

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of: )  
 Application No. 2003-01 )  
 )  
 SAGEBRUSH POWER PARTNERS, LLC, ) Prehearing Conference  
 )  
 KITTITAS VALLEY WIND POWER PROJECT ) Pages 1 - 25  
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A prehearing conference in the above matter was held in the presence of a court reporter on April 24, 2006, at 1:00 p.m., at 925 Plum Street S.E., Building 4, Conference Room 401, in Olympia, Washington, before Energy Facility Site Evaluation Councilmembers.

\* \* \* \* \*

The parties were present as follows:

SAGEBRUSH POWER PARTNERS, LLC, Darrel Peeples, Attorney at Law, 325 Washington Street N.E., Suite 440, Olympia, Washington 98501; and Timothy L. McMahan, Attorney at Law, Stoel Rives, LLP, 805 Broadway Street, Suite 725, Vancouver, Washington 98660.

COUNSEL FOR THE ENVIRONMENT, Michael S. Tribble, Assistant Attorney General, 1125 Washington Street S.E., P.O. Box 40100, Olympia, Washington 98504-0100.

KITTITAS COUNTY, James E. Hurson, Kittitas County Prosecutor, Kittitas County Courthouse, Room 213, Ellensburg, Washington 98926.

Reported by:  
 Shaun Linse, CCR #2029

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1 Appearances (cont'd):  
 2 F. STEVEN LATHROP, Jeff Slothower, Attorney at  
 3 Law, Lathrop, Winbauer, Harrel, Slothower & Denison, LLP,  
 4 201 West Seventh Avenue, Ellensburg, Washington 98926.  
 5 ECONOMIC DEVELOPMENT GROUP OF KITTITAS COUNTY,  
 6 Debbie Strand, Executive Director, 1000 Prospect Street,  
 7 P.O. Box 598, Ellensburg, Washington 98926.  
 8 RESIDENTS OPPOSED TO KITTITAS TURBINES (ROKT),  
 9 Ed Garrett, Lay Representative, P.O. Box 1680, Ellensburg,  
 10 Washington 98926.  
 11 \* \* \* \* \*  
 12 JUDGE TOREM: We will call the Energy  
 13 Facility Site Evaluation Council to order. It's now a  
 14 couple minutes after one o'clock on Monday, April 24,  
 15 2006. This is the Kittitas Valley Wind Power Project  
 16 Application No. 2003-01, and we'll quickly go down the  
 17 roll of the EFSEC Councilmembers who are present both on  
 18 the phone and in person.  
 19 Chairman Luce is absent. Dick Fryhling is  
 20 here in person. Chris Towne is absent.  
 21 Patti Johnson, you're there on the phone; is  
 22 that correct?  
 23 MS. JOHNSON: Yes, that's correct.  
 24 JUDGE TOREM: Tim Sweeney, there on the  
 25 phone?

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1 MR. SWEENEY: Roger.  
 2 JUDGE TOREM: Hedia Adelsman?  
 3 MS. ADELSMAN: Yes. If you could speak up a  
 4 little bit, it would be good.  
 5 JUDGE TOREM: Okay. We'll try to do that.  
 6 MS. ADELSMAN: Thank you.  
 7 JUDGE TOREM: Judy Wilson absent. So we do  
 8 have barely a quorum, four out of seven.  
 9 Around the room you guys are going to test  
 10 my memory here. We don't have a new Counsel for the  
 11 Environment, do we, yet today?  
 12 MR. PEEPLES: Yes, it's Michael Tribble.  
 13 MR. FIKSDAL: Who just joined us on the  
 14 line?  
 15 MR. TAYLOR: This is Chris Taylor with  
 16 Horizon.  
 17 JUDGE TOREM: All right, Chris.  
 18 Michael Tribble?  
 19 Apparently not on the line.  
 20 Okay. For the Applicant which is Sagebrush  
 21 Power Partners but is now doing business under a different  
 22 name; is that correct?  
 23 MR. PEEPLES: No, it's still under that  
 24 name. Zilkha got changed to Horizon.  
 25 JUDGE TOREM: All right. Darrel Peeples is

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1 here as is Tim McMahan, and I don't recognize the  
 2 gentleman.  
 3 MR. PECK: I'm Dana Peck. I'm the new  
 4 project manager for Kittitas Valley.  
 5 JUDGE TOREM: All right. Dana Peck.  
 6 MS. POTTER: Joy Potter, project manager.  
 7 JUDGE TOREM: All right. You guys are  
 8 stepping in for Chris Taylor; is that correct?  
 9 MR. FIKSDAL: Chris is on the phone.  
 10 MR. PECK: That's correct.  
 11 JUDGE TOREM: But Chris is also joining us  
 12 on the phone I understand. Chris Taylor, are you out  
 13 there on the phone?  
 14 MR. TAYLOR: I am but I'm needed because I  
 15 just landed in an airport.  
 16 JUDGE TOREM: Fair enough. Back to mute for  
 17 you.  
 18 Jim Hurson is here in person from Kittitas  
 19 County and, Darryl Piercy, you're on the phone out there;  
 20 is that correct?  
 21 MR. PIERCY: That's correct. I'm on the  
 22 phone.  
 23 JUDGE TOREM: For Renewable Northwest  
 24 Project?  
 25 No one from Renewable Northwest.

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1 Phoenix Economic Development Group is Debbie  
 2 Strand, and you're out there on the phone. Debbie Strand?  
 3 MS. STRAND: Yes, I'm here.  
 4 JUDGE TOREM: Excellent.  
 5 Sierra Club Cascade Chapter, do we have  
 6 anyone representing today?  
 7 And Residents opposed to Kittitas Turbine or  
 8 ROKT?  
 9 MR. GARRETT: Ed Garrett.  
 10 JUDGE TOREM: Ed Garrett is on the line.  
 11 Anyone else?  
 12 All right. For Mr. Steven Lathrop I heard  
 13 Jeff Slothower ring in. You still there, sir?  
 14 MR. SLOTHOWER: Yes, I'm here.  
 15 JUDGE TOREM: Is your client present today  
 16 also?  
 17 MR. SLOTHOWER: No, he's not.  
 18 JUDGE TOREM: Did I miss anybody out there  
 19 on the phone?  
 20 All right. Hearing none, then let's take a  
 21 look at the adoption of the proposed agenda. It's really  
 22 pretty simple today. We're going to talk about the status  
 23 of where we are, maybe scheduling some additional  
 24 submittals, and maybe set a next prehearing conference.  
 25 Were there any other items that needed to be added,

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1 Members of the Council?  
2 And from the Applicant any other items?  
3 MR. PEEPLES: No.  
4 JUDGE TOREM: Then I'd ask, Council  
5 Mr. Fryhling, you're here so would you move that we adopt  
6 the agenda?  
7 MR. FRYHLING: I move we adopt the agenda.  
8 JUDGE TOREM: Councilmembers on the phone  
9 can we have a second?  
10 MS. ADELSMAN: Second.  
11 JUDGE TOREM: Call the question. Anybody  
12 opposed?  
13 Hearing none, then I would assume the rest  
14 say Aye.  
15 COUNCILMEMBERS: Aye.  
16 JUDGE TOREM: So we're ready to ask for a  
17 status update, and I'll turn it over to Darrel Peeples,  
18 see what you can tell us as to where we're going.  
19 MR. PEEPLES: Essentially I don't know how  
20 much we can tell you today, and I think I'm going to turn  
21 it over to Tim at this point. He has been more involved  
22 on the local process than I have. You mind going over it?  
23 JUDGE TOREM: Mr. McMahan.  
24 MR. McMAHAN: Tim McMahan for the record and  
25 I may turn it over to Dana in a minute. We have, Horizon

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1 Wind has been engaged very actively locally to try to seek  
2 consistency with local plans, regulations, and ordinances.  
3 We've been involved in a series of hearings where one  
4 seemingly endless hearing gets continued I guess, but  
5 we've been involved in the hearing process with the County  
6 before the planning commission, and we're currently still  
7 involved in the hearing process before the Board of County  
8 Commissioners.  
9 As Your Honor may know, we don't know if the  
10 planning commission recommended denial of the wind  
11 resource permit and the related approvals. That decision  
12 is now pending on recommendation to the Board of County  
13 Commissioners. We had the Board deliberating after  
14 another round of presentations.  
15 The Board deliberated the application a  
16 couple weeks ago, and in some ways we're encouraged by the  
17 record, the transcript from the deliberation. A lot of  
18 the issues that have been controversial from some of the  
19 opponents the Board seems not to be going there.  
20 But I would also say that we're somewhat  
21 discouraged by some of the things in the record in terms  
22 of being able to successfully navigate the consistency  
23 process. The Board is taking this up again on Thursday.  
24 They've asked us for some additional information regarding  
25 setbacks and some information about how or whether the

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1 project could be reconfigured in some way to address some  
2 of their concerns with regard to proximity to local  
3 residences.  
4 In terms of how we feel I personally am not  
5 full of optimism that we're going to get through this  
6 expeditiously. I'm not sure if we'll get through it  
7 successfully so that's I guess what I have to say.  
8 Is there anything Darrel or Dana or Joy  
9 would add to that?  
10 MR. PEEPLES: I don't think we can give you  
11 anything tentative today at all, and I think the closest  
12 statement was we're not going to get through to anything  
13 expeditiously either way if any of this goes, and I think  
14 that's a pretty objective statement.  
15 JUDGE TOREM: All right. Do I understand  
16 though that the reasons for what we've done now we struck  
17 dates I believe that were going to happen last month  
18 immediately upon my return so that this process could go  
19 forward with the County?  
20 MR. McMAHAN: Correct.  
21 MR. PEEPLES: Correct.  
22 JUDGE TOREM: Also the preexisting request  
23 for preemption has been formally withdrawn.  
24 MR. PEEPLES: Correct.  
25 JUDGE TOREM: So now we're back to the

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1 typical statutory and regulatory requirement that you get  
2 land use consistency certification from the County or back  
3 to where you were requesting preemption again.  
4 MR. PEEPLES: Correct.  
5 JUDGE TOREM: Certainly the goal is to avoid  
6 that latter choice.  
7 MR. PEEPLES: Yes, that's correct.  
8 JUDGE TOREM: Is it your feeling,  
9 Mr. McMahan, Mr. Peeples, that when the county  
10 commissioners meet on Thursday that will be the end of it?  
11 MR. PEEPLES: We don't know.  
12 MR. McMAHAN: What we can say I think--and  
13 Mr. Hurson's better able to answer this than I. What we  
14 know to be true is that it certainly won't be fully  
15 concluded on Thursday one way or the other. The County  
16 would certainly need to adopt findings and a decision by  
17 resolution or ordinance one way or the other or if there's  
18 some opportunity to engage in some negotiations they may  
19 further direct us and staff to do that. It's very hard to  
20 predict right now, but I would again say I can't imagine  
21 us being completed within I don't know weeks.  
22 JUDGE TOREM: The next thing comes to mind  
23 is whether or not the modifications that have been made to  
24 the project I understand was cut down over the last year  
25 in size from over 100 potential turbines to around 65 or

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1 70.  
 2 MR. PEEPLES: Sixty-five.  
 3 JUDGE TOREM: And that perhaps there might  
 4 be additional modifications to the layout of the turbine  
 5 strings or the number of turbines to satisfy these  
 6 negotiations with the County for land use consistency?  
 7 MR. McMAHAN: Well, that's a question.  
 8 That's a question as to whether it's feasible to do that  
 9 further now in a way that would be meaningful for the  
 10 Board of County Commissioners. That's the big issue right  
 11 now.  
 12 JUDGE TOREM: Mr. Hurson, do you want to  
 13 chime in and tell me what your client might be thinking,  
 14 if you know?  
 15 MR. HURSON: Well, Jim Hurson for the  
 16 record. I don't have any more direct conversation with my  
 17 clients about what they're thinking or doing than the  
 18 applicants do. That's just the way the local land use is  
 19 set up. Where we are though is the planning commission  
 20 had their hearings, sent a recommendation to the Board,  
 21 and the Board of County Commissioners then held their own  
 22 set of hearings. They met a couple of weeks ago. There  
 23 were some issues that they felt needed to be addressed,  
 24 and there was no formal vote of the Board. So you  
 25 basically have three different members suggesting issues

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1 that they thought were of concern and wanted the Applicant  
 2 to look at. I think they're looking for the Applicant to  
 3 come back on Thursday, discuss those issues, and see where  
 4 we go from there.  
 5 I don't know if--I just don't know where the  
 6 discussion is going to go because I haven't been able to  
 7 talk to my clients directly about it for appearance of  
 8 fairness purposes, and I don't know what the Applicant is  
 9 going to say. So we go from there. We see where the two  
 10 what they can agree or not agree on and go from there I  
 11 mean there won't be any final decision paperwork done by  
 12 Thursday obviously because approve or deny this is going  
 13 to take some time to put things together. Both of them  
 14 would take time to put together.  
 15 If it's been approved, it's going to take  
 16 working on the development agreement, lots of little  
 17 details about various mitigations and issues like that. A  
 18 denial would take time to put together the final  
 19 documents.  
 20 So I'm just not in a real good position to  
 21 be setting specific this is when we will be concluded  
 22 because I'm not sure where the negotiations are going to  
 23 go on Thursday.  
 24 JUDGE TOREM: Would it be fair to say that  
 25 the project in front of the Board of County Commissioners

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1 is significantly different than what was recommended for  
 2 rejection by the planning commission?  
 3 MR. HURSON: No, it's the same.  
 4 JUDGE TOREM: All the modifications that we  
 5 talked about, the cutting down in size or anything else  
 6 went to the planning commission as such.  
 7 MR. PEEPLES: Correct.  
 8 JUDGE TOREM: Now it's the same or perhaps a  
 9 very similar project with the modifications being  
 10 negotiated assuming that the Applicant wants to make any  
 11 additional changes that will be voted on by the county  
 12 commissioners. It's been hard for me to keep track of  
 13 given the geography.  
 14 MR. HURSON: I understand. The one that was  
 15 presented to the planning commission they said they were  
 16 asking for up to 80 turbines. I think the original EFSEC  
 17 application said from 82 to 123. Same project boundary is  
 18 proposed in this one as proposed in the initial EFSEC  
 19 application.  
 20 JUDGE TOREM: Okay. Councilmembers, the  
 21 summary I guess would be that negotiations are ongoing,  
 22 and there's a Thursday night session with the Board of  
 23 County Commissioners, and there may be a vote. There may  
 24 be some further deliberations to be had. There may be  
 25 further direction for negotiations and alterations. So no

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1 one really knows either from the County or from the  
 2 Applicant what those three elected members for the County  
 3 Board of Commissioners might want to do Thursday night.  
 4 Much might depend on what's presented to them. We have  
 5 dates on the calendar for this hearing for the week of  
 6 August 14 and the week of August 21 which are now I guess  
 7 three months away or a little bit less.  
 8 Mr. Fryhling, anybody else on the telephone  
 9 line as Councilmembers, any questions for the Applicant or  
 10 for the County at this point?  
 11 MR. GARRETT: Ed Garrett, ROKT.  
 12 JUDGE TOREM: Hold on, Mr. Garrett. I'm  
 13 going to ask the Councilmembers first.  
 14 MR. GARRETT: Okay.  
 15 MS. ADELSMAN: No, I'm okay.  
 16 MR. FRYHLING: I guess I just have a  
 17 question of what kind of dates are we going to have? What  
 18 are we looking for as dates? This 14th are we going to be  
 19 able to meet that? Is part of our job today to look at  
 20 setting some additional possible dates?  
 21 JUDGE TOREM: What I was going to recommend  
 22 Mr. Fryhling, is that if we don't have--I think we're  
 23 going to get nods of disapproval from both the Applicant  
 24 and the County that they'll be ready to go with all bells  
 25 and whistles as needed. No one knows which bells or

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1 whistles will be, whether it's preemption or a  
2 certificate. None of that will probably be ready by the  
3 August 14 dates is my guess unless they tell us otherwise.  
4 My recommendation was going to be if that is  
5 the case strike the hearing dates and not set additional  
6 dates until perhaps a month from now when we get together  
7 and see if the picture is any clearer because it seems  
8 that we've got weeks at a time of people's calendar, and  
9 we continue to hold those dates and then strike them, hold  
10 those dates and then strike them. Rather than try to  
11 schedule everybody again today, I would suggest we come  
12 back in a month and find out what the Board of County  
13 Commissioners did on Thursday and where they think they're  
14 going in the several weeks that would occur after that.  
15 MS. ADELSMAN: I think that's a good idea.  
16 JUDGE TOREM: Mr. Garrett, had a question or  
17 a comment as well.  
18 MR. GARRETT: My question is if the BOCC  
19 decides to deny this project, I would like to know what  
20 the intent of the Applicant is, if they are going to  
21 pursue the application through EFSEC or just drop it.  
22 JUDGE TOREM: Mr. Peeples.  
23 MR. PEEPLES: We'll pursue it through EFSEC.  
24 JUDGE TOREM: So it sounds as though they  
25 still intend to pursue it which I assume would be a

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1 resurrection of sorts of the request for preemption to  
2 reflect the current state of the facts.  
3 MR. PEEPLES: The current state. That's  
4 correct.  
5 MR. GARRETT: That answers my question.  
6 JUDGE TOREM: All right. Other intervenors  
7 on the line, any questions or comments on the suggestion I  
8 was just making about what to do with setting new dates or  
9 just saying we'll set a date to set new dates at this  
10 point?  
11 MR. SLOTHOWER: This is Jeff Slothower. I  
12 want to make sure I understand it. So you're striking the  
13 hearing set in August--I think August 14 is the day it  
14 commences--and then waiting a month to reset dates; is  
15 that correct?  
16 JUDGE TOREM: That would be my suggestion to  
17 the Applicant and to the County. That's correct.  
18 MR. SLOTHOWER: Thanks. That clarifies it.  
19 I just wasn't sure I understood it.  
20 JUDGE TOREM: Mr. Peeples.  
21 MR. PEEPLES: Just let me reiterate. I mean  
22 the question of whether we go for preemption I believe we  
23 probably will. We're trying to do all that we can to  
24 obtain agreement with the County, and we've tried real  
25 hard. If you look at what we've done in the past, we've

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1 changed the project, we've cut down its scope, its nature,  
2 and we're still talking and we're still very hopeful that  
3 we can get those issues resolved.  
4 I think for the purposes here of our  
5 planning you would have to make the assumption on my  
6 statement. I mean those I think are the parameters we're  
7 dealing with right now, but I don't want to have that P  
8 word in people's face because it's not meant that--we're  
9 really doing the best we can to work it out with the  
10 County, and that's where we are.  
11 JUDGE TOREM: Mr. Hurson.  
12 MR. HURSON: As far as striking the current  
13 hearing dates, I agree that would be appropriate. There's  
14 so many uncertainties as to where we're going with the  
15 EFSEC process right now. I think it just would make more  
16 sense when we have better certainty and then we can set a  
17 date with schedules as needed. It could be a shorter  
18 schedule, longer schedule just depending upon what the  
19 course was.  
20 MR. TRIBBLE: This is Mike Tribble, Counsel  
21 for the Environment. I've got a question. Is there any  
22 chance that the hearings will be sooner than the currently  
23 scheduled hearing dates or are we deciding now that if  
24 they're stricken they'll almost certainly be after that  
25 two-week schedule?

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1 JUDGE TOREM: There's no bet in Vegas more  
2 sure than it will be later.  
3 MR. PEEPLES: I think if possible if we get  
4 consistency that it would be about what we're talking  
5 about, within a few weeks here or there. Don't you agree,  
6 Jim?  
7 MR. HURSON: I was just going to say, yes,  
8 if there's consistency from the County's perspective, we  
9 have little involvement. But I would venture a guess that  
10 if there is consistency that there are many people  
11 involved in the process that would still be participating  
12 vigorously and would probably be wanting briefing  
13 schedules for arguments or something. So if the County is  
14 out, we're out of it, but I don't think that switches it.  
15 From what I've gathered from the public comment, it would  
16 not switch to a Wild Horse scenario with the members of  
17 the public.  
18 JUDGE TOREM: Right. For those on the line  
19 that may have forgotten or didn't participate in the Wild  
20 Horse hearings last year that particular case when the  
21 County settled out essentially through its development  
22 agreement and issued a certificate of land use consistency  
23 became a very much unopposed hearing where direct  
24 testimony was adopted, very little comments or  
25 cross-examination was made, and the hearing that could

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1 have lasted a full week lasted a day and half and then had  
2 a public comment session one evening.  
3 I from what I've watched over the last few  
4 years of this don't anticipate that even if the County is  
5 able to settle out will occur here. There's much more  
6 heated debate, and geographically speaking these windmills  
7 as proposed are much closer to people's residences and  
8 apparently people's hearts than the ones that were up on  
9 Whiskey Dick Ridge.  
10 So my suggestion here is that we not plan on  
11 the schedule moving up any sooner for Mr. Tribble's  
12 perspective. To coordinate all the necessary witnesses  
13 and the parties' schedules we're at least working three to  
14 four months out. We're less than three months out from  
15 the proposed hearing dates and we don't know if what I  
16 would tend to call the major issue of land use  
17 consistency, maybe not the major issue but one of the most  
18 major issues in the case, how it will be resolved.  
19 If as Mr. Hurson says the County is able to  
20 reach an agreement here and a development agreement comes  
21 out of his client's discussions on the Thursday night, the  
22 hearings will get a little bit shorter, but I don't think  
23 tremendously so given the other array of issues that are  
24 still on the plate.  
25 So again, Mr. Peeples, did you have any

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1 opposition to striking the hearing dates as they're now  
2 set?  
3 MR. PEEPLES: As long as when we know the  
4 dates, when we know what we have we can get it set, and if  
5 we have consistency, I just want to state we can probably  
6 be within weeks of where we presently have it set if not  
7 in that August.  
8 JUDGE TOREM: All right. My thought is that  
9 if it's going to move, September we know for Ellensburg is  
10 the rodeo.  
11 MR. PEEPLES: Oh, that's right.  
12 JUDGE TOREM: So I would imagine if we could  
13 strike the dates today that they will be into mid to late  
14 September before we can get people on board again.  
15 MR. HURSON: The fair and rodeo is the last  
16 week in August, first week in September. It's basically--  
17 JUDGE TOREM: Through Labor Day; is that  
18 right?  
19 MR. HURSON: I think it's August 30 or 31  
20 through September 4.  
21 MR. McMAHAN: Tim McMahan, for the record.  
22 I think that is probably what we're left with. For the  
23 record, I just have to express the angst of our client  
24 that this has been an unbelievably lengthy process and  
25 it's just frustrating that it's not moving quicker, but I

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1 also am a realist about the time it's going to take to  
2 move this case forward, especially in opposition. So that  
3 is what it is.  
4 One thing I would just say for the record  
5 and probably goes without saying is that in the event that  
6 we are in a total limbo situation a month with the County  
7 and things aren't moving forward, we may come back in and  
8 ask for a hearing date, not August but just be set even  
9 though we may not be concluded with that process. I'm not  
10 naive enough to think that pouring heat on the County with  
11 an upcoming hearing is making any difference because I  
12 think they're going to do what they're going to do with  
13 their process and that's fine, but just to understand that  
14 we may be in that position a month from now.  
15 JUDGE TOREM: Well, the two choices I see  
16 are we either keep the hearing dates we have and wait to  
17 strike in case something happens or we go ahead and strike  
18 them today and decide to wait to reschedule rather than  
19 reschedule without knowledge of what you're going to get.  
20 MR. McMAHAN: I'm not arguing with striking  
21 the hearing dates. It's just too hard to orchestrate  
22 witnesses and the like and holding them all on strings in  
23 the middle of the summer months.  
24 JUDGE TOREM: Okay. Council, it sounds as  
25 though the Applicant and the County are in agreement with

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1 my suggestion. Are there any other parties on the line,  
2 intervenors of the like that want to comment on being for  
3 or against striking the hearing date and waiting another  
4 month to determine new dates?  
5 MR. GARRETT: Ed Garrett, ROKT. For the  
6 record, I would just like to say that I agree with the  
7 previous comments that this proceeding has been dragging  
8 out and in such there has been many more people moving  
9 into the area even though they know or do not know about  
10 the wind farm project; that the density has been  
11 increasing and there's more and more people that will be  
12 affected; and I would like to have that reflected in  
13 coming up to the adjudicative hearings that we have an  
14 opportunity to be able to update the record on those  
15 proceedings.  
16 JUDGE TOREM: All right. Thank you,  
17 Mr. Garrett.  
18 Anyone else?  
19 MR. TRIBBLE: Mike Tribble, Counsel for the  
20 Environment. I think this is a good plan.  
21 JUDGE TOREM: Mr. Slothower, anything?  
22 MR. SLOTHOWER: I have no comment other  
23 than--nothing.  
24 JUDGE TOREM: Debbie Strand?  
25 MS. STRAND: No comment.

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1 JUDGE TOREM: Did I miss anybody else out  
 2 there this afternoon?  
 3 All right. Then, Members of the Council, I  
 4 form a motion on your behalf that we strike the hearing  
 5 dates and set another prehearing conference toward the end  
 6 of May to determine the way forward in the Kittitas Valley  
 7 case. Anyone want to adopt that as a motion?  
 8 MR. FRYHLING: I would adopt that as a  
 9 motion.  
 10 JUDGE TOREM: All right. Thank you,  
 11 Mr. Fryhling.  
 12 Is there a second?  
 13 MS. ADELSMAN: Second.  
 14 JUDGE TOREM: Thank you, Hedia.  
 15 Is there any discussion?  
 16 Hearing none, Councilmembers, state your  
 17 agreement or disagreement by saying first Aye.  
 18 COUNCILMEMBERS: Aye.  
 19 JUDGE TOREM: Any opposed?  
 20 All right. Then our hearing dates are  
 21 stricken for August, and we'll free up everyone's summer  
 22 vacation calendar.  
 23 Dates for a prehearing conference the last  
 24 week of May, the last available spot I think for me is  
 25 Tuesday, May 30, if you want to do that that afternoon by

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1 phone. It would simply be a scheduling hearing. If that  
 2 works for everybody, great. If not, then Irina can take  
 3 your suggestions for times the previous week. But if  
 4 Tuesday, May 30, after the holiday weekend works for  
 5 folks, and I see some nods around the room here, then we  
 6 will tentatively do that. Please communicate with Irina  
 7 Makarow and let her know if you can do that Tuesday  
 8 afternoon May 30, and we'll have our calendars out and see  
 9 what's available.  
 10 Perhaps Irina anticipating that we might  
 11 push it back a month can check availability in town for  
 12 accommodations starting the first full week of September  
 13 after the holiday weekend, and we can start looking  
 14 anytime after that holiday weekend forward as to what  
 15 might appear.  
 16 Mr. Peeples, if you have an update that you  
 17 want to send out by e-mail to all the parties saying if  
 18 there's going to be land use consistency that would help  
 19 people note that the hearing might be shorter or if you're  
 20 going to need more time what your proposed dates would be.  
 21 If you could circulate that in about two to three weeks,  
 22 that would be fantastic, and Mr. Hurson can issue his  
 23 concurrence or nonconcurrence on your predictions for his  
 24 client.  
 25 MR. PEEPLES: That sounds fine. Jim and I

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1 will work together on that.  
 2 JUDGE TOREM: Councilmembers, does that  
 3 sound adequate?  
 4 COUNCILMEMBERS: Yes.  
 5 JUDGE TOREM: Any other business to schedule  
 6 today then?  
 7 All right. Hearing none, I think that we  
 8 can be adjourned at about 1:25.  
 9 \* \* \* \* \*  
 10 (Prehearing conference adjourned at 1:25  
 11 p.m.)  
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 5 AFFIDAVIT  
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 7 I, Shaun Linse, CCR, Certified Court Reporter,  
 8 do hereby certify that the foregoing transcript  
 9 prepared under my direction is a true and accurate  
 10 record of the proceedings taken on April 24, 2006,  
 11 in Olympia, Washington.  
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 15 \_\_\_\_\_  
 16 Shaun Linse, CCR  
 17 CCR NO. 2029  
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