KITTITAS COUNTY BOARD OF COUNTY COMMISSIONERS
STATE OF WASHINGTON

ORDINANCE NO. 2002-19

AMENDING KCC 17.61 AND ADDING KCC 17.61A REGARDING WINDFARM DEVELOPMENTS

WHEREAS, Kittitas County Code 17.61 currently authorizes wind farms in certain zones in Kittitas County; and

WHEREAS, Questions were raised regarding the advisability of the existing regulatory structure that provides for the Board of Adjustment to make decisions regarding specific wind farm application rather than the elected Board of County Commissioners; and

WHEREAS, The Board of County Commissioners found it in the best interest of the public to enact a temporary moratorium on the acceptance, processing, and/or approval of wind farms developments and enacted a temporary moratorium on October 23, 2002 with the adoption of Ordinance 2002-13; and

WHEREAS, With the adoption of Ordinance 2002-13 the Kittitas County Board of County Commissioners directed that duly advertised public hearing would be held by the Board of County Commissioners on November 26, 2002 to further consider whether the moratorium should be reconfirmed, revised, or rescinded and to consider possible amendments to the Kittitas County Code relative to the siting of wind farms; and

WHEREAS, The Kittitas County Board of County Commissioners encouraged the Kittitas County Planning Commission to hold a public hearing prior to the commissioners November 26, 2002 public hearing to consider possible revisions to regulations related to wind farms and submit their recommendation to the Board of County Commissioners prior to the above referenced public hearing; and

WHEREAS, A SEPA notice of action was issued on October 25, 2002 and a Determination of Non-Significance was issue at that time for this nonproject legislative proposal amending Title 17 of the Kittitas County Code; and

WHEREAS, The SEPA notice solicited comments from jurisdictional governmental agencies and other interested parties; and

WHEREAS, The Kittitas County Planning Commission held public hearings regarding regulations relative to wind farms on November 18, November 20, and November 25, 2002 but did not forward a recommendation to the Board of County Commissioners for their November 26, 2002 public hearing; and

WHEREAS, On November 26, 2002 the Kittitas County Board of County Commissioners held a public hearing to consider whether the moratorium should be reconfirmed, revised, or rescinded and to consider possible revisions to regulations related to wind farms after having given the required public legal notice and all person present were given the opportunity to submit public comment to the record; and

WHEREAS, due notice has been given as required by law, and the necessary inquiry has been made into the public interest to be served by amending these ordinances; and

WHEREAS, The Board of County Commissioners finds it in the best interest of the public to have decisions regarding the possible siting of wind farms be made by the duly elected Board of County Commissioner rather than the volunteer appointed Board of Adjustment; and

WHEREAS, The Board of County Commissioners finds that the amendments adopted in this ordinance properly serves the goal of shifting the decision making process to the Board of County Commissioners and provides for a process that allows each proposal to be reviewed on a site specific basis.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Board of County Commissioners of Kittitas County, Washington, that KCC Chapter 17.61 is amended to provide as follows:

Amend KCC 17.61.020(D) as follows:

Major Alternative Energy Facilities may be authorized ~~by the Board of Adjustment as a conditional use~~ in the Agricultural 20, Forest and Range, Commercial Agriculture, and Commercial Forest zones as follows: (1) Wind farms may be authorized pursuant to the provisions of KCC 17.61A; (2) all other major alternative energy facilities may be authorized by the Board of Adjustment as a conditional use.

BE IT FURTHER ORDAINED that a new Chapter 17.61A Wind Farm Resource Overlay Zone be and is hereby adopted as set forth in pages 4 and 5 attached hereto and incorporated herein by reference as if set forth in full.

BE IT FURTHER ORDAINED that the code revisions adopted and enacted in this ordinance are effective immediately upon adoption of this ordinance.

DATED this 3rd day of December 2002, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

ATTEST:

Clerk of the Board

Approved as to form:

(Deputy) Prosecuting Attorney

Vacant
~~Bill Hinkle, Chairman~~

Perry D. Huston, Vice-Chairman

Max Golladay, Commissioner

Chapter 17.61A
Wind Farm Resource Overlay Zone

Sections:

17.61A.010 Legislative Findings, Purpose and Intent
17.61A.020 Definitions
17.61A.030 Development Uses, Requirements, and Restrictions
17.61A.040 Approvals Required for Wind farms.

17.61A.010 Legislative Findings, Purpose and Intent.
The purpose and intent of this chapter is to establish a process for recognition and designation of properties located in areas of Kittitas County suitable for the location of wind farms, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind farms.

17.61A.020 Definitions. The following definitions shall be used in conjunction with the administration of this chapter.

A. Wind farm: "Wind farm" means a single wind turbine exceeding one hundred and twenty (120) feet in height above grade or more than one wind turbine of any size proposed and/or constructed by the same person or group of persons on the same or adjoining parcels.

B. Wind Turbine: "Wind turbine" means any machine used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind turbines consist of the turbine apparatus and any other buildings, support structures or other related improvements necessary for the generation of electric power.

17.61A.030 Development Uses, Requirements, and Restrictions. All listed permitted uses in the underlying zoning district of this overlay zone are permitted. All listed conditional uses in the underlying zoning district of this overlay zone are subject to conditional use permit process and review. Wind farms are a permitted use in a Wind Farm Resource Overlay Zoning District, subject to the additional approval requirements and restrictions set forth in Section 17.61A.040.

17.61A.040 Approvals Required for Wind Farm Resource Overlay Zone.

A. A wind farm may be authorized by the county only through approval of a Wind Farm Resource Development Permit in conjunction with approval by the Board of County Commissioners of a development agreement as authorized by KCC 15A.11, *Development Agreements*, and RCW 36.70B.170 - .210. Consistent with KCC 15A.11.020B. and RCW 36.70B.170, the development agreement approved by the Board of County Commissioners must set forth the development standards applicable to the development of a specific wind farm, which may include, but are not limited to: (i) densities, number, size, setbacks, and location of turbines, (ii) mitigation measures and such other development conditions as deemed appropriate by the Board of County Commissioners to be necessary including measures to protect the best interests of the surrounding property or neighborhood or the county as a whole, and (iii) other development standards including those identified in KCC 15A.11.020E. and RCW 36.70B.170(3).

B. Required Applications/Approvals. In addition to approval of a Wind farm Resource Development Permit and a development agreement as set forth in Section A above, a wind farm shall require

the following approvals from the county: (1) a site-specific amendment of the Comprehensive Plan land use designation map to Wind Farm Resource overlay district (the sub-area planning process described in Chapter 1 of the county Comprehensive Plan and KCC 15B.03, *Amendments to Comprehensive Plan*, may be used if deemed appropriate by the applicant and county); (2) a site-specific rezone of the county zoning map to Wind Farm Resource Overlay Zoning District pursuant to KCC 17.98, *Amendments*.

C. The approvals by the Board of County Commissioners set forth in KCC 17.61A.040 A. and B. shall only be made if it determined that (1) the proposal is essential or desirable to the public convenience (2) the proposal is not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood and (3) the proposed use at the proposed location(s) will not be unreasonably detrimental to the economic welfare of the county and it will not create excessive public cost for facilities and service.

D. A Comprehensive Plan amendment or subarea plan for a Wind farm Resource overlay district must be processed by the county concurrent with the rezone application, Development Permit, and development agreement required for approval of a wind farm.

KITTITAS COUNTY BOARD OF COUNTY COMMISSIONERS
STATE OF WASHINGTON

ORDINANCE NO. 2002-20

RESCINDING MORATORIUM ON WINDFARM DEVELOPMENT APPLICATIONS

WHEREAS, Kittitas County Code 17.61 authorized wind farms in certain zones in Kittitas County; and

WHEREAS, RCW 35.63, 36.70, 36.70A. and other applicable law authorized the enactment of temporary moratoriums so long as a public hearing is held within sixty days after the adoption of the moratorium and that the moratorium shall be effective for no longer than six months unless there is another public hearing on the matter; and

WHEREAS, On October 16, 2002 the Kittitas County Board of County Commissioners held a public hearing to consider a possible wind farm moratorium and development of criteria for wind farms; and

WHEREAS, On October 23, 2002 the Kittitas County Board of County Commissioners held a continued public hearing related to a possible wind farm moratorium and development of criteria for wind farms; and

WHEREAS, On October 23, 2002 the Board of County Commissioners of Kittitas County, Washington, found that an emergency existed and enacted and adopted Ordinance 2002-13 establishing a temporary moratorium on the wind farm conditional use process and a temporary moratorium on the acceptance, processing, and/or approval of wind farms; and

WHEREAS, On December 3, 2002 the Board of County Commissioners adopted Ordinance 2002-19 which amended Title 17 of the Kittitas County Code relative to wind farm development approval process; and

WHEREAS, With the adoption of the above referenced code amendments there is no further need for a continued moratorium for up to the six month period authorized by law; and

WHEREAS, the publication of legal notice of adoption of the revisions to Title 17 of Kittitas County Code will occur on Friday December 6, 2002.

NOW THEREFORE BE IT ORDAINED AND RESOLVED that the moratorium enacted in Ordinance 2002-13 on October 23, 2002 be and is hereby rescinded effective December 6, 2002 at 5:00 p.m.

BE IT FURTHER ORDAINED AND RESOLVED that after 5:00 p.m. on December 6, 2002,

applications for wind farm developments may be accepted and processed by Kittitas County consistent with the requirements of KCC 17.61A and the amendments to KCC 17.61 enacted on December 3, 2002.

DATED this 3rd day of December, 2002, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

ATTEST:

SEAL

Clerk of the Board

Approved as to form:

(Deputy) Prosecuting Attorney

Vacant
~~Bill Hinkle, Chairman~~

Perry D. Huston, Vice-Chairman

Max Golladay, Commissioner