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7 **BEFORE THE STATE OF WASHINGTON**  
8 **ENERGY FACILITY SITE EVALUATION COUNCIL**

9 In the Matter of Application No. 2003-01

10 SAGEBRUSH POWER PARTNERS, LLC;

11 KITTITAS VALLEY WIND POWER  
12 PROJECT

EXHIBIT 101 (DT-T)

13 **INTERVENOR F. STEVEN LATHOP'S PREFILED DIRECT TESTIMONY**  
14 **WITNESS #101, David Taylor**

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16 Q. For the record, please state your name and business address.

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18 A. My name is David V. Taylor and my business address is 1661 Beane Road, Moxee  
19 Washington, 98936.

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21 Q. Mr. Taylor, what is your occupation?

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24 A. I am the managing member of the Taylor Consulting Group. The Taylor Consulting  
25 Group provides land use/zoning services, government relations, lobbying, and policy  
26 development to private citizens and local groups.

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Q. Mr. Taylor, please describe briefly your educational and professional experience related to land use and permitting.

A. I graduated from Central Washington University with a B.A. in Geography with a specialization in Land Studies in 1995. I was employed by Kittitas County from June 1994 through April 2004 during which I served in a variety of positions. Over the final seven years of my employment with Kittitas County, I served as the Planning Director/Community Development Services Director.

Q. While employed by Kittitas County, did you have occasion to review and make determinations related to the Kittitas Valley Wind Power Project before the Energy Facility Site Evaluation Council?

A. While employed by Kittitas County, I participated in several meetings with Zilkha representatives. However, early into the application process I perceived a need to remove myself from the review process in order to provide the Kittitas County Board of Commissioners with an unbiased resource during their review. I spoke with the Board of County Commissioners, during a regularly scheduled study session and they concurred with my assessment. Mr. Clay White and Mr. James Hurson took the lead on behalf of Kittitas County and I remained uninvolved in the application process.

Q. Have you ever been involved in an EFSEC process previous to these proceedings?

1 A. Yes, the Olympic Pipeline Cross Cascade application.

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3 Q. Are you failure with the State Environmental Policy Act (SEPA) and the Growth  
4 Management Act (GMA)?

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6 A. Yes, very much so.

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9 Q. Would you please summarize and briefly describe your professional experience dealing  
10 with SEPA and GMA?

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12 A. Throughout my employment with Kittitas County I was responsible for performing SEPA  
13 analysis and issuing threshold determinations. I have reviewed several project and non-  
14 project Environmental Impact Statements and was the lead staff for Kittitas County  
15 throughout the development, adoption and appeal of the adequacy of the MountainStar  
16 (Suncadia) Master Planned Resort EIS. It should be noted, the EIS prepared for the  
17 MountainStar project was found to be adequate under an appeal to Yakima County  
18 Superior Court. I have also provided comments to the State Department of Ecology  
19 regarding proposed amendments to the WAC 197-11. Finally, I have participated in  
20 SEPA/GMA working groups working directly with standing legislative committees.  
21  
22 Kittitas County opted into in the GMA in 1990. When I began employment as an intern  
23 with Kittitas County in 1994, I assisted in the development of various planning  
24 documents required under the GMA. In 1995, I was hired as a Project Planner working  
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26 predominately in the County's GMA program. Over the next 18 months, Kittitas County

1 adopted its Comprehensive Plan and defended several GMA documents (i.e. Critical  
2 Areas, Agricultural and Forest Lands, etc.) through appeals to the Growth Management  
3 Hearings Board. In 1997, I was hired as the Planning Director for Kittitas County and  
4 served in that capacity for seven years. Throughout my tenure with Kittitas County I  
5 worked in all aspects of Growth Management planning and actively participated in  
6 preparing the defense of documents under appeal.  
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9 Q. Are you familiar with the Applicant's Request for Preemption, filed with the EFSEC in  
10 this matter?

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12 A. Yes I am.

13 Q. As a professional planner with ten years of experience with growth management  
14 planning, can you summarize your thoughts related to the Applicant's Request for  
15 Preemption?  
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18 A. The Growth Management Act was passed with the premise it would provide "bottom up"  
19 planning, that is direct and active public involvement through the planning process. The  
20 GMA promised coordinated planning and included a provision requiring State Agencies  
21 to comply with local comprehensive plans and development regulations. The Legislature  
22 did not exempt any State Agencies, including EFSEC, from this requirement. With the  
23 passage of the Growth Management Act, EFSEC's ability to preempt local  
24 comprehensive plans and development regulations became void. In other words, because  
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26 the GMA requires State Agencies to comply with local comprehensive plans and

1 development regulations and Kittitas County has development regulations pertaining to  
2 Wind Power Facilities, EFSEC is barred from preempting the County's development  
3 regulations.  
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7 Q. To your knowledge, has Kittitas County ever issued a decision on Sagebrush Power  
8 Partners application on file with Kittitas County?  
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10 A. Prior to providing Kittitas County with adequate and complete information about the  
11 Sagebrush Power Partners project as required in order to resolve noncompliance issues,  
12 the application for this project was withdrawn from Kittitas County. Kittitas County was  
13 never given an opportunity to make any form of determination about the application prior  
14 to that withdrawal.  
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17 Q. How would you describe potential impacts to adjacent agricultural interests?  
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19 A. In reviewing the DEIS for the proposed project, I have been unable to locate specific  
20 impacts or measures to mitigate impacts on adjacent agricultural lands. In addition, the  
21 DEIS appears to completely ignore the goals, policies and objectives of Chapter 8, Rural  
22 Lands of the Kittitas County Comprehensive Plan. Construction, operation and  
23 decommissioning activities could have major impacts on the surrounding agricultural  
24 activities. The DEIS is fatally flawed in that it failed to identify or mitigate impacts to  
25 the surrounding agricultural lands.  
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2 Q. Were these potential impacts discussed and mitigated in the DEIS?

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4 A. No. The DEIS fails to discuss and mitigate impacts to the agricultural producers in any  
5 meaningful way. For example, the DEIS fails to discuss how shadow flicker may disrupt  
6 livestock feeding and breeding behaviors.  
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9 Q. In your experience, do adjacent land uses affect property values?

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11 A. Yes. It's been my experience property values are directly affected by neighboring land  
12 uses. For example, property uses which create noise, light, glare, and other such  
13 nuisances often negatively affect property values.  
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16 Q. In your professional experience, have local concerns been adequately addressed through  
17 the SEPA process conducted by EFSEC?

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19 A. No. The DEIS lacks the appropriate identification and disclosure of potential impacts  
20 associated with the proposed project. In addition, many of the mitigation measures  
21 proposed by the applicant or identified in the DEIS would be identified as conditions of  
22 approval through any meaningful review process. For example, the applicant has  
23 proposed the construction of an informational kiosk and viewing area to mitigate  
24 socioeconomic impacts and no significant unavoidable impacts were identified. Any  
25 reasonable permitting process would have made such mitigation a condition of approval.  
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2 Q. In your opinion, what are the overall potential impacts of the project on the area?

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4 A. In my opinion, property values will be negatively affected, which will directly impact the  
5 County's General Fund. Agricultural activities on adjacent properties could be adversely  
6 affected by the project. At a minimum, we know use of range and pasture areas will be  
7 disrupted during the construction phase. The DEIS fails to adequately discuss wildlife  
8 displacement during construction, operation and decommissioning and how wildlife my  
9 impact neighboring agricultural activities. These are but a few examples of the overall  
10 impacts the project will have on the area.  
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13 Q. In your professional opinion, has the DEIS adequately identified and mitigated the  
14 potential impacts associated with the proposed project?  
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17 A. In my professional opinion, the DEIS is inadequate upon which to base a decision. The  
18 DEIS fails to adequately review the proposed project for impacts and fails to identify  
19 measures necessary to mitigate the impacts. For example, Section 3.2 of the DEIS  
20 includes a discussion related to the Endangered Species Act. Section 7 of the  
21 Endangered Species Act, requires individuals who propose a project that requires a  
22 federal permit or utilizes federal funding to consult with the National Marine Fisheries  
23 Service (NMFS) for marine and anadromus species, or the United States Fish and  
24 Wildlife Services (FWS) for fresh-water and wildlife, if they are proposing an "action"  
25 that may affect listed species or their designated habitat. The DEIS indicates a Biological  
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1 Assessment (BA) has been completed, but makes no reference whether the BA was  
2 accepted or if a Biological Opinion is forthcoming. Furthermore, the DEIS briefly  
3 discusses several Federal Laws and Regulations, but fails to provide any information as  
4 to how these laws and regulations will be addressed.  
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