

IN THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITTITAS

_____)
_____)
KITTITAS COUNTY BOARD OF COUNTY _____)
COMMISSIONERS _____)
SPECIAL MEETING RE KITTITAS VALLEY _____)
WIND POWER PROJECT _____)
_____)

VERBATIM TRANSCRIPT OF PROCEEDINGS

Thursday, April 27, 2006
6:00 p.m.

512 North Poplar Street
Ellensburg, Washington

HEARING BEFORE THE KITTITAS COUNTY
BOARD OF COUNTY COMMISSIONERS

REPORTED BY:

Deanna Shoemaker, CCR,
License No. 2607

1 APPEARANCES:

2 KITTITAS COUNTY BOARD OF COUNTY COMMISSIONERS:
3 COMMISSIONER DAVID BOWEN, Chairman
4 COMMISSIONER ALAN CRANKOVICH
5 COMMISSIONER PERRY HUSTON

6 STAFF:

7 DARRYL PIERCY, Director
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 BE IT REMEMBERED that on Thursday, April 27,
2 2006, commencing at the hour of 6:00 p.m.
3 thereof, at 512 North Poplar Street, Ellensburg,
4 Washington, before me, Deanna Shoemaker, a
5 Certified Court Reporter and Notary Public, CCR
6 License Number 2607,

7 THE FOLLOWING PROCEEDINGS TRANSPIRED:

8 --oo0oo--

9 CHAIRMAN BOWEN:

10 It is six o'clock p.m., April 27th,
11 2006. We are Kittitas in the Home Arts Building;
12 we're here to consider the Kittitas County
13 DEIS-212 submitted by Sagebrush Horizon for
14 siting of 80 winter turbines and associated
15 utilities at the site located approximately 12
16 miles northwest of the City of Ellensburg.

17 Our last hearing we decided to go and do
18 some site visits. And what I'd like to do is go
19 down the table and make sure my seat mates are
20 somewhat on the same page with me. What I
21 expected to do was go through Declarations and
22 then do our site visit reports, get a staff
23 report, and any comments from the Proponent, and
24 then go from there.

25 Is that reasonable or suggestions from the

1 Board?

2 COMMISSIONER HUSTON:

3 I assume, Mr. Chairman, when you talk with
4 about Declarations, you intend to include the
5 site visit report in that. If that was your
6 intention, I might suggest that we present people
7 who might have an objection to whatever we've
8 done and voice it all at that one time.

9 CHAIRMAN BOWEN:

10 Okay, so individuals go through our
11 site visit reports during Declarations. And it
12 looks like Commissioner Crankovich's microphone
13 may not be functioning.

14 Is that all right, Mr. Crankovich?.

15 COMMISSIONER CRANKOVICH:

16 Yes, that's fine.

17 CHAIRMAN BOWEN:

18 Okay. With that, then, I'm going to
19 the Declarations.

20 And, then, at the site visit, I don't
21 believe I spoke with anyone for maybe Mike
22 Johnston; but I don't even remember that at this
23 point, to be honest. And if I did, this was all
24 in the newspapers; so you all read what I had to
25 say.

1 On the site visit itself, Deputy Prosecutor
2 Hurson went with me; and we got down there, I
3 believe, right around five o'clock; went out on
4 the site, followed -- her first name Anne; I
5 can't think of her last name right now -- Walsh
6 out to the site. And we took our measuring wheel
7 and started walking. We did about three miles'
8 worth of wandering around, trying to get an idea
9 of what it looks like at 500 feet; 1000 feet;
10 1,500 feet; on out to 2500 feet.

11 And we also did some odometer measurements,
12 as well, driving out toward some of the towers,
13 some of the towers out to about six-tenths of a
14 mile. We did these measurements in two separate
15 areas: The first one had two towers at it, and
16 we went off kind of to the side of those to get a
17 side angle view of them. Also later on we went
18 to that a place where there were kind between
19 rows of towers, six I think in one and maybe
20 seven in the other. And we did some measurements
21 there.

22 At the time of day that we were out there
23 until probably seven o'clock or so doing our
24 measurements and wandering around so we got
25 experience the shadow flicker; turbines were

1 turning with the wind, probably about ten miles
2 an hour or so. I heard the noise while I was
3 there, and so I got a pretty good feel what it
4 sounds like being around the wind farm on a
5 lighter winds day and didn't experienced the 30
6 miles an hour winds but probably ten to fifteen
7 gusts type thing.

8 Went back into town, waited until dark, came
9 back out about 8:30, 8:45, and got an idea of
10 what the lights down there look like. And I'm
11 told that the ones that are proposed here would
12 be synchronized, which I will ask later obviously
13 a description of what that looks like. And did
14 ask Deputy Prosecutor Hurston to look into that
15 for me, but I have not heard a report from him on
16 that. So I'm assuming he will either gave it to
17 me here or you all will give me an idea from the
18 Proponent today. And then drove back. And
19 learned a lot about Deputy Prosecutor Hurston but
20 didn't talk much about anything else.

21 So with those Declarations, is there anyone
22 here who wishes to object to my continued sitting
23 on hearing on issue? Seeing no one --

24 Do you intend to object, or do you have a
25 comment?

1 AUDIENCE MEMBER:

2 A question. Where did you see the
3 turbines?

4 CHAIRMAN BOWEN:

5 Oh, I'm sorry; went down to Dayton,
6 which is 30 miles to the east of Walla Walla.
7 And somebody will have to help me with the name
8 of Uptines Ridge. (Phonetic) With that, anyone
9 wishing to my object to my continued sitting in
10 hearing this issue?

11 Seeing none, Commissioner Crankovich.

12 COMMISSIONER CRANKOVICH:

13 Thank you Mr. Chairman.

14 I'll start out with a local Declarations,
15 just procedural questions for Director Piercy and
16 Mr. Hurson, the information that was given to us
17 from the Applicant, and the verbatim transcript.

18 And I'll start out with the April 13th
19 email from Director Piercy with contact
20 information for the Hopkins Ridge wind power
21 project in Dayton. And that project is owned by
22 PSE.

23 Contacted PSE office in Dayton on Monday the
24 17th to set an appointment. I outlined my
25 requirements for the tour, detailing that I

1 wanted to visit the site but received no comments
2 about the project unless I asked specification
3 questions. And they agreed to those terms.

4 I did go alone; I avoided any temptation to
5 talk to anybody. And being alone all day in the
6 pickup is about, you know, it's as limited as you
7 can get. And so the only contact I had was when
8 I got my first contact was with the PSE office at
9 Dayton, who informed me my contact Anne Walsh was
10 already at the site. And I was given a map and
11 directions to the project. I left the office
12 approximately 1:15 for the operations and
13 maintenance facility, which is about 12 miles
14 from town.

15 The first thing I noticed going out there is
16 that it's five miles off a State highway. And
17 the first impression that I got when I saw a
18 turbine close was the massive size. I signed in
19 at the office at 1:40; I met with Anne Walsh. I
20 again stated out loud my requirements and got a
21 walking tour approximately mile, mile and-a-half
22 from the office. I took measurements with a
23 laser range finder, and it's measured in yards
24 and I can bring it up to feet.

25 I took several random ones and several

1 specific ones. It was documented where 450 feet,
2 750 feet, a thousand feet, 1320 feet, 2000 feet,
3 and then other random ones about.

4 The questions that I asked her were:
5 How tall were the turbines, and she referenced 35
6 stories. I asked how many were in the project;
7 she said 83. I asked about the closest home
8 within the project, and it is approximately
9 one-half mile.

10 And I asked her about the lights on the
11 turbines, and she referenced that at that site
12 every other turbine has a light. They are white
13 strobe during the day that turns to red at night.

14 One comment I made as I got in close
15 proximity to a turbine is that the blade was
16 turning very slowly and that we held a
17 conversation from within about a hundred feet.
18 And, you know, it was relatively quiet. I asked
19 her about the speed of the blade compared to
20 others farther away, and she explained that the
21 one that we were at was not turning fast enough
22 to generate electricity but the ones farther away
23 were. So I made a note of that.

24 And as far as the lighting, she referenced
25 that in the near future they may be removing some

1 of the lights per the updated FAA rules at their
2 site.

3 I returned to the operations and maintenance
4 building and I asked her how far it was from the
5 nearest turbine that we walked to, and we looked
6 on the project map, and it was approximately
7 three-quarters of a mile.

8 Later on I asked permission to drive
9 and walk to other areas, which permission was
10 granted. And I signed out at 2:45 p.m.

11 The next several hours I spent driving and
12 walking to other areas. I took random
13 measurements with the laser range finder, some
14 notes that I made were that the closest
15 nonproject home that I could find was
16 approximately a quarter of a mile; others were in
17 the half mile to three-quarter mile range.

18 I listened to noise in various locations at
19 various distances. The closest one to the county
20 road which borders the project that I could find
21 was approximately 180 yards. I found one row of
22 six turbines and took measurements, and they were
23 running southeast to northwest. And the
24 measurements were 780 feet; 1266 feet; 1764;
25 2,232; and 2,778. And the last one my range

1 finder couldn't measure; it was too far.

2 I stayed out until I was able to measure a
3 good -- experience and measured a good shadow
4 flicker. Using my range finder again, I measured
5 it out to approximately 1,500 feet where there
6 was a noticable shadow effect.

7 I left the site at approximately 7:30 with
8 the idea that on my way back that there is a --
9 there are projects just to the south of the
10 Tri-Cities and I would see the lights at that
11 point, which when I went through the Tri-Cities,
12 it was dark. And I saw the flashing lighting on
13 the turbines just to the south. Some other
14 random things is, I watched farm machinery
15 working in close proximity to the the turbines;
16 and I saw various game animals, either on or just
17 adjacent to the project area; that being deer,
18 elk, turkeys in close proximity.

19 And I returned home at about nearly eleven
20 o'clock. So other than that, that was my day in
21 Dayton.

22 CHAIRMAN BOWEN:

23 Hearing those Declarations of
24 Commissioner Crankovich, is there anyone wishing
25 to object to his continued sitting on hearing on

1 this issue?

2 Seeing no one wishing to object, he
3 will be.

4 Now, let's see; I went last Friday. I was
5 accompanied by John Valencia, the project
6 planner, and Amanda Weed, who is the
7 administrative assistant for CDS. We were met at
8 the PSE office by Anne Walsh, which is the same
9 project outside of Dayton. She gave the driver a
10 project map and in a separate vehicle took us
11 through the gate on to the project area.

12 I took a variety of measurements; I too used
13 a laser range finder. My measurements ranged
14 from 600 to 4,000 feet during the course of the
15 time we were up there. There was no conversation
16 with Ms. Walsh or, for that matter, my two fellow
17 County employees.

18 There were only two questions that were
19 asked and answered. One was the number of
20 turbines, and answer was consistent with the
21 information they had declared. And how many had
22 lights on them, which was about half one, so 83.
23 And that's just about half, I believe, the number
24 of lights.

25 The tower heights were 351 feet to the top

1 of the rotor. Ms. Walsh at that point -- I did
2 not ask her title; I do not know her title or I'd
3 offer that to you. But at any rate, she was
4 apparently an employee of the company and drove a
5 fleet little pickup with a logo on the front.

6 She then left and we, the three of us,
7 remaining went through a variety of county roads
8 and looked to the project from the angle that we
9 could find in terms of the county roads adjacent
10 to the project area.

11 We did go back to town and waited until it
12 was dusk and went back up to the project area.
13 We were in there until after dark and then came
14 back.

15 There was no discussion down, no discussion
16 back. Again, no discussion from Ms. Walsh other
17 than the two questions she gave in answer.

18 Let me look and make sure I haven't
19 forgotten something. Well, I guess we arrived in
20 Dayton at 3:45 in the afternoon; and, then, we
21 returned back approximately 9:25. We can start
22 with that. I think that's the highlight. Other
23 than that, the discussion -- the only
24 discussion - I've had with anybody was with
25 Hurston, Jim Hurston, Civil Prosecutor. And that

1 was to explain that I had not yet received this,
2 which I now have, which is the letter dated
3 April 25th from Horizon. (Indicating.) And I
4 believe that's it.

5 CHAIRMAN BOWEN:

6 Thank you.

7 Hearing the Declaration of the Commissioner
8 Huston, is there anyone wishing to object to his
9 continued sitting in hearing in this issue?

10 Seeing see no one wishing to object, 1 the
11 commissioners remain seated.

12 Staff report, anybody have anything they
13 want to add at this point or discuss?

14 DIRECTOR PIERCY:

15 Mr. Chairman, if I may, for the record,
16 Darryl Piercy, Director of Community Development
17 Services, I think we should have in the record
18 that we did have a study session, the normal
19 Monday study session, on the 17th at Commun
20 Development Services. There is an agenda item on
21 that study session that included discussion
22 regarding arrangements for the trip to Dayton.
23 We did discuss with the commissioner at that time
24 the arrangements for staff to accompany the
25 commissioners and just discuss the times when

1 that would happen. There was no other discussion
2 that took place as a result of that CDS study
3 session.

4 CHAIRMAN BOWEN:

5 Thank you.

6 I think we should also identify for the
7 record that we have distributed to the Board of
8 County Commissioners two documents.

9 One was mailed directly to the Board; it was
10 dated April 25th, 2006, addressed to the Kittitas
11 County Board of Commissioners; it ws from Horizon
12 Winds Energy, and it's a response to some of the
13 issues that were raised by the commissioners at
14 the last public hearing.

15 And also provided or have been provided to
16 the Board of County Commissioners a verbatim
17 transcript of the hearing of April 12th, 2006, in
18 this room. It was last public hearing in regards
19 to this issue. Those two documents have been
20 provided and are now considered to be part of the
21 record.

22 There has been discussion between staff and
23 horizon Winds Energy on two occasions. One was a
24 meeting that was health last Friday -- excuse
25 me -- last Thursday. That was to discuss the

1 information that was presented at the last public
2 hearing at the direction of the BOARD of County
3 Commissioner, at least a general discussion on
4 the consistency of the understanding of the
5 direction that Horizon is intending to pursue in
6 terms of providing the information.

7 Our main issue to Horizon at that time was
8 to request that any information they were
9 intending to put into the record as a result of a
10 request at the Board of County Commissioners be
11 as early as possible so that it could be reviewed
12 and identified as part of this process.

13 In addition, we had a follow-up phone call
14 today with representatives of Horizon to discuss
15 one element of the letter that was sent to the
16 Board of County Commissioners dated April 25th,
17 2006. And the discussion focused on the matrix
18 that was presented on Page 2 of that letter.
19 Staff did express concern that a number of
20 elements contained within that matrix were
21 elements that are new to the record and that they
22 had not been introduced.

23 We did request from them, application, that
24 if they had indication or evidence that those
25 items were previously contained within the

1 record, we would ask them to produce that this
2 evening. We have not as a staff been able to
3 find any reference to a number of those elements
4 in the matrix in the record and believe that this
5 is new information.

6 Okay, thank you.

7 Deputy prosecutor, anything at this point?

8 MR. HURSTON:

9 No.

10 CHAIRMAN BOWEN:

11 I guess I will call the Proponent up to go
12 through the letter that they submitted to us, as
13 well as, I guess, first maybe address the
14 question that you talked about on the phone
15 regarding the matrix and the information our
16 staff was not able to find within the current
17 record.

18 MS. ANDERSON:

19 Thank you, Mr. Chair. Erin Anderson, 200
20 East Third Street, here in Ellensburg, attorney
21 of Horizon Wind.

22 Mr. Chair and Commissioners, referencing
23 the voluminous record in front of you, the number
24 of turbines on the left-hand side of the matrix,
25 residential-slash-structure setbacks: You will

1 find reference to them at DEIS at Page 3.7-21.
2 Estimated tax revenues you will find Draft
3 Environmental Impact Statement, Page 3-7.20 --
4 actually, I believe it's 3.7-20. Property owned
5 revenue, you're find references in the Draft DIS
6 at Page 3.7-19.

7 Furthermore, April 2001, the Draft
8 Environmental Impact Statement analyzed or
9 addressed a hundred 74 turbines. You'll find
10 that reference to Alternative A at Page 2-39.
11 Furthermore, you will see reference to that at
12 the draft DIS at Figure 2-7, Pages 2 through 43.

13 January 2003 we submitted an application to
14 Kittitas County requesting approval for a hundred
15 21 turbines. That second application to Kittitas
16 County was in October of 2005, referencing 80
17 turbines. And pursuant to your request that we
18 submit written proposal for modification and
19 consideration based on your concerns, on
20 April 12th we submitted the April 25 letter
21 agreeing to cap our request to 65.

22 The residential structure setback figure
23 remains the same throughout, other than your
24 request that we submit a different proposed
25 figure and have that in the April 25 letter.

1 The estimated tax revenues, again, are
2 reference the draft DIS, Page 3.7-20. Those are
3 approximate figures extrapolated from the County
4 tax Code and the taxing criteria in Kittitas
5 County.

6 Insofar as the Development Agreement
7 conditions, they all remain the same.

8 And I trust that that answers your question.

9 I just want to hand out a few blank ones and
10 give that to you so that your frantic handwriting
11 doesn't fall behind my speech. I can give that
12 to you at the end.

13 Thank you for the opportunity to be here
14 again tonight. Following -- And I want to thank
15 the staff for the opportunity to meet with them.
16 I was not on the phone call today, but I was at
17 the meeting last week. And I appreciate the
18 opportunity to try and calibrate our thinking
19 to -- let me put it this way -- our
20 interpretation of what we heard on the 12th with
21 their interpretation of what they heard on the
22 12th because of not wishing to put words in your
23 mouth, obviously the words change.

24 We did understand, however, that we were
25 asked to submit to you a written proposal for

1 addressing the concerns that you raised and,
2 particular, the on the 12th and the transcript
3 further copiously and generated the letter that
4 we have submitted tonight.

5 As you can see from that proposal, we have
6 attempted to address how we plan to mitigate the
7 impact to the roads that we're using. We
8 certainly understand that's required. Have
9 addressed a modification to setbacks, I would
10 point out that is a over 30 percent increase in
11 those setbacks. And frankly, they resulted in
12 very, very, very few structures of
13 nonparticipating individuals impacted by the
14 number of three, maximum.

15 In the meantime, we've continued to reduce,
16 reduce, reduce, as I just explained to you, the
17 history from 174 turbines down to 65 today. That
18 was always only 37 percent of our original
19 proposal.

20 Insofar as Fire District One is concerned I
21 believe commissioner Crankovich raise dollars
22 some concerns from your chief. And we've
23 attempted to address that here.

24 As you can see, even though the Environment
25 Impact Statement and supplement analyzed first a

1 hundred 50 turbines and then up to 80, we have
2 agreed to put in the middle of no more than 65.
3 If we proceed to a Development Agreement, that
4 will give the County the authority to limit,
5 certainly this project, to 67 but also require us
6 to negotiate with the County under those terms,
7 if ever there were an expansion. But at this
8 point, we're agreeing to cap it at that. And did
9 invite that fact into the Development Agreement.

10 Insofar as the project boundary, I mean, the
11 the speaker -- I believe it was Commissioner
12 Bowen -- invited us to shrink down the subarea
13 boundary to the actual strings of turbines. And
14 as you can see, we've indicated that in here as
15 well.

16 The Draft Environmental Impact Statement
17 addresses microwave transmittals. And to the
18 extent that the project is completed, there are
19 impacts; we do a process to evaluate those during
20 construction and indicate that.

21 Insofar as shadow flicker, I call out, yet
22 again, the Draft EIS suggested off-site
23 mitigation. That is not something that Horizon
24 prepared in response to the many, many comments
25 now over -- it's been over four years we've been

1 working on this project. As you can see, we've
2 cut it down from the initial approximate a
3 hundred 74 to 37 percent, for a count of the 65.

4 We believe that we have mitigated nearly
5 every shadow flicker impact. You now have
6 experienced that your yourself; you have in
7 evidence testimony that you heard during the
8 public comments period. It is diminimus and, I
9 would submit, certainly no different than the
10 shadow flicker we are experiencing right outside
11 the building with trees, hot coals, lightening
12 storms, those kinds of things, and everything
13 else.

14 We believe we've addressed in the EIS; we
15 believe we have addressed to you. We are pulling
16 back these turbines. We're increasing the
17 setbacks. We have reduced, realigned, in order
18 to mitigate and follow that to the brink that we
19 can.

20 Insofar as turbine proximity to existing --
21 and I do note a typo; I'll take ownership of
22 that -- turbine proximity to exiting
23 nonparticipating essential structures. All
24 errors are mine and I accept that. It should
25 read "existing"; I don't know how you exit a

1 structure. But we have scaled that back
2 32 percent additional increase in the setback.

3 You have the analysis from the DIS that
4 talked about impacts from zero to half a mile,
5 half a mile to a mile. We do believe that we
6 have redesigned and removed as well as realigned
7 these turbines to mitigate those impacts. Our
8 analysis also indicates that the modified setback
9 distance really impacts one residence and two
10 cabins. At this point I will reiterate and
11 re-request that we have the opportunity to
12 negotiate the Development Agreement with Kittitas
13 County for this significantly -- significantly --
14 reduced project, still generates considerable tax
15 revenues for County, for the property owners; and
16 we have done everything we possibly can to retain
17 viability of this project being present from
18 Kittitas County, and still address the concerns
19 by agreeing re-evaluate, remit, reduce, reduce,
20 reduce. We think that we've done that.

21 And I appreciate your questions, if you have
22 them, and the opportunity in the last four years
23 to work with you on this.

24 CHAIRMAN BOWEN:

25 Any questions for Ms. Anderson at this time?

1 Thank you.

2 MS. ANDERSON:

3 Thank you.

4 CHAIRMAN BOWEN:

5 Well, gentlemen, how would we like to
6 proceed from here? I was starting to look
7 through the new EIS trying to find the
8 information that Ms. Anderson was referring to,
9 but staff can probably do that just as fast
10 without the dead air on the tape, I suppose.

11 DIRECTOR PIERCY:

12 If I may? Mr. Chairman, for the record,
13 Darryl Piercy, Director, Community Development.
14 We have been quickly along through the references
15 made by Ms. Anderson in her testimony and have
16 been unable to locate those. It might be
17 appropriate to take a five-minute break to give
18 us a chance to look at the written document, and
19 we could verify those citations.

20 CHAIRMAN BOWEN:

21 Okay. Commissioners, do you concur,
22 five-minute recess and have them take a look?

23 COMMISSIONER HUSTON:

24 To what end at this point?

25 CHAIRMAN BOWEN:

1 Well, my -- my intention is, if we've got
2 new information on the record, we go down one
3 path; if we don't have the information in the
4 record, we don't.

5 COMMISSIONER HUSTON:

6 Failure enough.

7 But I have other -- other issues, frankly,
8 that are of much greater concern to me than
9 whether or not the tax revenue projections are
10 included in the record, at this point. But, I
11 mean, we can do that, if we want to nail that
12 down, and come back to my points later.

13 Personally, I think we have a more fundamental
14 problem here to deal with.

15 So your discretion Mr. Chairman at what
16 point you'd like to deal with that.

17 CHAIRMAN BOWEN:

18 Well, if you've got some -- something you'd
19 like to get out and best to consider right now,
20 let's go ahead and do that.

21 COMMISSIONER HUSTON:

22 Fair enough.

23 The biggest concern that I have is at this
24 point is that I don't have what I asked for,
25 which was a current, updated draft of the

1 Development Agreement. I have a letter that
2 certainly explains why I'm wrong on a couple of
3 points and -- and tells me the things you
4 probably would include in a new draft Development
5 Agreement, but that's not exactly the same thing.

6 And I'll confess; I find that somewhat
7 disappointing at this point, when we're dealing
8 with projects that will have impacts, good or
9 bad -- you identified them as well -- for a lot
10 of people for many years to come. And I don't
11 think an accurate Development Agreement is too
12 much to ask so that we can begin -- you use the
13 word "negotiation", fair enough, on what those
14 terms might be and whether they in fact do
15 mitigate the impacts that we have identified.

16 And I guess, in terms of discussion, and I
17 still challenge from up here is how it's been
18 characterized the impact in terms of proximity of
19 the towers to adjacent property owners. Mostly I
20 see, essentially, a plausible liability that the
21 information that I relied upon in my discussion
22 and at least preliminary decision making is now
23 proposed by the offsets independent consultant,
24 not by Horizon. So I don't know exactly what
25 that means or why that's relevant.

1 It was identified as an impact and
2 mitigation was proposed, which was embraced,
3 however reluctantly. And I have indicated at
4 this point that was not sufficient, and I would
5 have expected to have either something relevant
6 to the fact as to why it is sufficient or
7 something proposed with some accompanying
8 information as to why that might be. The term
9 "negotiation", while I recognize is probably no
10 better a term, this is not a matter of proposing
11 10,000 feet, 1,000 feet and agreeing on something
12 in between. It needs to be substantiated in some
13 way, in terms of whether it does what we're
14 asking it to do.

15 Now, the whole purpose of the site visit, at
16 least my perspective, was to try to get some sort
17 of perception as to specific to the proximity and
18 size of the towers to the impacts that I as a
19 walking human being might experience. I don't
20 have what I asked for. And I guess I'm at
21 something of a loss to determine how to proceed
22 this evening. As we've identified in past
23 discussions, it is, by any definition, multi-
24 million dollar project. And a little more
25 attention to detail, I guess is what I would --

1 would hope to see.

2 I want to see a tidied-up Development
3 Agreement that doesn't speak to left-hand turn
4 lanes on the Vantage Highway and all sorts of
5 other things. I don't want it cut and paste for
6 wile horses. I want a new, clean Development
7 Agreement that the representatives of Horizon are
8 prepared to stand in front of me and say, We will
9 do everything, everything without exception that
10 is in this draft. Not promise that you'll talk
11 about doing some things in the future. Tell me
12 what you are prepared to do, should that
13 Development Agreement be signed. And, then, the
14 monitoring, of course, may speak to future
15 things. But there needs to be some specifics to
16 that as well. That's what I need. I'm not
17 prepared, Mr. Chairman, to go through this letter
18 and debate whether the promises to make a better
19 Development Agreement are accurate or not. I'm
20 sorry; I need a little more effort than that. I
21 want to work from the Development Agreement, and
22 I want to work from a Development Agreement that
23 is accurate and up to date to this exact moment
24 is what I'm looking for.

25 CHAIRMAN BOWEN:

1 Thank you.

2 Mr. Crankovich, any comments?

3 COMMISSIONER CRANKOVICH:

4 Well, Mr. Chairman, I wasn't sure when to
5 bring that up; but I do, as you see in the
6 verbatim transcript, have it, highlighted and
7 earmarked, Commission Huston's request that the
8 Proponent be given the opportunity to come back
9 with an Amended Development Agreement that speaks
10 to the concerns. And this letter is not a
11 Development Agreement, draft or otherwise. I
12 mean, it kind of addresss the concerns that were
13 raised; but I believe he was very clear of what
14 the expectations were. And I guess that's what I
15 was also looking for, and I was kind of surprised
16 that we didn't get it; we just got, like I say,
17 this letter. So yeah, I don't think we have
18 anything to work with right now, to be honest
19 with you.

20 CHAIRMAN BOWEN:

21 Okay. Well with that all said, we've got
22 some homework for staff to look through, at least
23 what we consider may be new information; and we
24 did have a very clear, obviously by the
25 transcript here; and that's highlighted next to

1 me. I don't know if "request" is the right word
2 but demand for an up dated Development Agreement.
3 So at this point, it sounds like my two seat
4 mates are ready to continue this hearing to a
5 different date until we have that, unless I heard
6 you wrong.

7 COMMISSIONER HUSTON:

8 My predisposition at this point,
9 Mr. Chairman, is, before I -- again, I'll use the
10 word "negotiate" -- before I negotiate a
11 Development Agreement, I want an accurate draft
12 in front of me as of April 27th, after 6 p.m.

13 In terms of new the record and no, I
14 recognize as legal issues where that's
15 concerning, it could lead to the discussion as
16 whether we need to go back out for testimony and
17 that's fine.

18 But a new Development Agreement will also
19 lend itself to that same discussion. So I'm not
20 sure that figuring one out in isolation with the
21 others is necessarily efficient in terms of use
22 of time.

23 I think at this point what -- what I need is
24 for, certainly if staff needs to research those
25 other items, that's fine and then indicate

1 whether those are -- are flaws in terms of the
2 record. But in terms of my being able to do any
3 productive work, I want a good Development
4 Agreement from you. And I defer to the Proponent
5 when they can be prepared to provide that and
6 then continue to that point.

7 CHAIRMAN BOWEN:

8 Thank you.

9 The Proponent have any suggestioned time
10 frame we could do so that?

11 MR. PECK:

12 Can we talk just a second?

13 CHAIRMAN BOWEN:

14 Sure. We'll take five minutes.)

15 (A brief recess was
16 taken.)

17 CHAIRMAN BOWEN:

18 Okay, Ms. Anderson, are you the spokesperson
19 at this point?

20 MS. ANDERSON:

21 I am, Mr. Chair. Thank you again for the
22 opportunity to speak in here on behalf of the
23 people I represent.

24 Monday, we'll be here Monday. Or we'll be
25 Tuesday, Wednesday, Thursday, Friday. You name

1 day, we'll be here and we'll be ready.

2 I do want to put my comment on the record.
3 I poured over the transcripts many, many times.
4 We've asked staff many times to discuss
5 development to the extent I misunderstood the
6 single reference to a new Development Agreement.
7 Because I have a transcript, I apologize for
8 that. But I also urge you to recall that we also
9 met with your staff to try and figure out, were
10 we understanding; because we didn't want to be
11 here and come back any more than you did. I
12 apologize for that misunderstanding, but we
13 certainly tried to get the update that you
14 wanted, not extrapolating out of thin air but
15 asking staff.

16 We thought we would doing that; we do
17 believe that we have addressed the issues of
18 major concern.

19 I will put them in a revised Development
20 Agreement and be here and ready to go Monday.

21 Commissioner Huston, I hope that answers
22 your question. I apologize for that if I
23 misunderstood. We do remain willing to talk to
24 your staff about Development Agreement issues as
25 well, as we have in the past. There's two weeks

1 that there was a cut-and-paste; we also
2 understood that that was template that we were to
3 use. And I have owned up to my mistakes. But I
4 will also own up to some of the direction that we
5 get from Staff. That's why these nights he are
6 so important: because we get it directly from
7 the horse's mouth, as it were. So from the
8 horse's mouth, we will put these issues into an
9 amended Development Agreement and be ready
10 whenever you are. You name the date and I'll be
11 here.

12 CHAIRMAN BOWEN:

13 Okay, and thank you.

14 And sitting here reviewing my schedule and
15 what I have in front me, it looks like it would
16 be Wednesday, May 3rd, unless Commissioner Huston
17 has something that evening. I haven't had a
18 chance to ask him.

19 COMMISSIONER HUSTON:

20 I can't think of anything.

21 CHAIRMAN BOWEN:

22 Okay, Wednesday, May 3rd, 6:00 p.m., same
23 place. With that, then, we can move to continue
24 this public hearing to Wednesday, May 3rd,
25 6:00 p.m. Here at the Kittitas County Fairgrounds

1 Home and Arts building.

2 COMMISSIONER, HUSTON: So moved.

3 COMMISSIONER CRANKOVICH: Second.

4 CHAIRMAN BOWEN:

5 Okay, it's been Moved and Seconded to
6 continue this public hearing to Wednesday,
7 May 3rd, 2006, 6:00 p.m., Kittitas County
8 Fairgrounds Home Arts building.

9 Any discussion to the Motion?

10 Hearing none, all those in favor indicate by
11 saying Aye. I too vote Aye; the Motion carries.

12 Thank you.

13 (WHEREUPON, The HEARING WAS ADJOURNED at 6:50 P.M.)

C E R T I F I C A T E

STATE OF WASHINGTON)
COUNTY OF KITTITAS)

I, the undersigned Certified Court Reporter,
licensed in the State of Washington, and as a Notary
Public in and for the State of Washington, DO HEREBY
CERTIFY: that said proceeding was taken
Stenographically by me to the best of my ability and
was thereafter transcribed under my direction; that
the same is a full, true, and correct record of the
proceeding;

I further certify that I am not financially
interested in the outcome.

I FURTHER ADVISE that, as a matter of policy, the
electronically-stored Stenographic notes of this
transcript will be destroyed seven years from the date
appearing on the Certificate unless notice is received
from any party or counsel before the said date.

IN WITNESS WHEREOF, I have hereunto set my hand.

this _____ day of _____.

Deanna Shoemaker, Certified Court Reporter and
Notary Public, in and for the State of
Washington, Yakima County.
CCR License No. 2607