APPEARANCES:

KITITAS COUNTY PLANNING COMMISSION:

COMMISSIONER DAVID BLACK, Chairman
COMMISSIONER DOUG HARRIS
COMMISSIONER MARK McCLAIN
COMMISSIONER GRANT CLARK
COMMISSIONER DON WILLIAMSON
CHAIRMAN BLACK: It's 6:30 p.m., February 13th, 2006. We're calling to order the continued January 30th, 2006, Kittitas Valley Wind Power Project Z-05-22.

I will introduce the Planning Commission. On my far right is Grant Clark. Next to him is Mark McClain. Doug Harris is on my left. And I'm David Black, chairman of the Planning Commission. Our clerk this evening is Susan Barret. And we have as staff, we have -- Darrell Piercy is Director of Community Development Services; Joanne Valencia is staff. And we also have Mr. Hurson from prosecuting -- the prosecutor's office.

This is unfinished business for the Kittitas Valley wind farm project. It is a closed record hearing to consider findings of fact and conclusions of law only.

And with that, I think we should turn it over to you, Joanna to go through those. Do you want to do that or --

MS. VALENCIA: Or Darrell can do it.

CHAIRMAN BLACK: Okay, Darrell. And Darrell, do you want to -- are you going to individually go through each one of those
findings?

MR. PIERCY: Well, we can discuss that and see how the Planning Commission would like to approach it.

I'm just going to state for the record Darrell Piercy, Director of Community Development Services. We've provided these findings to you for review and consideration based on your direction at your last meeting with regards to your decision that you made at that time pursuant to this application. Before you are findings that consist of 18 items.

Again, we've had an opportunity to make these available to you late last week. And we could approach this one of two ways. We could look at each finding individually. Or if you've had an opportunity review these and if there are specific changes you would like to make as a group and propose changes to these draft findings, we're prepared, as you can see, this evening to enter those changes directly into the text and make those modifications as they come forward.

Our goal for this evening is to have a final document that you can review and vote on and then
have signature by the chairman so we can pass those forward to the Board of County Commissioners. If we're successful in getting to that point, then the Board of County Commissioners will take your recommendation and set their additional hearings on this matter.

CHAIRMAN BLACK: It's a little difficult to see from here. By the way, Don Williamson just arrived, so --

COMMISSIONER McCLAIN: The late Don Williamson.

CHAIRMAN BLACK: Yeah. So we now have five of the members.

It's a little difficult to read from my standpoint. It must be age related. But in any event, I think that we ought to kind of go through each one individually. Is that satisfactory to everybody?

And do you want to -- if it's an okay thing, we'll just keep right on moving? And then if anybody has any wordsmanship or wants to massage it a little bit, then we can do that at that time. Is that satisfactory?

MR. PIERCY: That's satisfactory.

Mr. Chairman, if you would like, then I would
read each one of these into the record and we'll go through them item by item.

CHAIRMAN BLACK: That would be my preference. Is that okay with the rest of you?

MR. PIERCY: Whenever you get tired of hearing me speak, we'll let Joanna for a little bit.

So the document -- well, to start at the top, the Planning Commission submits the following findings of fact, conclusions at law, and recommendations to the Kittitas County Board of County Commissioners related to the Kittitas Valley Wind Power Project proposal.

Finding No. 1. "On September 30th, 2005, Sage Brush Power Partners, LLC submitted a consolidated application seeking approval of an amendment to the county comprehensive plan, a rezone to a Wind Farm Resource Overlay zone including adoption of a development agreement and approval of a development permit related to a proposed wind farm project in Kittitas County to Kittitas County Community Development Services."

That would be Finding No. 1.

CHAIRMAN BLACK: Right. Any changes, any ideas? That's fine.
MR. PIERCY: Okay. Finding No. 2. "A revised application was received on October 17th, 2005, and this application was deemed complete by Kittitas County Community Development Services on October 17th, 2005."

CHAIRMAN BLACK: That's fine.

MR. PIERCY: Finding No. 3. "On October 24, 2005, Kittitas County Community Development Services received a copy of a letter that served as formal notice to EFSEC from Sage Brush Power Partners, LLC to request to withdraw the preemption filed on February 10th, 2004."

CHAIRMAN BLACK: Would you mind inserting ahead of "EFSEC" the "Energy" --

MR. PIERCY: "Facility Site Evaluation" --

CHAIRMAN BLACK: -- "Facility Siting Evaluation Council," and then in parentheses "EFSEC"?

MR. PIERCY: Will do.

CHAIRMAN BLACK: Please.

MR. PIERCY: And right before your eyes Mr. Hurson is making that change in the document --

CHAIRMAN BLACK: I see that.

COMMISSIONER McCLAIN: I think also after
"LLC" maybe just say "requesting withdrawal of preemption" or "requesting" -- it just seems a little weak.

CHAIRMAN BLACK: Too many "to"s in there.

MR. PIERCY: So it would read "Sage Brush Power Partners, LLC requesting the preemption" --

CHAIRMAN BLACK: "Requesting withdrawal of the preemption."

MR. PIERCY: Okay.

Jim, do you need a chance to catch up? Oh, you already got it.

Any other changes to Finding No. 3?

CHAIRMAN BLACK: That's fine.

MR. PIERCY: Moving on, then, to Finding No. 4?

CHAIRMAN BLACK: Yes.

MR. PIERCY: "On October 27, 2005, a notice of application was issued by Community Development Services pursuant to KCC 15A.03 with a December 5th, 2005, comment deadline. Said notice solicited comments from jurisdictional agencies," landowners -- so if we could add an "s" to that -- "landowners within 300 feet of subject properties, interested parties, and subject properties located within the proposed
project site."

CHAIRMAN BLACK: Fine. Thank you.

MR. PIERCY: Finding No. 5. "The Kittitas Valley Wind Power Project proposal consists of development of a utility-scale wind energy facility on a project area of appropriately 6000 acres located in unincorporated Kittitas County. A permanent footprint of approximately 90 acres of land area will" be -- "will accommodate the proposed turbines and related support facilities."

CHAIRMAN BLACK: Fine.

MR. PIERCY: Finding No. 6. "The project area includes all or portions of Sections 01, 02, 03, 09, 10, 11, 12, 14, 15, 16, 21, 22, 23, 27," and "34 of Township 19 North, Range 17 East, Willamette Meridian in Kittitas County."

CHAIRMAN BLACK: Is that legal enough?

MR. PIERCY: We believe so.

CHAIRMAN BLACK: Okay. A portion of or -- okay. Thank you.

MR. HURSON: I gave that an "and."

MR. PIERCY: Oh, okay, thank you. We added one word, "and," between Section 27 and Section 34 just for ease of reading and making
Finding No. 7: "The Energy Facility Site Evaluation Council (EFSEC) assumed lead agency status for this project pursuant to RCW 80.50.180. As part of Kittitas County's review of the project, all SEPA documents including those from other wind farm proposals in Kittitas County have been reviewed and considered. SEPA materials containing updated information reflecting the current submitted application were requested and have also been provided. A final environmental document has yet to be published by EFSEC, and therefore there was no opportunity for County review. The review and recommendation is based on the environmental information available and contained within the record."

CHAIRMAN BLACK: Anything? Okay.

MR. PIERCY: Finding No. 8. We're now on Page 2. "The applicant has failed to demonstrate that the proposal is essential or desirable to the public convenience. There is insufficient demonstrated need for the electricity that would be produced from this project when balanced against the negative impact to Kittitas County."
There is also no assurance or limitation by the proponent that power produced by this project would be for use in Kittitas County, the state of Washington, or even limited to the regional northwest power needs."

CHAIRMAN BLACK: Okay. Next?

MR. PIERCY: Finding No. 9. "The proposal is detrimental and injurious to the public health, peace, or safety or to the character of the surrounding neighborhood. The proposed wind towers are more than twice as tall as the currently existing tallest structures in the area (BPA power transmission towers). The scale of the wind turbines in both size and number as proposed for this location is inconsistent with the current character of the valley community. A wind farm in this location would be inconsistent with maintaining the geological, vegetative, and environmental continuity of the lower Kittitas County valley. The wind farm proposal area is in close proximity to numerous currently existing residential structures and homesites. The project would result in increased noise levels to the surrounding area. The proposal's visual impacts are significant and cannot be mitigated
under the current proposal. Shadow flicker will impact numerous existing residences and home sites."

COMMISSIONER McCLAIN: I'm a little concerned with the word "character of the valley community." I don't think that that necessarily explains what we're talking about, at least as I was suggesting, because certainly I think the valley encompasses the entire area, and I don't think we want to say that we think it's inconsistent with every place in the valley. I think we want to say it's inconsistent with this particular area or location.

COMMISSIONER WILLIAMSON: "Neighborhood"?

COMMISSIONER McCLAIN: Yeah. Because I do think it's appropriate for these in the valley, just not in this location, so how do we get a -- "character of the neighborhood"?

CHAIRMAN BLACK: How about "the character" --

MR. PIERCY: How about "the valley within the vicinity of this proposal?"

COMMISSIONER McCLAIN: How about "character of the neighborhood"?

MR. PIERCY: "Neighborhood"? Okay.
CHAIRMAN BLACK: "Neighborhood"?

COMMISSIONER McCLAIN: Or "area"?

MR. PIERCY: So we're changing "community"
to "neighborhood"?

CHAIRMAN BLACK: "Character of the valley
neighborhood"?

COMMISSIONER McCLAIN: "Valley"?

CHAIRMAN BLACK: Just strike "the valley."

COMMISSIONER McCLAIN: How about strike "the valley" and say "neighborhood" or "slash area."

CHAIRMAN BLACK: "Character of the neighborhood"?

MR. HURSON: How's that look?

COMMISSIONER WILLIAMSON: "Valley community."

MR. PIERCY: Changing "valley community" to "neighborhood area."

COMMISSIONER McCLAIN: I was thinking of slash, "neighborhood slash."

CHAIRMAN BLACK: How about if you just changed it to "this valley community"? You don't like that at all? You want to get into neighborhood --

COMMISSIONER McCLAIN: I think we're talking -- it was location-specific, so I want to
make sure that we're conveying that.

CHAIRMAN BLACK: Okay. "Neighborhood"?

COMMISSIONER CLARK: Sounds fine to me.

COMMISSIONER HARRIS: I would have thought the legal description would have covered the area.

CHAIRMAN BLACK: Yeah, neighborhood.

MR. HURSON: Do you want "neighborhood" or "neighborhood/area"?

CHAIRMAN BLACK: "Slash area"?

"Neighborhood/area"? Yes, please.

MR. HURSON: Okay, that's what you got.

MR. PIERCY: Any other changes to Finding 9?

CHAIRMAN BLACK: Nope.

MR. PIERCY: Moving on, then, to Finding No. 10. "The proposed use at the proposed location would be unreasonably detrimental to the economic welfare of the county. The applicant has failed to adequately demonstrate that the property values in the area would not be adversely affected. The Planning Commission finds that opinions and testimony presented indicate that there would be an adverse impact on property values and property rights of adjacent landowners."
CHAIRMAN BLACK: What if we changed "the proposed use at 'this' proposed location"? Does that isolate it a little bit more?

MR. PIERCY: I think it does.

CHAIRMAN BLACK: Okay. Is that all right? We don't have any problems with that --

MR. PIERCY: The first sentence, "The proposed use at 'this'" instead of "the."

MR. PIERCY: Anything else on No. 10?

CHAIRMAN BLACK:

MR. PIERCY: Moving on, then, to No. 11. "The proposed project area has left islands of non-participating landowners and is adjacent to numerous non-participating property owners' homes and lots. In order to mitigate identified visual impacts, the currently proposed 1000-foot setbacks are inadequate in order to address impacts on homes and land parcels adjacent to the project."

CHAIRMAN BLACK: Okay, fine.

MR. PIERCY: Finding No. 12. "Pursuant to KCC 17.98.020(E), a petition requesting a change on the zoning map must also demonstrate that the following criteria are met. The proposed rezone does not meet all seven of the zoning code
criteria as described below:

And Mr. Chairman, would you like to go through each one of these separately?

CHAIRMAN BLACK: I think so. Please.

MR. PIERCY: "Requirement - the proposed amendment is not compatible with the comprehensive plan. The Planning Commission finds that this proposal is not compatible with the comprehensive plan. The Planning Commission voted to deny the request to amend the comprehensive plan to designate the Kittitas Valley Wind Power Project Area as a Wind Farm Resource Overlay district."

COMMISSIONER McCLAIN: Do we need that in there twice, first and second --

MR. PIERCY: I think the intent was to identify the requirement, the seven requirements. And then the response. I didn't read it very well.

COMMISSIONER McCLAIN: Okay, that's fine.

CHAIRMAN BLACK: What we're not doing is being consistent on any of the rest of them.

MR. PIERCY: No.

CHAIRMAN BLACK: So could we strike that?

MR. PIERCY: I think so.
CHAIRMAN BLACK: So take out the first sentence entirely, "Requirement," and then "the proposed amendment is not compatible..."?

MR. PIERCY: I think that reads better.

COMMISSIONER McCLAIN: Take out the first sentence altogether.

CHAIRMAN BLACK: That's we said. That's what I meant, I'm sorry. All the way through "comprehensive plan"? Okay.

MR. PIERCY: Second item. "The amendment does not bear a substantial relation to the public health, safety, or welfare. The Planning Commission finds that the proposed setback of 1000 feet is inadequate in order to mitigate the visual impacts and shadow flicker to surrounding properties not within the project area. In addition, the turbines are in close proximity to existing homes in the area."

CHAIRMAN BLACK: Okay?

COMMISSIONER McCLAIN: Yeah.

COMMISSIONER WILLIAMSON: Would it make more sense to say "would be," "the turbines would be in close proximity to..."?

CHAIRMAN BLACK: Yes, it would be.

COMMISSIONER WILLIAMSON: Because they don't
exist yet.

CHAIRMAN BLACK: Right, "would be." Okay.

MR. PIERCY: Moving on, then, to the third criteria. "The proposed amendment does not have merit and value for Kittitas County or sub-area of the county. Although the reduction of overall taxes may have merit and value for Kittitas County, this is not sufficient when balanced against the negatives and the Planning Commission denied" -- "and the Planning Commission denied the comprehensive plan and sub-area plan for the proposed project area due to those negative concerns. There are significant visual impacts and likely reduction in property values near the project area. There is concern for impact of shadow flicker and noise affecting participating and non-participating landowners. The proposed project area also creates an island of non-participating landowners."

COMMISSIONER McCLAIN: On the second sentence the second line needs to be capitalized.

CHAIRMAN BLACK: Sub-area of the "county" should be. Everything else okay? All right, next.

MR. PIERCY: Fourth criteria. "The proposed
amendment is not appropriate because of changed circumstances or because of a need for additional property in the proposed zone, or because the proposed zone is appropriate for reasonable development of the subject property. The Planning Commission finds that there has been no demonstrated change in circumstance that warrants this change in land use and that the benefit seems to be only for participating landowners but to the detriment of adjacent landowners."

CHAIRMAN BLACK: Okay.

MR. PIERCY: Fifth criteria. "The subject property is not suitable for development in general conformance with zoning standards for the proposed zone. The Planning Commission finds that" the "project area and surrounding neighborhood is an established rural recreational and rural residential area and the proposed project is not appropriate in rural populated areas such as this neighborhood."

CHAIRMAN BLACK: Okay. All right.

MR. PIERCY: Sixth criteria. "The proposed amendment will be materially detrimental to the use of the properties in the immediate vicinity of the subject property. The Planning Commission
find that the proposed amendment will be detrimental. The Planning Commission finds that the land adjacent to the project area including the pockets and islands of property are going to be significantly affected with impacts that cannot "be mitigated and that of which will affect property rights."

CHAIRMAN BLACK: Going to change that "can't" to "cannot"?

MR. PIERCY: I said "cannot," didn't I.

CHAIRMAN BLACK: I would prefer it, frankly, to read "cannot."

MR. PIERCY: And in reading that, what I might suggest is "mitigated which will affect property rights and values." Because I think we've had at least a consistent theme through this. When you mention property rights, you also speak of property values. Just a thought.

CHAIRMAN BLACK: Okay, that's fine.

COMMISSIONER WILLIAMSON: You can eliminate two words, couldn't you, "that of," couldn't you? "Can't be mitigated which will affect property rights and values."

CHAIRMAN BLACK: Right. "Cannot be mitigated and which will affect property rights
and values."

COMMISSIONER McClAIN: Do we want to get rid of "and," "that cannot be mitigated"?

COMMISSIONER McClAIN: Just a comma after "mitigated."

CHAIRMAN BLACK: And then strike "and that of." All right?

MR. PIERCY: Yep.

CHAIRMAN BLACK: Go ahead.

MR. PIERCY: Seventh criteria. "The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties. The Planning Commission finds that there will be no impact to irrigation deliveries."

CHAIRMAN BLACK: Right.

COMMISSIONER CLARK: It should be "will not."

MR. PIERCY: We okay with that?

COMMISSIONER McClAIN: Or just "will not impact."

COMMISSIONER CLARK: "Irrigation deliveries."

MR. PIERCY: "...finds that the proposal will not impact irrigation deliveries"?
CHAIRMAN BLACK: Right.

MR. PIERCY: Take out "to."

MR. HURSON: So much pressure.

CHAIRMAN BLACK: Next. 13.

MR. PIERCY: Finding No. 13. "Pursuant to KCC 17.98.0202(E), the Planning Commission recommends denial of the zone change of the project site from the existing Forest and Range and Agricultural-20 zone to Wind Farm Resource Overlay zoning with a 5-0 decision."

CHAIRMAN BLACK: Okay.

MR. HURSON: Darrell, it's not changing it from Forest and Range and 20; it's overlaying. So it should be a zone overlay.

CHAIRMAN BLACK: Wind Farm Resource Overlay?

MR. HURSON: It would be a zone overlay.

MR. PIERCY: Okay. Let's do that.

CHAIRMAN BLACK: Correct it, then.

MR. HURSON: So overlay of the project -- yeah.

MR. PIERCY: Okay.

CHAIRMAN BLACK: Okay.

MR. PIERCY: Finding 14. "A development agreement is required to be processed concurrently with the rezone and comprehensive
plan change request. Because the Planning Commission recommendation is for denial of the project, the Planning Commission did not specifically address the proposed draft development agreement. The Planning Commission voted to forward the proposed development agreement to the Board of County Commissioners with no recommendation."

CHAIRMAN BLACK: Did you want to put "a 5-0 vote" on that? I believe that's what it was.

MR. PIERCY: "A 5-0 vote." Would it be "by" or "with"?

CHAIRMAN BLACK: What did you say up there before? "With a 5-0 vote."

MR. PIERCY: Just to be consistent. Okay.

CHAIRMAN BLACK: Okay.

MR. PIERCY: Finding No. 15. "There was public testimony both in favor and in opposition to the project."

CHAIRMAN BLACK: Correct.

MR. PIERCY: Finding No. 16. "The project proposal is not compatible with surrounding land use in this area of the county."

COMMISSIONER McClAIN: Should "county" be capitalized again?
CHAIRMAN BLACK: Okay.

MR. PIERCY: Finding No. 17. "The project as presented was not compatible with the comprehensive plan, zoning code, and utility ordinance."

CHAIRMAN BLACK: Okay.

MR. PIERCY: And Finding No. 18. "The Planning Commission unanimously recommends that the Board of County Commissioners deny the Kittitas Valley Wind Power Project proposal in its entirety." And again "with a vote of 5-0."

CHAIRMAN BLACK: Right.

MR. PIERCY: And if we could spell out "Board of County Commissioners" I think that would be appropriate.

CHAIRMAN BLACK: Or at least the "Board of County Commissioners, BOCC" would be fine.

Okay. Gentlemen, with that we need a motion to approve the --

Or are there any additional findings of fact that you want to add? Okay.

We need a motion to --

MR. HURSON: Do you want to go over it again?

CHAIRMAN BLACK: Pardon me?
We need a motion to approve the findings of fact.

COMMISSIONER CLARK: I so move.

CHAIRMAN BLACK: Is there a second?

COMMISSIONER WILLIAMSON: Seconded.

CHAIRMAN BLACK: It's been moved and seconded that we pass forward to the Board of County Commissioners the Kittitas Valley Wind Power Project -- I think it's Z-05-22 -- and the findings of fact be passed forward.

Pardon me?

MR. HURSON: And authorizing the chair to sign on behalf of the Board.

COMMISSIONER McCLAIN: I so move.

COMMISSIONER WILLIAMSON: Seconded.

CHAIRMAN BLACK: Okay. Fire it off.

MS. BARRET: Doug Harris?

COMMISSIONER HARRIS? Yes.

MS. BARRET: Mark McClain?

COMMISSIONER McCLAIN: Yes.

MS. BARRET: Grant Clark?

COMMISSIONER CLARK: Yes.

MS. BARRET: Don Williamson?

COMMISSIONER WILLIAMSON: Yes.

MS. BARRET: David Black?
CHAIRMAN BLACK: Yes.

And with that, that concludes the Planning Commission section of the Kittitas Valley Wind Power Project, and the findings of fact will go forward to the County Commissioners.

MR. PIERCY: Mr. Chairman, if I may, I would just like to express my thanks and appreciation to the members of the Planning Commission. This was a very complex, difficult project that involved many, many nights of testimony and literally hundreds of people providing that testimony, and I would like to congratulate you on the manner in which you conducted yourselves in the hearing and the process which you undertook, and it was a pleasure to be part of this process. Thank you.

CHAIRMAN BLACK: I think that from our standpoint, or at least my standpoint, I think that the matrix that was provided to us by your staff was helpful and brought us -- kept us on point, I think, on most cases. So it was really very helpful, and I hope that we see more of those types of things.

MR. PIERCY: Good, thank you for that feedback; we appreciate that.
CHAIRMAN BLACK: With that we're adjourned.

(The proceeding was adjourned at 6:55 p.m.)
CERTIFICATE

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

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