

THE STATE OF WASHINGTON

COUNTY OF KITTITAS

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KITTITAS COUNTY PLANNING            )  
COMMISSION SPECIAL MEETING        )  
RE KITTITAS VALLEY WIND POWER     )  
PROJECT                                )

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VERBATIM TRANSCRIPT OF PROCEEDINGS

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January 30, 2006  
6:30 p.m.  
Kittitas County Fairgrounds  
Ellensburg, Washington

SPECIAL MEETING BEFORE THE  
KITTITAS COUNTY PLANNING COMMISSION

REPORTED BY:

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LOUISE R. BELL, CCR NO. 2676

1 APPEARANCES:

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3 KITTITAS COUNTY PLANNING COMMISSION:

4 COMMISSIONER DAVID BLACK, Chairman

5 COMMISSIONER DOUG HARRIS

6 COMMISSIONER MARK McCLAIN

7 COMMISSIONER GRANT CLARK

8 COMMISSIONER DON WILLIAMSON

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1           CHAIRMAN BLACK: It's approximately 6:30,  
2 and in fact it's ten minutes to 7:00, so we'll  
3 call the meeting to order, this Kittitas County  
4 planning meeting to order.

5           We have a couple of items that I know most  
6 of you are here to -- for the wind farm portion.  
7 However, we do have a carryover from the  
8 January 23-24 meeting, and with your indulgence,  
9 we're going to go ahead and do that. It  
10 shouldn't take us over about five minutes.

11           Can everybody hear us back there? It  
12 appears as though more than one of us is  
13 speaking.

14           Anyway, I'll introduce the members. On my  
15 immediate right is Grant Clark. On my far left  
16 is Don Williamson. Next to Don is Doug Harris.  
17 On my immediate left is Mark McClain. I'm David  
18 Black; I'm chairman of the Planning Commission.  
19 We're missing a member who was here for two of  
20 the sessions but missed the third, or missed one  
21 in between, something like that. Anyway, it's  
22 Scott Perna; he is missing.

23           For staff this evening we have Susan Barret,  
24 our clerk. Darryl Piercy is director of  
25 Community Development Services. Joanne

1 Valenzuela --

2 MS. VALENCIA: Valencia.

3 MR. PIERCY: Valencia.

4 CHAIRMAN BLACK: Valencia. I'll get it  
5 right one of these days. She is the staff  
6 planner. And for legal counsel this evening we  
7 have Jim Hurson, who is prosecuting attorney for  
8 Kittitas County. And then we have the court  
9 stenographer.

10 The first item on the agenda will be what is  
11 called Carmel View Preliminary Plat.

12 (The Carmel View portion of the meeting  
13 continued, and then the proceeding  
14 continued as follows:)

15 CHAIRMAN BLACK: We will now go into the --  
16 we'll close the January 24th public hearing on  
17 the Carmel -- Carmel preliminary plat, and we  
18 will go to the continuation of -- I lost the  
19 date. I think it was January 10th, continuation  
20 of the January 10th hearing for deliberation.

21 We have not closed any segment of that, and  
22 I again would defer to Mr. Hurson relative to  
23 closing that. We were not taking any additional  
24 testimony; however, we will probably have some  
25 questions for the applicant and possibly even the

1           proponent.

2                   Do we need to close all segments of that  
3 before we go into deliberation? Do you --

4           MR. PIERCY: Mr. Chairman, for the record,  
5 Darryl Piercy, director of Community Development  
6 Services.

7                   At the last hearing, which I believe was a  
8 continuation initially from the 10th but you  
9 continued from the 12th of January --

10          CHAIRMAN BLACK: Okay.

11          MR. PIERCY: -- the record was in fact  
12 closed for additional testimony to be provided  
13 for the Planning Commission. You did, however,  
14 indicate that in the course of your  
15 deliberations, you asked that the applicant be  
16 available for questions of items that might need  
17 clarification of those that had been submitted on  
18 the record, as well as staff providing  
19 clarification at your request.

20                   And so I would believe that tonight it would  
21 be very appropriate for you to ask technical  
22 questions for those items that are specifically  
23 contained within the record, any clarification  
24 that the Planning Commission members might need  
25 in the course of their deliberations towards

1 making your determination and decision and  
2 recommendation for the Board.

3 CHAIRMAN BLACK: All right, thank you.

4 MR. PIERCY: I would suggest, too,  
5 Mr. Chairman, if I may, that you should go  
6 through a disclosure process of the Planning  
7 Commission members.

8 CHAIRMAN BLACK: This is the first part of  
9 the housekeeping chores that we're going to go  
10 through right at this time.

11 I have nothing further to disclose.  
12 Grant?

13 COMMISSIONER CLARK: I have nothing to  
14 disclose.

15 CHAIRMAN BLACK: Mr. Williamson?

16 COMMISSIONER WILLIAMSON: I have nothing to  
17 disclose.

18 CHAIRMAN BLACK: Doug?

19 COMMISSIONER HARRIS: I have nothing.

20 CHAIRMAN BLACK: Mark?

21 COMMISSIONER McCLAIN: Nothing.

22 CHAIRMAN BLACK: Is there anyone in the  
23 audience that wishes to object to any of us  
24 sitting here at this meeting? We have nothing  
25 additional to disclose.

1           Seeing no one, we will go into our  
2           deliberation.

3           I think we ought to set a couple or three  
4           ground rules. We have basically four major  
5           elements that we're looking at. And my  
6           suggestion, some of those have -- have some  
7           sub-elements to them.

8           And we'll be looking, number one, at an  
9           amendment to the Comprehensive Plan and the land  
10          use map, paren, sub-area plan. There are some  
11          issues on that.

12          Number two, the rezone or the Kittitas  
13          Valley wind project, project area. And there are  
14          the seven -- standard seven criteria that need to  
15          be met for that rezone.

16          The third would be the Wind Farm Resource  
17          Development Permit approval.

18          And the fourth would be a Development  
19          Agreement. I don't believe that we've discussed  
20          the Development Agreement too much, so you may  
21          have some questions with the applicant on that.

22          The -- my suggestion might be that we look  
23          at these individually, possibly do a straw vote,  
24          a non-binding vote to keep us on track, look at  
25          those; and then after we've discussed this with

1 the applicant and have made our deliberation on  
2 portions of it, we may decide to -- you may  
3 decide to change your vote, but that at the end  
4 we should go back through and vote on all four of  
5 those elements and then a general overall motion  
6 of either an approval, a denial, or a no  
7 recommendation.

8 Is that satisfactory with the commission?

9 Okay. I had some additional notes. What I  
10 would suggest as we go through these is that if  
11 you have questions that we treat this as an  
12 informal discussion; and if you want to ask the  
13 questions, simply ask it of whoever you wish to  
14 do that.

15 We will complete this tonight. It will be  
16 finalized this night, tonight. Even if it's  
17 3:00 a.m., all right? It will be over with.

18 So with that -- and I would also like to  
19 thank staff for providing us with what we really  
20 think is a -- is an excellent voting tool; the  
21 matrix that you put together is excellent. It  
22 gives us some guidance and keeps us kind of on  
23 track and heads us towards something that we will  
24 be able to finish by 1:30, then. Okay?

25 So with that, I consider No. 1 to be a

1 site-specific amendment to the Kittitas County  
2 Comprehensive Plan from rural designation to Wind  
3 Farm Resource overlay. And that encompasses  
4 RCW 36.78.070. It also is the criteria  
5 identified in Kittitas County 17.61 A.

6 I've included also Chapter 7 from the  
7 Snoqualmie Pass sub-area plan and Chapter 9 of  
8 the Mountain Star sub-area plan. And would you  
9 like to start, anyone?

10 Okay, it's up to me. My feeling has been  
11 and always has been that it is inappropriate for  
12 a wind farm to be considered as a sub-area plan.  
13 And I would cite that 36 -- RCW 36.70A.070. And  
14 I consider and have always considered that a  
15 sub-area plan was a mini Comprehensive Plan and  
16 that as a mini Comprehensive Plan, it required  
17 the six elements of a Comprehensive Plan.

18 And those elements are the land use element,  
19 the housing element, the capital facility  
20 element, utility element, the rural element, and  
21 the transportation element.

22 Plus there's an additional RCW 36.7.70A.080,  
23 which is the Comprehensive Plan optional element  
24 of A, conservation, B, solar energy, and  
25 recreation.

1           Now, the sub-area plan Chapter 7 of the  
2           Snoqualmie -- or excuse me, of the Kittitas  
3           County Comprehensive Plan, Chapter 7 of that is  
4           the Snoqualmie Pass sub-area plan. And it was  
5           one of six that was actually adopted and approved  
6           in 1996 by the Board of County Commissioners as a  
7           sub-area plan.

8           There were -- and sorry, I don't have it  
9           right in front of me, but there was one at  
10          Westside, there was one at Taneum, there was one  
11          at Swauk Teanaway, there was one at Thorp, and  
12          there was one at Easton. And all of those were  
13          rejected. They're in Volume 2 of the Kittitas  
14          County Comprehensive Plan. They were put there  
15          by the County Commissioners because of the hard  
16          work involved in doing that.

17          But that being said, they were not  
18          incorporated into the Comprehensive Plan because  
19          they did not have all of the elements listed as  
20          mandatory elements under 36.70A.070.

21          So my feeling is that a sub-area plan is not  
22          appropriate for the Wind Farm Resource overlay  
23          district.

24          The second aspect of that was the Chapter 9,  
25          which was an addition of the Mountain Star

1 sub-area plan, which was covered under  
2 RCW 36.70A.360 under a Master Planned Resort.  
3 And under a Master Planned Resort -- just let me  
4 read a section of this. It comes out of 2.4 of  
5 the Master Planned Resort, Page 36 of the  
6 Kittitas County Comprehensive Plan. And it  
7 states that "Kittitas County has a wide range of  
8 natural features, including climate, vegetation,  
9 water resources, scenic qualities, cultural, and  
10 geological features, which are desirable for a  
11 wide range of recreational users to enjoy. MPRs  
12 offer an opportunity to utilize these special  
13 features for enjoyment and recreational use."

14 And under Chapter 9 of the Comprehensive  
15 Plan, which was included in the December 2003  
16 update of the Comprehensive Plan, it was the  
17 Master Star Planned Resort sub-area.

18 So from my standpoint, the sub-area plan  
19 either requires all of the elements of a  
20 Comprehensive Plan, all six mandatory elements of  
21 the Comprehensive Plan, or it must be a Master  
22 Planned Resort. So I, from that standpoint, do  
23 not feel that a sub-area plan is appropriate in  
24 this particular case.

25 With that, I will turn it over to the rest

1 of the board.

2 COMMISSIONER McCLAIN: I respectfully  
3 disagree. I guess my contemplation of this would  
4 be an overlay, because I certainly don't think  
5 this is a Master Planned concept. I think that  
6 falls under its own separate not only statutory  
7 provision but I think code provision as well. I  
8 think these are different.

9 I guess I would ask for perhaps Mr. Hurson's  
10 comments related to yours, Commissioner.

11 MR. HURSON: Jim Hurson, deputy prosecutor.

12 I don't have a copy of the county code right  
13 in front of me as I speak, but as I recall, our  
14 Wind Farm Resource zoning specifically says that  
15 they may be approved as part of a sub-area  
16 planning process.

17 And as I also recall, our Comprehensive Plan  
18 also says that it could be used as the initial  
19 status through the sub-area process.

20 Neither of those were appealed by anyone  
21 when we adopted those as being the processes, so  
22 under the Growth Management Act I think that  
23 although there could be a difference of opinion  
24 as to where you would or wouldn't want to use a  
25 sub-area plan, as it stands under Growth

1 Management Act I believe it is a lawful use of  
2 the sub-area planning process, so the law  
3 wouldn't prohibit it.

4 There may be a difference of opinion as to  
5 whether that would be a choice that someone would  
6 want to make, however. But I don't believe under  
7 the Growth Management Act it would be prohibited.

8 In fact, the way the GMA is written is our  
9 ordinances are presumptively valid unless proven  
10 otherwise and no one appealed it, so I don't have  
11 anything to the contrary to indicate that it  
12 would not withstand judicial scrutiny to  
13 designate it as a sub-area.

14 MR. PIERCY: Mr. Chairman, if I might add --  
15 for the record, Darryl Piercy, director of  
16 Community Development Services.

17 In addition to the comment by Mr. Hurson, I  
18 should also point out that this was a similar  
19 argument in regards to the Wild Horse project  
20 that has been approved by the County and is  
21 currently under construction.

22 Ordinance No. 2005-09, which we provided a  
23 copy to the Planning Commission and is contained  
24 in your packet of materials, was an ordinance  
25 that was adopted by the Board of County

1 Commissioners pursuant to this very topic. And  
2 in that ordinance they indicate that the project  
3 known as Wild Horse was in fact consistent with  
4 the county Comprehensive Plan and, in fact, the  
5 zoning overlay district and amendment to the  
6 Comprehensive Plan was appropriate and that it  
7 met the requirements contained within the  
8 county's Comprehensive Plan.

9 We have a very similar situation in terms of  
10 the application requirements for this project.  
11 The issue of whether or not it's appropriate that  
12 this be considered a sub-area and amend the  
13 Comprehensive Plan I think has been addressed by  
14 the Board of County Commissioners and is  
15 contained within their findings of the ordinance  
16 that I referenced, Ordinance No. 2005-09.

17 CHAIRMAN BLACK: Thank you. I believe that  
18 if you look at the Wild Horse, it was a 3-2 vote  
19 on that also, so -- from the Planning Commission  
20 standpoint. This same argument came up at that  
21 time, and my contention is that it needs to  
22 either be -- and I have no -- I would have no  
23 objection to doing this under a Comprehensive  
24 Plan change that would be docketed and done from  
25 June 30th to December 31st. I think that's the

1 appropriate place for Comprehensive Plan changes.  
2 Otherwise you end up with a constant sub-area  
3 plan for almost anything.

4 And I think it's very clear that the  
5 Snoqualmie Pass sub-area plan was approved  
6 because it had the six major mandatory elements  
7 of it. And I cannot see the six major elements  
8 in this particular section.

9 And also that the plan -- the Snoqualmie  
10 Pass Comprehensive Plan encompassed an entire  
11 area; it did not cut out sections of property, as  
12 this particular wind farm overlay zone does.

13 So -- and with that, I'm talking, I guess,  
14 to the board rather than to you, Mr. Piercy. So  
15 does anyone have any further discussion on this?

16 COMMISSIONER HARRIS: No, because I -- I was  
17 the other dissenting vote, so I have to concur  
18 with what you said and what we decided on  
19 previously. So I have to concur with Mr. Black.

20 CHAIRMAN BLACK: I think that we need to  
21 take a -- just a straw vote; it doesn't do  
22 anything other than simply gives us some  
23 direction, because we need to -- unless you want  
24 to resolve this totally at this time, which would  
25 be a motion and a vote on that. Because it is a

1 requirement of that to go to the next stage.  
2 Part of the criteria for a rezone, Item No. 1.

3 COMMISSIONER McCLAIN: I guess maybe I'm  
4 looking for a little more clarification. Your  
5 question is specifically does -- is it  
6 inappropriate to site this because the code is  
7 incorrect? Is that what --

8 CHAIRMAN BLACK: From my standpoint, we have  
9 never defined what a sub-area plan is. And so  
10 it's individually a decision whether you think a  
11 sub-area plan is a mini Comprehensive Plan for an  
12 area that is totally encompassing all properties  
13 within that area, or do you think that a sub-area  
14 plan would be a Master Planned Resort.

15 And those are the only two that we have as  
16 examples. Until the wind farm at Wild Horse came  
17 up, and that was the same deliberation that we're  
18 having at the present time.

19 And quite frankly with that, I disagree with  
20 that decision on that particular thing. I, I  
21 believe that the Comprehensive Plan that we're  
22 working with establishes one of two things: a  
23 Master Planned Resort or a sub-area plan which  
24 encompasses all properties. And as it's stated  
25 in the --

1 I will find it; I'm sorry, I apologize.

2 COMMISSIONER McCLAIN: Do you mind if I ask  
3 Mr. Hurson a clarifying --

4 CHAIRMAN BLACK: Absolutely. Yeah, I think  
5 this is the way to do it, is just to open it up  
6 and have a complete discussion.

7 COMMISSIONER McCLAIN: Having not been  
8 present for the -- what was it, Wild Horse?

9 CHAIRMAN BLACK: Yes, Wild Horse.

10 COMMISSIONER McCLAIN: Okay. I wasn't  
11 involved with the Commission at that time. But I  
12 guess my contemplation of this would be that what  
13 we're dealing with is a site-specific proposal  
14 that's before us as opposed to a question  
15 regarding our Comprehensive Plan generally.

16 And we're I guess charged to make a decision  
17 about this under our current Comprehensive Plan,  
18 which I guess provides a mechanism for this, in  
19 spite of the fact that apparently we have at  
20 least two board members who believe that that's  
21 incorrect.

22 Is that -- would you agree with that  
23 statement? Can I put you on the spot a little?

24 MR. HURSON: You're doing fine a fine job of  
25 it.

1           What I deal with in my job is the reality of  
2 what the current codes are and the statutes that  
3 we have in place. The GMA doesn't specifically  
4 define sub-area. So there have been discussions  
5 over time as to when that should or shouldn't be  
6 used or how it should or shouldn't be used.

7           What has happened in our county is for wind  
8 farm overlay districts in particular, the  
9 commissioners, after the -- when we went through  
10 the process, they included in it that the  
11 designation of a Wind Farm Resource area could be  
12 used and processed as a sub-area plan.

13           And so GMA didn't define it; the County  
14 Commissioners, through the enacting of the  
15 ordinance, said this is -- this is how you can do  
16 it. And no one appealed that.

17           And there isn't anything in the Growth  
18 Management Act or in cases or case law that I can  
19 find that would indicate that that was reversible  
20 error by the Board.

21           Some counties may choose to use a sub-area  
22 plan in a different context. They're not  
23 required to use sub-areas at all. And so that  
24 can be basically, I think, a local choice and it  
25 could be, you know, different -- different

1           electeds, different officials could have a  
2           different view on whether or not it would be  
3           appropriate.

4           But right now what I have to, you know,  
5           advise on and work with and defend in court is  
6           our plans themselves that specifically said, this  
7           may be processed as a sub-area plan. That was  
8           a -- frankly, that was a conscious decision, as I  
9           recall, because I wasn't around when we did the  
10          ordinance itself.

11          And part of the reason was just recognizing  
12          the complexity of a sub-area plan. And so for  
13          the environmental review and everything, to try  
14          to sandwich that in with all of the other  
15          Comprehensive Plan matters, I think there was a  
16          concern that that six-month time frame was --  
17          would not have been adequate.

18          I would just add one thing also. On  
19          sub-areas, just, you know, it's the initial  
20          designation of a sub-area is the only thing that  
21          can go out of cycle. So when you initially  
22          establish -- if you amend it, then that has to go  
23          through the normal planning cycle.

24          And yeah, I think you've just got some  
25          philosophical differences as to where it could or

1           couldn't go. The Board -- I would opine that  
2           since the board has enacted an ordinance that  
3           says yes, you can use a sub-area plan here,  
4           nobody's appealed it, nobody's overturned it, it  
5           would be my task to defend the use of the  
6           sub-area designation process for a Wind Farm  
7           Resource overlay approval.

8           COMMISSIONER McCLAIN: Mr. Chairman, how do  
9           you want to proceed?

10          CHAIRMAN BLACK: I'd like to have a show of  
11          hands or a straw vote or whether you agree or  
12          disagree. I think we have two distinct  
13          differences here. I think before we can go on  
14          into the -- to the No. 2, the rezone of the  
15          Kittitas Valley Wind Power Project area, we need  
16          to have a kind of a feel of where we're going.

17          Because number one, of the seven criteria  
18          that we're -- under No. 2, the rezone, No. 1 in  
19          that is the proposed amendment is compatible with  
20          the Comprehensive Plan. If Mr. McClain is  
21          correct and it is a Comprehensive Plan  
22          adjustment, then No. 1 of the second element of  
23          this would be a yes. If I'm correct, then it  
24          would be a no. And all seven elements of the --  
25          all seven items of the criteria are required for

1 the rezone.

2 So we can go on into that if you'd like to  
3 and come back to this, but we ultimately have to  
4 make that decision: Is the amendment to the  
5 Comprehensive Plan and land use map through a  
6 sub-area plan a proper use of the sub-area plan.

7 COMMISSIONER McCLAIN: So do you want to  
8 answer that question before we answer --

9 CHAIRMAN BLACK: We can go into --

10 COMMISSIONER McCLAIN: No. 1?

11 CHAIRMAN BLACK: Yeah. I think -- I think  
12 we kind of have to have a feeling of that. If,  
13 if the feeling is that the Board is -- feels that  
14 it's an appropriate use of a sub-area plan, then  
15 I think we can go into the second.

16 COMMISSIONER CLARK: I wasn't involved with  
17 the previous decision on this, but it sounds like  
18 this is an argument that has been brought  
19 before --

20 CHAIRMAN BLACK: Yes.

21 COMMISSIONER CLARK: -- it's been looked at  
22 through the process; the County Commissioners  
23 were comfortable with the way it was applied last  
24 time.

25 I think from the standpoint of fairness, to

1 apply one set of standards to one application and  
2 another to a second application creates havoc.  
3 And I guess my feeling is this has already been  
4 looked at, decided on, essentially, as far as the  
5 commissioners are concerned.

6 And so I, like I say, I wasn't involved with  
7 the first one, but I would feel comfortable  
8 moving forward that this is acceptable to the  
9 plan, because it's been looked at before.

10 CHAIRMAN BLACK: So it's back to you, Don.

11 COMMISSIONER WILLIAMSON: That pretty much  
12 sums up my feelings also.

13 CHAIRMAN BLACK: Okay, so we'll kind of  
14 straw vote this at 3-2. I guess, Doug, you're  
15 staying with your original position?

16 COMMISSIONER HARRIS: (Nodding)

17 CHAIRMAN BLACK: 3-2. So we would say that  
18 the amendment to the Comprehensive Plan and land  
19 use map as a sub-area is acceptable.

20 COMMISSIONER McCLAIN: And we begin our  
21 deliberations on --

22 CHAIRMAN BLACK: Then we go into the  
23 rezone --

24 COMMISSIONER McCLAIN: Well, actually  
25 wouldn't we start with whether or not we want --

1 we believe this is an appropriate amendment of  
2 the Comprehensive Plan? I mean, it strikes me  
3 that --

4 CHAIRMAN BLACK: I think that what we need  
5 to do is -- if you want to make that as a motion  
6 and we vote on that at this time --

7 COMMISSIONER McCLAIN: Well, I think first  
8 we should deliberate over that subject --

9 CHAIRMAN BLACK: I thought we were.

10 COMMISSIONER McCLAIN: Oh, I'm sorry. I  
11 guess maybe I misunderstood you. I thought your  
12 concept was it's inappropriate to move forward  
13 with whether or not this is --

14 CHAIRMAN BLACK: No, no, it would be  
15 inappropriate to move forward unless we had a 3-2  
16 vote. We have a 3-2 vote, basically, so I  
17 understand. You're voting in favor of this as a  
18 sub-area plan?

19 COMMISSIONER McCLAIN: I'm saying that I  
20 think we can process this as a sub-area plan.  
21 Whether or not I believe this is an appropriate  
22 sub-area -- location for this particular  
23 project --

24 CHAIRMAN BLACK: No, that has nothing to do  
25 with it --

1           COMMISSIONER McCLAIN: It's a different  
2 question --

3           CHAIRMAN BLACK: Right, entirely  
4 different --

5           COMMISSIONER McCLAIN: And I think that's  
6 what goes to No. 1, is this something we should  
7 amend in terms of our Comprehensive Plan.

8           CHAIRMAN BLACK: And my understanding or my  
9 feeling is it is a 3-2 vote that this is an  
10 appropriate amendment to the Comprehensive Plan.

11           CHAIRMAN BLACK: No, I disagree. I think  
12 that's not at all what we're talking about here.  
13 I think that -- I think -- I think yours is a  
14 process question: Is this the appropriate  
15 process in which to make such an amendment to the  
16 Comprehensive Plan. The second is the question  
17 of is this the appropriate project for such an  
18 amendment.

19           CHAIRMAN BLACK: I think that comes as an  
20 overall after we're complete.

21           COMMISSIONER McCLAIN: Okay. Let me -- why  
22 don't -- perhaps we could take it this way and  
23 start with the concept of --

24           CHAIRMAN BLACK: It is.

25           COMMISSIONER McCLAIN: -- of shall we --

1 considering this project itself, rather than what  
2 goes generally --

3 CHAIRMAN BLACK: Right --

4 COMMISSIONER McCLAIN: -- I think that would  
5 be an appropriate thing to do --

6 CHAIRMAN BLACK: That's --

7 COMMISSIONER McCLAIN: -- starting with  
8 whether or not we want to amend the Comprehensive  
9 Plan --

10 CHAIRMAN BLACK: That would be in an overall  
11 view after we're complete.

12 COMMISSIONER McCLAIN: Okay.

13 CHAIRMAN BLACK: Okay?

14 CHAIRMAN BLACK: Satisfactory?

15 COMMISSIONER McCLAIN: Uh-huh. Everybody on  
16 the same page?

17 CHAIRMAN BLACK: Okay.

18 COMMISSIONER McCLAIN: Okay.

19 CHAIRMAN BLACK: Rezone. Kittitas Valley  
20 wind farm project area. What is required here is  
21 that the -- they have a rezone for that  
22 particular area, and we're into  
23 KCC 17.61A.040(C), approval set forth in Kittitas  
24 County Code 17.61A.040A and .040 B, shall only be  
25 made if -- and we have three elements of this.

1           Excuse me. I went one too far. You're  
2 supposed to keep us in check here --

3           COMMISSIONER McCLAIN: I'm trying.

4           CHAIRMAN BLACK: -- legal guy.

5           Pursuant to KCC 17.9A.020(E), a petition  
6 requesting a change in the zoning map must  
7 demonstrate that the following criteria are met.  
8 And those are, No. 1, the proposed amendment is  
9 compatible with the Comprehensive Plan.

10           COMMISSIONER McCLAIN: I guess that's what  
11 I'm saying, I thought we should start with the  
12 Comp Plan amendment --

13           CHAIRMAN BLACK: I thought we had done that.  
14 You don't agree with that?

15           COMMISSIONER McCLAIN: I guess no, I don't  
16 think we've gone there yet.

17           CHAIRMAN BLACK: Okay, let's go there, then.

18           COMMISSIONER McCLAIN: Mr. Hurson? Go  
19 ahead; you look eager to jump in here.

20           MR. HURSON: Jim Hurson. Just -- deputy  
21 prosecutor.

22           As we're looking at this, I -- you're both  
23 hearing each other, but it's -- sometimes people  
24 talk past each other, and I see that it happens a  
25 lot of times in meetings.

1           So what I was understanding -- and I think  
2 I'm following what Mr. McClain's says -- he  
3 understood the 3-2 motion to be would you ever,  
4 ever under any possible circumstance ever use a  
5 sub-area plan for a wind farm. And I think the  
6 3-2 vote was to reflect that three of you thought  
7 that yes, that is an appropriate use; and the  
8 other two said nope, you never use that process  
9 for any kind of wind farm at all.

10           That's a different question, and I think  
11 that's the step that Mark McClain's trying to get  
12 to, is now the question is on this particular  
13 application if we're going to use a sub-area  
14 process, is this an appropriate place to put a  
15 wind farm? Is this the place we want to have a  
16 sub-area -- or a place that you want the wind  
17 farm; is that the -- for the wind farm.

18           And so some of you -- I think your 3-2 vote,  
19 some of you may have been talking pure procedural  
20 and others may have been talking substance. And  
21 I understood it as a pure procedural argument. I  
22 think Mark -- and I'm hitting -- I think the  
23 three that voted yes were voting on a procedural  
24 issue, not a substantive issue. So I wanted to  
25 try to get that back to focus.

1           And then the rezone part, the first criteria  
2           in the rezone: Is it consistent with the  
3           Comprehensive Plan? Well, by definition, just so  
4           you know, by definition when you make the  
5           application for a wind farm, it's not consistent  
6           with the Comprehensive Plan. Because it's not  
7           designated as a Wind Farm Resource overlay  
8           district.

9           So the whole point of the consolidated  
10          process is for -- is you have to get the  
11          Comprehensive Plan changed, and then if the  
12          Comprehensive Plan is changed, then Step One for  
13          the rezone would work.

14          So if you don't approve the Comprehensive  
15          Plan, then you can't meet Criteria 1 of the  
16          rezone.

17          And I think that's what Mr. McClain was  
18          trying to get to: Well, let's talk about the  
19          Comprehensive Plan, whether this is a good place  
20          for a Comprehensive Plan, yes or no, and then if  
21          you answer that, then you've answered Question 1  
22          of the rezone.

23          I don't know if I've made it any clearer or  
24          just muddled it more.

25          CHAIRMAN BLACK: No, not at all.

1 MR. HURSON: Not any clearer? Okay, I'm  
2 sorry. I tried --

3 CHAIRMAN BLACK: That's okay.

4 MR. HURSON: I tried.

5 CHAIRMAN BLACK: I believe that the  
6 procedure and the answer is exactly the same.  
7 That's my feeling. That the process is -- from  
8 my standpoint, I do not believe that a wind farm  
9 overlay zone is appropriate as a sub-area plan;  
10 and therefore, it would never be appropriate; and  
11 therefore, there wouldn't be a place in Kittitas  
12 County that it would be appropriate. It would be  
13 appropriate through the process of the  
14 Comprehensive Plan that is docketed by June 30th  
15 and gone through the Planning Commission at that  
16 time. After that.

17 That's -- and so those two I think are the  
18 same. Now, Mr. McClain disagrees with that.

19 COMMISSIONER McCLAIN: I think one is,  
20 again, a procedural question, and the other is  
21 site-specific. I think that there is certainly a  
22 place where -- I would agree with Mr. Clark  
23 that -- aside from whether or not I believe that  
24 the decision was correct to allow this particular  
25 kind of process, that's an issue that's not

1 before us. I think the issue before us is we  
2 have to deal with the statute as written.

3 So I think that puts us right back here to  
4 this particular project and whether or not the  
5 Comprehensive Plan should be amended for this  
6 particular project.

7 I want to say something specifically to  
8 that. Some of my concerns are the character of  
9 the -- of this -- of the location. I just --  
10 we've heard a lot of testimony from a number of  
11 people throughout the process about the views,  
12 the impact specifically on views.

13 You heard from the proponent and that this  
14 particular change in the project was dramatically  
15 different. But yet, as I looked through all of  
16 the documentation we had, I -- what struck me is  
17 that we still had -- the visual impacts in this  
18 project are still high. They're still very --  
19 they're significant visual impacts that cannot be  
20 mitigated.

21 I wanted -- I'm trying to remember which  
22 specific -- specific slide he was pointing to in  
23 his presentation.

24 COMMISSIONER HARRIS: (Indicating)

25 COMMISSIONER McCLAIN: Thank you very much.

1           But as I looked through the project itself,  
2           I noticed that we still have, let's see,  
3           moderately high -- excuse me, for example,  
4           Viewpoint 5 Bettas Road, moderate. View 6, SR 10  
5           corridor, moderate.

6           Sorry I can't more quickly point these out;  
7           I don't have it flagged. But there were still  
8           those that were high that just simply could not  
9           be mitigated.

10          I guess maybe we could talk about that at  
11          first if you like, but I certainly think that's a  
12          principal issue of concern in this project.

13          CHAIRMAN BLACK: I believe that comes after  
14          we make the decision whether the Comprehensive  
15          Plan should be changed. I believe that that  
16          comes under -- it could come under the No. 2 of  
17          the rezone application.

18          COMMISSIONER McCLAIN: I think they do  
19          intermingle; I would certainly agree with that.

20          CHAIRMAN BLACK: Right, but I think until we  
21          decide whether -- if what you're saying is that  
22          the Board of County Commissioners has already  
23          approved Wild Horse, which has set a precedent,  
24          then, that any area within the county is  
25          acceptable as a Comprehensive Plan to a sub-area

1 plan; that what we're looking at is then the next  
2 stages of that would be the rezone, and those  
3 would be appropriately met under the rezone of  
4 the seven criteria.

5 COMMISSIONER McCLAIN: I just think I  
6 disagree with that. I think that the -- in spite  
7 of the fact that there is --

8 Let's just take this out of this context,  
9 okay?

10 CHAIRMAN BLACK: Okay.

11 COMMISSIONER McCLAIN: Okay. Let's just say  
12 there's a criteria for establishing a dump, okay?  
13 And they've decided that we're going to have this  
14 process. This process, even if it were  
15 completely inappropriate for GMA but the County  
16 had established this process, we had developed  
17 two or three agreements under this process, or  
18 reviewed two or three places under this process,  
19 there could still be the approval of a dump site  
20 or the denial of a dump site that's  
21 site-specific. In spite of the fact that --  
22 whether or not we agree the GMA permits this or  
23 there's a statute. That's sort of what I'm  
24 getting at.

25 So I think there's an opportunity here to --

1 say, for example, that this particular project  
2 were -- didn't have fairly high visual impacts or  
3 so on. This could be one of those projects that  
4 could be approved in spite of the fact that --  
5 whether you agree or disagree with the statute as  
6 written, I guess is how I'd say that.

7 Mr. Piercy looks like he wants to speak.

8 MR. PIERCY: Well, probably always.

9 For the record, Darryl Piercy.

10 Members of the Planning Commission, what I  
11 think I would like you to do -- you can agree  
12 with the findings or disagree with the findings.  
13 But I think it would be useful to look at the  
14 proposed Findings of Fact that were submitted  
15 with the application that are contained in  
16 Book One, the bound volume that was part of your  
17 package.

18 And if you turn to Section II of Book 1,  
19 you'll see the section that talks about the  
20 consistency with the Comprehensive Plan. And I  
21 think this does actually a very good job of at  
22 least outlining those elements and those GPOs  
23 that this project needs to show consistency with.

24 And again, you can agree or disagree with  
25 the conclusions that are contained in this, but I

1 think it accurately reflects the elements that  
2 you would want to look at to make a determination  
3 as to whether or not this project was consistent  
4 with the Comprehensive Plan.

5 There are -- there are policy issues here  
6 that would -- that would talk about compatibility  
7 and consistency, but generally you're looking at  
8 a broad policy issue for the Comprehensive Plan.

9 If you then continue on further into  
10 Section III, I think you'll find the issues that  
11 are being -- currently being addressed by  
12 Mr. McClain in regards to the compatibility and  
13 compliance with the zoning code and whether or  
14 not the project itself meets the criteria for the  
15 zoning code for the zone that it's located,  
16 whether or not that meets the criteria for the  
17 rezone, and those seven elements.

18 And I think that gets down to the more  
19 site-specific, nuts-and-bolts issues that are  
20 being addressed by Mr. McClain.

21 So I think you first do have this broader  
22 picture of whether or not the policy issues are  
23 being addressed in terms of consistency with the  
24 Comprehensive Plan and the sub-area plan. The  
25 thousand-mile view, if you will.

1           And then -- and then in the zoning code  
2           issue and in the rezone issue you get down to  
3           those very precise site-specific issues: Is the  
4           setback sufficient, is there adequate mitigation  
5           for the visual impacts, is there adequate  
6           mitigation demonstrated for the noise impacts.  
7           All of those elements could then be addressed as  
8           part of that process.

9           But I believe you're both correct in terms  
10          of your analysis; you're just looking at the  
11          different elements slightly differently.

12          Keep in mind the Comprehensive Plan should  
13          be that big, broad, policy issue. The rezone and  
14          zoning code issues should be those that kind of  
15          drill down to the site-specific elements of the  
16          project. And I think this booklet kind of  
17          demonstrates those elements very well, if you  
18          read Chapters 2 and 3.

19          Again, you may or may not agree with the  
20          conclusions, but I think at least it addresses  
21          very appropriately those areas of consideration  
22          for each of those elements.

23          COMMISSIONER McCLAIN: Do you think you want  
24          to just start with perhaps 2.2 on that and go  
25          forward?

1 CHAIRMAN BLACK: Sure.

2 COMMISSIONER McCLAIN: Would that be a way  
3 to go?

4 CHAIRMAN BLACK: Let's do that.

5 But Mr. Piercy, in reviewing this, looking  
6 at it, my contention is that you need the six  
7 mandatory elements. You don't have the six  
8 mandatory elements here.

9 MR. PIERCY: For a zoning change you need  
10 the seven mandatory elements --

11 CHAIRMAN BLACK: No, for, for the -- from my  
12 standpoint, because it's a sub-area plan, it is  
13 actually a mini Comprehensive Plan and therefore  
14 it requires the mandatory six elements.

15 And this does not have it; therefore, it  
16 doesn't qualify as a sub-area plan. That's my  
17 reasoning.

18 MR. PIERCY: I think we understand that  
19 element. Now, I believe that is a procedural  
20 issue: Is this the appropriate procedure for  
21 this application to be considered? What I'm  
22 hearing from the Planning Commission is that you  
23 have at least a straw vote of 3-2 on that issue.

24 So putting -- if you could, if you could put  
25 the procedural issue aside, does the project meet

1 the GPOs associated with this application,  
2 procedurally put aside for just a moment.

3 For instance, if you were looking at this as  
4 a Comprehensive Plan update -- it went through  
5 our Comprehensive Plan cycle -- rather than as a  
6 sub-area plan, is it meeting the goals of the --  
7 of the Comprehensive Plan for this project?

8 Now, the process is something different. I  
9 mean, you disagree on the process, but does it  
10 meet the substance of the policy issues --  
11 process aside -- of the Comprehensive Plan? I  
12 think that is the next element that Mr. McClain  
13 thought you should address, and then move on to  
14 the more site-specific issues in regards to those  
15 items that you heard testimony on for the  
16 impacts.

17 CHAIRMAN BLACK: Okay.

18 MR. PIERCY: Did I lose you on that or --

19 CHAIRMAN BLACK: You didn't lose me; we  
20 just --

21 MR. PIERCY: Disagree.

22 CHAIRMAN BLACK: -- disagree on that, that's  
23 all.

24 MR. PIERCY: Okay.

25 CHAIRMAN BLACK: So if we go back to the

1 matrix that we were talking about, a site --

2 Did we put everybody to sleep?

3 COMMISSIONER HARRIS: Yep.

4 CHAIRMAN BLACK: A site-specific amendment  
5 to the Kittitas County Comprehensive Plan from  
6 rural designation to wind farm overlay district,  
7 if we look at the matrix, there are three  
8 elements there that we're looking at.

9 Consistency of the proposed wind farm with  
10 criteria identified in 17.61A. Everyone has a  
11 copy of that?

12 COMMISSIONER McCLAIN: I do.

13 CHAIRMAN BLACK: So therefore, in order to  
14 get beyond this, if it would be satisfactory with  
15 Mr. McClain, could we look at that?

16 COMMISSIONER McCLAIN: Yeah, I think we  
17 definitely should.

18 CHAIRMAN BLACK: Okay, all right. That  
19 will --

20 So the discussion, then, is under 17.61A,  
21 does this meet the -- those requirements? Is it  
22 consistent with 17.61A?

23 COMMISSIONER WILLIAMSON: So we're going to  
24 answer Question No. 1 first, the proposal is  
25 essential or desirable to the public --

1 CHAIRMAN BLACK: I think you're -- I think  
2 we're -- we'll go back to the site-specific  
3 amendment to the Kittitas County --

4 Is that what you'd like?

5 COMMISSIONER WILLIAMSON: Yeah.  
6 17.61A.040(C)?

7 CHAIRMAN BLACK: Right.

8 COMMISSIONER WILLIAMSON: Three areas?

9 CHAIRMAN BLACK: Right.

10 COMMISSIONER WILLIAMSON: Proposal is  
11 essential or desirable to the public convenience.  
12 Step 1 -- Question 1.

13 CHAIRMAN BLACK: I think that one we have  
14 to --

15 COMMISSIONER WILLIAMSON: We have to answer  
16 that. I wasn't saying it was. I'm just saying  
17 that's the first question we've got to answer, it  
18 would seem.

19 COMMISSIONER McCLAIN: I think that there  
20 was certainly testimony that suggested there is  
21 some desire for this particular project in that  
22 location, that -- that specifically that their  
23 concept or belief was that this would increase  
24 the -- or rather decrease the tax base, the tax  
25 liability for individuals in the community.

1 I think there was some testimony that -- I  
2 think there was actually significantly more  
3 testimony regarding the measured impact on the  
4 property values in that particular area.

5 I think the -- there was significant  
6 discussion regarding whether, frankly -- the  
7 character of the neighborhood and what would  
8 occur if this were placed in that particular  
9 neighborhood, if this wind farm was placed there.

10 CHAIRMAN BLACK: I take it the number one  
11 question is -- Don phrased it, of course -- is,  
12 is the proposal essential or desirable to the  
13 public convenience?

14 COMMISSIONER WILLIAMSON: I doubt from a  
15 personal standpoint from what I've been -- what  
16 I've read in those volumes of paperwork and just  
17 based upon what also is available in this county  
18 as far as our energy resources, being -- those  
19 being primarily -- in fact maybe almost  
20 exclusively from renewable resources, I think  
21 anybody who wanted to put a wind farm in would  
22 have a hard time saying this was essential to  
23 this county, let alone to that specific site.

24 Desirable is another question, and I wonder  
25 if I could have the applicant answer a question

1 on --

2 CHAIRMAN BLACK: Sure, absolutely.

3 COMMISSIONER WILLIAMSON: -- some of  
4 their -- some of their calculations.

5 Because on -- in the No. 1 book -- let me  
6 get the section for you.

7 Section IX, Exhibit 9, it gives us a  
8 total -- it gives us a figure that indicated that  
9 \$2,683,129 would be provided to the county  
10 annually on property taxes. That's on Page 10.  
11 Section IX.

12 MS. ANDERSON: Exhibit 9 of Section --  
13 Exhibit 9 of Section III? I'm sorry, Section V,  
14 Book 1, Exhibit 9. And which exhibit, again,  
15 sir?

16 COMMISSIONER WILLIAMSON: Page 10. Table --  
17 well, Section IV, IV, Roman No. 4, tax revenues,  
18 on Page 10.

19 MR. TAYLOR: Could you just hold it up?

20 MS. ANDERSON: Here it is.

21 COMMISSIONER WILLIAMSON: There's two tables  
22 there. There's Table 4 and Table 5.

23 MS. ANDERSON: And your question again, if  
24 you would be so kind?

25 COMMISSIONER WILLIAMSON: Okay. I haven't

1           asked the question yet; I was waiting for you to  
2           get there.

3           MS. ANDERSON: Thank you.

4           COMMISSIONER WILLIAMSON: You're very  
5           welcome.

6           In the text it tells you at the bottom of  
7           the third paragraph under "Tax Revenues" that it  
8           would produce \$2,683,125 annually. See that?

9           MS. ANDERSON: I do.

10          COMMISSIONER WILLIAMSON: Just above that it  
11          shows you that that calculation is based on a  
12          value of \$750,000 per turbine. Property tax, I  
13          think they used the 2004 tax basis of 1.3 percent  
14          for Kittitas County. And using this tax rate and  
15          property value for the 265 turbines results in  
16          new property tax revenues of 2,683,125.

17          And we're approving -- are you asking for  
18          approval of 64 turbines, where did the other 201  
19          come from; and if you only use 64 turbines, it  
20          only comes out 648,000 -- about 20 percent of  
21          what you actually proposed.

22          MS. ANDERSON: Would you like us to approach  
23          the lectern to answer that --

24          MR. PIERCY: Please.

25          MS. ANDERSON: -- or can you hear us okay?

1 COMMISSIONER WILLIAMSON: Please.

2 MR. PIERCY: Please.

3 COMMISSIONER WILLIAMSON: Because we've had  
4 questions about whether there's going to be 64 or  
5 80. And if you put in 265, there would be a hue  
6 and cry you'd never get over; they would find  
7 you.

8 MR. TAYLOR: Commissioner Williamson,  
9 members of the Planning Commission, for the  
10 record Chris Taylor, representing the applicant.

11 So to try to clarify what is admittedly --  
12 part of this stems from the fact this project has  
13 been under review since 2002. The cost of  
14 turbines, the layout has evolved over time.

15 The report that you're referencing, Page 10  
16 is of a report that was prepared by EcoNorthwest,  
17 a consulting -- economic consulting firm for the  
18 Economic Development Group of Kittitas County,  
19 which at that time was called the Phoenix Group.

20 And this report was, again, not commissioned  
21 by us, but I have read it, I'm familiar with it.  
22 This report looked at the time at three  
23 different -- all three projects that were then  
24 proposed here in Kittitas County: The Kittitas  
25 Valley project, the Desert Claim project, and the

1 Wild Horse project. And it used average property  
2 tax assessments. Obviously the districts that  
3 each of those projects are located in and the  
4 mill rates for those projects vary because  
5 they're not consistently running in Kittitas  
6 County.

7 Am I making -- feel free to interrupt me if  
8 I'm not making any sense.

9 So this was a snapshot of an average of what  
10 would the impacts be of these three projects.

11 And I think that the more up-to-date and  
12 more accurate economic assessment -- we presented  
13 this and it gets into a lot of other questions;  
14 it's a very detailed report. EcoNorthwest is a  
15 very highly regarded firm. We continued to  
16 include that here; it's also in the EIS.

17 There is also testimony in the record that  
18 was presented by the Economic Development Group  
19 of Kittitas County. Debbie Strand, executive  
20 director, presented her -- it's in your written  
21 record. It was written comments that were  
22 received. I don't have that exhibit number.  
23 Perhaps staff could assist me with that. But I'm  
24 virtually positive that it's -- it should be in  
25 your records. I do have a copy of that, and I'll

1 just wait a second so you guys can be looking at  
2 that. Is that okay?

3 COMMISSIONER WILLIAMSON: Who was this  
4 submitted by?

5 MR. TAYLOR: The Economic Development Group  
6 of Kittitas County submitted some revised  
7 testimony. Some revised estimates as public  
8 comment.

9 CHAIRMAN BLACK: Are you suggesting to give  
10 us an additional exhibit at this time?

11 MR. TAYLOR: No.

12 MS. ANDERSON: No.

13 MR. TAYLOR: I'm waiting for staff to be  
14 able to refer you to where that is in the volume  
15 of paper that you have sitting before you.

16 We're looking --

17 MR. PIERCY: Refer to Index 225 in your  
18 project books, Section XII.

19 MR. TAYLOR: I'll just wait until everybody  
20 can find that.

21 COMMISSIONER WILLIAMSON: Which number was  
22 it?

23 MR. PIERCY: It's in Section XII; it's Item  
24 No. 225. You have an index that lists the items,  
25 and then the actual items are there and they're

1           numbered at the bottom of the page. And you  
2           should be looking for Item No. 225. It's a  
3           letter dated January 3rd, 2006, signed by Debbie  
4           Strand, executive director.

5           CHAIRMAN BLACK: Letter from Debbie Strand?

6           MR. PIERCY: Debbie Strand, dated  
7           January 3rd. The number at the bottom will be  
8           225, bottom right-hand corner.

9           CHAIRMAN BLACK: Some of us don't go that  
10          far. Does yours go that far, Don?

11          COMMISSIONER WILLIAMSON: Not in that book,  
12          no. But I do have it. It's in a large handout.  
13          I do have it.

14          Yes, I found it. In fact, the second  
15          paragraph on that particular exhibit indicates  
16          that as presented in the spreadsheet of this  
17          project, only about 500,000 is new tax revenue,  
18          not 1.3.

19          So the 1.6 million that everybody's been  
20          talking about, that you have touted, basically,  
21          touted -- presented to us is actually only about  
22          500,000.

23          MR. TAYLOR: I'll attempt to respond. Has  
24          everyone got the documents in front of them? I  
25          apologize for all the paper shuffle. I just want

1 to make sure everyone's looking at the same stuff  
2 here, because it's complicated.

3 So just to pick up -- I intend to respond to  
4 your question, Commissioner Williamson; I'd just  
5 like to pick off where I left -- pick up where I  
6 left off.

7 So again, this original report that you  
8 originally referred to that was included in  
9 Exhibit 9 of the documentation that we provided  
10 along with their application, again, that was a  
11 report that was crafted considering all three  
12 projects' averages and didn't include all the  
13 latest levy rates.

14 The information -- to the best of my  
15 knowledge, the information that's been presented  
16 here in the record as Comment No. 225 by Debbie  
17 Strand, the economic -- the executive director of  
18 the Economic Development Group of Kittitas  
19 County, is in fact the most accurate and  
20 up-to-date assessment of the projected  
21 economic -- local property tax impacts of this  
22 project.

23 It's my understanding that Ms. Strand has  
24 consulted with Iris Rominger, the elected county  
25 assessor, has reviewed these numbers and

1 assumptions and methodologies with the assessor,  
2 and it is the closest thing we have to a  
3 definitive estimate, and that's why I'm referring  
4 you to it. And again, the Economic Development  
5 Group for Kittitas County is designated by  
6 Kittitas County as its official economic  
7 development entity.

8 So what's happened is you've got different  
9 levy rates that have taken place since the  
10 original analysis was done. Levies are passed  
11 and changed all the time.

12 Second of all, the analysis that Ms. Strand  
13 has prepared is specific to the Kittitas Valley  
14 project, the taxing districts that it is  
15 specifically located in, the levy rates that are  
16 in place as of now, how many turbines, how much  
17 of the project falls in those districts.

18 So I think this is the most complete picture  
19 that you have before you as far as the economic  
20 benefit.

21 And attached to her letter are some  
22 spreadsheets and some estimates of the specific  
23 tax revenues, where those dollars will be paid,  
24 and how that -- and essentially what -- because  
25 of Initiative 747, I-747 and its effects, has a

1 cap on how much tax rates -- have a 1 percent cap  
2 on tax rates. Only new construction is exempt  
3 from that.

4 So the net effect of this project, as  
5 Ms. Strand's testimony demonstrates, will be a  
6 combination of a reduction in property taxes  
7 payable by other taxpayers who are located in  
8 those taxing districts where the project is  
9 located, and some new revenue.

10 So \$1.6 million in total taxes that the  
11 project would be estimated to pay in its current  
12 configuration, you would be looking at  
13 \$1.3 million of that displacing -- in other  
14 words, buying down the tax rates of other  
15 taxpayers who are currently paying taxes in those  
16 districts.

17 And she goes through some examples here on  
18 the first page of her spreadsheets that show, for  
19 a sample, a \$100,000 house in the Thorp School  
20 District, how that would reduce somebody's taxes  
21 and what the effect would be. I think her  
22 example here shows it being a \$224-a-year  
23 decrease in their taxes. That's on one, two --  
24 the fourth page of her testimony.

25 There's also an example for a \$100,000 house

1 in Tax Code Area 34, the Cle Elum-Roslyn  
2 District, and in the Ellensburg district.

3 So the \$1.6 million figure is what the  
4 project is expected to pay in property taxes  
5 annually. I believe that's the most accurate  
6 information that's available and up-to-date. And  
7 that would result in a combination of new  
8 revenues to the tune of approximately \$500,000 a  
9 year, according to that.

10 And then also a -- in new revenues, and the  
11 rest would be in the form of tax reductions to  
12 other taxpayers.

13 And I think that her spreadsheet here, the  
14 first of the spreadsheets works through that  
15 pretty clearly.

16 If you see in the corner -- I'll just point  
17 out the spreadsheets to make it clearer. If you  
18 look in the left-hand corner of her spreadsheet,  
19 it shows by district what the estimated taxes  
20 would be from the project.

21 CHAIRMAN BLACK: Does that answer your  
22 question?

23 COMMISSIONER WILLIAMSON: Well, the question  
24 was asked I think primarily to help answer the  
25 question of whether it's desirable for public

1 convenience.

2 And I would never -- I guess having never  
3 made \$500,000 a year, I wouldn't sneeze at it.  
4 But I think also that perhaps we have been -- the  
5 numbers have been presented a little differently  
6 than what -- than I would want them to be  
7 presented. In other words, the old adage, Figure  
8 don't lie but liars figure.

9 I think you've presented a greater --  
10 presented the benefits to the public in a greater  
11 light than what they really should have been. I  
12 think you should have instead of -- but that's  
13 just a personal opinion. You should have  
14 presented a \$500,000 increase in our tax base as  
15 opposed to a \$1.6 million, because the  
16 \$1.6 million of that, obviously when you do the  
17 math, 1.1 million was already there. It was  
18 going to be there whether you put your project in  
19 or not.

20 Because if it only -- if the whole project  
21 only increased the tax base by 500,000, it  
22 obviously must have been a \$1.1 million base  
23 anyway.

24 MR. TAYLOR: Well, if I could respond to  
25 that, I think what the analysis shows is it is an

1           increase in the tax base, and it has to do with a  
2           policy decision that was made by the voters of  
3           Washington when they passed Initiative 747. It  
4           has to do with how new property tax base is added  
5           to the tax rolls and whether that results in a  
6           reduction in property taxes for existing  
7           taxpayers, or an increase in revenues available  
8           to local government.

9           And while I would certainly grant you that  
10          that's a -- that's a policy question, and I'm  
11          certainly not in a position to suggest to you or  
12          to the county Board of County Commissioners  
13          whether reducing the taxes of existing property  
14          taxpayers in Kittitas County is a -- is a noble  
15          use of revenue, or if that money would be better  
16          spent as new revenue; that's really a policy and  
17          political question.

18          The fact is that the project will pay  
19          \$1.6 million a year in property taxes, and I  
20          don't believe that that has been misrepresented.

21          COMMISSIONER WILLIAMSON: Do you, do you --  
22          we do -- and also there's one other exhibit that  
23          as I was reviewing things today, it kind of  
24          struck my mind that Linda Schantz of 1-11-06, our  
25          second night of deliberation, Exhibit No. 5, she

1           claimed that the windmill equipment is exempt  
2           from property taxes at the state and local taxes.  
3           And I don't know that that's true or not. Can  
4           you tell me that?

5           MR. PIERCY: Well -- for the record, Darryl  
6           Piercy, director of Community Development  
7           Services.

8           We clearly have testimony on the record,  
9           both in this project and in others, that the  
10          facilities will in fact be assessed their fair  
11          market value and be assessed taxes by Kittitas  
12          County.

13          The representation that we saw in Item  
14          No. 225, the letter from the Economic Development  
15          Group, was in fact a reasonable analysis, we  
16          believe, of the actual impact of the tax  
17          collection on Kittitas County; again, based on  
18          testimony that we received that was done in  
19          conjunction with information available at the  
20          assessor's office and in consultation with the  
21          county assessor.

22          So we do believe that in fact there is a  
23          demonstratable testimony that shows that taxes  
24          will be collected on these projects and, again,  
25          on other projects of a similar nature. We've

1 also had testimony to that fact on the record.

2 COMMISSIONER WILLIAMSON: That answers my  
3 question, thank you.

4 COMMISSIONER HARRIS: I have a question.

5 CHAIRMAN BLACK: Thank you.

6 Do you have a question?

7 COMMISSIONER HARRIS: Yes, please. Can we  
8 get to the essential part of this? What is it --  
9 what does essential mean?

10 MR. TAYLOR: I don't feel that's really an  
11 applicant question, with all due respect. I  
12 think that's interpretation of the code. I'll  
13 leave that to the professionals.

14 MR. HURSON: Jim Hurson, deputy prosecutor.

15 I just wanted to let you know, Erin Anderson  
16 and I had a conversation over the phone last week  
17 and we wanted to make sure that the record  
18 doesn't get muddled. And so what I suggested to  
19 her is what I wanted her folks to do, and she  
20 agreed -- and I can't remember which of us whose  
21 suggestion it was.

22 If you have questions about things in the  
23 record to help you find things, that's great.  
24 But if we start getting into new testimony, then  
25 it can create an issue of, well, shouldn't, you

1 know, an opponent be able to get up and talk  
2 about it or another proponent or something.

3 So what I would suggest -- because I  
4 think -- if you open up the debate, you open up  
5 the debate.

6 What I suggested, though, was if there's  
7 issues that are raised, one thing that they can  
8 say, Okay, I see this, I recognize that you see  
9 this as an issue. And then perhaps when it goes  
10 to the Board of Commissioners, they could, if it  
11 isn't already in the record, can then be given  
12 that information in the record.

13 So if you have questions about where can I  
14 find things that relate to this, what is the  
15 answer to this -- and if it isn't already in the  
16 record, then they need to bring it up into the  
17 new one.

18 Because then we get into "Who else then gets  
19 to speak," and so I -- as I understand our  
20 process is we have it as the idea this is to help  
21 so the applicant and the staff can help you find  
22 information that's already in the record.

23 We as staff can give you legal direction,  
24 our experience as far as processing within the  
25 county and community.

1           And if there's information that you think  
2           should be in the record that isn't, then the  
3           applicant, the proponents, the opponents, all are  
4           hearing, okay, this is an issue, this is  
5           something that should be there, the staff is  
6           going to hear this. And so when it gets to the  
7           commissioners those issues can then be brought up  
8           with a fresh record there.

9           CHAIRMAN BLACK: I think from my standpoint  
10          that -- I had not made that clear, Mr. Hurson,  
11          that that was what we were going to do, that  
12          there should not be a debate between ourselves  
13          and the opponent, or pretty soon we end up with  
14          everybody in the room wanting to speak about it.  
15          And I don't want to do that.

16          So that was my fault, I didn't make it clear  
17          to the commissioners that that was what we were  
18          doing. It was simply a matter if you had a  
19          question of where you could find something, then  
20          we had an opportunity to ask the proponent, and  
21          that was -- and I apologize to the commission,  
22          because I didn't make that clear to you.

23          MR. HURSON: No, and that's fine, I just --  
24          as far as debate, yes, you among yourselves can  
25          debate the merits --

1           CHAIRMAN BLACK: Right. That was one of  
2 the --

3           MR. HURSON: Ask the rhetorical questions,  
4 you know, is this this or is this not this, what  
5 do you think. That's fine. But if we start  
6 getting the public and the applicant involved,  
7 then we might run the risk of getting new  
8 information in the record, which is essentially  
9 closed for your purposes but still open for the  
10 commissioners' purposes.

11           CHAIRMAN BLACK: Correct.

12           It is about eight o'clock. Do we need to  
13 have about a five-minute, ten-minute break?

14           (A break was taken.)

15           CHAIRMAN BLACK: We'll call the meeting back  
16 to order. And you may have seen some of the  
17 Planning Commission members which were up here  
18 talking a little bit during the recess, and that  
19 was strictly a procedural thing, discussing what  
20 kind of timing we had on this. So there was  
21 nothing discussed that was of substance as far as  
22 the wind farm project was concerned, so it was  
23 simply a procedural thing.

24           So with that clarification, we're still back  
25 on No. 1: The proposal is essential or desirable

1 to the public convenience.

2 What's your feeling?

3 COMMISSIONER McCLAIN: I did not see a  
4 demonstrated need for additional electricity.

5 CHAIRMAN BLACK: Nor did I.

6 COMMISSIONER McCLAIN: If somebody could  
7 point to that in the record, but I don't see it.  
8 I would certainly be happy to look at it, but I  
9 did not see a demonstrated need for it.

10 I did -- the think the record is clear that  
11 there is a desire to have cleaner electricity,  
12 and I think that's appropriate. But I don't know  
13 that in terms of this community or -- if there's  
14 a need here.

15 COMMISSIONER HARRIS: It was discussed once,  
16 it was brought up once very briefly about the  
17 need for electricity. There essentially -- I  
18 don't think electricity is the issue here. I'm  
19 more inclined to believe that the government  
20 subsidies are. There's no need for this here,  
21 and especially if -- if it's that essential, why  
22 isn't it being built on the I-5 corridor?

23 We have no need for extra generation here.  
24 We have the cleanest, best generation in the  
25 world here, and everybody knows it. We have

1 hydraulic -- hydropower. We have 450 years from  
2 Montana to Mexico in a coal reserve. We have a  
3 100-year reserve of oil in what they call pit  
4 sands in Alberta. They were talking about it  
5 today on CNN. The need for biomass generation.  
6 I think if we were looking at cleaner,  
7 environmentally friendly generation, I think we  
8 would look at biomass. Particularly because of  
9 the fact that everyone benefits from it, not just  
10 a few. Everyone benefits from it.

11 There's only four states in the United  
12 States that don't have methyl -- ethanol added to  
13 the gasoline. Washington state happens to be one  
14 of them. I don't consider that anything to be  
15 proud of.

16 So as far as essential generation of power  
17 here, it's not -- I don't think it's desirable.

18 This is the last year's production on the  
19 Nine Canyon. They never -- they never made their  
20 nameplate generation. Or nameplate-rated  
21 generation. They never got there. And you think  
22 the wind blows in Kittitas County, you ought to  
23 be down in Benton or Franklin County or Morrow  
24 County. That's -- anybody wants to look at that  
25 (indicating), feel free to.

1 MS. ANDERSON: Can it be put in the record,  
2 please? Can we put that in the record? Or is  
3 that a part of the record, I guess is my  
4 question.

5 MR. HURSON: I don't know.

6 MR. PIERCY: I don't have the answer to  
7 that. Could you just -- I'm not sure I  
8 understand the question.

9 MS. ANDERSON: There's a reference to  
10 materials regarding Nine Canyon and I don't know  
11 what that document is, and it's being shared with  
12 the decision-makers. So I'm not sure what it is.

13 MR. PIERCY: Nor am I, and I don't believe  
14 it's currently in the record.

15 MS. ANDERSON: Okay.

16 CHAIRMAN BLACK: I believe that it's  
17 Mr. Harris's effort to do some research --

18 COMMISSIONER HARRIS: Yes.

19 CHAIRMAN BLACK: On your own?

20 COMMISSIONER HARRIS: That's all it is.

21 CHAIRMAN BLACK: And I don't see that  
22 necessarily as being used for anything other than  
23 his own personal research.

24 COMMISSIONER McCLAIN: Actually you're not  
25 supposed to do that --

1 MR. HURSON: He just reopened it.

2 COMMISSIONER McCLAIN: -- so I think we  
3 should probably not consider that.

4 CHAIRMAN BLACK: We'll scratch it. Draw a  
5 horizontal line through it.

6 COMMISSIONER McCLAIN: Any objection to  
7 that?

8 COMMISSIONER HARRIS: No, none whatsoever.

9 MR. HURSON: If I might suggest, if there's  
10 information outside of the record that becomes  
11 part of the decision, as has been said, what the  
12 statutes provide is that then parties are given  
13 an opportunity to present information to rebut  
14 that information that was presented.

15 And since, you know, you can't really  
16 un-ring the bell, I would suggest that you pretty  
17 much opened that up, so that that then would  
18 obligate to allow the record to be reopened for  
19 some people to submit information in response to  
20 that.

21 COMMISSIONER McCLAIN: Do we give it to the  
22 applicant, then?

23 MR. HURSON: Yes.

24 MR. PIERCY: I would suggest that you let  
25 the applicant look at it, put it in the record so

1 that the record is clear what was being  
2 discussed, and then the applicant will be given  
3 an opportunity to respond to that new  
4 information.

5 MS. ANDERSON: Mr. Chair, Erin Anderson in  
6 response to what appears to be "Fiscal Year '05  
7 Cumulative Gross Generation Data."

8 I don't know the basis of where this  
9 information came from, the parameters, the data  
10 that underlies it. It doesn't disclose who  
11 prepared it, the source of the information.

12 If this is going to serve as a basis for the  
13 Planning Commission's recommendation, I would ask  
14 that we at least have the opportunity to do some  
15 inquiry into where does this come from.

16 Or if you would rather, we can address this  
17 to the County Commissioners and give us an  
18 opportunity to look at this, you know, talk to  
19 who prepared it, talk about what assumptions went  
20 into it, that kind of thing.

21 Because frankly I don't know who prepared  
22 it. I don't know where the information came  
23 from, and we have no way of verifying it.

24 So with that, I would ask for some legal  
25 guidance. I don't want to reopen the record, but

1           it troubles me that this is coming in without an  
2           opportunity to find out where it came from. And  
3           it actually doesn't have any -- I don't recall, I  
4           think you said Nine Mile, but it doesn't -- it  
5           doesn't have a label on it.

6           COMMISSIONER McCLAIN: I don't have any -- I  
7           think that would be fine. Whatever you would  
8           prefer.

9           MS. ANDERSON: I'd prefer to duly note it  
10          and then address it to the County Commissioners.

11          COMMISSIONER McCLAIN: I can tell you that I  
12          won't let it be a basis for decision.

13          MR. HURSON: And I understand what the  
14          applicant would like to do is respond to it, not  
15          to the Planning Commission but have the  
16          opportunity to respond to it at a later time so  
17          that you can complete the deliberations and  
18          there's another opportunity, so --

19          MS. ANDERSON: That's correct.

20          MR. HURSON: Okay.

21          CHAIRMAN BLACK: Okay.

22          What I'd like to see us now, since we're  
23          into this, The proposal is essential or desirable  
24          to the public convenience, Doug has made a point;  
25          if you're okay with that point, then we should go

1 on. If you have a differing view than that, then  
2 we should discuss it. And I'm assuming that  
3 those that don't discuss it have a similar view  
4 as Mr. Harris.

5 COMMISSIONER CLARK: I guess, you know, I do  
6 agree with him in that it's difficult to prove  
7 the "essential" argument, because I don't see  
8 anything in the record here that says that  
9 Kittitas County's going to be in trouble if we  
10 don't approve this.

11 As far as desirable, I think there are some  
12 desirable elements. I do feel that the tax  
13 benefits -- not only the additional taxes that  
14 are going to be paid but the reduced taxes that  
15 some of the residents are going to pay -- is a  
16 benefit, which in some people's mind is going to  
17 be desirable.

18 I think there are some other economic  
19 benefits in that about half of this land is  
20 Bureau of Land Management land that's currently  
21 being rented out as grazing land, which generates  
22 very little revenue and would generate  
23 significantly more revenue as a result of having  
24 the wind generation on it.

25 Whether that meets the requirement of being

1 overall desirable I don't know, I mean, because  
2 there's also undesirable elements to having a  
3 plan there too. So I'm kind of up in the air on  
4 that, whether we satisfied that requirement or  
5 not.

6 COMMISSIONER McCLAIN: I think I would  
7 certainly agree that those are desirable elements  
8 that you've mentioned: taxes, additional  
9 resources.

10 But I think on balance -- or I think it's a  
11 balance question in terms of what sort of  
12 detriment to the county.

13 I feel that there was significant testimony  
14 regarding the impact to lands in terms of future  
15 development. I believe the realtor came in and  
16 said -- and I think there was the opponent's  
17 realtor -- or excuse me, proponent's realtor and  
18 then the opponent who was a realtor; I think he  
19 said 20-some years in the community, who said  
20 something to the effect of any development in  
21 terms of land -- or excuse me, these wind farms,  
22 if they're placed here, that the land in that  
23 area would just simply decrease in value  
24 exponentially, just overnight, I think was his  
25 statement.

1           COMMISSIONER CLARK: And I think there would  
2 be definitely some impact there.

3           I guess another issue that I've kind of  
4 struggled with here is that currently that area,  
5 according to the Comprehensive Plan, is not --  
6 the primary use of that land isn't supposed to be  
7 for housing; it's supposed to be for development  
8 of the natural resources.

9           Now, I realize that there's an awful lot of  
10 housing that's gone in there already and you  
11 can't back that up; I mean, it's already there.  
12 But I think that there is an argument that that  
13 is not, according to the Comprehensive Plan,  
14 supposed to be the primary use of that land.

15           COMMISSIONER McCLAIN: Well, I do recall it  
16 was Roger Weaver's testimony; his statement was  
17 that it's valuable, more pristine, high-end  
18 development, that the homes and property in the  
19 area that he's seeing are in the 25 -- or 250K  
20 and up for this particular area, that -- I guess  
21 he disputed the comparables used by -- what he  
22 quoted were the Horizon facts of 70 to 123K,  
23 saying that the discussion is simply not  
24 comparable.

25           COMMISSIONER WILLIAMSON: I'm somewhat in

1 the same position as Mr. Clark. I don't think  
2 they have demonstrated -- I don't think any of us  
3 think that they have demonstrated it's essential.

4 The demand for power in this area, clean  
5 renewable power in this area, isn't the issue.  
6 If it's going to be produced, it's going to be  
7 produced to be shipped someplace else.

8 And in that regard, until we -- Wild Horse  
9 is up and running, I think we at the very -- at  
10 the very least owe it to ourselves to -- to wait  
11 until we find out if that's productive, whether  
12 or not that is going to return the kind of  
13 investment -- return on the investment that it  
14 proposes.

15 And this one I would assume would be  
16 somewhat similar. I don't think it has any  
17 correlation with -- what was that, Nine Lakes or  
18 whatever it is, Nine Canyons. Simply because of  
19 the different technology based upon the different  
20 times of construction, and we don't know if  
21 there's any correlation between the types of  
22 windmills used, we don't know if there's any  
23 correlation between contact with the power grid  
24 somewhere.

25 But I think our only really -- real way of

1           determining that is to have one up and going and  
2           find out what it's going to do. And like I say,  
3           again, I do not believe it's for -- essential for  
4           this area. It might be essential for the west  
5           side; and I agree with Mr. Harris, if they want,  
6           maybe they should put this on I-5 corridor or on  
7           the west coast where the wind blows fairly --  
8           really very consistently. And it's much closer  
9           to the users.

10           Desirable? It's somewhat desirable. It  
11           never hurts to have more tax base. But on the  
12           other hand, we've heard from so many people this  
13           is not desirable.

14           And as regards to Mr. Weaver's estimation of  
15           property values, if I thought for a -- and  
16           somebody's saying that if we put these in people  
17           would move away from the valley and not come back  
18           to the valley, I'm not sure that's necessarily  
19           undesirable. If I thought this would keep people  
20           out of the valley, I'd think we should line I-90  
21           with them.

22           CHAIRMAN BLACK: Is there a general feeling  
23           that No. 1 is a no?

24           COMMISSIONER WILLIAMSON: I would think so.

25           CHAIRMAN BLACK: Other than Mr. Clark, I

1 believe. You're feeling that that's fine?

2 COMMISSIONER CLARK: Yeah, no, I, you know,  
3 I feel there are desirable elements. I would --

4 CHAIRMAN BLACK: I agree with you; there are  
5 some desirable elements. But I feel that overall  
6 that it is -- they haven't shown that it's  
7 essential or desirable to the public convenience.

8 Second one: The proposal is not detrimental  
9 or injurious to the public health, peace, or  
10 safety or to the character of the surrounding  
11 neighborhood.

12 COMMISSIONER McCLAIN: I certainly think  
13 there was testimony on both sides of it. It  
14 certainly seemed that there were some neighbors  
15 who were particularly concerned about some of the  
16 shadow flicker, the noise.

17 I would also, I think, point to the record  
18 in that there were -- there was testimony that  
19 indicated there were something in the  
20 neighborhood of 200, 300 homes in this particular  
21 area. Many of which were participating  
22 landowners, but I think several were not that  
23 would be adversely affected in terms of noise and  
24 location of the turbines themselves.

25 I think also one of my concerns with respect

1 to the character of the surrounding neighborhood,  
2 if you look at the exhibit, it's in Book 2,  
3 midway through Exhibit 19. It's a tax parcel in  
4 the -- it's labeled the rezone request. With a  
5 large yellow foldout. It's in Book 2. It's  
6 Exhibit -- in the middle of 19.

7 COMMISSIONER WILLIAMSON: Exhibit 1?

8 COMMISSIONER McCLAIN: (Indicating)

9 CHAIRMAN BLACK: That's under Exhibit 2,  
10 Exhibit 2, tax parcel including wind resource  
11 rezone?

12 COMMISSIONER McCLAIN: Yeah. It's the  
13 yellow one. I think you have it there.

14 I guess part of my concern is that as you  
15 look through this, there are landowners that are  
16 in the -- specifically to the -- I guess I would  
17 say the east of Parcel 19-17-15000-007. There  
18 are sections in there and also sections --

19 I wonder if it actually shows a better one  
20 than that.

21 Actually look at Exhibit 1. I think it  
22 shows it better. It appears to me to be, I don't  
23 know, one, two, three, four, five, six -- six or  
24 seven parcels that are just to the south of the  
25 substation that are not participating members of

1 this that are going to be impacted in terms of  
2 their -- their piece, their land is going to be  
3 impacted.

4 I have some concern about those and also  
5 those in the Thompson and Neilson area and even  
6 further towards the north. Looks like Morantis  
7 and...

8 CHAIRMAN BLACK: Birdie --

9 COMMISSIONER McCLAIN: Birdyshaw.

10 CHAIRMAN BLACK: Birdieview?

11 COMMISSIONER McCLAIN: It's "-shaw."

12 COMMISSIONER BLACK: Birdyshaw.

13 COMMISSIONER McCLAIN: Those and even the  
14 next one up. Several people are kind of stuck in  
15 the middle of this project that are apparently  
16 non-participating. That's kind of a concern I  
17 have.

18 CHAIRMAN BLACK: And I agree with you.

19 COMMISSIONER McCLAIN: And I don't think  
20 think -- I think this is a fairly developed area,  
21 and frankly more developed. More to the south of  
22 this, just to the --

23 If you look to the west of what would be  
24 Tower I believe D-1 and -2, then there are one,  
25 two, three, four, five, six -- at least I think

1 five or six parcels that actually are touching  
2 the project itself that appear to be  
3 non-participating members as well.

4 There just -- there's a significant  
5 development in this area, north of F-1 there's,  
6 what is that, the Henley group? There are a  
7 number of homes in that area. It just seems like  
8 a developing location.

9 COMMISSIONER HARRIS: Yeah, oh, yeah. I  
10 have to agree.

11 CHAIRMAN BLACK: I refer -- and every once  
12 in a while I look at this and I question it, and  
13 I refer to I believe it was Henderson versus  
14 Kittitas County, and the thing -- one of the  
15 statements that was also in Tugwell versus  
16 Kittitas County is quote, "Neighborhood  
17 opposition alone may not be the basis for land  
18 use decisions."

19 However, when I look at the -- and that's in  
20 that particular -- in both cases there.

21 However, when I look at this, is the -- The  
22 proposal is not detrimental or injurious to the  
23 public health, peace, or safety or the character  
24 of the surrounding neighborhood. Now, I don't  
25 know how those two square with each other,

1 because first you're -- you're not to consider,  
2 according to Henderson, or may not consider the  
3 opposing neighborhood, and yet the question in  
4 itself brings in the neighborhood.

5 COMMISSIONER McCLAIN: Well, I think the  
6 standard in that is actually that that alone --

7 CHAIRMAN BLACK: Exactly.

8 COMMISSIONER McCLAIN: So you need to look  
9 at that and other the other factors.

10 CHAIRMAN BLACK: Right. But it says "may  
11 not." And that's what's confusing. May not.  
12 Let me re-read it. "Neighborhood opposition  
13 alone may not be the basis." And so what you're  
14 saying is we have to look at more than just the  
15 neighborhood opposition.

16 However, in order to do that, we need to  
17 look at the neighborhood. It's not just simply  
18 the -- it's not simply the yellow that we're  
19 looking at. We have to look at the surrounding  
20 neighborhood in order to --

21 And then is it injurious, and I think that  
22 there was numerous testimony that people around  
23 that area would feel that it was injurious.

24 COMMISSIONER CLARK: Well, just playing  
25 devil's advocate here a little bit, I guess, you

1 know, the argument I'm hearing is that there's  
2 quite a bit of residential development around  
3 this particular proposal, which is detrimental to  
4 that neighborhood.

5 You know, if we're using the argument that  
6 there's a lot of residential development here in  
7 a zone that according to the Comprehensive Plan  
8 is supposed to be Forest & Range -- I mean, it's  
9 not designated as a residential area. Would we  
10 support future development of this area as  
11 residential?

12 COMMISSIONER McCLAIN: Well, I think  
13 actually, in fact, we just not very long ago  
14 rezoned part of that to R-5s. I think in fact  
15 just north of this project. And it appears that  
16 just to the -- on the 970 area, those look like  
17 certainly not -- those are probably 3- or 5-acre  
18 parcels. I don't know, it looks like everywhere  
19 from the substation all the way down to, what is  
20 it, Branch?

21 CHAIRMAN BLACK: Uh-huh.

22 COMMISSIONER McCLAIN: The majority of the  
23 970 where this project touches up until you get  
24 to the substation is, looks like, all residential  
25 in spite of the fact -- and I would agree that

1 the northern part of this is 20s, but it does  
2 look like there's a significant portion of this  
3 that's surrounded by at least 3s or 5s.

4 COMMISSIONER CLARK: And like I say, I would  
5 just, you know -- if a rezone or, you know,  
6 something would be brought up, I'd hate to use  
7 the argument that the Comprehensive Plan says  
8 this isn't for residential development, when we  
9 used that as an argument against approving this  
10 project.

11 COMMISSIONER McCLAIN: I guess when I look  
12 at this, of the things that I couldn't help but  
13 to consider is, look at the wind farm that we did  
14 approve -- or I shouldn't say we, but the County  
15 approved, versus the one that was rejected. And  
16 my recollection is the one that was approved, the  
17 nearest house was a mile away or something, and  
18 here the nearest house is approximately 541 feet  
19 away, I think.

20 COMMISSIONER CLARK: And there's  
21 significantly more of them.

22 COMMISSIONER McCLAIN: Yeah. So I guess on  
23 balance and trying to determine is this an  
24 appropriate place for this kind of project -- or  
25 this project, versus what has been approved,

1 is -- you know, was that an appropriate place;  
2 and it certainly seemed like that was, given how  
3 sparsely populated that area was, okay? So I  
4 guess that's --

5 COMMISSIONER CLARK: I agree with you there.

6 CHAIRMAN BLACK: I think to Mr. McClain's  
7 point, also, that recently we did a rezone on  
8 what used to be Mary Burke property at 970 and  
9 97, which is further north, quite a bit further  
10 north than this.

11 COMMISSIONER CLARK: Close, but --

12 CHAIRMAN BLACK: It was rezoned into  
13 five-acre areas. Whether it's ever developed or  
14 not is --

15 COMMISSIONER CLARK: Right.

16 CHAIRMAN BLACK: Feelings down there at all?  
17 Are you pretty much in agreement or disagreement?

18 COMMISSIONER HARRIS: I'm in agreement. I  
19 think I'd like to try to put these things into  
20 perspective so that people can kind of get an  
21 idea.

22 These towers are 410 feet tall. And if you  
23 go to Exhibit 18 and -- they have admitted these  
24 are going to be rather intrusive. I don't know  
25 if people are aware, the pyramid is only 20 feet

1 tall -- the great pyramid in Gaza is only 20 feet  
2 taller than these towers. Now we're talking  
3 about 80 of these towers located in a  
4 residential -- somewhat residential agriculture  
5 area. I can't believe you would do that. I  
6 can't believe how anybody could say that is  
7 compatible.

8 Also it -- as far as our scenic -- it was  
9 designated as a scenic highway. We already have  
10 in existence in the code a GPO, and I think it  
11 might be as GPO 2- -- 2.109. It's on Page 28.  
12 And it says we're supposed to screen, whenever  
13 it's possible, to screen those objects from view.  
14 How do you screen a 410 foot tower? On a ridge?

15 If you look at these pictures, for instance,  
16 it's kind of -- it's not kind of; it is, it's  
17 deceptive. They have a Bettas Road sign right in  
18 front of this ridge, and you've got to look over  
19 the top of it to eventually see these three  
20 little towers sticking up, you know. To me  
21 that's really being deceptive as far as  
22 photography.

23 These other ones are partially hidden --  
24 your eye naturally looks at the closest things to  
25 you, and that's these trees on 3-23. You don't

1 even really see these towers.

2 I would think that if you were standing out  
3 there and looking off of Reecer Croak Road down  
4 into this project, at 410 feet you wouldn't have  
5 any trouble seeing them at all. I can't see how  
6 anybody can say that that meets the criteria for  
7 that area.

8 COMMISSIONER WILLIAMSON: This is my  
9 particular take on this section. I divided it  
10 into detrimental or injurious to public health,  
11 and then I addressed the peace and I addressed  
12 the safety, addressed the character of the  
13 surrounding.

14 I think that as far as detrimental to public  
15 health, I don't think we have -- I think they  
16 have stated a reasonably good case in regards to  
17 non-detrimental. And I don't, you know, it's --  
18 the people -- I think the onus on that one is on  
19 the people who actually have them on their  
20 property.

21 If you're 541 feet away from it because you  
22 wanted it on your property because you wanted the  
23 revenue, then I think you have basically made  
24 your own bed and you need to lie on it.

25 However, the people downwind of it are the

1 ones that it will be detrimental. And as you  
2 address those outside of the area would be -- if  
3 there's any health factor, they are the ones that  
4 would pay the ultimate price, not the ones who  
5 are getting compensated.

6 I don't, I personally didn't think that was  
7 a consideration. I think health is not a primary  
8 issue. Just my read on it.

9 The second was breach of peace, and I think  
10 it would be. I don't think there's any way you  
11 can get around it.

12 Also a safety issue, the only issue that was  
13 brought up was potential fire risk. Something,  
14 you know, about flinging ices and that sort of  
15 thing or it falling apart. I don't think that  
16 would be a safety issue any greater than walking  
17 across the street and getting run over, to be  
18 quite honest. But you know, the risk -- the fire  
19 risk is there. It's not a water-plentiful area,  
20 so that might be a potential risk.

21 It does represent a breach of the peace, and  
22 it's a considerable impact on the character of  
23 this neighborhood. I don't -- I think the only  
24 way that you can reduce -- or eliminate the fact  
25 that it's going to have a character impact is if

1           you put it someplace where nobody is, as simple  
2           as that.

3           COMMISSIONER HARRIS:    Could I -- were you  
4           done?

5           COMMISSIONER WILLIAMSON:  You bet.

6           COMMISSIONER HARRIS:  I'd like to add, too,  
7           that I think anybody that's -- that -- well,  
8           everyone has access to these, but there was a --  
9           some pictures of Palm Springs, California,  
10          submitted in our earlier testimony that we  
11          received from -- I believe it's Schantz, is how  
12          you pronounce it, S-c-h-a-n-t-z, and that is  
13          really worthwhile to look at.

14          And I think the commissioners and everyone  
15          should take a look at that and think that if --  
16          if we want to leave our valley to our kids and it  
17          looks like Palm Springs, California, I can't  
18          believe someone would do that.  As far as --

19          CHAIRMAN BLACK:    That is definitely part of  
20          the record.

21          COMMISSIONER HARRIS:  That's part of the  
22          record, already existing.

23          COMMISSIONER McCLAIN:  Thanks.  I think  
24          you're talking also in terms of, looks like,  
25          Viewpoint 11.  It looks like that would remain

1 moderately high. Viewpoint 6. Viewpoint 5.  
2 Viewpoint 4, which is the ridges east of U.S. 97,  
3 remain moderate to high.

4 I think I agree with you, though. I think  
5 that the viewpoints are certainly -- there's just  
6 no way to mitigate that.

7 COMMISSIONER CLARK: I think as proposed  
8 this doesn't present the same type of visual  
9 impact that -- from those pictures that you have  
10 of Palm Springs, California. Those are a flat  
11 area, there's nothing hiding them. But I do  
12 agree that there is no way of mitigating the  
13 impact that these are going to have.

14 COMMISSIONER HARRIS: How would you propose  
15 we hide them?

16 COMMISSIONER CLARK: Well, I'm not saying --  
17 I'm not saying you can in this particular  
18 setting. I'm just saying that I don't think as  
19 this is proposed it would have the same impact  
20 that that particular picture has that you were  
21 referring to in the record.

22 But I don't -- I agree that I don't think  
23 that there's any way you can not impact this  
24 community visually by having those there.

25 COMMISSIONER WILLIAMSON: One other thing I

1 will point out is the viewscape, the scenic area,  
2 stuff like that, that has been brought up as part  
3 of the public testimony. It is very subjective.  
4 To be quite honest with you, I don't consider  
5 this beautiful territory; I really don't. I  
6 don't think sagebrush and rocks is beautiful, I  
7 don't believe shrub-steppe is beautiful. But  
8 it's beautiful in comparison.

9 CHAIRMAN BLACK: Moving to the number three.  
10 The proposed use of the proposed -- at the  
11 proposed location will not be unreasonably  
12 detrimental to the economic welfare of the county  
13 and it will not create excessive public cost for  
14 the facilities and services.

15 Now, I would agree that it should not and  
16 probably would not create excessive public cost  
17 for the facilities. The roads would be put in by  
18 the applicant.

19 However, I think there was ample testimony  
20 showing that the land values would be definitely  
21 going down. I believe that not only are the land  
22 values going down, but I believe the other  
23 comments that we heard, the testimony was that  
24 the land that was selling had been on the market  
25 for a much longer period of time. Now, length of

1 time on the market is also a de-value of the  
2 property.

3 So I believe that the -- it would create an  
4 unreasonable detriment to the economic welfare of  
5 the county.

6 COMMISSIONER CLARK: I don't know that I  
7 agree that it creates a detriment to the economic  
8 welfare to the county as a whole. It's going to  
9 detrimentally affect certain parcels surrounding  
10 the project.

11 From a tax base standpoint, it's going to  
12 dramatically increase the value of the subject  
13 property. And it is going to create an economic  
14 benefit to the property -- to the county as far  
15 as increase to the tax base, that type of thing.

16 So I don't know that I disagree -- or agree  
17 county-wide, but yes, it is going to have a  
18 detrimental effect to some surrounding parcels.

19 COMMISSIONER McCLAIN: Well, I think we did  
20 hear testimony from the fire marshal that  
21 indicated that the roads in this area could  
22 actually improve the value in the area and also  
23 his ability to work in that area. So there was  
24 some discussion regarding some potential  
25 benefits.

1           COMMISSIONER WILLIAMSON: Another thing that  
2 was brought up in that regard was that an  
3 industrial site like this actually has less  
4 detriment on -- on the tax base because it does  
5 not require as many services. In other words,  
6 when you put residences in, they require a lot of  
7 services. They require -- I think one of the  
8 figures was somewhere like \$1.25 for every  
9 dollar's worth of tax they produce. And the  
10 industrial site would only require 35 cents for  
11 every dollar that they produce.

12           That -- this third section is, to be quite  
13 honest with you, is the only piece of this that I  
14 think that they passed. I think they failed the  
15 first two and this is the only one that really --  
16 the only leg they had to stand on.

17           CHAIRMAN BLACK: I think a portion of that  
18 is correct. I, I still believe that -- that it  
19 will be a detrimental economic welfare to the  
20 county. I think that the other portion of  
21 that -- and it will not create excessive public  
22 costs for the facilities -- I believe that's  
23 correct; I don't think it will cost any  
24 additional money for the facilities. But I  
25 believe that the loss of property value is

1           detrimental to the county.

2           COMMISSIONER HARRIS: If you stop and  
3 consider, really, what does Kittitas County have  
4 to offer other than real estate and views? Why  
5 do people move here?

6           COMMISSIONER WILLIAMSON: For the jobs.

7           COMMISSIONER HARRIS: Yeah, where?

8           COMMISSIONER WILLIAMSON: There are none.

9           COMMISSIONER HARRIS: This is only going to  
10 create, what, three? Five? Ten? If we destroy  
11 the view, then we're actually destroying what we  
12 have for sale here. I don't think people are  
13 going to drive to Kittitas County to view  
14 whirling blades.

15           They'll come here for the lakes, the creeks,  
16 for the recreational that we have available here  
17 or what we have access to from Ellensburg, Cle  
18 Elum, the remainder of the county. Whether they  
19 stay here or pass through depends on what we have  
20 to attract them, and I think real estate is  
21 what's going to attract them. But I don't think  
22 generation plants will.

23           CHAIRMAN BLACK: Additional comments or  
24 discussion?

25           Are we ready to have a motion on this?

1 Pursuant to Kittitas County Code  
2 17.61A.040(C), the approval set forth in KCC,  
3 Kittitas County Code 17.61A.040(A) and (B) shall  
4 only be made if the three criteria are met: The  
5 proposal is essential or desirable to the public  
6 convenience; No. 2, the proposal is not  
7 detrimental or injurious to the public health,  
8 peace, or safety or to the character of the  
9 surrounding neighborhood; and No. 3, the proposed  
10 use of the proposed -- excuse me, the proposed  
11 use at the proposed locations will not be  
12 unreasonably detrimental to the economic welfare  
13 of the county and it will not create excessive  
14 public cost for the facilities and service.

15 We need to decide on those three issues.  
16 And I would entertain a motion.

17 COMMISSIONER WILLIAMSON: Should we vote on  
18 that first? On each one.

19 CHAIRMAN BLACK: You can vote on them  
20 individually if you'd like and then make a motion  
21 for the overall; that's fine.

22 COMMISSIONER WILLIAMSON: I would like that.

23 CHAIRMAN BLACK: Okay. I'll re-read it.  
24 "The proposal is essential or desirable to the  
25 public convenience."

1 COMMISSIONER WILLIAMSON: I'd say no.

2 CHAIRMAN BLACK: You want to have a roll  
3 call vote?

4 COMMISSIONER McCLAIN: Just general --

5 CHAIRMAN BLACK: Just general feeling and  
6 then a motion after that? Okay.

7 COMMISSIONER WILLIAMSON: That would work.  
8 And my vote on 1 is no.

9 COMMISSIONER CLARK: I don't know, I, I  
10 would say yes on that.

11 COMMISSIONER HARRIS: No.

12 COMMISSIONER McCLAIN: I don't believe it  
13 does. I'd say no.

14 CHAIRMAN BLACK: I also would vote no.  
15 Which would be a 4-1 vote.

16 CHAIRMAN BLACK: I'll read No. 2. "The  
17 proposal is not detrimental or injurious to the  
18 public health, peace, or safety or to the  
19 character of the surrounding neighborhood."

20 Now, you can break those down any way you  
21 would like to, but we need a kind of a yes or no  
22 on those also.

23 COMMISSIONER CLARK: I would say no on that  
24 one.

25 COMMISSIONER WILLIAMSON: I concur; no.

1 COMMISSIONER McCLAIN: No.

2 COMMISSIONER HARRIS: It's not detrimental  
3 to the character of the neighborhood?

4 COMMISSIONER McCLAIN: I think we're saying  
5 it is detrimental.

6 COMMISSIONER HARRIS: Oh, okay, I would say  
7 no to that --

8 CHAIRMAN BLACK: Yeah, as it says here, or  
9 detrimental to the...

10 It appears -- and I too would vote no. It's  
11 appears that we're at a 5-0 vote on that.

12 No. 3, "The proposed use" of the -- "at the  
13 proposed location will not be unreasonably  
14 detrimental to the economic welfare of the county  
15 and it will not create excessive public cost "  
16 for the -- or "public cost for the facilities and  
17 services."

18 COMMISSIONER McCLAIN: I guess my biggest  
19 concern with respect to that one is that can  
20 probably be resolved in the Development  
21 Agreement, you know, because to me the long-term  
22 effects of this are not going to be the five  
23 years --

24 I'm sorry, I apologize. Is that better?

25 To me the long-term effects of this are the

1 concern there. I don't think there's short-term  
2 cost to the county. To me, though, the  
3 decommissioning of this or if this fails or the  
4 business doesn't succeed, those are the concerns,  
5 I think, that are injurious to the county in the  
6 long-term. I don't see any short-term concerns,  
7 other than the property value in the immediate  
8 area.

9 CHAIRMAN BLACK: Could I take that as a yes  
10 or a no?

11 COMMISSIONER McCLAIN: I would say that I'm  
12 concerned.

13 CHAIRMAN BLACK: There's no room for that.

14 COMMISSIONER McCLAIN: But I do think that  
15 could be mitigated through a -- through the  
16 Development Agreement, some of it could be. I  
17 think, you know -- but the cost of the -- to the  
18 surrounding land value I think would be overall  
19 detrimental.

20 COMMISSIONER CLARK: I'm satisfied that it  
21 meets that criteria.

22 CHAIRMAN BLACK: Is that a yes?

23 COMMISSIONER CLARK: Yes.

24 COMMISSIONER WILLIAMSON: Did we determine  
25 what my yes or no is?

1 CHAIRMAN BLACK: No.

2 COMMISSIONER WILLIAMSON: I would say yes.  
3 I would vote yes on this particular one, that it  
4 is not detrimental.

5 CHAIRMAN BLACK: Okay.

6 CHAIRMAN BLACK: Mr. Harris?

7 COMMISSIONER HARRIS: I would have to say no  
8 on this one, because of the fact that it's not  
9 going to create any excessive public cost; that's  
10 all in the -- in the contract negotiations  
11 that -- the last one we were assured that the  
12 contractor provided for the dismantling and the  
13 tear-down and all of that through the contract.  
14 For the life of the contract, whatever that would  
15 be.

16 And I think it is detrimental to the  
17 economic welfare of the county because it  
18 limits -- it will limit and it will have a  
19 reflection on all real estate values. Who in  
20 their right mind would want to build a retirement  
21 home that looks at a whirling blade during the  
22 day with -- and blinking lights at night? I  
23 can't see that -- I don't think I would. I would  
24 have no desire to build a home in an industrial  
25 site.

1           COMMISSIONER McClAIN: I'm more than happy  
2 to make a motion if you would like.

3           CHAIRMAN BLACK: I think that's a 3-2. I  
4 would vote that a split vote, because I believe  
5 that it will not create excessive public cost. I  
6 think the applicant has done everything possible  
7 to do everything possible, and I think I agree  
8 with you that under the Development Agreement  
9 that you can mitigate those costs.

10           But I do believe that it's -- it would be  
11 unreasonably detrimental if we -- if property  
12 values went down, and I think there's ample  
13 information from both Roger Weaver and Mr. Deneen  
14 and other people that the property values will be  
15 severely --

16           So with that, it's 3-2 vote, and we would  
17 entertain a motion to -- on this one way or the  
18 other.

19           COMMISSIONER WILLIAMSON: Go ahead.

20           COMMISSIONER McClAIN: Okay. I would move  
21 that the site-specific amendment to the Kittitas  
22 County Comprehensive Plan for rural designation  
23 to Wind Resource Overlay district be denied -- or  
24 sent on to the County Commissioners with a  
25 recommendation for denial.

1 CHAIRMAN BLACK: Could we -- okay. I would  
2 like to see us tie in the KCC 17.61A.040, what we  
3 just went through. Is that acceptable to you?

4 COMMISSIONER McCLAIN: I'd accept the  
5 friendly amendment to the motion.

6 CHAIRMAN BLACK: Do I hear a second?

7 COMMISSIONER HARRIS: Second.

8 CHAIRMAN BLACK: It's been moved and  
9 seconded that a site-specific amendment to the  
10 Kittitas County Comprehensive Plan from rural  
11 designation to Wind Farm Resource overlay  
12 district be passed forward to the County  
13 Commissioners with a recommendation of denial.  
14 Pursuant to Kittitas County Code 17.61A.04(C),  
15 the approval set forth in Kittitas County Code  
16 17.61A.040 (A) and (B) were not approved.

17 Susan?

18 MS. BARRET: Doug Harris?

19 COMMISSIONER HARRIS: Yes, that it be passed  
20 on denied.

21 CHAIRMAN BLACK: Yes, this is a motion for  
22 denial.

23 COMMISSIONER HARRIS: Yes.

24 MS. BARRET: Grant Clark?

25 COMMISSIONER CLARK: Yes.

1 MS. BARRET: Don Williamson?

2 COMMISSIONER WILLIAMSON: Yes.

3 MS. BARRET: Mark McClain?

4 COMMISSIONER McCLAIN: Yes.

5 MS. BARRET: David Black?

6 CHAIRMAN BLACK: Yes.

7 With that, gentlemen, if we move to the  
8 second element of this --

9 COMMISSIONER McCLAIN: Can I ask for a  
10 procedural question?

11 CHAIRMAN BLACK: Yes, you may.

12 COMMISSIONER McCLAIN: Is it actually  
13 necessary to go on to No. 2?

14 CHAIRMAN BLACK: I think we need to go on to  
15 No. 2. We need to go on to No. 2, and if we look  
16 at No. 1, all seven criteria must be met. Since  
17 Item 1 asks for the Comprehensive Plan, then I  
18 think it's -- it would be foolish to go beyond  
19 No. 1.

20 MR. PIERCY: If you'd like staff to respond  
21 to that -- Darryl Piercy for the record.

22 It would be good to get the elements  
23 associated with the seven criteria into your  
24 record. Just to address those, if you would.

25 If it's a feeling of the Planning Commission

1 that not meeting one of the criteria there's no  
2 point in moving forward into that, I can  
3 appreciate that.

4 If there are specific elements that any of  
5 you as members want to highlight for the benefit  
6 of the Board of County Commissioners, I would  
7 suggest you take this opportunity to do that, if  
8 there's something that you feel very strongly  
9 about.

10 But remember that you are setting forth the  
11 recommendation that will begin to establish a  
12 record for this case, so if there issues you feel  
13 are important to do that, now is your opportunity  
14 to address those.

15 CHAIRMAN BLACK: Thank you. Pursuant to  
16 Kittitas County Code 17.98.020(E,) a petition  
17 requesting a change on the zoning map must  
18 demonstrate that the following criteria are met:

19 No. 1, the proposed amendment is compatible  
20 with the Comprehensive Plan.

21 COMMISSIONER McCLAIN: No.

22 COMMISSIONER WILLIAMSON: No.

23 COMMISSIONER HARRIS: No.

24 COMMISSIONER CLARK: I think we just spent a  
25 lot of time deciding that.

1 CHAIRMAN BLACK: That's a no?

2 COMMISSIONER CLARK: That's a no.

3 CHAIRMAN BLACK: Okay. No. 2: The proposed  
4 amendment bears a substantial relation to the  
5 public health, safety, and welfare.

6 At this point I think it's appropriate for  
7 anyone that wants to add anything to these  
8 points.

9 COMMISSIONER HARRIS: Yeah, I -- one of my  
10 concerns was that it doesn't meet any of that.  
11 And as far as recreation, how would you recreate  
12 inside 6000 acres of turbines? Would we -- you  
13 know, you know, on this other page here, you  
14 know, we have for consideration, it was, oh,  
15 what, recreational lighting, flickering, that  
16 type of thing? I don't know how you would do  
17 that. As far as compatibility. I don't -- that  
18 would be -- that would be one of the -- I would  
19 say one of the smaller issues, but I don't know  
20 how you would do that. Welfare as far as  
21 flickering, blinking lights. All of the above.

22 COMMISSIONER McCLAIN: I think I would agree  
23 with you to the -- with respect that the setbacks  
24 in this particular proposal I think are not  
25 significant enough. I think 541 feet is just not

1           enough. In spite of the fact that there are some  
2           that are further and some that are participating,  
3           it seems that these are in and amongst -- in  
4           among homes and they're simply too close to  
5           homes.

6           CHAIRMAN BLACK: I agree with you.

7           No. 3, the proposed amendment has merit and  
8           value for Kittitas County or a sub-area of the  
9           county.

10          COMMISSIONER McCLAIN: I think we spent some  
11          time discussing that at length. There are pros  
12          and cons on both sides of it.

13          CHAIRMAN BLACK: Right. But I think a  
14          reduction in overall taxes is a benefit or a  
15          value, has merit and value to Kittitas County. I  
16          think -- so I believe that from that standpoint  
17          that the proposed amendment has merit and value  
18          for Kittitas County or a sub-area, that area of  
19          the county. And the school districts that are  
20          specifically in that.

21          COMMISSIONER CLARK: I agree.

22          COMMISSIONER WILLIAMSON: Yes.

23          CHAIRMAN BLACK: 4: The proposed amendment  
24          is appropriate because of changed circumstances  
25          or because of a need for additional property in

1 the proposed zone or because the proposed zone is  
2 appropriate for reasonable development of the  
3 subject property.

4 COMMISSIONER McCLAIN: It strikes me that  
5 there's been actually no change to the property  
6 rights of any of the individuals in the zone.  
7 They still have the same bundle of property  
8 rights that they had when they purchased the  
9 property; that the development of this, either  
10 for or against, would not really modify the  
11 property rights in any particular way.

12 I mean, it certainly would enhance the  
13 ownership -- the owners would have certainly  
14 something that would be exciting for them, but I  
15 think in the long run there's been no  
16 demonstrated change in the property rights.

17 COMMISSIONER GRANT: I think the only  
18 argument you have here is the need for additional  
19 property in the proposed zone, because at this  
20 point there is none.

21 COMMISSIONER McCLAIN: There's no overlay  
22 zone; is that you're saying?

23 COMMISSIONER CLARK: Right. There's nothing  
24 that would allow for it at this time.

25 CHAIRMAN BLACK: I would also bring us back

1 to one of the things that Henderson versus  
2 Kittitas County was -- resolved in the changed  
3 circumstances. Generally the proponent of the  
4 rezone must show a substantial change in  
5 circumstances since the last zoning or amendment,  
6 unless the proposed rezone implements policies of  
7 the Comprehensive Plan.

8 Now, that didn't happen. We didn't approve  
9 a Comprehensive Plan change.

10 But the second portion of that is that a  
11 variety of factors may indicate a substantial  
12 change in circumstances, including changes in a  
13 public -- of public -- including changes in  
14 public opinion in local land use patterns and of  
15 the property itself.

16 I, I don't believe that public opinion  
17 overall has shown that there's a changed  
18 circumstance. I think there's definitely a -- an  
19 idea that we need to get away from fossil fuels  
20 and oil dependency, but I'm not sure that that is  
21 a changed circumstance.

22 I think the property in itself has stayed  
23 with the same people, so I don't believe that the  
24 changed circumstance has been met.

25 COMMISSIONER WILLIAMSON: My primary concern

1 on this particular would be the third section, as  
2 far as it being appropriate for reasonable  
3 development in the subject property. And I don't  
4 think we can say that.

5 I think what we're -- the crux of our  
6 disagreement with this development happens to be  
7 that it's already established for recreational,  
8 residential use; whether the zoning points in  
9 that direction or not, that is what's already  
10 there.

11 And I just don't think that development of  
12 a -- of this particular project is appropriate in  
13 populated areas, and that's what we've got.

14 CHAIRMAN BLACK: Okay. No. 5. The subject  
15 property is suitable for development and in  
16 general conformance with zoning standards for the  
17 proposed zone.

18 Now, we just went through that, was what  
19 Mr. Williamson said.

20 COMMISSIONER CLARK: I agree.

21 COMMISSIONER WILLIAMSON: Agree.

22 CHAIRMAN BLACK: No. 6: The proposed  
23 amendment will not be materially detrimental to  
24 the use of the properties in the immediate  
25 vicinity of the subject property.

1           COMMISSIONER McCLAIN: I do think that  
2 there's pockets of property inside this  
3 particular development that are materially  
4 affected. That would be significantly  
5 detrimental to their property rights. And  
6 frankly, property surrounding the proposed site I  
7 think would be affected and significantly as  
8 well.

9           COMMISSIONER CLARK: I personally don't feel  
10 that this would have as great an impact on the  
11 county as a whole as maybe some of the other  
12 members here, but the way this is worded, "in the  
13 immediate vicinity of the subject property," and  
14 I think that definitely it does.

15           CHAIRMAN BLACK: Other comments?

16           COMMISSIONER HARRIS: I'd like to refer you  
17 to Page 175 of our ordinance -- or zoning  
18 ordinance. Comprehensive Plan, excuse me.

19           Third paragraph down, No. 5 and No. 6. This  
20 kind of relates -- No. 5 and No. 6. It kind of  
21 relates to both of them. It says, As in all  
22 Kittitas County zoning, rural land planning must  
23 take into account that public ownership is a huge  
24 factor. Small private ownerships total 24 to  
25 28 percent of the land in Kittitas County.

1           Because of this, planning decisions that do not  
2           include control of a publicly managed land will  
3           have little effect here. Also because most of  
4           the public ownership of the lands often thought  
5           to be rural character, agriculture, timber,  
6           farmland, range, and public outdoor recreation,  
7           local officials will not be able to determine and  
8           protect the rural character without the ability  
9           to mandate cooperation from public owners. The  
10          benefit or burden of vast acreages of public  
11          lands needs to be considered when assessing how  
12          much public benefit rural lands might be expected  
13          to provide. Trails, scenic areas, open space,  
14          habitat. Requiring public benefits from private  
15          lands in Kittitas County not only involves  
16          finding a method of compensation, but maybe  
17          necessarily duplicated use is already available  
18          on public lands.

19                 I think the right of ownership and public  
20          lands and all of this combined together is this  
21          type of project in this type of area is  
22          detrimental. It's just -- it's just detrimental  
23          to the public realm.

24                         CHAIRMAN BLACK: Okay. Thank you.

25                         7: The proposed change -- the proposed

1 changes in the use of the subject property shall  
2 not adversely affect irrigation water to the  
3 properties.

4 And I think there's no testimony about  
5 irrigation water, so --

6 COMMISSIONER GRANT: I don't think so.

7 CHAIRMAN BLACK: We need a motion on the  
8 site-specific zone change.

9 COMMISSIONER McCLAIN: I move to deny the  
10 zone change.

11 CHAIRMAN BLACK: Okay.

12 COMMISSIONER McCLAIN: I think --

13 CHAIRMAN BLACK: Is there a second on that?

14 COMMISSIONER HARRIS: I'll second that.

15 CHAIRMAN BLACK: It's been moved and  
16 seconded that a site-specific zone change that  
17 would overlay the existing Forest & Range and  
18 Agricultural-20 zoning with a Wind Farm Resource  
19 overlay zoning pursuant to Kittitas County  
20 Code 17.91.020(E), a petition requesting a change  
21 on the zoning map.

22 Susan?

23 MS. BARRET: Doug Harris?

24 COMMISSIONER HARRIS: Yes.

25 MS. BARRET: Mark McClain?

1 COMMISSIONER McCLAIN: Yes.

2 MS. BARRET: Grant Clark?

3 COMMISSIONER CLARK: Yes.

4 MS. BARRET: Don Williamson?

5 COMMISSIONER WILLIAMSON: Yes.

6 MS. BARRET: David Black?

7 CHAIRMAN BLACK: Yes.

8 COMMISSIONER McCLAIN: Do we need to deal  
9 with the permitting?

10 CHAIRMAN BLACK: Do you want to deal with  
11 the other two items?

12 I think that we have discussed the -- we  
13 have not discussed the Development Agreement nor  
14 the permitting process, but it clearly indicates  
15 that --

16 MR. PIERCY: You have two elements left:  
17 the Development Permit and the Development  
18 Agreement. Clearly, with the denial of the  
19 Comprehensive Plan change and the zoning change,  
20 you would have to come to the conclusion, I  
21 believe -- it would be pretty obvious you would  
22 come to the conclusion you cannot issue the  
23 Development Permit.

24 If there are specific issues of the  
25 Development Agreement that you want the Board of

1 County Commissioners to take into consideration,  
2 it would be appropriate, I think, to get those on  
3 the record, if in fact there are issues that you  
4 think need to be addressed.

5 If you've read through the Development  
6 Agreement and are reasonably happy with the  
7 testimony if the project were to be approved, it  
8 covers the issues that you're concerned with,  
9 then I think that would be appropriate to state  
10 as well.

11 Again, this is your opportunity, if there  
12 are issues with either the Development Agreement  
13 or the Development Permit, to get those on the  
14 record for the Board of County Commissioners to  
15 hear your recommendation.

16 CHAIRMAN BLACK: My general reading of the  
17 Development Agreement, it almost exclusively  
18 mirrors the Wild Horse project --

19 MR. PIERCY: I think that's a very good --

20 CHAIRMAN BLACK: -- involves changes that we  
21 had made in the Wild Horse project, so.

22 MR. PIERCY: I think that's a good  
23 observation. It was in staff's discussion with  
24 the applicant we used the Wild Horse agreement  
25 as -- as the example, as the template, if you

1 will, for the Development Agreement. That did  
2 address many of the previous concerns that the  
3 Planning Commission had expressed on prior  
4 agreements that were presented to you and I think  
5 represents -- at least reflects the relationship  
6 to those comments previously.

7 CHAIRMAN BLACK: Based on the two motions  
8 that we have so far, do we need an overall motion  
9 to pass this forward with a recommendation?

10 MR. PIERCY: I think it would be appropriate  
11 if you were to have an overall motion on the  
12 Development Permit itself. And again,  
13 incorporate your previous two recommendations in  
14 regards to the Comprehensive Plan amendment as  
15 well as the zoning change.

16 CHAIRMAN BLACK: Motion?

17 COMMISSIONER McCLAIN: Fine. I'll move to  
18 continue the Development Permit.

19 COMMISSIONER HARRIS: Second.

20 CHAIRMAN BLACK: Let me find the verbiage.  
21 Could we also include the denial of the  
22 Development Agreement with the comment?

23 COMMISSIONER McCLAIN: I think we just send  
24 it forward with the Development Agreement. I  
25 think you generally were not uncomfortable with

1 the Development Agreement. So I think leave that  
2 out.

3 CHAIRMAN BLACK: Okay.

4 COMMISSIONER McCLAIN: Just send it forward  
5 with --

6 MR. PIERCY: No recommendation.

7 COMMISSIONER McCLAIN: Yeah, with no  
8 recommendation, perhaps.

9 CHAIRMAN BLACK: We'll do that with a  
10 separate motion, then.

11 It's been moved and seconded that the Wind  
12 Farm Resource Development Permit, the rezone of  
13 the Kittitas Valley Wind Power Project area, and  
14 that the amendment to the Comprehensive Plan and  
15 land use map be passed forward to the County  
16 Commissioners with a recommendation of denial.

17 COMMISSIONER McCLAIN: I'll second that.

18 CHAIRMAN BLACK: It's been moved and  
19 seconded.

20 MS. BARRET: Doug Harris?

21 COMMISSIONER HARRIS: Yes.

22 MS. BARRET: Mark McClain?

23 COMMISSIONER McCLAIN: Yes.

24 MS. BARRET: Grant Clark?

25 COMMISSIONER CLARK: Yes.

1 MS. BARRET: Don Williamson?

2 COMMISSIONER WILLIAMSON: Yes.

3 MS. BARRET: David Black?

4 CHAIRMAN BLACK: Yes.

5 With that, we will go into --

6 COMMISSIONER McCLAIN: I thought we were  
7 going to move to send the Development Agreement  
8 forward without a recommendation.

9 CHAIRMAN BLACK: Yes, exactly; that's where  
10 we are at right now.

11 COMMISSIONER McCLAIN: I will -- I will so  
12 move.

13 COMMISSIONER HARRIS: Second.

14 CHAIRMAN BLACK: It's been moved and  
15 seconded that the Kittitas Valley Wind Power  
16 Project Development Agreement be passed forward  
17 to the County Commissioners with no  
18 recommendation but with a general sense that it's  
19 acceptable. It's been moved and seconded?

20 COMMISSIONER HARRIS: Seconded.

21 MS. BARRET: Doug Harris?

22 COMMISSIONER HARRIS: Yes.

23 MS. BARRET: Mark McClain?

24 COMMISSIONER McCLAIN: Yes.

25 MS. BARRET: Grant Clark?

1 COMMISSIONER CLARK: Yes.

2 MS. BARRET: Don Williamson?

3 COMMISSIONER WILLIAMSON: Yes.

4 MS. BARRET: David Black?

5 CHAIRMAN BLACK: Yes.

6 COMMISSIONER McCLAIN: I guess,

7 Mr. Chairman, what I would propose is that we  
8 prepare the Findings of Fact at a later date and  
9 present those sort of after we have a chance to  
10 fully review them.

11 MR. PIERCY: Mr. Chairman, we are looking at  
12 the dates that might be available for that review  
13 period. Staff, in consultation with other staff  
14 members and the prosecuting attorney's office,  
15 feel that we need a minimum of two weeks to be  
16 able to prepare those Findings and get those  
17 distributed to the Planning Commission for your  
18 review.

19 It's also felt that with the time schedule  
20 in terms of expectations of our Board of County  
21 Commissioners, your next regular meeting may be a  
22 date that's too far into the future. That would  
23 be February 27.

24 So you may want to set a special meeting to  
25 consider the Findings of Fact and to take action

1 on those to ensure consistency with your  
2 decisions this evening.

3 I might suggest to you a date of either  
4 February 13th or February -- the week of February  
5 13th, somewhere in there. February 20th is a  
6 holiday, which is the following Monday.

7 CHAIRMAN BLACK: What is -- what is the  
8 13th?

9 MR. PIERCY: The 13th is a Monday.

10 COMMISSIONER HARRIS: Works for me.

11 COMMISSIONER WILLIAMSON: (Nodding)

12 MR. PIERCY: And I would suggest to you that  
13 we should set that for the commissioners  
14 auditorium rather than this --

15 CHAIRMAN BLACK: Right. We will continue  
16 the -- whatever this project is. We will  
17 continue the Kittitas Valley Wind Farm Project  
18 Z-05-22 to February 13th, 6:30, at the county  
19 commissioners auditorium, specifically to review  
20 Findings of Fact.

21 COMMISSIONER McCLAIN: Is that a motion?

22 CHAIRMAN BLACK: That is a motion.

23 COMMISSIONER McCLAIN: I'll second that.

24 CHAIRMAN BLACK: It's been moved and  
25 seconded.

1 All in favor?

2 COMMISSIONER HARRIS: Aye.

3 COMMISSIONER McCLAIN: Aye.

4 COMMISSIONER CLARK: Aye.

5 COMMISSIONER WILLIAMSON: Aye.

6 CHAIRMAN BLACK: Aye.

7 With that, we are --

8 Are we having a conflict?

9 MR. PIERCY: No, we're fine.

10 CHAIRMAN BLACK: Okay. With that, we will  
11 adjourn the Kittitas Valley Wind Farm Project  
12 Z-05-22 public hearing.

13 (The proceeding was adjourned at  
14 9:28 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF YAKIMA )

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

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

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

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