

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE

NO. 2005 -10

**An Ordinance Authorizing The Execution Of A Development
Agreement Related To The Development Of The Wild Horse
Wind Farm Project**

WHEREAS Wind Ridge Power Partners, LLC ("Applicant") submitted an application for Wild Horse Wind Power Project ("Project") to Kittitas County on June 25, 2004 seeking approval of all Kittitas County development activities including comprehensive plan amendment, development agreement, rezone and other required permits; and

WHEREAS the Applicant also filed an Application for Site Certification ("ASC") to the Washington Energy Facility Site Evaluation Council ("EFSEC") on March 8, 2004 for the Project pursuant to RCW 80.50; and

WHEREAS EFSEC assumed lead agency status for the environmental review of this Project and following a series of public meetings and comment period EFSEC issued a Draft Environmental Impact Statement ("DEIS") for the Project on August 4, 2004, including a list of proposed SEPA Mitigation Measures; and

WHEREAS, Kittitas County reviewed the Project Application in accordance with its applicable County Wind Farm ordinance, KCC 17.61A, which requires for a Wind Farm approval:

- an amendment to the County's Comprehensive Plan to designate the Project area as a Wind Farm Resource District,
- a zoning reclassification for the Project area to a Wind Farm Resource Overlay Zone,
- a Development Agreement to set the conditions of approval, and
- approval of a wind farm resource development permit; and

WHEREAS, KCC 17.61A Wind Farm Overlay Ordinance is intended to encompass approval of all Project support structures and related improvements, including an on-site concrete batch plant (for SEPA mitigation purposes) , electrical transmission lines and electrical substations located both within and outside the boundaries of the

Overlay zone, such that these components do not require any separate conditional use permits; and

WHEREAS, a draft Development Agreement was duly published for a thirty day public comment period; and

WHEREAS, the Planning Commission and Board of County Commissioner held a joint public hearing on the Project Application on January 25, 2005 to hear testimony and receive information from Applicant representatives, county staff and members of the public; and

WHEREAS, the Planning Commission reviewed the documents and testimony in the record; and

WHEREAS, the Planning Commission on February 1, 2005 voted to recommend approval of the Project Application, subject to additional development conditions; and

WHEREAS, the Planning Commission on February 7, 2005 voted in favor of recommending that the County execute a Development Agreement with the Applicant for the Project, suggesting a number of changes to Applicant's proposed Development Agreement in a "Transmittal of Recommendations by the Kittitas County Planning Commission to the Kittitas County Board of County Commissioner for the Wild Horse Wind Power Project by Wind Ridge Power Partners, LLC" dated February 8, 2005 ("Planning Commission Recommendations"); and

WHEREAS, the Board of County Commissioners on February 16, 2005 held a continued public hearing on the Project Application, to hear testimony and receive information from Applicant representatives, county staff and members of the public; and

WHEREAS, the Board of County Commissioners reviewed the Project Application, Draft EIS, Applicant's original proposed Development Agreement, SEPA Mitigation Measures, Planning Commission Recommendations, Applicants revised proposed Development Agreement and other documents in the record, and considered Staff, Applicant and public comment on February 22, 2005; and

WHEREAS, the Board of County Commissioners on March 3, 2005 continued its deliberations and voted to approve the Project Application, including the Wind Farm Overlay Resource District and Wind Farm Zoning District, subject to the conditions of a revised Development Agreement and Exhibits, and

WHEREAS, in the Development Agreement, the Applicant has agreed to address all County code requirements and abide by the County's development conditions; and

WHEREAS, by Ordinance No. 2005-08, the County amended the Land Use Designation Map of the Comprehensive Plan by adopting the Wild Horse Wind Farm Resource Overlay District Subarea; and

WHEREAS, by Ordinance No. 2005-09, the County amended the zoning designation for the project area to include a Wind Farm Resource overlay zone subject to certain conditions including the execution of a development agreement; and

WHEREAS, testimony was taken and documentary evidence received by the Board of County Commissioners from those persons wishing to be heard; and

WHEREAS, due notice of the hearings set forth above has been given as required by law; and

WHEREAS the development of the Wild Horse Wind Power Project will be specifically governed by (a) the terms and conditions of a development agreement entered into between the County and Applicant pursuant to RCW 36.70B.170 through .200, and Chapter 15A.11 KCC, *Development Agreements*, (b) the terms and conditions of a development permit issued by the County, and (c) zoning overlay conditions; and

WHEREAS more detailed the Consolidated Findings of Fact and Conclusions At Law for the Wild Horse Wind Farm Project Proposal are included in Ordinance 2005-08 and are incorporated herein by reference as if set forth in full and support the approval of this Project; and

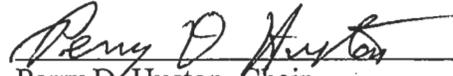
WHEREAS the County and Wind Ridge Power Partners LLC have reached agreement regarding the terms and conditions of a Development Agreement related to the development of the Wild Horse Wind Power Project which Development Agreement, together with its Exhibits A through H, is attached hereto and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the Board of Kittitas County Commissioners, after due deliberation, hereby adopts and authorizes the execution by such Commissioners on behalf of the County of the *Development Agreement between Kittitas County, Washington and Wind Ridge Power Partners, LLC* together with its Exhibits A through H, which Agreement and Exhibits is attached hereto and incorporated herein.

BE IT FURTHER ORDAINED that the approval of this Wild Horse Wind Farm Development Agreement is conditioned upon the issuance of a development permit by Kittitas County, and the approval of an EFSEC site certification for the Project signed and approved by the Governor of the State of Washington that includes at a minimum the terms and conditions of the county development agreement.

ADOPTED THIS 4th day of March, 2005, at Ellensburg Washington.

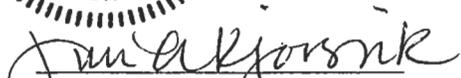
**BOARD OF COUNTY COMMISSIONERS
KITITIS COUNTY, WASHINGTON**


Perry D. Huston, Chair


David B. Bowen – Vice Chair


Alan Crankovich - Commissioner




Clerk of the Board

APPROVED AS TO FORM ONLY:

James E. Hurson
Deputy Prosecuting Attorney