind Resource Overlay District.

Written comments may be submitted to the Kittitas County Community Development Services Department, 411 N Ruby Suite 2, Ellensburg, WA, 98926. An open record hearing has not been scheduled at this time.

If you have any questions, please do not hesitate to contact us.

WRITTEN COMMENTS MUST BE SUBMITTED NO LATER THAN JULY 28TH, 2003

Notice of Application

Pursuant to RCW 36.70B and 15A.03 KCC, notice is hereby given that Kittitas County did on June 16th 2003, receive a complete application (as defined under 15A.03.040(C)) from Sagebrush Power Partners L.L.C. for a Windfarm consisting of a maximum of 121 wind turbines with a maximum height of 410ft (Ground to Blade Tip) and maximum width of 295ft (Rotor Diameter). This application will entail the following permitting processes:

- A Development Agreement/Development Permit to set forth the development standards for this project.
- A site-specific zone change that would overlay the existing Forest and Range and Agricultural-20 zoning with a Wind Resource Overlay Zoning.
- A site-specific amendment to the Kittitas County Comprehensive Plan from a Rural designation to Wind Resource Overlay District.

The proposed Windfarm would be located within portions of sections 01, 02, 03, 09, 10, 11, 12, 14, 15, 22, 23, 27, and 36 of T19N R17E, W.M. and portions of section 36 of T20N R17E, W.M., in Kittitas County. For specific parcel and siting specifications you are encouraged to contact the Kittitas County Community Development Services Dept.

Pursuant to RCW 80.50.180 Kittitas County is exempt from processing SEPA on this project (as required under RCW 43.21C.030) and the Energy Facility Site Evaluation Council (EFSEC) is lead agency for this project. Specifically, Sagebrush Powers L.L.C. in their application made to Kittitas County on June 16th, 2003 specifically tied their submission to the application submitted to EFSEC on January 13th, 2003.

Copies of the application submitted by Sagebrush Powers. L.L.C. to EFSEC on January 13th, 2003 are available to interested parties by contacting the Kittitas County Community Development Services Department.

Any person desiring to express his views, or to be notified of the action taken on this application should contact the Kittitas County Development Services Department. The submitted application and related file documents may be examined by the public at the Community Development Services Dept. Office between 8:00 AM & 5:00 PM @ 411 N Ruby STE 2, Ellensburg, WA 98926, (509) 962-7506. Staff Planner: Clay White.

Written comments from the public may be submitted to the Kittitas County Development Services Department no later than July 28th,

2003. An open record hearing has not been scheduled at this time.

Dated: June 25th, 2003
Publish: June 26th, 2003
July 3rd, 2003

**DARREL L. PEEPLES
ATTORNEY AT LAW**

325 Washington St. NE #440
Olympia, WA 98506
Phone (360) 943-9528
Fax (360) 943-1611
E-Mail dpeeples@ix.netcom.com

July 2, 2003

Allen Fiksdal
EFSEC Manager
P.O. Box 43172
Olympia, WA 98504-3172

RECEIVED
JUL - 8 2003
KITITAS COUNTY
CDS

Re: Kittitas Valley Wind Power Project, Application No. 2003-01, Second report on status of negotiations with Kittitas County on local land use consistency issues due July 7, 2003 pursuant to Council Order No. 776.

Dear Allen:

This letter is a report on the status of negotiations with Kittitas County on local land use consistency issues pursuant to Council Order 776.

The revised application for land use compliance filed by the Applicant June 2, 2003 has been accepted by Kittitas County. The Applicant and the County have met to discuss the schedule for the county process. The County has indicated that its process will not be completed until into January of 2004. The Applicant therefore will request that EFSEC mutually agree to extend the date that the request must be made for preemption pursuant to WAC 463-28-040 to January 15, 2004. The county schedule may have an impact on the EFSEC hearing schedule and the Applicant and County will keep EFSEC informed on the progress of the County process.

DARREL L. PEEPLES
ATTORNEY for SAGEBRUSH POWER PARTNERS, L.L.C.

EXHIBIT-50-33 (CW-33)

Clay White

From: Clay White
Sent: Wednesday, August 20, 2003 3:42 PM
To: 'Makarow, Irina (OCD)'
Subject: DEIS Coordination and Offsite alternatives

Hi Irina -

Hope you are doing well, I am sure you are very busy leading up to the DEIS being completed. I was hoping that in the very near future we can discuss how we are going to coordinate the DEIS process. I think there are several issues we need to make sure we are on the same page about and it might be better to get those accomplished now rather than later. Is there a time you would like to speak or get together? Just let me know.

Also, when we met last I know you mentioned that in the EIS you will not be addressing offsite alternatives. For our actions, review of offsite alternatives is required under WAC 197-11-440(5), WAC 197-11-786, RCW 43.21C.030 and KCC15A.04.240. After a review of RCW 80.50 and WAC 463 I cannot find anything that states EFSEC does not have to review for offsite alternatives and exempts Kittitas County of review of offsite alternatives. All I am finding is information stating that EFSEC will comply with applicable SEPA rules under WAC 197-11 and RCW 43.21C. Can you please send me any information you have regarding this issue, specific codes would be appreciated. Since we are bound to review for this, I know Jim Hurson is going to need specifics so we can defend our position when going through the public hearing process.

Thanks for your help, look forward to talking to you.

Best Regards,

Clay White
Planner II
Kittitas County Community Development Services
(509) 962-7506

Clay White

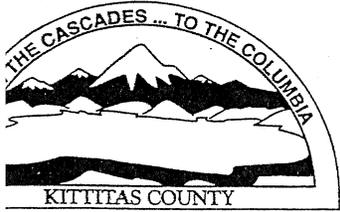
From: James Hurson
Sent: Tuesday, October 07, 2003 5:06 PM
To: 'dpeeples'
Cc: Clay White
Subject: Development Agreement

It might be helpful if we begin preliminary discussion about the format and structure of a possible development agreement. I believe that the public hearings and the public comments my be able to be better structured and organized if the hearings are working from a draft development agreement proposal. Although the EIS is not out, many of the issues are already "out there" from a public perspective so it seems that we could at least start talking about it at this time. Early discussions along that line may help to save time it will take to process the application after the environmental documents are in place.

The public hearings the County will be holding will undoubtedly serve multiple purposes. The County has its land use, zoning, etc. documents and EFSEC is always seeking to have the applicant work with the intervenors to resolve any issues they have. From my perspective, I don't see any benefit in trying to sort out what are land use issues versus EFSEC issues as long as we agree that they are issues that the County would be dealing with as either a regulator or as an intervenor. If the County approves the rezone and land use change, it would make sense that all project issues as it relates to the role of County government would also be addressed in that document regardless of the label placed upon them.

Please let me know what you think of this approach. I'd be happy to discuss this further if you have any questions.

/s/ Jim



Kittitas County

Community Development Services

411 N. Ruby STE 2
 FAX: (509) 962-7697

Ellensburg, WA 98926
 (509) 962-7506

January 15th, 2004

Irina Makarow, Siting Manager
 EFSEC
 925 Plum Street SE, Building 4
 P.O. Box 43172
 Olympia, WA. 98504-3172

RE: Comments on Kittitas Valley Wind Power Project DEIS

Dear Ms. Makarow:

Thank you for this opportunity to comment on the Draft Environmental Impact Statement for the Kittitas Valley Wind Power Project. I hope the following information is useful when providing additional information and detail for the DEIS.

- 1) On page *i* of the fact sheet EFSEC describes three different proposals for the KV Wind Power Project. In both the original application to EFSEC and subsequent application to Kittitas County the applicant only proposed one project with a maximum of 121 turbines with a maximum height of 410 feet. While changes from micro siting are inevitable, all project scenarios should have been discussed in the original applications submitted to both the State and County. If the applicant intends to proceed with 3 different scenarios then environmental studies should be detailed for all 3 in every aspect that SEPA requires.
- 2) On page *ii paragraph 1* EFSEC states that they are the only non-federal agency authorized to permit the proposed project. This is not true, as Kittitas County is also a non-federal agency authorized to permit this project. At this time the Desert Claim Wind Power project submitted by enXco, Inc. is being processed by Kittitas County. This paragraph should be taken out as it isn't true.

3) On page *ii paragraph 4* EFSEC states that they expect to send this project to the Governor in the Spring of 2004. This seems like an unrealistic timeframe considering the process EFSEC must go through prior to sending this project to the Governor. Until EFSEC receives all of the comments on the adequacy of the DEIS it would be difficult to assert how long the response document will take. Kittitas County still must hold hearings as well and we are relying on a solid defensible EIS so that the process moves forward as quickly as possible. This timeline should be updated once all DEIS comments have been received and EFSEC and Kittitas County can work out a more accurate timeline. An example of how timelines can be unrealistic would be Zilka's assertion in their application to EFSEC that they would be fully permitted by August 1st, 2003.

4) **Chapter 1: Summary**

- **(Page 1-1) 1.1 - paragraph 1.** EFSEC states that project will consist of between 82-150 wind turbines. The project application submitted to EFSEC and Kittitas County only asked for a maximum of 121 turbines, which still should be binding since no public comment was solicited on three separate scenarios. If 3 scenarios are to be proposed, then a full environmental assessment of all 3 scenarios should be completed prior to moving forward.
- **(Page 1-1) 1.1 – Introduction -paragraph 3.** EFSEC states that Shapiro did not perform additional studies during the preparation of the Draft EIS. This is an area of concern considering EFSEC received numerous comments on issues that needed to be addressed within the DEIS. From this statement my assumption would be that this DEIS is just a reformatting of the application submitted to EFSEC by Zilkha Renewable Energy in January 2003.
- **(Page 1-1 and 1-2) 1.2 – Purpose and need for project –** Throughout this section the need for additional power in the Northwest is discussed. The information is based off information provided by the Northwest Power and Conservation Council (NWPCC 2001). If this information is going to be used in the DEIS I think the DEIS should also stipulate that all power created for the KV Wind Power Project will be sold within Washington, Oregon, Idaho, and Montana. Discussions with representatives from Zilkha Renewable Energy had led me to believe that power created by this project would be a commodity sold to any interested party and may not be used by residents in the Northwest. If this is the case then the information in section 1.2 is useless and should be taken out. It is very misleading.
- **(Page 1-3) 1.3 – Decisions to be made - paragraph 1.** Sentence 1 states that this DEIS is being prepared to meet the environmental review needs of EFSEC. This sentence should be re-written to include that this DEIS is being written to meet the environmental review needs of all agencies with permit decisions and jurisdiction. As SEPA lead agency, EFSEC has a responsibility to produce a document that can be used by other agencies with jurisdiction. Kittitas County has jurisdiction since EFSEC found that this project is inconsistent with local land use. Sentence 2 states that EFSEC has jurisdiction over all of the evaluation and licensing steps for siting major energy facilities in the state of Washington. This is certainly not true as Kittitas County is currently processing a wind power project for enXco Inc. Kittitas County has full jurisdiction to review this project therefore that statement should be revised. Please note that in section 1.3-Project review by Kittitas County is not even mentioned as “Decisions to be made”. Our review is actually a very important decision as described in RCW 80.50 and should be fully

described within the DEIS as a process that needs to be completed prior to adjudication by EFSEC. Please include specific information on this issue.

- **(Page 1-3 and 1-4) 1.4.1 – Proposed action** – The proposed action should not exceed 121 turbines or further commenting on all three separate project proposals should be extended. Since the environmental studies were completed prior to Zilkha submitting their application to EFSEC in January 2003 and Zilkha was only proposing 1 project in their application, how could alternative A and C really have been studied thoroughly? Please include all the fieldwork completed for option A and C. If environmental studies have not taken place then they should not be reviewed as possible alternatives.
- **(Page 1-7) Table 1-2** – At the bottom of the table it states that EFSEC has single permit authority over all Washington State and local permits. This is simply not true and the sentence should either be revised or taken out. An example would be that EFSEC does not have authority over possible building permits that may be issued by Kittitas County.
- **(Page 1-8) 1.4.2 – Alternative Wind Turbine Locations** – Paragraph 1 states that the applicants' site is the only possible location for a wind power project and other locations have been dismissed because they do not meet the criteria a wind power must meet. This statement is untrue as Kittitas County is currently processing a wind power project for enXco Inc. and Zilkha is proposing a second project within Kittitas County. This paragraph makes no sense and should be taken out.
- **(Page 1-8 and 1-9) 1.4.3 – No action alternative** – EFSEC is certainly correct that the No action alternative would result in further subdivision of properties within the project area and uses as allowed within the Ag-20 and Forest and Range zones. What seems odd is the assertion that if this project is not built a gas fired combustion turbine facility would be built. That statement is wrong and should be taken out of the DEIS. If this project is not approved nothing may be built elsewhere, could be a solar facility, or somebody might decide to harness the power of the ocean. This should either be taken out or EFSEC should provide specific data on this issue. This section also refers to the "region's" need for power. Since the DEIS earlier had shown that this region consists of Washington, Oregon, Idaho, and Montana, can we once again assume that all power from this project will be sold within this 4 state area? If so, it contradicts earlier statements from Zilkha that power is a commodity and will be sold to any buyer who meets their needs.
- **(Page 1-9) 1.4.4 – Offsite alternatives** – In sentence 1 and 2 it eludes to the fact that EFSEC is looking at Offsite alternatives as a response to scoping comments. In our December 15th, 2003 meeting Ms. Irina Makarow stated that the project has been held up because Kittitas County among other things requested that Offsite Alternatives be included in the DEIS. If EFSEC was already going to review this issue because of scoping comments received, how did Kittitas County hold up the DEIS being issued? The statement in this paragraph seems correct but in sharp contrast to what was said on December 15th, 2003.
- **(Page 1-9 and 1-10) 1.5 – Summary of Public Involvement, Consultation, and Coordination** – This section is quite disheartening as EFSEC has pointed out every agency they have worked with during the application process but left out Kittitas County. Our involvement in the process including our coordination with EFSEC, the applicant, and the citizens of Kittitas County should be included within this section.

- **1.7 – Issues to be resolved**

(Page 1-10) 1.7.1 Wetland Impacts and Mitigation

Within this section it states *“the specific mitigation requirements to compensate for loss of wetlands and water resources at the project site is considered an issue of uncertainty that has yet to be resolved”*. That statement is unacceptable, as the reason for completing an EIS is to find out the amount of impact the proposed action will have within the project area. Since the applicant is now proposing 3 different possible project alternatives all 3 should be evaluated. As a reference tool I would refer to section 3.4.2.2 of the DEIS prepared for the Desert Claim Wind Power project. That section fully addresses possible impacts to wetlands within the project area and possible mitigation measures. This must be completed within the KV DEIS, as just stating that this is an unresolved issue does not for allow proper review of the project and possible impacts the project may have on the environment. This should not be difficult to complete since the amount of wetlands within the project area are minimal.

(Page 1-11) 1.7.2 Economic Effects of Lower and Upper End Scenarios

If all 3 scenarios are possible then they all have to be reviewed. Saying that the information is not currently available hints to the fact that this document may not be ready for preliminary review. Please have all 3 scenarios studied.

(Page 1-11) 1.7.3 Economic and Environmental Effects of Tourism

Although it is very difficult to gauge the amount of tourism this project could bring in some study should take place and mitigation measures should be proposed. Please see section 3.12.2.2 of the DEIS prepared for the Desert Claim Wind Power project. This should be a good reference tool when preparing additional information for the DEIS. As stated above exact numbers of tourists will depend on a number of factors, but some information is needed and proper mitigation should be proposed. As is stated in section 3.12.5.2 of the DEIS prepared for the Desert Claim Wind Power project, a Tourism Management Plan should be completed prior to operation of the project.

(Page 1-11 and 1-12) 1.7.4 Impacts on Historical and Tribal Resources

Further onsite study should resolve this issue. Stating that this is an unresolved issue is unacceptable and further review is needed. After reviewing section 3.8 of the DEIS it seems that the methods for collecting information were not thorough enough to determine if this will be a significant unavoidable impact to the project area. Please see section 3.6 of the DEIS prepared for the Desert Claim Wind Power project. Within that section you will note that the entire project area was part of the field study which was conducted over a 3 ½ week period. In Section 3.8 of the KV Wind Power project DEIS I cannot even find where any fieldwork was conducted. Fieldwork should be completed prior to moving forward with this project so the above issues can be resolved and proper mitigation put in place.

(Page 1-12) 1.7.5 and 1.7.6 – Television and Radio Interference

In these sections it states that the potential effect of the project is not known but the applicant will work with the affected people. How will the applicant work with the affected people? How long do they have to work out the problem? Will the project be shut down until issues are resolved? Will EFSEC be involved in resolving individual issues with affected landowners? A plan should be put in place prior to operation, and possible mitigation should range from the application paying for satellite or cable services to removing towers that effect landowners. There must be specifics in place and the DEIS does not offer sufficient mitigation.

- **(Page 1-13) 1.9 Cumulative Impacts** – Paragraph 3 stipulates that cumulative impacts are required to be reviewed by SEPA regulations. During the agenda meeting on December 15th, 2003 with EFSEC, Ms. Irina Makarow stated that the DEIS would have been issued much earlier but Kittitas County slowed the process down by the requiring that the DEIS look at cumulative impacts and offsite alternatives. Since EFSEC is aware that SEPA requires that the DEIS review cumulative impacts, how did Kittitas County slow down the DEIS process? It would seem that we actually sped up the process by bringing the requirements of SEPA to your attention.
- **(Page 1-17 and 1-18) 1.9.6 – Land Use and Recreation** – The sentence *“The three projects would also require either Kittitas County approval for a rezone and Comprehensive Plan amendment, or EFSEC review and governor approval...”* should be revised. While it is true that if an applicant applies to Kittitas County for a Wind Resource Development Permit that they do not have to apply to EFSEC, the opposite is not true. When Zilkha applied to EFSEC they were found by EFSEC to be out of compliance with local land use. To resolve this they will still need to receive a zoning change, comprehensive plan change, development agreement, and development permit. Please revise this sentence to reflect this.
- **(Page 1-19) 1.9.11 – Air Quality** – Paragraph 3 – Last sentence should be removed because it is a very slanted statement without merit. If these projects are not built other wind projects may be built to avoid fossil fuel emissions or it could be solar, etc... These project not being permitted does not mean that other types of energy sources with high emissions would have to be built.
- **(Page 1-21) 1.10.2 – Visual Resources** – This paragraph does stipulate that visual impacts are significant and unavoidable which is true. All 3-project scenarios must be studied in order for the commenting public the opportunity to let EFSEC know how much impact each of the 3 scenarios will have on them. Would be impossible to gauge probable impact if we do not even know what kind of project will be going up.

5) Chapter 2: Proposed action and alternatives

- (Page 2-1) 2.1 - Introduction – Second Paragraph states that EFSEC is aware that SEPA requires that an EIS must address reasonable offsite alternatives. During the agenda meeting on December 15th, 2003 with EFSEC, Ms. Irina Makarow stated that the DEIS would have been issued much earlier but Kittitas County slowed the process down by the requiring that the DEIS look at cumulative impacts and offsite alternatives. Since EFSEC is aware that SEPA requires that the DEIS review offsite alternative, how did Kittitas County slow down the DEIS process? It would seem that we actually sped up the process by bringing the requirements of SEPA to your attention. The second paragraph looks really good.
- (Page 2-17) 2.2.3 - Meteorological Towers – Specific number of towers and locations are needed in order to assess if these will have an impact on the environment. How can they be looked at if the DEIS stipulates that the applicant has no idea where they will go. If the approximate locations are not shown on the project site plan then they will need an administrative conditional use permit for each tower (we could process them as one permit application).
- (Page 2-20) 2.2.3 - Lighting – As has been stated previously in this DEIS the lighting of the towers will have a significance effect on the environment. Just saying that the project will meet FAA regulations does not gauge the amount of effect it will have on the environment. Since 3 different scenarios have been proposed then this issue needs to be discussed in depth. Please see section 3.13.5.2 and figure 3.13-4 of the DEIS prepared for the Desert Claim Wind Power project. This should be a good reference tool when preparing additional information for the DEIS. As you will note in the Desert Claim DEIS the number of lights for the project has been determined and a map indicating the towers to be lit has been provided. This must be provided in this DEIS as well so the environmental impact can be gauged.
- (Page 2-33) 2.5 - Description of no action alternative - No action alternative – EFSEC is certainly correct that the No action alternative would result in further subdivision of properties within the project area and uses as allowed within the Ag-20 and Forest and Range zones. What seems odd is the assertion that if this project is not built a gas fired combustion turbine facility would be built. That statement is wrong and should be taken out of the DEIS. If this project is not approved nothing may be built elsewhere, could be a solar facility, or somebody might decide to harness the power of the ocean. This should either be taken out or EFSEC should provide specific data this issue. This section also refers to the “region’s” need for power. Since the DEIS earlier had shown that this region consists of Washington, Oregon, Idaho, and Montana, can we once again assume that all power from this project will be sold within this 4 state area? If so, it contradicts earlier statements from Zilkha that power is a commodity and will be sold to any buyer who meets their needs.
- (Page 2-38) 2.6.2 - Alternative project sites considered by the applicant – The first sentence of paragraph 3 should be removed because other site locations that are feasible have been identified (Wildhorse, Desertclaim).

- (Page 2-40) 2.7 – Consideration of offsite alternatives – The last sentence is incorrect as Wildhorse is available and being developed by Zilkha. Please revise that statement.
- (Page 2-54) 2.8 – Benefits or disadvantages or reserving project approval for a later date – I do not see a need for this paragraph to be included but if it is there should be some modification. First, it states that if this project is delayed our regional power needs will not be met. Again, this is indicating that any power from this project will be sold in Washington, Oregon, Idaho, or Montana. I have never heard the applicant say this is true. Please either state that all power will be sold in the Northwest or take out that information since it has no relevance. Also, as stated before please take out any information relating to a gas-fired power plant being built if this project is delayed. Simply not true, misleading, and unsubstantiated.

6) Chapter 3: Affect Environment, Impacts, and Mitigation Measures

- (Page 3.1-9) 3.1.2 – Impacts of proposed action – Construction impacts – Paragraph 6 states that materials on site may be crushed as backfill or road material. Rock crushing is not a permitted use in all zoning districts and the applicant may need permits from the county prior to completing any rock crushing activities.
- (Page 3.1-12 and 13) 3.1.3 – Impacts of No action alternative - EFSEC is certainly correct that the No action alternative would result in further subdivision of properties within the project area and uses as allowed within the Ag-20 and Forest and Range zones. What seems odd is the assertion that if this project is not built a gas fired combustion turbine facility would be built. That statement is wrong and should be taken out of the DEIS. If this project is not approved nothing may be built elsewhere, could be a solar facility, or somebody might decide to harness the power of the ocean. This should either be taken out or EFSEC should provide specific data this issue. This section also refers to the “region’s” need for power. Since the DEIS earlier had shown that this region consists of Washington, Oregon, Idaho, and Montana, can we once again assume that all power from this project will be sold within this 4 state area? If so, it contradicts earlier statements from Zilkha that power is a commodity and will be sold to any buyer who meets their needs.
- (Page 3.2-6) Table 3.2-1 Summary of habitats associated with the proposed turbine strings of the project – Since Zilkha prepared the information in this table prior to submitting their application I assume it was prepared with scenario B in mind. Since they have subsequently altered their project this information may or may not apply. Further all 3 scenarios should be reviewed since all 3 are being considered. It is inadequate if only one scenario is studied.
- (Page 3.2-8 and 9) 3.2.2 – Wetlands – Please make sure to reference KCC 17A –Critical Areas – within this section, as any mitigation will have to comply with our Critical Area ordinance. Please also refer back to my previous comments on wetlands, as further study is needed so that wetlands are not an unresolved issue.
- (Page 3.2-9) 3.2.2 – Wildlife and Habitat - Please make sure to reference KCC 17A – Critical Areas – within this section, as any mitigation will have to comply with our Critical Area ordinance.

- (Page 3.2-34) 3.2.3 - Fisheries – When you are referring to water systems please make sure to include KCC 17A as the reference document.
- (Page 3.2-52) 3.2.4 - **Impacts of No action alternative** - EFSEC is certainly correct that the No action alternative would result in further subdivision of properties within the project area and uses as allowed within the Ag-20 and Forest and Range zones. What seems odd is the assertion that if this project is not built a gas fired combustion turbine facility would be built. That statement is wrong and should be taken out of the DEIS. If this project is not approved nothing may be built elsewhere, could be a solar facility, or somebody might decide to harness the power of the ocean. This should either be taken out or EFSEC should provide specific data this issue.
- (Page 3.3-7) 3.3.3 - **Impacts of No action alternative** - EFSEC is certainly correct that the No action alternative would result in further subdivision of properties within the project area and uses as allowed within the Ag-20 and Forest and Range zones. What seems odd is the assertion that if this project is not built a gas fired combustion turbine facility would be built. That statement is wrong and should be taken out of the DEIS. If this project is not approved nothing may be built elsewhere, could be a solar facility, or somebody might decide to harness the power of the ocean. This should either be taken out or EFSEC should provide specific data this issue that shows conclusively that a gas fired combustion turbine facility would be built.
- (Page 3.4-3) 3.4.2 – **Construction Impacts – Risk of Fire or Explosion** – In the second paragraph it states that the applicant is proposing a Fire and Explosion Risk Mitigation Plan. I would just add to that section by stating that the plan must be approved by the Kittitas County Fire Marshal and affected Fire Districts prior to operation of the facility.
- (Page 3.4-6) 3.4.2 – **Operation and Maintenance Impacts - Risk of Fire or Explosion** - In the fourth paragraph it states that the applicant is proposing a Fire and Explosion Risk Mitigation Plan. I would just add to that section by stating that the plan must be approved by the Kittitas County Fire Marshall and effected Fire Districts prior to operation of the facility
- (Page 3.4-8) 3.4.2 – Risk of Turbine Tower Collapse – Specific information should be given on how much area could be effected if a tower collapsed. I understand that within the mitigation section you are proposing the minimum setback to be at least the height of the tower from roads but no information is given on how you came to that conclusion. Please see section 3.8.2.1 (Page 3-145) of the Desert Claim Wind Power Project DEIS. Within that section is specific information designed to show the maximum distance a blade could be thrown. Data on this issue is important when considering setbacks from houses, roads, etc...
- (Page 3.4-8) 3.4.2 – Risk of Turbine Blade Throw – Specific research should be given outlining the maximum hazard area if a tower was to collapse. Please see section 3.8.2.1 (Page 3-146) of the Desert Claim Wind Power Project DEIS. Within that section is specific information designed to show the maximum distance a blade could be thrown. Data on this issue is important when considering setbacks from houses, roads, etc...An analysis should be completed on all 3 scenarios.

- **(Page 3.4-16) 3.4.3 – Impacts of No Action Alternative** – Please take out the second paragraph as the assumption is not correct. If you are going to leave this paragraph in please list every possible alternative that may result if this project is not approved.
- **(Page 3.4-16) 3.4.4 – Mitigation Measures – Fire and Explosion Risk Mitigation Plan** – The mitigation should include having an approved plan from the Kittitas County Fire Marshal prior to construct of the project. There should also be a second plan in place for operations, which would need to be approved by the Fire Marshal prior to project operations. There should be information available about the possible plan and how it relates to each of the 3 scenarios listed in the DEIS.
- **(Page 3.4-22) 3.4.4 – Mitigation Measures – Measures to minimize risk of tower collapse and blade throw** – Minimum setbacks from any road should equal 110% of the total structure height. An extra 41 feet would take out any risk of a tower falling on a traveled road regardless of if it is a public or private road.
- **(Page 3.4-22) 3.4.4 – Mitigation Measures – Measures to minimize shadow flicker effects** – A possible mitigation measure should include removing any towers that will cause shadow flicker effects at any receptor. Please make sure that all towers in each of the 3 scenarios are identified to show which are causing shadow flicker. If towers are not removed mitigation should be added that all improvements to effected homes should be completed before the project becomes operational.
- **(Page 3.4-23) 3.4.4 – Significant unavoidable adverse impacts** – I would add to this paragraph by stating that no unavoidable impacts will occur if the recommended mitigation is put in place.

As possible mitigation I would also recommend that the applicant set up a 24-hour hotline where any affected resident can call when experiencing problems with the project As EFSEC is lead agency for this project there should also be a number they can call where they can receive assistance if issues are not being resolved. I haven't found any information within the DEIS where it explains how EFSEC will be involved after the project is put in place. This is probably not the section but information on how EFSEC will monitor all mitigation and oversee the implemented of the project would be very useful.

- **(Page 3.5-1) 3.5.1 Affected Environment – Northwest Region Electricity** – Although the information within this section is interesting, it is only pertinent if the applicant plans to sell its power to people within the Northwest (Washington, Idaho, Oregon, Montana). From my conversation with the applicant this does not seem to be the case therefore the information is very misleading and should be removed.
- **(Page 3.5-4) Table 3.5-2: Proposed Generation Projects in Washington** – This table clearly shows that there are a number of different types of energy currently being proposed within Washington State, therefore any reference to the no action alternative resulting in a gas fired combustion plant being constructed should be removed from the document.
- **(Page 3.5.13) Impacts of the No action alternative** – Please remove the second paragraph for the same reasons as have been pointed out throughout my comments.

- **(Page 3.6-2) Existing Land Use** – I would add Single Family Residences or Rural Homesites to the list of land uses within 1 mile of the project site.
- **(Page 3.6-7) Figure 3.6-3** – Map is not correct, as U.S Forest Service lands do not extend to all of the areas included on the map. If you need assistance with this information, I would contact the Kittitas County GIS Department.
- **(Page 3.6.12) Impacts of the No action alternative** – Please remove the second paragraph for the same reasons as have been pointed out throughout my comments.
- **(Page 3.6-13) Consistency with Plans and Policies – State of Washington - Consistency Discussion** – Please add that the project was submitted to Kittitas County on June 16th, 2003 instead of June 2003. Further, as always I have complete information on the process that the applicant will go through to gain consistency with Kittitas County per KCC 17.61A. I would be happy to provide the information in either a written form or as an outline, whichever is easier when preparing the response document.

So that the same information is not repeated the *consistency discussion* on pages 3.6-13 through 3.6-20 should better outline the process the applicant must go through in order to gain consistency. As stated above I have information and outlines available to be added that clearly shows the application process as outlined in KCC 17.61A.

Within each of these sections I also did not see any reference to the applicant needing a development agreement and development permit to go along with the Comprehensive Plan change and rezone. The development agreement and development permit have been applied for and will be part of the consolidated hearing process Kittitas County will hold once EFSEC provides Kittitas County with detailed information in response to the DEIS comments.

Please also make sure to add that the project was submitted to Kittitas County on June 16th, 2003 since it relates directly to the inconsistency finding by EFSEC on May 1st, 2003.

- **(Page 3.7-22) 3.7.3 Impact of No Action Alternative** - Please remove the second paragraph for the same reasons as have been pointed out throughout my comments.
- **(Pages 3.8-1 through 3.8-8) Cultural Resources** - After reviewing section 3.8 of the DEIS it seems that the methods for collecting information were not thorough enough to determine if this will be a significant unavoidable impact to the project area. Please see section 3.6 of the DEIS prepared for the Desert Claim Wind Power project. This should be a good reference tool when preparing additional information for the DEIS. Within that section you will note that the entire project area was part of the field study that was conducted over a 3-½ week period. In Section 3.8 of the KV Wind Power project DEIS I cannot find where any fieldwork was even conducted. Fieldwork should be completed prior to moving forward with this project so the above issues can be resolved.

Section 3.8.6 (Significant unavoidable adverse impacts) on page 3.8-8 states that there is a possibility of unavoidable adverse impacts. Field studies should be completed before proceeding any further with this project so cultural resource sites can be properly located, evaluated, and proper mitigation added to the DEIS. I think it is a great idea to have an archeologist on site during construction but mitigation and identification should already have taken place.

- **Section 3.9 -Visual Resources**– After reviewing the information in this section it seems all of the information is based off studying 1 of the possible 3 scenarios the applicant is proposing. All 3 scenarios must be studied in depth so that a valid determination may be made as to whether this project will have a significant adverse impact. All discussion, tables and mitigation should be put together for each scenario.
- **(Page 3.9-26) – 3.9.3 Impacts of the proposed action** – In paragraph 4 it explains that a table illustrating the comparative levels of visual impacts has not been prepared. Information along with the table should be prepared; as it will outline the level of impact each scenario will have on the environment. If all 3 scenarios are a possibility then all 3 should be studied equally. The information given is not sufficient.
- **(Page 3.9-27) – 3.9.3 Impacts of the proposed action – Construction impacts - Light and Glare** – In this paragraph it outlines that some late evening work may need to occur onsite. I assume since no times are given that nighttime work will not exceed 10pm as outlined in other areas of the application. If the applicant plans on working later than 10, it should be explicitly stated in the application so it can be evaluated during the decision making process.
- **(Page 3.9-47) – Light and Glare – *Light*** – In the first paragraph the DEIS refers to a letter from the FAA stating this project will not interfere with aviation operations. After reviewing that letter it clearly states that the information they are giving is based off of towers with a maximum height of 350 feet above ground. Since the turbines may extend up to 410 feet above ground the letter from the FAA to Zilkha renewable energy isn't valid and more information should be obtained.

The letter also states *“This information is based, in part, on the frequency description which includes specific coordinates, heights, frequencies and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to height, power, or the addition of other transmitters, requires separate notice to the FAA”*.

The information on page 3.9-47 that looks at lighting is invalid based upon the information in the letter from the FAA. Further, when new information is obtained for the DEIS response; it should include information on all 3 scenarios as they all must be evaluated.

Please see section 3.13.2.2 of the DEIS for the Desert Claim Wind Power Project. In that section you will find information and maps showing the proposed lighting plan. With that information Kittitas County and interested parties are better able to gauge the impact such lighting will have.

Since the Kittitas Valley Wind Power project has 3 scenarios, each should have separate sets of information put together including a lighting plan for each.

- **(Page 3.9-48) 3.9.4 - Impact of No Action Alternative** - Please remove the third paragraph for the same reasons as have been pointed out throughout my comments.
- **(Page 3.9-51) 3.9.6 – Significant Unavoidable Adverse Impacts** – Since proper study of lighting as it relates to the 3 proposed scenarios has not been completed, we have yet to see if there is a significant impact. It sounds as if the conclusion is that this issue will be a significant impact but further study will allow a true conclusion to be made.

The last sentence of the paragraph should be removed, as it doesn't make sense and is certainly not true.

- **(Page 3.9-50 and 51) - 3.9.6 – Significant Unavoidable Adverse Impacts** – As part of the additional mitigation measures it should be noted that additional setbacks could alleviate unavoidable impacts regarding aesthetics (visuals). On page 3.9-48 it mentions that not building the project would alleviate the impacts and that is discussed within the No Action Alternative section but further discussion is warranted. Mitigation that certain towers be removed from the project to alleviate visual impacts certainly does not mean the project cannot be built. EFSEC should identify which towers under each of the 3 scenarios are causing the greatest impact and mitigation should include that those towers not being placed within the project area. Since each of the 3 scenarios proposes different tower heights, the setbacks would be different for each. If significant impacts are found to be within ½ mile of turbines that are 410 feet tall, then the DEIS should identify which towers would need to be removed in order to alleviate this impact. The setbacks would most likely be less in the scenarios where the turbines are shorter. Please provide this information and include it within the mitigation section. Please see section 3.10.5 (Mitigation Measures) on page 3-223 of the Desert Claim DEIS.
- **(Page 3.10-16) – 3.10.2 – Impacts of the proposed action – Aviation hazards** – The information in this section is no longer valid and new information will need to be obtained from the FAA. After reviewing that letter it clearly states that the information they are giving is based off of towers with a maximum height of 350 feet above ground. Since the turbines may extend up to 410 feet above ground the letter from the FAA to Zilkha renewable energy isn't valid and more information should be obtained.

The letter also states *“This information is based, in part, on the frequency description which includes specific coordinates, heights, frequencies and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to height, power, or the addition of other transmitters, requires separate notice to the FAA”*.

Since the DEIS lists 3 scenarios for this project all 3 will have to be evaluated. This should have been completed prior to DEIS issuance since this letter from the FAA was issued in 2002 and the project is significantly different at this time.

I have attempted to find each instance where the letter from the FAA is being used as official DEIS information. If any areas are missed I am requesting that the letter from the FAA and reference to it be taken out and new information obtained before the project proceeds any further. It is misleading and should not be included.

- **(Page 3.10-18) 3.10.3 - Impact of No Action Alternative** - Please remove the third paragraph for the same reasons as have been pointed out throughout my comments.
- **(Page 3.11-10) 3.11.4 - Impact of No Action Alternative** - Please remove the second and third paragraphs for the same reasons as have been pointed out throughout my comments.
- **(Page 3.12-17) 3.12.3 – Impact of No Action Alternative** - Please remove the second and third paragraphs for the same reasons as have been pointed out throughout my comments.
- **(Page 3.13-15) 3.13.2 – Impact of the proposed action – *Communication Services*** – In the second paragraph the DEIS says that microwave disruption is not known for the lower or upper end scenarios and that the applicant will study this prior to the project being built. This issue should be studied at this time as part of the DEIS since the DEIS is a tool used for helping to make a decision on the project and is used to assess possible impacts of the project. This should be studied prior to the DEIS response being issued to determine if there are any impacts associated with the 3 project scenarios.
- **(Page 3.13-16) 3.13.2 – Impact of the proposed action – Radio interference** – In the second paragraph of the section it says *“To date, information regarding the frequency spectrum of electrical noise generated by the wind turbine generators at locations surrounding the generator has been requested from the Applicant, but has not yet been provided.”* Why was the DEIS issued if this issue had not yet been addressed by the applicant after EFSEC had requested that this be investigated as part of the DEIS? The paragraph goes on to say that this is an unresolved issue but is addressed in section 3.13.4 with mitigation. How can mitigation be implemented when the item in question has not been studied yet? Radio interference information should be completed for the DEIS response so all interested parties can gauge whether this is a significant environmental impact. The mitigation offered in 3.13.4 is unacceptable as all 3 scenarios need to be studied for the DEIS response. The purpose of the DEIS is to collect this type of information.
- **(Page 3.13-17) 3.13.2 - Impact of No Action Alternative** - Please remove the second paragraph for the same reasons as have been pointed out throughout my comments.
- **(Page 3.13-18) 3.13.4 – General** – For item 2 it should be stated that this would just be part of the fire protection operation plan. As stated before the project could have an operation plan which would be implemented prior to construction beginning and an operation plan implemented prior to operation. For item 3 please add that rescue and emergency response information would be relayed prior to construction beginning.

- (Page 3.13-19) 3.13.4 – Fire Protection – Can information be placed in this section regarding the size of the gravel area around the turbines as being part of the fire mitigation plan?
- (Page 3.13.20) 3.13.4 – Communication Services – As stated previously, the proposed mitigation is not sufficient. EFSEC asked the applicant for information on this subject and it was not provided. Studies to determine if there will be an effect must be completed before the decision making process or it defeats the purpose of completing an EIS. Please provide a full report on all 3 scenarios for the DEIS response.
- (Page 3.13.21) 3.13.4 – Additional Recommended Mitigation Measures - Communication Services – Additional mitigation should include that based off of upcoming studies on communication services it may be necessary to remove certain tower locations if they cause an unavoidable impact.
- (Page 3.13.22) 3.13.5 – Significant unavoidable impacts – I do not understand how the conclusion of this section can be that no unavoidable impacts will result from the project when all of the studies have not been completed. All information on all 3 scenarios must be completed before the DEIS response if this conclusion is to be made.
- (Page 3.14-2) 3.14.3 – Wild Horse Wind Power Project – In the first sentence the words ...to construct, own, and operate... should be replaced with ...to submit an application to EFSEC and Kittitas County in order to construct, own, and operate... The way it is worded now makes it seem as if the project has already been approved even though it hasn't been submitted yet.

7) Other Issues:

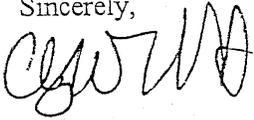
The DEIS does not mention how the project will be decommissioned, the means for decommissioning, and the impacts of decommissioning under the 3 scenarios mentioned in the DEIS. This issue needs to be included within the DEIS. Mitigation should also outline procedures for decommissioning individual turbines that are not being used. An example could be mitigation requiring the applicant to remove any turbine(s) that is not operation during a 1-year period.

Although this project is a siting issue for EFSEC it is a Land Use issue for Kittitas County. Kittitas County cannot proceed with our hearing process until an adequate document is received that covers all of the requirements of SEPA. As stated in my comments, I believe there are a number of areas that have not been properly studied and therefore an analysis of project impacts cannot be properly stated in the DEIS.

Attached is a copy of the DEIS submitted for the Desert Claim Wind Power Project so it can be used as a reference tool when preparing response information.

Please let me know if you need any assistance or information for the response document.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clay White', written in a cursive style.

Clay White
Planner II
Kittitas County Community Development Services
(509) 962-7506

cc: James Hurson, KC Deputy Prosecuting Attorney
File

ridgetops on each side of US 97 in Kittitas County, roughly halfway between Ellensburg and Cle Elum (Figure 1-2).

The final selection of the exact type and size of wind turbine to be used for the project depends on a number of factors including equipment availability at the time of construction. The number of turbines and the resulting nameplate capacity of the project would depend on the make and model of turbine used. Therefore, to capture a “reasonable range” of potential project impacts, this EIS defines and evaluates the following three project scenarios:

- Lower End Scenario: The lower end scenario represents the project configuration with the lowest number of turbines erected. For turbines with a nameplate capacity of 3 MW each, up to 82 turbines would be used for a total nameplate capacity of 246 MW.
- Middle Scenario: The middle scenario represents the project configuration that would be chosen based on current pricing and performance for wind turbine technology currently on the market. For turbines with a nameplate capacity of 1.5 MW each, 121 turbines would be used for a total nameplate capacity of 181.5 MW.
- Upper End Scenario: The upper end scenario represents the project configuration with the highest number of turbines erected. For turbines with a nameplate capacity of 1.3 MW each, up to 150 turbines would be used for a total nameplate capacity of 195 MW.

The facilities, equipment, and features to be installed as part of the project include:

- approximately 19 miles of new roads,
- improvements to roughly 7 miles of existing roads,
- approximately 23 miles of underground 34.5-kV electrical power lines,
- approximately 2 miles of overhead 34.5-kV electrical power lines,
- two substations,
- one 5,000-square-foot operations and maintenance facility with parking, and
- up to nine permanent meteorological towers.

The KVVPP would be constructed across a land area of approximately 7,000 acres in Kittitas County, although the actual permanent facility footprint would comprise between 93 to 118 acres of land under the middle and lower end scenarios, respectively. (Note that the lower end scenario has a larger footprint because it would require wider roadways to accommodate bigger turbine towers.) The majority of the KVVPP site and the proposed interconnect points lie on privately owned lands and there are five parcels owned by the Washington State Department of Natural Resources (DNR). The Applicant has obtained wind option agreements with landowners for all private lands within the project site boundary necessary for project installation. In June 2003, the Applicant executed a lease agreement for use of DNR property in the project area.

Graphic Server/Graphic/030604/Kittitas Windfarm/fig 1-1/weekly map 10/03

Source

Section IX.
Fee - \$100 initial

SEPA Environmental Checklist/Review - review required in conjunction with Sections II, III, IV, VIII Or IX. Other development proposals may also require completion of this section.

2. Name, mailing address and day phone of land owner(s) of record:
See Exhibit 1
3. Name, mailing address and day phone of authorized agent, if different from land owner of record:
Chris Taylor
Project Development Manager
Zilkha Renewable Energy
222 E. Fourth Street
Ellensburg, WA 98926
Phone: 509-899-4609
Email: ctaylor@zilkha.com
4. Contact person for application (select one): Owner of record Authorized agent
All verbal and written contact regarding this application will be made only with the contact person.
5. Street address of property:
The proposed project is located approximately 12 miles NW of Ellensburg. The proposed project covers numerous individual parcels; please see legal descriptions in Exhibit 1.
6. Legal descriptions of property: *See Exhibit 1*
7. Tax parcel numbers: *See Exhibit 1 and Exhibit 4*
8. Property size: *Approximately 5,900 acres.*
9. Narrative project description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):

Overview

Sagebrush Power Partners, a wholly owned subsidiary of Zilkha Renewable Energy ('Applicant') proposes to build and operate the Kittitas Valley Wind Power Project (the 'Project') on a site located approximately twelve miles northwest of the city of Ellensburg. The Project will feature a well documented wind resource, state-of-the-art, megawatt-class wind turbine generators and experienced development and operations teams. The Project will help supply the growing demand for electricity in Washington and the Northwest with clean, renewable energy at a stable, competitive price.

Permitting Process

The Applicant has applied for site certification from the Washington Energy Facility Site Evaluation Council (EFSEC). The Applicant filed a formal Application for Site Certification (ASC) with EFSEC on January 13, 2003. Copies of the ASC have been provided to Kittitas County and the ASC provides detailed information on all aspects of the proposed Project. This application to Kittitas County for a development agreement, development permit, rezone and comprehensive plan amendment are made in order to seek local land use consistency in compliance with WAC 463-28. Approval of a comprehensive plan amendment, rezone, development agreement and development permit would be conditioned upon approval by EFSEC. The Applicant understands that any approval by the County of these limited applications cannot stand on their own merits, absent EFSEC approval.

This request for a site-specific rezone, sub-area comprehensive plan amendment, development agreement and development permit is being made in compliance with WAC 463-28. This project is subject to the jurisdiction of and being sited by the Washington Energy Facility Site Evaluation Council (EFSEC) pursuant to Application for Site Certification No. 2003-1. EFSEC has accepted the SEPA "lead agency" role pursuant to RCW 43.21C.030 and has issued a determination of significance (DS) and has begun the process of drafting an Environmental Impact Statement (EIS.) Therefore, detailed information regarding environmental impacts will be available in the EFSEC EIS. Kittitas County is exempt from preparing a "detailed statement" (SEPA EIS) required by RCW 43.21C.030 pursuant to RCW 80.50.180.

2.2 LEGAL DESCRIPTIONS AND OWNERSHIP INTERESTS

WAC 463-42-135 Proposal – Legal Descriptions and Ownership Interests

(1) Principal Facility: The application shall contain a legal description of the site to be certified and shall identify the applicants and all non-private ownership interests in such land.

(2) Ancillary Facilities: For those facilities described in RCW 80.50.020(6) and (7), the application shall contain the legal metes and bounds description of the preferred centerline of the corridor necessary to construct and operate the facility contained therein, the width of the corridor, or variations in width between survey stations if appropriate, and shall identify the applicant's and others' ownership interests in lands over which the preferred centerline is described and of those lands lying equidistant for ¼ mile on either side of such centerline.

2.2.1 Introduction

The Kittitas Valley Wind Power Project will be constructed across a land area of approximately 5,000 acres in Kittitas County, although the actual permanent facility footprint will only comprise approximately 90 acres of land. Proposed turbine strings will be located primarily on the north-south oriented ridges in Township 19 N Range 16E, Township 19N Range 17E, and Township 20N Range 17E.

The core of the Kittitas Valley Wind Power Project site and the proposed interconnect points lie on privately-owned lands and there are also parcels which are owned by the Washington Department of Natural Resources (WA DNR). The Applicant has obtained wind option agreements with landowners for all private lands within the Project site boundary necessary for installation of the plant. Copies of the recorded Memorandums of Wind Option with all private landowners are contained in Exhibit 4.

Approximately one fourth of the proposed turbines lie on WA DNR lands. The Applicant has secured access to all of the DNR lands as well as all of the private lands surrounding the DNR parcels of interest. The Applicant has been coordinating with the WA DNR during the development of this Project. WA DNR published a notice of intent to negotiate a lease agreement for these parcels on June 6, 2002. A letter of intent from WA DNR is attached as Exhibit 5, 'WA DNR Letter of Intent'.



EXHIBIT-50-39 (CW-39)

- [About EFSEC](#)
- [Certification Process](#)
- [Energy Facilities](#)
- [Laws & Rules](#)
- [Rulemaking](#)
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Kittitas Valley Wind Power Project

On January 13, 2003, Zilkha Renewable Energy, LLC, through Sagebrush Power Partners, LLC, its wholly owned subsidiary, submitted to the Washington State Energy Site Evaluation Council (EFSEC) an application for site certification for its Kittitas Valley Wind Power Project. This Project is an alternative energy facility as defined in RCW 80.50.020(17). Zilkha Renewable Energy chose to receive site certification from EFSEC for the Kittitas Valley Wind Power Project pursuant to RCW 89.50.060(2).
[Application cover letter \(PDF - 1 page\)](#)

In August 2003 Sagebrush Power Partners, LLC requested EFSEC mutually agree to extending the one year review period as allowed by RCW 80.50.100(1). The request was based on the applicant working with Kittitas County to try to resolve land use compliance issues. Based on the slow progress in resolving these issues, on December 15, 2003 EFSEC agreed to the extension of its review period. In their approval EFSEC encouraged the applicant and Kittitas County to resolve the land use issues in a timely manner.

General Information:

- [Project Summary](#)
- [Project Mailing List](#)
- [How to obtain a copy of the Application for Site Certification](#)

Recent Activities:

5/24/04 [Applicant's Prefiled Testimony](#)

2/9/04: [Request for Preemption](#)

Application for Site Certification:

- [Application for Site Certification as PDF files](#)
- [January 14, 2003 EFSEC Press Release \(PDF - 1 page\)](#)
- [Public Information and Scoping Meeting 3-12-03](#)
- [Council Order No. 776 on Land Use Consistency](#)
- [Clarification Information Provided to EFSEC Independent Consultant for EIS Preparation](#)

12/12/03: [Kittitas Valley Wind Draft EIS](#)

12/12/03: [Notice of Issuance of the Kittitas Valley DEIS](#)

12/12/03: [Notice of Opportunity to File Late Petitions for Intervention](#)

5/16/03: [Notice of Adjudication and Opportunity to File Petitions for Intervention](#)

5/7/03: [Land Use Consistency Hearing and Order](#)

Adjudication:

Please see the [adjudication page](#) for

4-17-03: [SEPA Scoping Summary](#)

all related documents.

- ~~NEW~~ 5-25-04 Prefiled testimony
- 5-16-03 Notice of Adjudication and Opportunity to File Petitions for Intervention
- Petitions for Intervention
- 2-9-04: Request for Preemption

3/12/03: Public Information and Scoping Meeting 3-12-03

01/13/03: Application for Site Certification Submitted to EFSEC

SEPA Environmental Review:

- SEPA Determination of Significance and Notice of Scoping Meeting (2 pages PDF).
- SEPA Scoping Summary (26 pages PDF)
- Notice of Issuance of the Kittitas Valley DEIS
- Kittitas Valley Wind Draft EIS

Project Summary

Proponent: Sagebrush Power Partners L.L.C.
Zilkha Renewable Energy
210 SW Morrison, Suite 310
Portland, OR 97204
Contact: Christopher Taylor (503) 222-9400

General Description of the Project:

The Project would consist of up to 121 wind turbine generators with a total nameplate capacity of approximately 181.5 MW. The Project would interconnect directly with either Puget Sound Energy's 230kV Rocky Reach-White River transmission line or Bonneville Power Administration's (BPA) Grand Coulee-Olympia or Columbia-Covington 287 kV lines, all of which pass directly over the Project site.

Proposed Site:

The Kittitas Valley Wind Power Project turbines are proposed to be located on the ridges located on either side of Highway 97, roughly halfway between Ellensburg and Cle Elum.

Schedule:

Following review of the application by the Council, and assuming approval of the project by the Governor by beginning of 2004, commercial operation of the Kittitas Valley Wind Power Project could be started by early 2004.

Where is EFSEC's Review now?

- 1/13/03: Application for Site Certification submitted to EFSEC
- 3/12/03: Public Informational and Scoping Meeting - Ellensburg, WA.
- 4/17/03: SEPA Scoping Summary issued (26 pages PDF)
- 5/1/03: Land Use Hearing and 5/7/03 Order on Land Use Consistency
- 12/12/03: Draft EIS issued for public comment

Application for Site Certification: How to Review a Copy

On the Internet... follow this link

Public Reference:

Copies of the Kittitas Valley Wind Power Project Application for Site Certification and the Draft EIS will be available for Public Reference at the following locations.

Cle Elum:

Carpenter Memorial (Cle Elum) Library
302 Pennsylvania Ave
Cle Elum, WA 98922-1196

Hours:

- Tuesday 10:00 AM to 5:00 PM
- Wednesday & Thursday 10:00 AM to 7:00 PM
- Friday 10:00 AM to 5:00 PM
- Saturday 10:00 AM to 2:00 PM
- Contact (509) 674-2313

Ellensburg:

Ellensburg Public Library
209 N Ruby
Ellensburg, WA 98926

509-962-7250

Olympia:

Washington State Library
Joel M. Pritchard Library
Point Plaza East, Building One
6880 Capitol Boulevard South
Tumwater, WA, 98501-5513
(360) 704-5200

Washington Energy Facility
Site Evaluation Council
925 Plum Street SE, Building 4
Olympia, WA, 98504-3172
360-956-2121

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How to Obtain a Copy:

The Kittitas Valley Wind Power Project Application for Site Certification is available to interested persons upon request in CD-ROM format only. The Draft EIS is available in both hard copy and CD-ROM formats. To obtain a copy contact:

Irina Makarow
Siting Manager

Energy Facility Site Evaluation Council
925 Plum Street SE, Bldg. 4
PO Box 43172
Olympia, WA 98504-3172
(360) 956-2047

or by e-mail: irinam@ep.cted.wa.gov

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For information or questions concerning this Application for Site Certification please contact:

Irina Makarow, Siting Manager
Energy Facility Site Evaluation Council
925 Plum Street SE, Bldg. 4
PO Box 43172
Olympia, WA 98504-3172
(360) 956-2047

irinam@ep.cted.wa.gov

Important Note: Public comments submitted to the Council via the internet or in writing become public records under the Washington State Public Records Act (RCW 42.17). Information included in the comment such as the commentor's e-mail and mailing address becomes a public record once it is provided to EFSEC and may be subject to public inspection and copying if not protected by federal or state law. For additional information please see our [Privacy Notice](#).

To be added to the **Kittitas Valley Wind Power Project mailing list**, please:

- contact Mariah Laamb at (360) 956-2121
- or
- e-mail your complete name and postal or e-mail address to efsec@ep.cted.wa.gov

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Projects Currently Under Review:

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[Access Washington](#)

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Question or Comment? Contact EFSEC at efsec@ep.cted.wa.gov

This page last updated 01/01/03

1. Assure that the degree of compatibility enunciated as the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located;

2. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand feet from any church, school, park, playground or occupied dwelling as may exist on the same lot or parcel as such use. (Ord. 93-1 (part), 1993; Ord. 83-Z-2 (part), 1983).

17.52.040 Front, side and rear yard requirements. There are no yard requirements, unless the property abuts a parcel of land of more restricted nature such as a commercial zone, in which case the requirements on the abutting side shall be those of the abutting property. (Ord. 83-Z-2 (part), 1983).

17.52.050 Setbacks. If any use in this district abuts or faces any residential or suburban district, a setback of fifty feet on the side abutting or facing the residential district shall be provided, with tree planting or other conditions necessary to preserve the character of the residential district. The board of adjustment shall determine what these conditions shall be. (Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983).

17.52.060 Height restrictions. There shall be no limitations. (Ord. 83-Z-2 (part), 1983).

17.52.080 Access. All lots in this district shall abut a public street, or shall have such other access as deemed suitable by the board. (Ord. 83-Z-2 (part), 1983).

FOREST AND RANGE ZONE¹

Sections:

- 17.56.010 Purpose and intent.
- 17.56.020 Uses permitted.
- 17.56.030 Conditional uses.
- 17.56.040 Lot – Minimum size.
- 17.56.050 Lot – Width.
- 17.56.060 Yard requirements.
- 17.56.070 Structure height.
- 17.56.080 Setbacks.
- 17.56.090 Nonconforming uses.

17.56.010 Purpose and intent. The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged. (Ord. 92-6 (part), 1992).

17.56.020 Uses permitted. The following uses are permitted:

- A. Single-family homes, mobile homes, trailer homes, cabins, duplexes;
- B. Lodges and community clubhouses;
- C. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
- D. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
- E. (Deleted by Ord. 92-6);
- F. All buildings and structures not listed above which existed prior to the adoption of the ordinance codified in this chapter;
- G. Mining and associated activities;
- H. Quarry mining, sand and gravel excavation, and rock crushing operations;

1. Prior legislation: Ords. 82-Z-1, 77-1Z, 76-3, 76-2, 75-11, 74-6, 2.

I. (Deleted by Ord. 92-6);

J. Uses customarily incidental to any of the uses set forth in this section;

K. Home occupations which do not produce noise;

L. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners will be given official notification for an opportunity to appeal such decisions to the county board of adjustment within 10 working days of notification pursuant to KCC Title 15A, Project Permit Application Process;

M. Cluster subdivisions, when approved as a platted subdivision. (Ord. 96-19 (part), 1996; Ord. 92-6 (part), 1992; Ord. 88-4 § 5, 1988; Ord. 87-9 § 4, 1987; Ord. 85-Z-2 (part), 1985; Res. 83-10, 1983).

17.56.030 Conditional uses. The following uses are conditional:

A. Campgrounds;

B. Private trail clubs (snowmobiles, motorbikes);

C. Airports;

D. Log sorting yards;

E. Sawmills;

F. Firing ranges;

G. Golf courses;

H. Cemeteries;

I. Asphalt plants (temporary only);

J. Feedlots;

K. Public sanitary landfill;

L. Trailers, for an extended period not to exceed one year, when used for temporary occupancy related to permanent home construction or to seasonal or temporary employment;

M. Any conditional use allowed in the agricultural zone;

N. Miniwarehouses; provided, that the following standards shall apply to the approval and construction of miniwarehouses:

1. A miniwarehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;

2. All buildings with storage units facing property boundaries shall have a minimum setback of 35 feet;

3. No commercial or manufacturing activities will be permitted within any building or storage unit;

4. Lease documents shall spell out all conditions and restrictions of the use;

5. Signs, other than on-site direction aids, shall number not more than two and shall not exceed 40 square feet each in area;

O. Guest ranches, group homes, retreat centers;

P. Home occupations which involve outdoor work or activities, or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;

Q. Day care facilities;

R. Bed and breakfast business;

S. Gas and oil exploration and production; and

T. Utility substations and transmission towers;

U. Farm labor shelters, provided that:

1. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;

2. The shelters must conform with all applicable building and health regulations;

3. The number of shelters shall not exceed four per twenty acre parcel;

4. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;

5. Should the parent agriculture operation cease or convert to nonagriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements. (Ord. 2001-13 (part), 2001; Ord. 93-6 (part), 1993; Ord. 92-6 (part), 1992; Ord. 90-15 §§ 2 (part), 3 (part), 1990; Ord. 90-10 (part), 1990; Ord. 90-6 (part), 1990; Ord. 88-4 § 6, 1988; Ord. 87-9 § 5, 1987; Ord. 85-Z-2 (part), 1985; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

17.56.040 Lot – Minimum size. The minimum lot size in the forest and range zone shall be:

A. Twenty acres;

B. One-half acre minimum for any lot within an approved platted cluster subdivision, served by public water and sewer;

C. Six thousand square feet for lots on existing municipal sewer and water systems. (Ord. 92-6 (part), 1992; Res. 83-10, 1983).

17.56.050 Lot – Width. A. No parcel created after the adoption of the ordinance codified in this chapter shall have a length-width dimension less than five hundred feet unless the parcel is approved under provisions established in Section 17.56.040 B and C.

B. No platted parcel shall have dimensions in excess of a 4:1 length by width ratio. (Ord. 92-6 (part), 1992; Res. 83-10, 1983).

17.56.060 Yard requirements. A. Front Yard. There shall be a minimum front yard of twenty-five feet.

B. Side Yard. Side yard shall be ten feet, except on corner lots which shall have a fifteen-foot side yard.

C. Rear Yard. There shall be a rear yard with a minimum depth of ten feet to the main building. (Ord. 96-19 (part), 1996; Ord. 92-6 (part), 1992; Res. 83-10, 1983).

17.56.070 Structure height. No structure shall exceed two and one-half stories or thirty-five feet in height, whichever is greater. This limit does not apply to agricultural buildings. (Ord. 92-6 (part), 1992; Res. 83-10, 1983).

17.56.080 Setbacks. The following setbacks shall be enforced for residential and accessory buildings constructed or placed on shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act:

A. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting such waterways;

B. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir. (Ord. 92-6 (part), 1992; Res. 83-10, 1983).

17.56.090 Nonconforming uses. No structure or uses existing legally at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 92-6 (part), 1992; Res. 83-10, 1983).

Chapter 17.57

COMMERCIAL FOREST ZONE

Sections:

- 17.57.010 Purpose and intent.**
- 17.57.020 Uses permitted.**
- 17.57.030 Conditional uses.**
- 17.57.040 Lot – Minimum size.**
- 17.57.050 Yard requirements.**
- 17.57.060 Structure height.**
- 17.57.070 Shorelines setbacks.**
- 17.57.080 Fire protection.**
- 17.57.090 Water supply.**
- 17.57.100 Building location.**
- 17.57.110 Access.**
- 17.57.120 Road standards.**
- 17.57.130 Nonconforming uses.**
- 17.57.140 Resource activity notification.**

17.57.010 Purpose and intent. The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged consistent with the commercial forest classification policies of the comprehensive plan. The commercial forest classification applies to lands which have long-term commercial significance for the commercial production of timber, and which have been designated as commercial forest in the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington State Forest Practices Act. Nothing in this chapter shall be construed in a manner to prohibit uses permitted prior to the effective date of this chapter. (Ord. 94-1 (part), 1994).

-----Original Message-----

From: Alan Walker [mailto:alan@ellensburg-chamber.com]

Sent: Thursday, January 29, 2004 4:22 PM

To: Chris Taylor

Subject: County Response

Hi Chris,

I spoke to Clay White, County Planner, about arranging a meeting with you and him. He said that you are welcome to contact him at anytime, and a special meeting would not be necessary. They, the County, have your application and must follow procedures as mandated by the State. Clay indicated there was really nothing they could do to shorten the amount of time required to process the application.

Jim Hurson also called and reiterated the same.

Both wanted me to let you know they will talk with you directly at any time regarding the application and process.

Alan

Ellensburg Chamber of Commerce
609 North Main Street
Ellensburg, WA 98926