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Mr. Darrel Piercy, Director  
Community Development Services  
411 N. Ruby, Suite 1  
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March 15, 2006

RE: Kittitas Valley Wind Power Project Development Agreement  
Applicant pre-filed reply materials

Dear Darryl,

Further to your suggestion that the applicant Sagebrush Power Partners make its best effort to submit materials by March 15, 2006, well in advance of the BOCC's reconvened hearing on March 29, 2006, and in keeping with Commissioner Huston's public comment to the same effect, attached you will please find several items that I ask be provided to the BOCC and made available in our KVWPP application file for public review.

Specifically, we have attempted to limit our materials to those issues raised in the prior Planning Commission hearings and, to the extent necessary, to the Findings and Conclusions of the Planning Commission. You will see that we have submitted a matrix which includes those Planning Commission Findings to which we are making a rebuttal, with a reference to each place in the record where we believe the evidence addresses the concern raised by each particular finding. To avoid having to repeat much of the information that the BOCC already has in its hard-copy record, such as the Development Activities Application and the proponent's proposed Findings submitted before the end of 2005, and also to avoid repeating live testimony that the BOCC was present to hear personally during the joint hearings, we have not included copies of those materials here.

We have also provided a technical memorandum from P. Barton DeLacy, Director of Litigation Support and Dispute Analysis at Cushman & Wakefield, responding to the Planning Commission's Findings related to property values. Mr. DeLacy spoke at the public hearing and his qualifications are included with those materials.

It remains our understanding that, in the interest of maintaining an expeditious process, new testimony will be limited to new issues or clarification of information raised at the Planning Commission hearings and related to their findings. With respect to the March 29 hearing agenda, and based on our prior conversation, it is also our understanding that Horizon Wind Energy will present a statement at the beginning of the hearing before testimony by the general public and will have an opportunity to present rebuttal testimony at the end of public testimony.

Please advise immediately if the foregoing is not in conformity with your understanding about these procedures as explained to us.

Very truly yours,

Horizon Wind Energy

  
Erin E. Anderson

cc: Chris Taylor  
Dana Peck  
Joy Potter  
Joanna Valencia

**KITTITAS VALLEY WIND POWER PROJECT**  
**Applicant Response to Planning Commission Recommendation**  
 March 15, 2006

	<b>Planning Commission Findings</b>	<b>Horizon Rebuttal/Analysis</b>
9	<p><i>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 neighborhood/area. 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 home sites. 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.</i></p>	<p>KVWPP Proposed Findings and Conclusions          Exhibit 10 Report of DeLacy          Exhibit 11 Report of Priestley          Exhibit 12 Report of Baker/Bastasch          Exhibit 13 Report of Kammen          Exhibit 14 Report of Bernay          Exhibit 15 Report of Nielson          Exhibit 18 Addendum to DEIS              Section 2 pages 2-1 thru 2-8              Section 3.2 pages 3-1 thru 3-43              Section 3.6 page 3-12                  Tower Size pages 2-1 thru 2-7                  Safety pages 2-11 thru 2-12                  Lighting page 2-13                  Environment pages 3-1 thru 3-6                  Noise pages 3-31 thru 3-42                  Visual pages 3-17 thru 3-26                  Shadow Flicker 3-7 thru 3-11                  Cumulative Impacts 3-42 thru 3-43          Exhibit 19 Dev. Activities Application              Rezone App pages 14-17              App. For Dev. page 3              Comp Plan Amend pages 6-8          Exhibit 20 Development Agreement              SEPA pages 8-13 of 42              SEPA pages 15-42 of 42</p> <p>KV Verbatim Transcripts of Proceedings          Priestley 1/20/06 pages 58 thru 67          DeLacy 1/10/06 pages 67 thru 83          Bastasch 1/10/06 pages 84 thru 87          Bernay 1/10/06 pages 87 thru 94          Young 1/10/06 pages 99 thru 110          Bernice Best 1/11/06 pages 95 thru 101          Mike Genson 1/12/06 pages 12 thru 20          Howard Mitchell 1/12/06 pages 24 thru 27          Milt Johnston 1/12/06 pages 87 thru 89          Louise Genson 1/12/06 pages 129 thru 133          Noel Andrew 1/12/06 pages 146 thru 150</p> <p>CDS Staff Report 1/10/06          Conclusions pages 19 thru 26</p>

10	<p><i>The proposed use at this 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.</i></p>	<p>KVWPP Proposed Findings and Conclusions  Exhibit 10 – DeLacy Report  Exhibit 10a – Curriculum Vitae for DeLacy  Exhibit 19 Dev. Activities Application  Rezone App. pages 17-18 of 19</p> <p>KV Verbatim Transcripts of Proceedings  Mike Genson 1/12/06 pages 12 thru 20  Ed Garrett 1/12/06 pages 119 thru 123  Louise Genson 1/12/06 pages 129 thru 133</p> <p>CDS Staff Report 1/10/06  Pages 17-18 of 26</p>
11	<p><i>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 1,000 foot setbacks are inadequate in order to address impacts on homes and land parcels adjacent to the project.</i></p>	<p>KVWPP Proposed Findings and Conclusions  Exhibit 10 Report of DeLacy  Exhibit 11 Report of Priestley  Exhibit 12 Report of Baker/Bastasch  Exhibit 13 Report of Kammen  Exhibit 14 Report of Bernay  Exhibit 15 Report of Nielson  Exhibit 18 Addendum to DEIS  Section 2 pages 2-1 thru 2-8  Section 3.2 pages 3-1 thru 3-43  Section 3.6 page 3-12  Tower Size pages 2-1 thru 2-7  Safety pages 2-11 thru 2-12  Lighting page 2-13  Environment pages 3-1 thru 3-6  Noise pages 3-31 thru 3-42  Visual pages 3-17 thru 3-26  Shadow Flicker 3-7 thru 3-11  Cumulative Impacts 3-42 thru 3-43  Exhibit 20 Development Agreement  SEPA pages 27-30 of 42</p> <p>KV Verbatim Transcripts of Proceedings  Priestley 1/20/06 pages 58 thru 67  DeLacy 1/10/06 pages 67 thru 83  Bastasch 1/10/06 pages 84 thru 87  Bernay 1/10/06 pages 87 thru 94  Young 1/10/06 pages 99 thru 110  Bernice Best 1/11/06 pages 95 thru 101  Mike Genson 1/12/06 pages 12 thru 20  Howard Mitchell 1/12/06 pages 24 thru 27  Milt Johnston 1/12/06 pages 87 thru 89  Louise Genson 1/12/06 pages 129 thru 133  Noel Andrew 1/12/06 pages 146 thru 150</p> <p>CDS Staff Report 1/10/06  Conclusions pages 19 thru 2</p> <p>No evidence was presented of “islands” within this project.</p>

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:	
12a	<i>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.</i>	<p>KVWPP Proposed Findings and Conclusions  Section 2 pages 2-1 thru 2-14  Exhibit 19 Dev. Activities Application  Comp Plan Amend pages 5-8</p> <p>CDS Staff Report 1/10/06  Page 2 of 26.  Conclusions pages 19-20 of 26</p> <p>CDS Staff Presentation 1/10/06  PPT Slide No.10</p>
12b	<i>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 would be in close proximity to existing homes in the area.</i>	<p>KVWPP Proposed Findings and Conclusions  Exhibit 10 Report of DeLacy  Exhibit 11 Report of Priestley  Exhibit 12 Report of Baker/Bastasch  Exhibit 13 Report of Kammen  Exhibit 14 Report of Bernay  Exhibit 15 Report of Nielson  Exhibit 18 Addendum to DEIS  Section 2 pages 2-1 thru 2-8  Section 3.2 pages 3-1 thru 3-43  Section 3.6 page 3-12  Tower Size pages 2-1 thru 2-7  Safety pages 2-11 thru 2-12  Lighting page 2-13  Environment pages 3-1 thru 3-6  Noise pages 3-31 thru 3-42  Visual pages 3-17 thru 3-26  Shadow Flicker 3-7 thru 3-11  Cumulative Impacts 3-42 thru 3-43  Exhibit 19 Dev. Activities Application  Rezone App. pages 16-17 of 19  App for Dev. page 3  Exhibit 20 Development Agreement  SEPA pages 15-42 of 42</p> <p>KV Verbatim Transcripts of Proceedings  Priestley 1/20/06 pages 58 thru 67  DeLacy 1/10/06 pages 67 thru 83  Bastasch 1/10/06 pages 84 thru 87  Bernay 1/10/06 pages 87 thru 94  Young 1/10/06 pages 99 thru 110  Bernice Best 1/11/06 pages 95 thru 101  Mike Genson 1/12/06 pages 12 thru 20  Howard Mitchell 1/12/06 pages 24 thru 27  Milt Johnston 1/12/06 pages 87 thru 89  Louise Genson 1/12/06 pages 129 thru 133  Noel Andrew 1/12/06 pages 146 thru 150</p> <p>CDS Staff Report 1/10/06  Conclusions pages 19-26 of 26</p>

12c	<p><i>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 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.</i></p>	<p>KVWPP Proposed Findings and Conclusions  Exhibit 10 Report of DeLacy  Exhibit 11 Report of Priestley  Exhibit 12 Report of Baker/Bastasch  Exhibit 13 Report of Kammen  Exhibit 14 Report of Bernay  Exhibit 15 Report of Nielson  Exhibit 18 Addendum to DEIS  Section 2 pages 2-1 thru 2-8  Section 3.2 pages 3-1 thru 3-43  Section 3.6 Page 3-12  Tower Size pages 2-1 thru 2-7  Safety pages 2-11 thru 2-12  Lighting page 2-13  Environment pages 3-1 thru 3-6  Noise pages 3-31 thru 3-42  Visual pages 3-17 thru 3-26  Shadow Flicker 3-7 thru 3-11  Cumulative Impacts 3-42 thru 3-43  Exhibit 19 Dev. Activities Application  Rezone App. pages 17-18 of 19</p> <p>KV Verbatim Transcripts of Proceedings  Priestley 1/20/06 pages 58 thru 67  DeLacy 1/10/06 pages 67 thru 83  Bastasch 1/10/06 pages 84 thru 87  Bernay 1/10/06 pages 87 thru 94  Young 1/10/06 pages 99 thru 110  Bernice Best 1/11/06 pages 95 thru 101  Mike Genson 1/12/06 pages 12 thru 20  Howard Mitchell 1/12/06 pages 24 thru 27  Milt Johnston 1/12/06 pages 87 thru 89  Louise Genson 1/12/06 pages 129 thru 133  Noel Andrew 1/12/06 pages 146 thru 150  DJ Evans 1/12/06 pages 67 thru 73</p> <p>Written Testimony  Economic Development Group  CDS received 1/03/06, log No. 225</p> <p>CDS Staff Report 1/10/06  Page 2 of 26  Conclusions pages 19-26 of 26</p>
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12d	<p><i>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.</i></p>	<p>KWPP Proposed Findings and Conclusions Exhibit 19 Dev. Activities Application Rezone App. page 17 of 19</p> <p>CDS Staff Report 1/10/06 Pages 17-18 of 26 Conclusions pages 23-24 of 26</p> <p>CDS Staff Presentation 1/10/06 PPT Slide No. 11</p>
12e	<p><i>The subject property is not suitable for development in general conformance with zoning standards for the proposed zone. The Planning Commission finds that 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.</i></p>	<p>KWPP Proposed Findings and Conclusions Exhibit 19 Dev. Activities Application Rezone App. pages 14-16 of 19 Rezone App. page 18 of 19</p> <p>KWPP Proposed Findings and Conclusions Section 2 pages 2-1 thru 2-14 Section 3 pages 3-1 thru 3-18</p> <p>CDS Staff Report 1/10/06 Pages 17-18 of 26 Conclusions page 20 of 26</p>
12f	<p><i>The proposed amendment will be materially detrimental to the use of the properties in the immediate vicinity of the subject property. The Planning Commission finds that the proposed amendment will be detrimental. The Planning Commission finds that land adjacent to the project area including the pockets and islands of property are going to be significantly affected with impacts that can not be mitigated, which will affect property rights and values.</i></p>	<p>KWPP Proposed Findings and Conclusions Exhibit 10 Report of DeLacy Exhibit 11 Report of Priestley Exhibit 12 Report of Baker/Bastasch Exhibit 13 Report of Kammen Exhibit 14 Report of Bernay Exhibit 15 Report of Nielson Exhibit 18 Addendum to DEIS Section 2 Pages 2-1 thru 2-8 Section 3.2 Pages 3-1 thru 3-43 Section 3.6 Page 3-12 Tower Size pages 2-1 thru 2-7 Safety pages 2-11 thru 2-12 Lighting page 2-13 Environment pages 3-1 thru 3-6 Noise pages 3-31 thru 3-42 Visual pages 3-17 thru 3-26 Shadow Flicker 3-7 thru 3-11 Cumulative Impacts 3-42 thru 3-43 Exhibit 19 Dev. Activities Application Rezone App. page 18 of 19</p> <p>KV Verbatim Transcripts of Proceedings Priestley 1/20/06 pages 58 thru 67 DeLacy 1/10/06 pages 67 thru 83 Bastasch 1/10/06 pages 84 thru 87 Bernay 1/10/06 pages 87 thru 94 Young 1/10/06 pages 99 thru 110 Bernice Best 1/11/06 pages 95 thru 101</p>

		Mike Genson 1/12/06 pages 12 thru 20 Howard Mitchell 1/12/06 pages 24 thru 27 Milt Johnston 1/12/06 pages 87 thru 89 Louise Genson 1/12/06 pages 129 thru 133 Noel Andrew 1/12/06 pages 146 thru 150  CDS Staff Report 1/10/06 Conclusions pages 19-26 of 26
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P. Barton DeLacy, MAI, CRE  
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## ***Technical Memorandum***

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### **Response to February 13 Findings of Kittitas County Planning Commission Related to KV Wind Power Project**

**Prepared for:** Sagebrush Power Partners, LLC  
**Prepared by:** P. Barton DeLacy, MURP, MAI, CRE, FRICS  
Cushman & Wakefield of Oregon, Inc.  
**Date:** March 13, 2006  
**File No.:** 06-34001-9144

On behalf of the Applicant, Sagebrush Power Partners, LLC, I have reviewed the Planning Commission's recommended Findings of Fact relating to property values, and offer this response. Specifically, the Planning Commission found as follows:

"10. The proposed use at this proposed location would be unreasonably detrimental to the economic welfare of the County. The applicant has failed to adequately demonstrate that property values in this 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."

In order to assess this proposed finding, I reviewed the following documents and testimony:

- Planning Commission findings of fact, conclusions of law and recommendations to Kittitas County Board of County Commissioners
- Transcripts of testimony, with supporting documents, from:
  - Ed Garrett
  - Listings submitted by Garrett on Bettas Road properties
  - Colleen Anderson
  - Roger Weaver

- o Pat Deneen
- o Louise Genson

I submitted a "Technical Memorandum," dated December 29, 2005. In my Technical Memorandum, I summarized the information, data, research and analysis supporting my opinion that the Project will have no impact on the future sales or values of undeveloped and developed properties in the vicinity of the Project. I will not repeat this information here, but ask the Board of County Commissioners to review my testimony and Technical Memorandum.

The Planning Commission's proposed findings pose several questions (1) In this area zoned for agricultural and natural resource uses, how do turbines adversely affect agricultural and natural resource extraction uses? (2) The existing zones are Forest and Range and Agriculture-20, yet the Planning Commission found that the area is an established rural recreational and residential area. (3) Does the empirical data, the comprehensive plan designations and zoning for the area, and factual evidence support the Planning Commission's proposed Findings and Conclusions?

**Response to Testimony:**

Both industry and academic studies surveyed by peer-reviewed literature coupled with emerging experience at similar wind projects elsewhere in the country have produced no valid evidence showing that proximate wind farms adversely affect property values. In fact, in many cases there is a net positive economic benefit to an area created by the construction activity, contributions to the local tax base, reduced regional power costs and local jobs to maintain the facility, over time.

Although it may be difficult to demonstrate that the proposed wind farm will *not* adversely impact property values, no transactional evidence of such was provided by opponent testimony. The testimony is contradictory in arguing that there has not been sufficient knowledge of the wind farm to enable testimony about neutral property value or listing price impacts, while also contending that knowledge of the wind farms has impaired prices, and extended property listing times.

I will respond specifically to each of the opponents:

**Mr. Garrett:** Mr. Garrett complained that the seller of the site he bought had not disclosed that a wind farm was planned for the area. At issue would be the timing of the sale and the announcement of the project. This information was not provided. Mr. Garrett expressed concern about his views being obstructed by turbines and alleged "shadow flicker" at sunset. He further testified that a now-reduced number of FAA turbine lights could impair a remotely operated observatory, although he does not acknowledge the light impacts of residential development, including vehicle headlights, porch lights, etc.

Mr. Garrett then talks about the "Horse Canyon" development. While Mr. Garrett does not discuss the location of Horse Canyon, Horse Canyon is along the northern end of Bettas Road near the proposed Kittitas Valley project where, indeed, new houses on rural residential tracts are planned or have been built, notwithstanding the proposed wind farm development in that location. Mr. Garrett then acknowledges that "...all the properties

are sold but seven. And they are going for some pretty good prices.” This observation would argue that the impending placement of the Kittitas Valley wind farm has not harmed real estate values and investment at all.

**Roger Weaver:** Roger Weaver is a local real estate broker and land speculator/developer who also spoke against the project. He objects to the project because “...this area is significantly more valuable and more pristine and closer to more significant and high-end development.” He argued that the project will obstruct the Stuart Range view shed. He then referenced the REPP study<sup>1</sup> and pointed out that none of the studied areas had home prices in the same magnitude as Kittitas Valley. However, REPP did study the Palm Springs area where there are over 3,000 turbines and yet nearby homes sell for significantly more than any in the Kittitas Valley. There is simply no evidence in Palm Springs that its value for recreation or residential purposes has been diminished by nearby wind development.

Mr. Weaver then proclaimed, “Our biggest industry, gentleman,...is real estate.” His comments about development potential seemed to conflict with his espousing the virtue of pristine open space in the KV Project area. Further, he discounted the ongoing subdivision and sale activity along Bettas Road, which will be in the vicinity of the turbines. Finally, while noting that one owner sold his property in fear of the turbines, he failed to acknowledge that someone else *bought the property*, and presented no evidence to show that the price the property was sold for was influenced, either way.

**Pat Deneen:** Mr. Deneen categorically states that the Project “will impact adjacent property values,” and contends that he purchased the Burke property without knowledge of the Project. Mr. Deneen offers no data or evidence to support his opinion.

**Colleen Anderson:** Colleen Anderson, a real estate broker with Coldwell Banker Kittitas Valley Realty, offered multiple listing data as “proof” of negative impacts. The data she presented compares days on market and average sale prices for vacant land in the affected area of the lower valley with county-wide averages. Her comparisons appear to show that areas around the wind project will sell for less and take much longer to sell on the market than county-wide averages. Generally speaking, Ms. Anderson’s testimony compares entirely separate market conditions and property attributes, and provides no meaningful data to support the Planning Commission’s proposed findings.

In fact, county-wide averages are heavily influenced by sales and listings of prime recreational property around the Suncadia Resort. In the Kittitas Valley, the local multiple listing service divides the County into an upper and lower reporting section. The upper Kittitas County includes Suncadia Resort, and the towns of Roslyn and Cle Elum. Not only is Suncadia developing recreational homesites priced above \$250,000 per lot, but many rural tracts outside the towns are being partitioned and marketed at high prices as well. These properties are generally considered superior in recreational appeal and utility to anything in the lower valley, regardless of wind farm influence. Moreover,

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<sup>1</sup> Sterzinger, George, et al., “The Effect of Wind Development on Local Property Values”, Renewable Energy Policy Project, Washington, D. C., 2003

unlike properties in the Project vicinity, these properties tend to have a full range of infrastructure and services, and compatible zoning.

The lower portion of the MLS reporting district includes Ellensburg, the town of Kittitas and the Vantage area. The northern or "upper" part of the county tends to be densely wooded and, as noted, is heavily influenced by Suncadia, Washington State's largest destination resort and its proximity to Seattle (about 100 miles east). The southerly or "lower portion" includes Bettas Road, with relatively high valued recreational homesites, but extends to the east to also include the barren, steppe-like landscapes flanking the Vantage Highway and I-90 where there is much less appeal, and where infrastructure and services are generally unavailable and expensive to extend to serve properties.

My own study of land sales activity focused exclusively on the lower valley. I found significant land sale activity in the vicinity of the proposed project, post-announcement. Further, I found that land sale values continued to show appreciation at rates equal or greater than the area average. My conclusion was that prevailing demand would continue for recreational sites, notwithstanding the project.

#### **Summary**

Other parties spoke in support of the project. As an example, Louise Genson's testimony recites sales data of properties in the vicinity of the Project, demonstrating an increase in sale prices over time. What is critical, however, is that none of the speakers claiming concern for negative real estate values presented any relevant evidence or data to show how and where values might be diminished. Based on experience at other projects around the country, and based on specific information, data and analysis we presented related to this specific area, property values are more likely to increase with further development. Even if so-called "livability" is compromised by more people and houses, property values go up.

A handwritten signature in black ink, appearing to read "J. DeLacy". The signature is stylized and cursive, with a large initial "J" and "D".