



Washington State Energy Facility Site Evaluation Council

AGENDA

MONTHLY MEETING
Tuesday, February 20, 2018
1:30 PM

1300 S Evergreen Park Drive SW
Olympia, WA 98504
Meeting Room 206

- 1. Call to Order Kathleen Drew, EFSEC Chair
- 2. Roll Call Tammy Mastro, EFSEC Staff
- 3. Proposed Agenda Kathleen Drew, EFSEC Chair
- 4. Minutes **Meeting Minutes** Kathleen Drew, EFSEC Chair
 - January 16, 2018
- 5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Updates Eric Melbardis, EDP Renewables
 - b. Wild Horse Wind Power Project
 - Operational Updates Jennifer Diaz, Puget Sound Energy
 - c. Columbia Generating Station
 - Operational Updates Debbie Knaub, Energy Northwest
 - d. WNP – 1/4
 - Non-Operational Updates Debbie Knaub, Energy Northwest
 - e. Chehalis Generation Facility
 - Operational Updates Mark Miller, Chehalis Generation
 - f. Grays Harbor Energy Center
 - Operational Updates Chris Sherin, Grays Harbor Energy
 - g. Tesoro/Savage Vancouver Energy Distribution Terminal
 - Project Update Stephen Posner, EFSEC Staff
 - h. Desert Claim
 - Project Update Jim LaSpina, EFSEC Staff
 - i. Columbia Solar Project
 - Project Update Ami Kidder, EFSEC Staff
 - Expedited Processing Sonia Bumpus, EFSEC Staff

EFSEC staff will provide information on the expedited process and the Council may take FINAL ACTION on land use consistency. The Council may also take FINAL ACTION on the timing of an expedited processing decision.
- 6. Adjourn Kathleen Drew, EFSEC Chair

Note: "FINAL ACTION" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.02

Verbatim Transcript of Monthly Council Meeting
Washington State Energy Facility Site Evaluation Council

January 16, 2018



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
Richard Hemstad Building
1300 South Evergreen Park Drive Southwest
Conference Room 139
Olympia, Washington
January 16, 2018
1:30 p.m.

MONTHLY COUNCIL MEETING
Verbatim Transcript of Proceedings

DATE TAKEN: JANUARY 16, 2018
REPORTED BY: LAURA L. OHMAN, RPR, CCR 3186

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1 OLYMPIA, WASHINGTON; JANUARY 16, 2018
2 1:30 P.M.
3 -oOo-

4
5 CHAIR DREW: Hello. Good afternoon. I'm
6 Kathleen Drew. I'm the Chair of the EFSEC Council, and
7 we are bringing this meeting to order. It's the regular
8 meeting -- January meeting.

9 And, at this point, I ask for the rollcall.

10 MS. MASTRO: Department of Ecology?

11 MR. STEPHENSON: Cullen Stephenson, here.

12 MS. MASTRO: Department of Commerce?

13 MR. ROSSMAN: Jaime Rossman.

14 MS. MASTRO: Department of Fish and
15 Wildlife?

16 Department of Natural Resources?

17 Utilities and Transportation Commission?

18 MR. MOSS: Dennis Moss is here.

19 MS. MASTRO: Local government and optional
20 state agency for the Vancouver Energy Project Department
21 of Transportation.

22 MR. STONE: Ken Stone is here.

23 MS. MASTRO: City of Vancouver?

24 Clark County?

25 MR. SHAFER: Greg Shafer is on the phone.

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1 APPEARANCES
2 STATE AGENCY MEMBERS:
3 Kathleen Drew, Chair
4 Jaime Rossman, Department of Commerce
5 Cullen Stephenson, Department of Ecology
6 Dennis Moss, Utilities & Transportation Commission
7 Dan Sieman, Department of Natural Resources (via phone)
8 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCY - VANCOUVER
9 ENERGY:

10 Ken Stone, Department of Transportation
11 Brian Snodgrass, City of Vancouver (via phone)
12 Greg Shafer, Clark County (via phone)
13 Lary Paulson, Port of Vancouver
14 Kelly Cooper, Department of Health, Columbia Solar
15 Ian Elliot, Kittitas County, Columbia Solar (via phone)
16 ASSISTANT ATTORNEY GENERAL:

17 Ann Essko
18 Jon Thompson

19 COUNCIL STAFF:

20 Stephen Posner
21 Jim LaSpina
22 Tammy Mastro
23 Joan Aitken
24 Ami Kidder
25 Christina Pottis
IN ATTENDANCE:
Tim McMahan
Jason Evans
Bill Sherman (via phone)
Jennifer Diaz, Puget Sound Energy (via phone)
Shannon Khounnala, Columbia Generating & WNP 1/4 (via
phone)
Johanna Martell, The Daily Record - Ellensburg (via
phone)

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1 MS. MASTRO: Port of Vancouver?

2 MR. PAULSON: Larry Paulson is here.

3 MS. MASTRO: And optional state agency local
4 government for the Columbia Solar Project Department of
5 Health?

6 MS. COOPER: Kelly Cooper is here.

7 MS. MASTRO: Kittitas County?

8 I'm sure there is a form for the EFSEC Council,
9 the Vancouver Energy Council, and for the Columbia Solar
10 Council.

11 CHAIR DREW: And I heard a couple of other
12 people who joined us on the phone, so are there other
13 councilmembers on the phone?

14 MR. SNODGRASS: Bryan Snodgrass for --

15 MR. SIEMANN: Dan Siemann. I was not able
16 to hear the rollcall. I'm sorry I was not able to
17 respond.

18 CHAIR DREW: Okay. I heard Bryan Snodgrass,
19 and then who else?

20 MR. SIEMANN: Dan Siemann from --

21 CHAIR DREW: Okay. Dan Siemann.

22 MR. SIEMANN: -- Department of Natural
23 Resources.

24 CHAIR DREW: Okay. Will the clerk capture
25 those two.

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1 MR. ELLIOT: Ian Elliot.
 2 CHAIR DREW: And Ian Elliot from Kittitas
 3 County. Thank you.
 4 MR. POSNER: Chair Drew --
 5 CHAIR DREW: Yes.
 6 MR. POSNER: -- just for the record,
 7 Councilmember Stohr did call this morning and said he
 8 was going to be unable to make the meeting.
 9 CHAIR DREW: Okay. Thank you. Then we do
 10 have all members accounted for.
 11 The proposed agenda before you is -- I would
 12 like to, with the Council's permission, add one short
 13 item to the agenda, and that is for a couple of minutes
 14 of personal privilege for Dennis Moss, and I'll take
 15 that just at the beginning of the agenda here.
 16 Okay. Is there any objection to that? And do
 17 we have a motion to approve the agenda?
 18 MR. STEPHENSON: I also move.
 19 MR. ROSSMAN: Second.
 20 CHAIR DREW: Okay. All those in favor?
 21 MULTIPLE SPEAKERS: I.
 22 CHAIR DREW: The agenda is approved.
 23 Dennis?
 24 MR. MOSS: Thank you.
 25 So, first of all, welcome, Chair Drew. This is

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1 your first meeting with the Council and happy to have
 2 you at the helm.
 3 This will be my last meeting with -- as a member
 4 of the Council. I have decided to relinquish my post as
 5 I near retirement, and I hope that we can find a good
 6 substitute who I can assist to segue into the job as
 7 smoothly as possible.
 8 I wanted to take a couple of minutes to offer my
 9 appreciation to my fellow councilmembers, both the
 10 standing council and those members who joined us for
 11 purposes of the Vancouver Energy Project that we
 12 recently completed. Now that the period for
 13 reconsideration has passed with no petitions being
 14 filed, this seemed to me to be a proficuous moment to
 15 declare this to be my last meeting.
 16 I want to say a final word in appreciation of
 17 the staff and point out to Chair Drew that she has, I'll
 18 say, inherited, for lack of a better word, an
 19 outstanding staff who has worked very, very hard over
 20 the years. I've known them for a long time, and they
 21 really do a fine job, and they should be recognized for
 22 that. So with that, I thank you very much for indulging
 23 me with a couple of minutes of time.
 24 CHAIR DREW: Well, thank you. And thank you
 25 for your service on this council. As we talked earlier

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1 today, you had two different stents, and you have
 2 promised to be available to help introduce me to the
 3 issues and the topics that have been covered and to take
 4 advantage of your years of experience in terms of
 5 educating me on the activities of the Council, so I
 6 really appreciation that.
 7 MR. MOSS: I'll be happy to do that.
 8 CHAIR DREW: Okay. There are also some
 9 other people who have joined us on the phone.
 10 If you would like to identify yourself just so
 11 that we know who is there, please do so.
 12 MR. SHERMAN: This is Bill Sherman from the
 13 attorney general's office, counsel for the Environmental
 14 Protection Unit. I'm counsel for the environment on the
 15 Kittitas County Project.
 16 CHAIR DREW: Thank you.
 17 MS. DIAZ: Jennifer Diaz with Puget Sound
 18 Energy at the Wild Horse Energy Facility.
 19 CHAIR DREW: Thank you.
 20 MS. KHOUNNALA: Shannon Khounnala with
 21 Energy Northwest.
 22 CHAIR DREW: Thank you.
 23 MS. MARTELL: Johanna Martell with The Daily
 24 Record in Ellensburg.
 25 CHAIR DREW: Thank you.

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1 Okay. Hearing no others, we will proceed now to
 2 the next item on the agenda, which is the approval of
 3 the meeting minutes. We have two. We'll take December
 4 12th, 2017.
 5 Is there a motion to approve the minutes?
 6 MR. ROSSMAN: Point of clarification: I'm
 7 seeing two sets of minutes for the 12/12 Land Use
 8 Hearing and one for the Informational Hearing. Do we
 9 want to take those one at a time or for both?
 10 CHAIR DREW: Well, why don't we do them one
 11 at a time. Let's start with the Informational Meeting.
 12 MR. ROSSMAN: Moving for approval for the
 13 meeting minutes for the Information Meeting on December
 14 12th.
 15 CHAIR DREW: Okay. Second? Is there a
 16 second?
 17 MS. COOPER: So moved.
 18 CHAIR DREW: Thank you.
 19 MR. MOSS: I wasn't there.
 20 CHAIR DREW: Okay. All those in favor of
 21 approving the minutes?
 22 MULTIPLE SPEAKERS: I.
 23 CHAIR DREW: Opposed?
 24 Okay. That one has been adopted.
 25 And then moving on to the Land Use Hearing,

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1 December 12th, 2017, is there a motion to approve the
2 minutes?

3 MR. STEPHENSON: I'll approve that.

4 CHAIR DREW: Second?

5 MR. ROSSMAN: Second.

6 CHAIR DREW: Are there any comments -- or I
7 should have asked that first in the last one -- or
8 changes?

9 All those in favor of adopting the minutes of
10 the Land Use Hearing from the December 12th, 2017
11 meeting, please say "I."

12 MULTIPLE SPEAKERS: I.

13 CHAIR DREW: All opposed?

14 Meeting minutes are adopted.

15 And then in terms of the transcript and the
16 minutes from the Special Council Meeting on December
17 19th, 2017, is there a motion to approve those meeting
18 minutes?

19 MR. MOSS: Chair Drew, I will move that we
20 approved the meeting minutes of December 19th, 2017
21 concerning the Tesoro/Savage Vancouver Energy Project.

22 CHAIR DREW: Thank you.

23 MR. STONE: I'll second it.

24 CHAIR DREW: Thank you.

25 Any comments or corrections?

1 CHAIR DREW: Thank you.

2 MS. DIAZ: And for the operational update
3 for the month of December, I have nothing nonroutine to
4 report for the entire month.

5 CHAIR DREW: Great. Thank you.

6 Moving on to Columbia Generating Station.

7 MS. KHOUNNALA: Yes. This is Shannon
8 Khounnala. I'm calling in for Columbia Generating
9 Station and WNP 1 and 4 for Energy Northwest as the
10 environmental and regulatory programs manager.

11 I too would like to welcome you, Ms. Drew, to
12 the chair position. I too look forward to meeting you
13 sometime in the future.

14 CHAIR DREW: Great.

15 MS. KHOUNNALA: For the operational update
16 for Columbia Generating Station, we also have nothing
17 nonroutine to report for Columbia.

18 Are there any questions before I move on to WNP
19 1 and 4?

20 CHAIR DREW: Any questions? I see none.

21 Continue, please.

22 MS. KHOUNNALA: Okay. The nonoperational
23 update for WNP 1 and 4, Energy Northwest is continuing
24 with our planning and development of the water system
25 delivery out at WNP 1 and 4, which will put into place

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1 If not, all those in favor, please say "I."

2 MULTIPLE SPEAKERS: I.

3 CHAIR DREW: All opposed?

4 The meeting minutes are adopted.

5 Moving on to then our project operational
6 updates, the first is the Kittitas Valley Wind Project.

7 MR. LASPINA: Chair Drew, the normal
8 representative couldn't make it, but his reports are on
9 this colored -- whatever this color is.

10 CHAIR DREW: Chartreuse shall we call it?

11 MR. LASPINA: Whatever.

12 MR. MOSS: I call that Sounders green.

13 MR. LASPINA: It looks like green to me.

14 CHAIR DREW: Okay. And it looks like there
15 are no incidents and -- for November, December, and
16 January. Okay.

17 So let's move on then to the Wild Horse Wind
18 Power Project. And I heard Jennifer Diaz say that she
19 was on the phone.

20 MS. DIAZ: Yes. Thank you, Chair Drew and
21 councilmembers. For the record, my name is Jennifer
22 Diaz. I'm the senior wind resource advisor for Puget
23 Sound Energy from Wild Horse Wind and Solar Facility.

24 I would like to first welcome Chair Drew. I
25 look forward to meeting you in person at some point.

1 the Department of Ecology water right. Currently, right
2 now, we're working on developing some engineering plans
3 for that system. Outside of that, we have no other
4 items to report for WNP 1 and 4.

5 CHAIR DREW: Are there any questions? No?
6 Okay. Thank you.

7 Then the Chehalis Generation Facility.

8 MR. LASPINA: Chair Drew, the representative
9 called in and said he was unavailable for the meeting,
10 but his -- his reports are on the blue pages.

11 CHAIR DREW: Okay. The report on the blue
12 pages, are there any questions that we would want to get
13 back to him? No? Okay.

14 Then moving on to the Grays Harbor Energy
15 Center.

16 MR. LASPINA: Chair Drew, that person is
17 also not available, so... (Pause.)

18 CHAIR DREW: What color is this, Jim?

19 MR. LASPINA: Purple. If I got this --

20 CHAIR DREW: Fuchsia.

21 MR. LASPINA: If I got this wrong, I would
22 get a lot of grief.

23 CHAIR DREW: Thank you.

24 And then moving on to the Tesoro/Savage
25 Vancouver Energy -- oh, any questions about Grays

3 (Pages 9 to 12)

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1 Harbor?

2 Okay. Then the Tesoro/Savage Vancouver Energy
3 Distribution Terminal and --

4 MR. POSNER: Chair Drew, councilmembers, Ms.
5 Bumpus is not available, so just a quick update: On the
6 19th of December, the recommendation to the governor was
7 made, and that started the 60-day time clock for the
8 governor to render a decision on the recommendation.
9 And by my count, that would take us to February 17th, so
10 we'll wait and see at that date what happens.

11 CHAIR DREW: Are there any other questions
12 or comments?

13 MR. POSNER: And I will just add that it was
14 brought up earlier that there were no petitions filed
15 for reconsideration.

16 CHAIR DREW: Okay. Thank you, Mr. Posner.
17 The Columbia Solar Project, project update?

18 MS. KIDDER: Good afternoon, Chair and
19 councilmembers. To recap activity up until this point,
20 we have received the application for site certification
21 on October 16th. EFSEC held a public informational
22 meeting and a land use consistency hearing within 60
23 days of this in Ellensburg on December 12th. The
24 applicant has requested expedited processing of their
25 application. And pursuant to WAC 463-43-050, EFSEC is

1 receive the updated information from the applicant.

2 MR. POSNER: So if I could just add, so
3 those are the two key elements that -- the two
4 conditions have to be met for the application to qualify
5 for expedited processing. It has -- the project has to
6 be found by the Council to be consistent and in
7 compliance with local land use requirements and a
8 threshold -- a SEPA threshold determination of --
9 determination of nonsignificance or mitigation -- a
10 mitigated determination of nonsignificance has to be
11 issued. That is -- that part of the process is
12 typically done by the EFSEC manager as part of the
13 SEPA-responsible official to make that threshold
14 determination. The determination of land use
15 consistency is done by the -- made by the Council, and
16 we -- you know, we did have the land use hearing in
17 Ellensburg in December. The Council decided to extend
18 the time period beyond that day to receive more public
19 comment, which we did, and all of that information along
20 with briefings by the -- by Kittitas County and the
21 applicant are posted on our website. And I believe that
22 you all have access to that through our SharePoint, so
23 you have that information. And we've also -- we're
24 just -- we've just about finalized the hearing agency
25 agreement with the Department of Commerce Growth

1 required to make an expedited processing determination
2 within 120 days of receipt of application or such time
3 as agreed upon by the applicant and the Council.

4 Staff and our consultant have completed the
5 comprehensive review of the ASC, and we have met with
6 the applicant to discuss feedback generated from that
7 review and any additional questions that staff and our
8 consultant had. Tuusso will be responding to the data
9 request and updating their ASC and SEPA checklist to
10 reflect the clarifications discussed in that meeting.

11 CHAIR DREW: Are there any question?

12 MR. ROSSMAN: Thank you. When does that 120
13 days run?

14 MS. KIDDER: Approximately, mid February, I
15 believe, or February 13th would be 120 days.

16 MR. ROSSMAN: Is there any update on -- I
17 believe one of the elements in that expedited request is
18 a decision that it can -- doesn't require a full
19 environmental impact statement and that that's a staff
20 decision, is my understanding. And where are you in
21 thinking through that?

22 MS. KIDDER: That would be up to the
23 SEPA-responsible official, which is Steven, and he has
24 similar 120 days to make that determination, and I
25 believe we'll have some more information on that once we

1 Management Unit to just to provide technical support in
2 helping the Council -- providing information for the
3 Council to make their determination on land use
4 consistency. So I think that summarizes where we're at.
5 By the 120 days, the Council, by rule, is supposed to
6 make a decision about whether or not the project
7 qualifies, or that can be extended as well, that time
8 frame can be extended.

9 CHAIR DREW: And if I remember, our next
10 council -- regular council meeting is February 20th, so
11 that would be a week after that date. So perhaps we can
12 take a look at that, seeing if we can work with the
13 applicant to see if that meets satisfaction.

14 Would that be the process?

15 MR. POSNER: Well, we've never done -- as
16 far as I'm aware, EFSEC has never undertaken an
17 expedited process review for a new facility, that I'm
18 aware of. It may be years ago it happened, but not
19 since I've been in EFSEC. So the rule states that
20 within 120 days, the Council should make the decision
21 whether or not it qualifies. That's not stated in the
22 statute like it is for the application review period.
23 For one year is an extension as mutually agreed by the
24 applicant and the Council. Typically, how we've dealt
25 with that on projects is the applicant submits a letter

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1 to the Council requesting extension. The Council takes
2 it up at either a special meeting or a regular meeting
3 and votes to approve it, and that's how that's been
4 dealt with. So in this instance, either the Council or
5 staff will have to work with the applicant to agree to a
6 later time period, is the way I see it.

7 CHAIR DREW: Okay. Thank you.

8 Mr. Rossman, do you have another question?

9 MR. ROSSMAN: So do I take it that that
10 determination from the responsible official will be made
11 by the 13th or by our meeting on the 20th?

12 MR. POSNER: As far as the threshold
13 determination?

14 MR. ROSSMAN: Right. For SEPA.

15 MR. POSNER: Well, we're certainly working
16 towards that. We have -- I think Ami talked about a
17 data request to the applicant. We need some more
18 information from them. And we met with them last week
19 and requested information that they're working on to
20 provide to us, which we need to support the threshold
21 determination, so part of this will be dependent on
22 their response back to us, but we're certainly hoping
23 that we could make that determination.

24 MR. ELLIOT: Am I correct -- this is Ian
25 Elliot. Am I correct that the Council, as a whole,

1 will be Council's decision, is there going to be a staff
2 recommendation on land use consistency, or are we sort
3 of left to our own conclusions from the materials at the
4 land use hearing and stuff submitted after that? And
5 then along with that, you mentioned working on this
6 contract with Commerce and -- for the risk management
7 services. And is there anything in there about the --
8 will they be helping to formulate their recommendation
9 or answering questions, what their role will be?

10 MR. POSNER: Our plan is to make a
11 recommendation to the Council, which will be informed by
12 staff review, input from the AG's office, and input
13 hopefully from the Commerce, so we would -- we would
14 be -- staff would be providing some analysis, if you
15 will, and a recommendation on whether or not we would be
16 making some sort of a recommendation on land use
17 consistency.

18 CHAIR DREW: Okay.

19 MR. ROSSMAN: And do you have a time frame
20 in which that could be completed? By that mid February
21 date, or would that take longer to complete?

22 MR. POSNER: I would say that's possible,
23 but -- possible, but it's -- it's also possible that we
24 won't meet that deadline, so... (Pause.)

25 CHAIR DREW: So it sounds like a couple of

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1 would have to meet to discuss the issues that were
2 brought forth by the county as far as their zoning prior
3 to that determination?

4 MR. POSNER: Well, my understanding of the
5 rules is basically that the Council has to make a formal
6 decision on land use consistency and I believe expedited
7 processing by issuance of an order, and so I would
8 envision that there would be some discussion by the
9 Council amongst themselves probably in a public meeting
10 to discuss the issue of land use consistency and then
11 perhaps a vote on -- on consistency. That is clearly
12 not -- in my read of the rules, that is not a decision
13 for the EPSEC manager to make. That's a decision that
14 Council would have to make, so I suspect there would be
15 a discussion.

16 CHAIR DREW: So the two issues are --
17 nondetermination of nonsignificance is one that the
18 manager could make, but the issue of consistency with
19 land use would come to the Council?

20 MR. POSNER: Yes.

21 CHAIR DREW: Okay. Thank you.

22 MR. ROSSMAN: I do have another question, if
23 I may.

24 CHAIR DREW: Okay.

25 MR. ROSSMAN: So understanding that that

1 factors, including getting information both from
2 Commerce as well as additional information applicant is
3 what it's contingent on.

4 MR. POSNER: Right.

5 MR. ROSSMAN: Thank you.

6 CHAIR DREW: Other questions?

7 Okay. Then moving on to Item 6, EPSEC Council
8 cost allocation. Mr. Posner.

9 MR. POSNER: So in your packets, obviously,
10 are a green notice here. This -- every quarter we
11 recalculate our indirect rates and we call that the
12 nondirect cost allocation. And it's based --
13 percentages are based on past work, past quarters'
14 worked, and anticipated work for the future in the
15 projects that we have before us, so I'll go ahead and
16 read off the percentages for the benefit of those on the
17 phone.

18 For the Kittitas Valley Wind Power Project, 8
19 percent. The Wild Horse Wind Power Project, 8 percent.
20 Columbia Generating Station, 17 percent. Columbia Solar
21 Project, 16 percent. WNP-1, 4 percent. Whistling Ridge
22 Energy Project, 3 percent. Grays Harbor 1&2, 9 percent.
23 Chehalis Generation Project, 9 percent. Desert Claim
24 Wind Power Project, 11 percent. Grays Harbor Energy
25 3&4, 3 percent. And Tesoro Savage, 12 percent. And

5 (Pages 17 to 20)

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1 that's all I have on that matter. I would be happy to
 2 answer any questions councilmembers have.
 3 CHAIR DREW: Are there any questions?
 4 If not, do we do a motion to adjourn?
 5 Mr. Stephenson would like one more item.
 6 MR. STEPHENSON: Thank you, Chairman Drew.
 7 Councilmember Moss caught me off base today, so I wasn't
 8 ready, but I just wanted to say thank you for your
 9 service on the Council. You've been a friend to the
 10 Council. You've been a friend to me. You've been a
 11 source of help and advice, and I didn't want to let you
 12 sneak out of here without saying thank you.
 13 MR. MOSS: Thank you for all the word wars.
 14 MR. STEPHENSON: I would have brought some
 15 today, but... (Pause.)
 16 MR. POSNER: And I would also like to say,
 17 speaking as the EPSEC manager and I think also on behalf
 18 of the staff, that the years that we've worked with
 19 Dennis, he's always been very -- very approachable, has
 20 a wealth of information about adjudicate processes as
 21 well as EPSEC based on his years of experience, and he's
 22 always been available to assist, never making me or I
 23 believe anybody else feel that we're being talked down
 24 to, you know, based on all of his years of experience.
 25 He's always been a great source of information and also

1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF KING
 5
 6 I, Laura L. Ohman, a Certified Shorthand Reporter in and
 7 for the State of Washington, do hereby certify that the
 8 foregoing transcript is true and accurate to the best of my
 9 knowledge, skill and ability.
 10 IN WITNESS WHEREOF, I have hereunto set my hand and seal
 11 this 24th day of January, 2018.
 12
 13
 14
 15 LAURA L. OHMAN, RPR, CCR 3186
 16
 17 My commission expires:
 18 MARCH 2018
 19
 20
 21
 22
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1 has help the Council through some very difficult times,
 2 so I just want to say thank you very much.
 3 MR. MOSS: And thank you for those kind
 4 words.
 5 CHAIR DREW: Okay. Thank you. And with
 6 that, we are adjourned.
 7 (Hearing concluded at 1:55 p.m.)
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Kittitas Valley Wind Power Project Monthly Operations Report

January 2018

Project Status Update

Production Summary:

Power generated: 8909 MWh
Wind speed: 4.2 m/s
Capacity Factor: 11.9%

Safety:

No incidents

Compliance:

Project is in compliance

Sound:

No complaints

Shadow Flicker:

No complaints

Environmental:

No incidents

Wild Horse Wind Facility

January 2018

Safety

No lost-time accidents or safety injuries/illnesses.

Compliance/Environmental

Annual review of the Stormwater Pollution Prevention Plan (SWPPP) was completed and revisions were submitted to EFSEC staff on January 11th for review by the Department of Ecology.

Operations/Maintenance

Nothing to report.

Wind Production

January generation totaled 54,270 MWh for an average capacity factor of 26.76%.

Eagle Update

Nothing new to report.

**Energy Northwest
EFSEC Council Meeting
January 2018 Operations Report
Debbie Knaub**

I. Columbia Generating Station Operational Status

Columbia is online at 100% power and producing 1161 MWs.

Executive Team Changes:

Columbia is in the process of selecting a successor to the current CEO, Mark Reddemann, who has announced his retirement. Interviews will occur this winter and spring with selection occurring in April 2018. The new CEO will start in June 2018.

Excellence in Performance at Columbia:

As part of its emphasis on excellence in performance, Columbia is renewing its excellence program with a focus on developing leadership of first-line supervisors and next-level leaders in the organization. Recent training for supervisors and staff has focused on this goal.

II. WNP 1/4 Building Transfer/Water Rights

NEPA/Leasing

No change from July 2017 report.

Energy Northwest's new lease with the Department of Energy for WNP 1/4 went into effect on July 1, 2017. We have started the planning and some field work on the water distribution system project, which will eventually utilize the Water Rights permit granted by the Department of Ecology.

Chehalis Generation Facility----Monthly Plant Report – January 2018

Washington Energy Facility Site Evaluation Council

02.09.2017

Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 918 days without a Lost Time Accident.

Environment:

- There were no air emissions or stormwater deviations or spills during the month of January 2018.
- Wastewater and Stormwater monitoring results were in compliance with the permit limits for the month of January 2018.

Operations and Maintenance Activities:

- The Plant generated 138.4k MW-hours in January for a 2018 YTD generation total of 138.4k MW-hours and a capacity factor of 36.4%.

Regulatory/Compliance:

- Nothing to report.

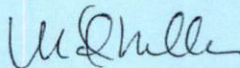
Sound monitoring:

- Nothing to report this period.

Carbon Offset Mitigation:

- Nothing to report this period

Respectfully,



Mark A. Miller
Manager, Gas Plant
Chehalis Generation Facility

EFSEC Monthly Operational Report

January 2018

1. Safety and Training

- 1.1. There were no accidents or injuries during the month of January.
- 1.2. Conducted scheduled and required monthly training.
- 1.3. Conducted the scheduled Safety Committee meeting.

2. Environmental

- 2.1. The Final Engineering Report Addendum for the NPDES permit was resubmitted to EFSEC in the new format requested by Ecology.
- 2.2. The 2017 Q4 Air Emissions report was submitted to EFSEC/ORCAA on January 31, 2018 and the updates to the Startup, Shutdown, Malfunction, Procedures (SSMP) Manual and CEMS O&M Manual were highlighted for the new NOx analyzers added in 2016.

3. Operations & Maintenance

- 3.1. Grays Harbor Energy (GHE) operated 20 days and generated 167,916MWh during the month of January.

4. Noise and/or Odor

- 4.1. One noise complaint was made to the site during the month of January. The plant was not running at the time, and no activities were occurring that would potentially generate loud noise. The complaint was investigated, and the source not located. We were unable to find/hear any noise that fit the description in the local area around the plant. We determined the plant was not source.

5. Site Visits

- 5.1. None.

6. Other

- 6.1. Grays Harbor is staffed with 21 personnel.



February 12, 2018

Stephen Posner, Siting Manager
Energy Facility Site Evaluation Council
Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
PO Box 43172
Olympia, WA 98504-3172

RE: TUUSSO Energy, LLC - Columbia Solar Projects
Project No.: EF-170823

Dear Mr. Posner:

TUUSSO Energy, LLC ("Applicant") submitted its Application for Site Certification for the Columbia Solar Projects on October 16, 2017. The timeline for the Council's determination of the Projects' eligibility for expedited permitting would expire on February 13, 2018. WAC 463-43-050.

The Applicant requests an extension to and through the April 2018 Council meeting for the Council to complete evaluation of the Projects' suitability for expedited permitting. This extension request is based on information provided to Applicant by EFSEC staff. The Applicant asks EFSEC to allocate the appropriate resources to complete and deliver a recommendation to the Governor according to the applicable timeline.

Thank you for your consideration of this extension.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Evans", is written over a light blue horizontal line.

Jason Evans
Vice President
TUUSSO Energy LLC

cc: Timothy L. McMahan, Stoel Rives LLP

500 Yale Avenue North
Seattle, WA 98109
Phone: 206-303-0198
E-Mail: jason.evans@tuusso.com
Web: www.tuusso.com

Washington State Energy Facility Site Evaluation Council

February 13, 2018

TO: EFSEC Council Members

FROM: Sonia E. Bumpus
EFSEC Siting and Compliance Manager

SUBJECT: TUUSSO Columbia Solar Project Application for Site Certification (ASC) Expedited Processing Eligibility Discussion.

Introduction:

The purpose of this memo is to present process recommendations to the EFSEC Council for the proposed TUUSSO Columbia Solar project (Project). Recommendations were formulated by EFSEC staff and are listed as options A and B at the end of this memo. Each option contemplates a path forward in terms of expedited process. For land use consistency determination process issues, EFSEC staff considered legal input from our Assistant Attorney General (AAG) and from our contractor at the Washington Department of Commerce, who provided a Land Use Analysis Report (LUAR). Staff also considered the progress and status of EFSEC's State Environmental Policy Act (SEPA) threshold determination, which includes technical input from EFSEC's contractors at Golder Associates, the Washington Department of Archaeological and Historic Preservation (DAHP), the Department of Fish and Wildlife (WDFW), the Department of Ecology (Ecology), the Department of Health (DOH), Department of Agriculture (WSDA), and the U.S. Fish and Wildlife Service (USFW).

Background:

On October 16th, 2017, EFSEC received an Application for Site Certification (ASC) to construct and operate five photovoltaic solar projects on 232 leased acres in Kittitas County. For this discussion the five solar sites are collectively referred to as the "Project". In its ASC, TUUSSO (the Applicant) requests that the Council grant expedited process under RCW 80.50.075.

In accordance with RCW 80.50.075 (1) and RCW 80.50.090 (2), the Council will grant expedited process if two conditions are met, 1.) EFSEC SEPA responsible official determines that Project impacts are not significant or can be mitigated to non-significant levels (No EIS is developed), and 2.) The Council finds the Project sites are consistent and in compliance with the applicable local land use plans or zoning ordinances. The primary processes through which EFSEC determines if the two conditions are met

includes conducting a local Land Use hearing in order to make a land use consistency determination, and development and issuance of a SEPA threshold determination.

Pursuant to SEPA WAC 197-11, EFSEC staff, its independent consultant, and agency contractors completed a comprehensive technical review of the ASC and SEPA checklist. Subsequently, EFSEC staff transmitted "Data Request 1" to the Applicant on January 17, 2018, requesting additional information. On January 26, 2018, the Applicant responded to EFSEC's request, submitting an updated ASC and SEPA checklist. These updated materials, in addition to a list of proposed draft mitigation measures, were circulated to agency SEPA contacts and contractors at DAHP, WDFW, USFW, WSDA, DOH, and Ecology on February 6, 2018. Via this consultation effort, staff have either refined existing mitigation measures or added new ones.

For the land use determination, EFSEC held a public land use consistency hearing on December 12, 2017 in Ellensburg, WA. At that meeting the Council extended the record for an additional 10 days, allowing additional briefings and public comment submittal. Subsequently, in late January 2018, EFSEC staff commissioned the Department of Commerce to provide a report analyzing applicable Kittitas County (County) land use plans and zoning ordinances for the Project.

Does the Project meet conditions 1 and 2 for Expedited Process?

Condition 1 Discussion:

EFSEC staff are currently consulting with participating agencies and working to finalize mitigation measures that would be appropriate for a Mitigated Determination of Non-significance (MDNS) for the Project. As mitigation measures are finalized, staff may develop an MDNS for public notice. If an MDNS is appropriate, as required by SEPA WAC 197-11-502 (3), EFSEC would conduct a 14-day public comment period, and depending on comments, may revise the MDNS. A final MDNS would outline measures to minimize and/or avoid identified impacts. If EFSEC issues an MDNS, condition 1 would be satisfied for expedited process eligibility.

Condition 2 Discussion:

In order to grant expedited process, the Council would determine the Project to be consistent and in compliance with local land use plans or zoning ordinances. Since EFSEC has conducted a land use hearing and received public input and briefs from the Applicant and the local government, the immediate question before the Council is whether the information regarding land use issues is sufficient to make an EFSEC land use consistency determination. If the Council feels more information is needed related to local land use issues, such as local conditional use criteria, additional information could be generated through other EFSEC processes.

For instance, under SEPA rules in WAC 197-11, the decision maker may use information made available during its environmental review. If the SEPA public comment process yields information relevant to impacts beyond those discussed in EFSEC's MDNS, nothing would preclude the Council from taking that information into account. EFSEC could also solicit for specific input on specific land use issues during public comment. Additionally, under EFSEC's rules in WAC 463-43-060 (1), if expedited process is granted, the Council has the discretion to direct its independent consultants to conduct additional studies if the Council determines they need additional information to develop a recommendation for the Governor. These inlets for more information are available to supplement EFSEC's record of decision, whether or not expedited process is granted. After reviewing all materials and considering the options discussed above, staff recommends the Council determine whether the land use comments and briefs are sufficient to make its land use consistency determination for the Project. If the Council finds the land use comments and briefs sufficient, then EFSEC staff recommends that the Council proceed with Option A. On the other hand, if the Council finds the record should be supplemented, staff recommends proceeding with option B.

Options:

Option A

If, in accordance with RCW 80.50.075 (1) and RCW 80.50.090 (2), no additional information is necessary for an EFSEC land use consistency determination, EFSEC may finalize an MDNS and conduct a 14-day public comment period for the SEPA threshold determination. If the land use determination by the Council is that the Project, as-proposed, is consistent and in compliance with local land use plans or zoning ordinances, and an MDNS is determined appropriate, the Council could by order grant expedited processing.

Option B

If the Council finds that additional information would be helpful to make an EFSEC land use consistency determination, in accordance with RCW 80.50.075 (1) and RCW 80.50.090 (2); the Council may ask the public and the County to provide any additional land use considerations during a 14 day SEPA public comment period. By accepting additional written comments, the County or local community members may propose conditions that could be considered by the Council; should the Council determine it is consistent and in compliance with land use plans or zoning ordinances. If the land use determination by the Council is that the Project, as-proposed, is consistent and in compliance with local land use plans or zoning ordinances, and an MDNS is determined appropriate, the Council could by order grant expedited processing.



STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL
PO Box 43172 • Olympia, Washington 98504-3172

COLUMBIA SOLAR PROJECT
February 20, 2018

Motion Option A. Move Council to find that no additional land use or zoning information is necessary to its expedited process decision and that the proposed site is consistent and in compliance with applicable land use plans or zoning ordinances in effect as of October 16, 2017, and to direct staff to proceed with the SEPA 14-day public comment period to finalize the MDNS determination in the TUUSSO Energy Project.

Motion Option B. Move Council to re-open the land use hearing record to allow the public an additional 14 days during the SEPA public comment period to submit further information on whether the proposed site is consistent and in compliance with applicable land use plans or zoning ordinances in effect as of October 16, 2017, and to direct EFSEC staff to proceed with holding a 14-day SEPA public comment period for the TUUSSO Energy Project and notify the public of the dates for submittal of such additional land use hearing information and/or SEPA comment.



Department of Commerce

TUUSO Energy - Colombia Solar Project Land Use Analysis Report

Prepared for:

Washington State Energy Siting Evaluation Council
1300 S. Evergreen Park Dr. S.W.
PO Box 47250
Olympia, WA 98504-7250

Prepared by:

Scott Kuhta, AICP, Senior Planner
Washington State Department of Commerce
Growth Management Services
1011 Plum Street S.E.
PO Box 42525
Olympia, WA 98504-2525

Introduction

The Washington State Department of Commerce (Commerce) prepared this report at the request of the Washington State Energy Facility Site Evaluation Council (EFSEC). EFSEC requested Commerce's assistance to determine consistency between Tuusso Energy's Columbia Solar Project and Kittitas County's comprehensive plan and zoning regulations. Commerce has no regulatory or approval authority and provides this analysis as a neutral party to EFSEC's Expedited Siting process.

The scope of this report is to analyze the Columbia Solar Project sites' consistency with and compliance with Kittitas County's land use plans and zoning ordinances (see WAC 463-43-050). The scope does not include recommendations for Expedited Review approval or denial; nor does it recommend specific site mitigation measures.

Documents reviewed include the following:

- Tuusso's application for expedited review.
- Kittitas County Comprehensive Plan and Zoning Ordinance
- Legal briefs from both Tuusso and Kittitas County
- Iron Horse conditional use staff report and Board of Commissioners findings and conclusion

A site visit was conducted on January 24, 2018, which included EFSEC staff, a Tuusso representative and Tuusso environmental consultants.

Project Overview

The Columbia Solar Project consists of five individual sites located to the north, west and south of the City of Ellensburg, Washington. The sites range in size between approximately 35 and 54 acres on open, agricultural land. Appendix A includes zoning and land use maps for each site. Land Use, zoning and site characteristics for each of the sites are as follows:

1. Fumaria

Location: Approximately 3 miles north (and a bit west) of Ellensburg

Size: 35.24 Acres

Site characteristics: The site is remote with limited development within close proximity. There is no water available and is not currently being farmed and is largely covered with weeds. The project appears to be visible to one house lying to the east.

Land Use Designation: Rural Working (Rural Lands)

Zoning: Agriculture 20

2. Typha

Location: Approximately 2 miles west (and a bit north) of Ellensburg.

Size: 54.29 Acres

Site characteristics: The site is currently farmed with a golf course located directly east. The Yakima River and Interstate 90 lie to the east, providing a visual barrier to development north and east of the freeway. The project site is surrounded by agricultural land to the north, west and south and does not appear to be visible from off-site residences, nor from the freeway.

Land Use Designation: Commercial Agriculture (Agricultural Resource Lands)

Zoning: Commercial Agriculture

3. Urtica

Location: Approximately 1/2 mile southwest of Ellensburg.

Size: 51.94 Acres

Site characteristics: The site is currently farmed and is surrounded by open farmland, rural houses and a K-5 elementary school (Damman School). The historic school building located on the site in 1890.

Land Use Designation: Rural Working (Rural Lands)

Zoning: Agriculture 20

4. Camas

Location: Approximately 2 miles southeast of Ellensburg, adjacent to Interstate 82, just south of the I-90/I-82 interchange.

Size: 51.21 Acres

Site characteristics: The site lies adjacent to I-82 to the west, the freeway connecting Ellensburg and surrounding region to the Yakima region. Tjossem Road borders the north site boundary, which rises 8 to 12 feet as it approaches the I-82 overpass. A commercial dog kennels is located across Tjossem Road to the north with farmland directly west of I-82, to the east and south. A small ditch, creating two distinct portions of land, bisects the site. The site is currently farmed and includes a barn.

Land Use Designation: Commercial Agriculture (Agricultural Resource Lands)

Zoning: Commercial Agriculture

5. Penstemon

Location: Approximately 3 miles east and a bit south of Ellensburg, adjacent to Tjossem Road on the north boundary.

Size: 39.98 Acres

Site characteristics: The site is currently farmed and is surrounded by active farms, with houses to the north/north east. A channelized creek forms to east site boundary.

Land Use Designation: Commercial Agriculture (Agricultural Resource Lands)

Zoning: Commercial Agriculture

Land Use Analysis

Washington State's Growth Management Act (GMA) establishes statewide goals for growth and development and includes specific requirements that counties must address in their comprehensive plans. The Kittitas County Comprehensive Plan adopts goals, policies and objectives specific to local conditions, while consistent with the GMA, hearings board decisions and court cases. The comprehensive plan provides policy guidance for zoning and other development regulations, which are the rules for how land is used and developed. Two GMA goals that are most pertinent to this analysis include:

1. Preservation of rural character, and
2. Designate and assure the conservation of agricultural resource lands of long-term commercial significance.

Rural Element

The GMA requires counties to adopt a Rural Element, which establishes goals and policies for rural development and preservation of rural character. The concept of rural character varies from one region to the next, even within the same county. The GMA refers to the patterns of land use and development in the rural element of comprehensive plans:

- *In which open space, the natural landscape, and vegetation predominate over the built environment;*
- *That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;*
- *That provide visual landscapes that are traditionally found in rural areas and communities;*
- *That are compatible with the use of the land by wildlife and for fish and wildlife habitat;*
- *That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;*
- *That generally do not require the extension of urban governmental services; and*
- *That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas. (RCW 36.70A.030(15)).*

Rural Character is defined in the Kittitas County comprehensive plan as:

Predominate visual landscape of open spaces, mountains, forests, and farms and the activities which preserve such features. It balances environmental, forest, and farm protection with a variety of rural development and recreational opportunities. Many sizes and shapes of properties can be found in the Rural Lands providing a wide variety of land use from its diverse topography, small to large acreage properties, assorted economic activities and opportunities, small rural residential development, and recreational activities... (Page 8-4, Kittitas County Comprehensive Plan).

The following goals, policies and objectives (GPO), provide context to preserving and enhancing rural character:

GPO 8.12 Incentive-based land use strategies will be examined and adopted to encourage land uses which are compatible to the rural environment.

GPO 8.15 Uses common in rural areas of Kittitas County enhancing rural character, such as agriculture uses in Lower Kittitas and rural residential uses and recreation uses in Upper Kittitas shall be protected from activities which encumber them.

GPO 8.16 Give preference to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.

GPO 8.17 Land use development within the Rural area that is not compatible with Kittitas County rural character or agricultural activities as defined in RCW 90.58.065(2)(a) will not be allowed.

GPO 8.19 Develop buffer standards and regulations that will be used between incompatible rural uses.

GPO 8.21 Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character.

*GPO 8.21B Functional separation and setbacks found necessary for the protection of water resources, rural character and/or visual compatibility with surrounding rural areas shall be required where development is proposed. The first sentence of this policy shall not apply to agricultural activities as defined in RCW 90.58.065(2)(a). When required by the county shoreline master program or critical area regulations, buffers shall be provided. (Page 8-6, **Kittitas County Comprehensive Plan**).*

Rural Working Designation

Kittitas County's plan designates the Fumaria and Urtica sites as "Rural Working". The Rural Working designation emphasizes farming and ranching as historic and fundamental components of the rural landscape and character. Rural Working lands also support "some commercial and industrial uses compatible with rural environment and supporting agriculture and/or forest activities" (Page 8-8, **Kittitas County Comprehensive Plan**). Agriculture activities in Rural Working lands are generally less in scope than Agricultural Resource lands.

Goals, policies and objectives specific to the Rural Working focus largely on agricultural preservation and limiting conflict between working farms and residential development. The GPOs do not specifically address energy facilities. The following GPOs discuss commercial/industrial development in the Rural Working designation:

GPO 8.44 Growth and development in Rural lands will be planned to minimize impacts upon adjacent natural resource lands.

GPO 8.44A Commercial/Industrial development in rural areas shall be compatible to the rural environment, and must be developed as determined necessary to not significantly impact surface and groundwater.

GPO 8.44B All runoff from impermeable surfaces of industrial/commercial development must meet local and State storm water standards and requirements.

GPO 8.44C New commercial/industrial development shall be required to meet standards or any measures found needed to protect existing surface and groundwater users from impairment and contamination.

Analysis

The Rural Working designation is clearly focused on preserving working farms and ranches while limiting conflicts and impact from non-agricultural development. Policies do recognize that non-agricultural uses may be permitted as long as impacts can be minimized. This can be accomplished by restricting certain non-agricultural uses to areas adjacent to freeways, other similar non-agricultural uses and by adopting development regulations requiring special setbacks, building height limits, vegetation screens and fencing. For rural lands, the critical questions regarding land use consistency are:

- Does the proposed project change the visual character of the area such that it is not consistent with rural visual character?
- Will the operation of the facility create any operational interference with agricultural production on any surrounding resource lands?
- Will the project manage any stormwater runoff in a manner that maintains natural drainage without contamination of the surface and groundwater?

RESOURCE LANDS

The GMA requires counties to designate agricultural, forest and mineral resource lands, which are lands that have long term commercial significance (RCW 36.70A.170). Counties are further required to adopt regulations to ensure the conservation of resource lands (RCW 36.70A.060). The GMA requirements protects resource lands from two primary threats: **conversion** of resource lands to uses that remove the land from agricultural production; and development that creates **operational interference** with agricultural operations on surrounding property.

Kittitas County adopts goals, policies and objectives in the Rural Lands chapter to assure that resource land policies are consistent with the GMA.

Most of the resource land goals, policies and objectives concern the protection and conservation of resource lands and do not specifically address commercial or industrial land uses. The following GPO addresses incompatible development:

GPO8.123 Where proposed development is determined incompatible with natural resource activities, all mitigation measures to make the development compatible with the activities shall be completed at expense of the developer.

Commercial Agriculture Designation

Three of the project sites, Typhus, Camas and Pentsemon, are designated Commercial Agriculture. This designation intends to conserve designated agricultural land for long-term commercial viability. The County applied the following guidelines in designating commercial agriculture land (see WAC 365-190):

- *Lands not characterized by urban growth;*
- *Lands capable of being used for agricultural production based primarily on physical and geographic characteristics;*
- *Lands having long-term significance for agriculture which takes into account, among other things, the proximity to urban growth areas, public facilities and services, intensity of nearby uses and other things which might contribute to potential revision of use based upon marketing factors.*

The comprehensive plan includes the following designation criteria and considerations:

- *Land Grade Consideration. Agricultural Lands of Long-Term Commercial Significance shall be prime and unique farmland soils as mapped by the United States Department of Agriculture Natural Resources Conservation Service and considered capable of agricultural use according to land capability criteria in Agriculture Handbook No. 210 or successor guide adopted by the federal agency.*
- *Other consideration. In determining whether land should be designated as Agricultural Land of Long-Term Commercial Significance, the County may also consider the needs and nature of the agricultural industry.*
- *Designation. Upon a determination that a tract qualifies as Agricultural Lands of Long-Term Commercial Significance (referred to as Commercial Agricultural Lands in the Kittitas County Code) under the definitions and considerations noted above, such lands shall be so mapped in the Comprehensive Land Use Plan map of Kittitas County and shall be zoned Commercial Agricultural lands under Kittitas County zoning code, section KCC 17.31. The County's Commercial Agricultural zoning code, KCC 17.31, shall control uses, maintenance and enhancement of the agricultural industry and conserve productive agricultural lands consistent with the needs and best practices of the industry. Lands presently mapped as "commercial agriculture" shall retain that designation unless a*

*specific de-designation request is filed by the owner for a review under the guidelines of this Ordinance (Page 8-30, **Kittitas County Comprehensive Plan**).*

Preservation of agricultural lands is one of 14 GMA goals and a high priority for Kittitas County. Resource lands goals, policies and objectives in the County's Comprehensive plan provide little guidance for the siting and development of commercial and industrial uses, or utilities.

Solar farm construction allows for complete removal once the project is no longer viable. Soils would not be disturbed and the property can return to agricultural production. This meets the intent to preserve agricultural lands of long-term significance.

The concern for Kittitas County are the cumulative impacts of solar installations on productive agricultural land. Considerations include the market demand for alternative energy and the proximity to existing power infrastructure. If the demand for solar energy were persistent and growing, these lands would not be available for agricultural use for a long period. This would effectively remove lands from agricultural production and would be conversion, unless farming can coexist with solar energy production on the site.

For agricultural resource lands, the critical questions regarding land use consistency are:

- Does the proposed project remove agricultural resource lands from agricultural production?
- Can the project be designed in a way that retains the ability to use the land for agricultural production?
- Will the operation of the facility create any operational interference with agricultural production on any surrounding resource lands?

Utilities Element

The Utilities Element includes the following GPOs specific solar farms:

GPO 6.36 Develop a study area encompassing the entire county to establish criteria and design standards for the siting of solar farms (Page 6-5, *Kittitas County Comprehensive Plan*).

Kittitas County is currently developing updates to its zoning code specific to solar farms.

Zoning Analysis

Zoning Codes regulate the use of land by classifying uses within specific zones as either permitted, not permitted or as a conditional use. Conditional uses require a public hearing where a specific project is either approved with specific conditions, or denied. Conditions of approval include mitigation measures to lessen the impact of the proposed use on surrounding development. Conditional uses permits are applied to specific properties for specific uses and cannot be transferred to other sites.

Zoning codes include conditional uses because some uses may be desirable at a specific location and compatible with surrounding land uses. That same use may not be compatible with surrounding uses at other sites. The hearing process allows the public to voice support or opposition to the proposal, and testimony may result in conditions that mitigate impacts to surrounding properties.

Conditions of approval reflect the compatibility of the proposed use with surrounding development, site characteristics, proximity to adjacent development and public services. Example conditions may include, but are not limited to, hours of operation, increased setbacks, landscaping, increased buffers from streams and wetlands, height limitations, fencing and building materials.

In Kittitas County, a Hearing Examiner conducts the Conditional Use public hearing, then forwards a recommendation for approval with conditions, or denial, to the Board of Commissioners. The Commissioners then conduct a “closed record” hearing, with authority to make the final decision. A closed record hearing means that the Board may only consider information presented to the Hearing Examiner. The Board’s decision is appealable to Superior Court.

EFSEC must consider whether the Tuusso project, which would require five separate conditional use permits, can be compliant with local zoning if the zoning code requires a public hearing before a Hearing Examiner and a final decision by the Board of Commissioners. The Conditional Use hearing process does not guarantee a positive outcome for the applicant.

Major Alternative Energy Facilities

Title 17, Zoning, of the *Kittitas County Code* (KCC) regulates land use within the County. The code includes “solar farms” in the definition of “Major alternative energy facility”, along with hydroelectric plants and wind farms. The code also includes “Minor alternative energy facilities, but those facilities must use the energy produced on-site. Therefore, the KCC classifies the Columbia Solar projects as major alternative energy facilities.

Section 17.61.020 specifies that major alternative energy facilities *may* be authorized as a conditional use permit in the Agricultural-20 and Commercial Agriculture zones. Therefore, all

five of the Columbia Solar sites would be eligible to apply for a conditional use permit (notwithstanding the current moratorium on solar farms, discussed later in this report).

Section 17.60A.15 lists review criteria that the Board must consider when reviewing Conditional Use proposals, including:

1. *The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.*
2. *The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that*
 - A. *The proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or*
 - B. *The applicant shall provide such facilities; or*
 - C. *The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.*
3. *The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.*
4. *The proposed use will mitigate material impacts of the development, whether environmental or otherwise.*
5. *The proposed use will ensure compatibility with existing neighboring land uses.*
6. *The proposed use is consistent with the intent and character of the zoning district in which it is located.*
7. *For conditional uses outside of Urban Growth Areas, the proposed use:*
 - A. *Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;*
 - B. *Preserves "rural character" as defined in the Growth Management Act (RCW [36.70A.030\(15\)](#));*
 - C. *Requires only rural government services; and*
 - D. *Does not compromise the long term viability of designated resource lands. ([Ord. 2013-012](#), 2013; [Ord. 2013-001](#), 2013; [Ord. 2012-009](#), 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)*

Section 17.60A.020 lists conditions that may be imposed, included, but not limited to:

1. *Increasing the required lot size, setback or yard dimensions;*
2. *Limiting the height of buildings or structures;*
3. *Controlling the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);*
4. *Requiring the dedication of additional rights-of-way for future public street improvements;*
5. *Requiring the designation of public use easements;*
6. *Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;*
7. *Limiting the number, size, height, shape, location and lighting of signs;*
8. *Requiring or limiting view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;*
9. *Designating sites for and/or the size of open space or recreational areas;*
10. *Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;*
11. *Limiting hours and size of operation;*
12. *Controlling the siting of the use and/or structures on the property;*
13. *Requiring mitigation measures to effectively reduce the potential for land use conflicts with agricultural and resource lands, such as: landscape buffers, special setbacks, screening, and/or site design using physical features such as rock outcrops, ravines, and roads.*
14. *Demonstrating that the requirements of [Chapter 13.35, Kittitas County Code](#), Adequate Water Supply Determination, can be met. ([Ord. 2014-005](#), 2014; [Ord. 2013-012](#), 2013; [Ord. 2012-009](#), 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988)*

Solar Farms in Kittitas County

Kittitas County has conditionally approved two solar farms (see P. 7, *Kittitas County's Brief on Land Use Consistency*). The two projects include the Teanaway Solar Preserve, a 477-acre project on a 982-acre parcel, and the Osprey Solar Farm, a 13-acre project on a 112-acre parcel. Neither project has been constructed to date.

The County's most recent solar farm proposal, Iron Horse, was recommended for approval by the Hearing Examiner, but was denied by the Board of Commissioners. The Board's decision was appealed to Kittitas County Superior Court and the Court affirmed the decision. The Iron Horse project was proposed on open, irrigated farmland near the City of Kittitas. The Board found that the project was not consistent with rural character, and the Court agreed. The relevant findings from the court including the following statements:

Preserving rural character is one of the conditions that must be met, and the burden of showing that it does so at the specific site rests with the applicant proponent of the solar farm.

There is nothing inconsistent about a finding that major alternative energy facilities may but also may not preserve rural character as it applies to a specific project in a specific place, even in the same zoning. One component of rural character refers to "patterns of land use and development established by county in the rural element of its comprehensive plan: (a) in which open space, the natural landscape, and vegetation predominate over the built environment." There could be an almost infinite number of configurations of project and siting that could yield vastly different results from each other.

It is not an erroneous interpretation of the law, specifically rural character, to consider whether a massive industrial project of this nature, encompassing 47.5 acres, eight feet high with large mechanized racks to follow the sun, set in the middle of treeless productive farm fields preserves rural character, interferes with visual compatibility of the surrounding area, or contains a built environment which predominates over the natural landscape...

The Superior Court's decision has not been appealed and, therefore, establishes legal parameters in which solar farms must be evaluated in Kittitas County. Key takeaways include the following:

1. Each site must be evaluated independently from other sites.
2. Solar farms may, or may not, preserve rural character.
3. The built environment cannot predominate over the natural environment.
4. Projects may potentially be designed in ways that preserve rural character

Moratorium

After making its decision on the Iron Horse project, the Board of Commissioners adopted a moratorium for new solar farms, which was recently extended to July 10, 2018. The County is developing new rules, which would include the appropriate location for new solar farms. Therefore, the County cannot currently accept Condition Use applications for solar farms. The question of whether this project is consistent with applicable zoning regulations when those

regulations include a moratorium on that type of project is not within the scope of the analysis requested of Commerce.

Other Non-Agriculture Uses

Kittitas County Code includes zoning use tables, which lists specific uses as either permitted (P), permitted with administrative approval (PA), permitted with an administrative conditional use (AC), or a conditional use (CU) (see Appendix B, Chapter 17.15, Allowed Uses).

Following are non-agricultural uses allowed in the Commercial Agriculture zone:

- *Religious Institutions (CU)*
- *Schools (CU)*
- *Shooting Range (CU)*
- *Vehicle Equipment Service and Repair (P, limited to farm implements)*
- *Airport (P, when used supporting agricultural activities)*
- *Refuse Disposal/recycle (CU)*
- *Mining and excavation (CU)*
- *Public Facilities (PA)*
- *Utilities (P/ACU/CU, depending on the type of Utility)*

Following are non-agricultural uses allowed in the Agriculture 20 zone:

- *Religious Institutions (CU)*
- *Schools (P)*
- *Interpretive Center (AC)*
- *Veterinary Hospital (CU)*
- *Shooting Range (CU)*
- *Vehicle Equipment Service and Repair (P, limited to farm implements)*
- *Airport (CU)*
- *Forest Product Processing (CU)*
- *Refuse Disposal, Recycle (CU)*
- *Campground (CU, with specific criteria)*
- *Golf Course (CU)*
- *Parks and playgrounds (P)*
- *Mining and excavation (CU)*
- *Public facilities (PA)*
- *Utilities (P/ACU/CU, depending on the type of Utility)*

Chapter 17.61 defines "Utility" as:

"Utility" or "utilities" means the supply, treatment and distribution, as appropriate, of gas, gas meter stations, municipal domestic and irrigation water, sewage, storm water, electricity, telephone, fiber-optic and cable television. Such utilities consist of both the service activity along with the physical facilities necessary for the utilities to be supplied,

except for associated facilities and special utilities as defined herein. Electric vehicle infrastructure, as provided for in [Chapter 17.66](#), is not a "utility" or "utilities".

Chapter 17.62 defines "Public Facility" as:

"Public facility" means the capital improvements and systems of transportation, law enforcement, fire protection, and recreational facilities (i.e., parks and playgrounds). Public facilities may be sited in any zoning, classification, subject to the review and approval requirements of this chapter.

Conclusion

This report does not recommend a position on the project's consistency with Kittitas County's comprehensive plan and zoning regulations. Rather, it highlights policy issues for EFSEC's consideration in determining consistency. In making its consistency determination, EFSEC should consider information gathered during the land use hearing process and SEPA evaluation.

Key issues include the legal effect of the moratorium on solar projects, the Superior Court's *Iron Horse* decision regarding rural character and whether a consistency determination can be made given the local public hearing process required for a conditional use.

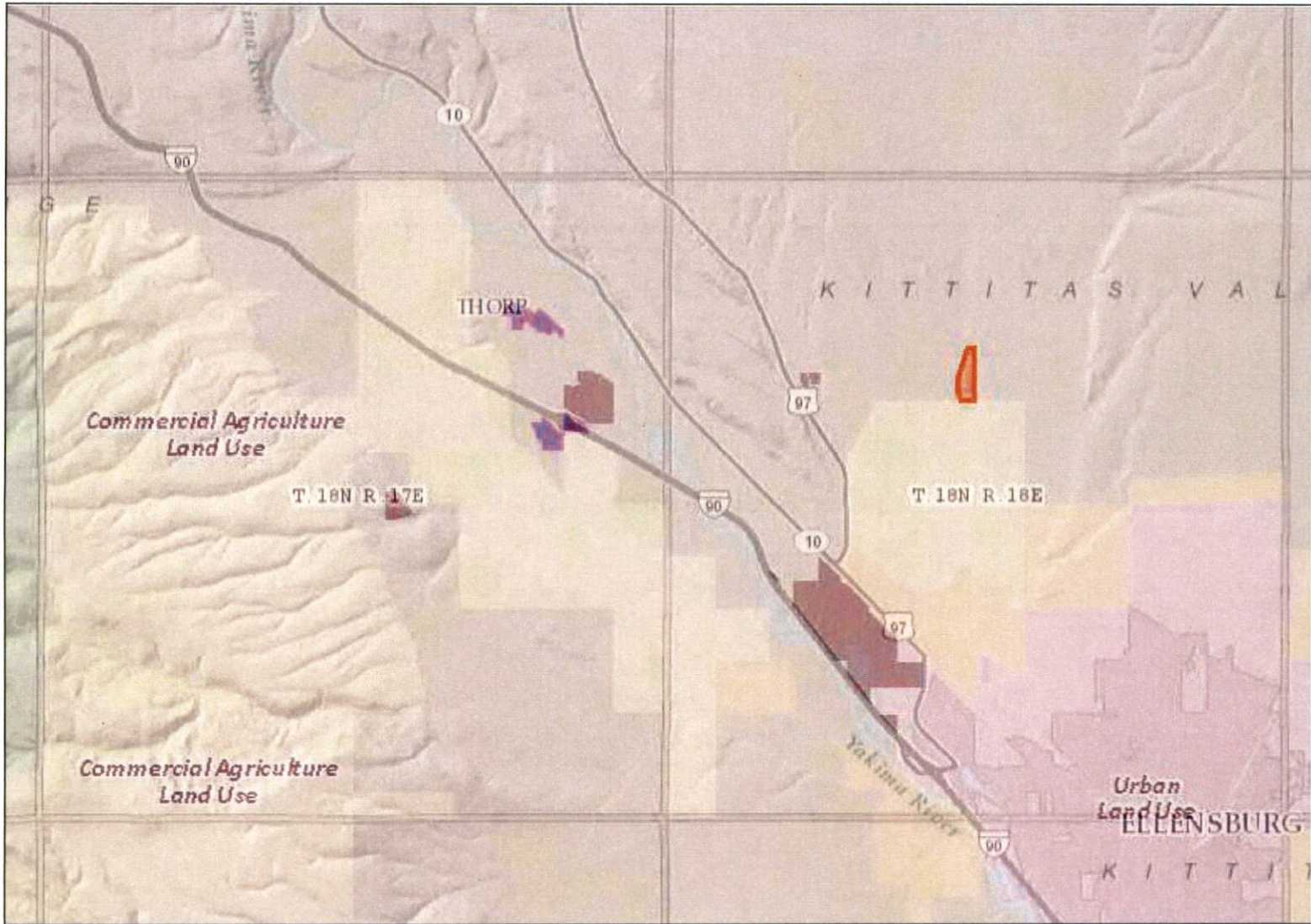
If EFSEC moves forward with expedited review, a critical task is to determine appropriate conditions/mitigation to ensure compatibility with rural character and agricultural lands. Issues to consider include:

- Proximity to adjacent uses, especially residential development
- Viewsheds
- Fencing and vegetative buffering
- Setbacks from public roads. (Does a 10' fence adjacent to a public road inhibit rural character/scenic vistas?)
- Does the site coverage overwhelm the rural environment?
- Is the site visible from public areas?
- Potential cumulative impacts to agricultural lands resulting from solar installations

Appendix A

Columbia Solar Project Maps Land Use, Zoning and Aerials

Fumaria - Land Use - Rural Working

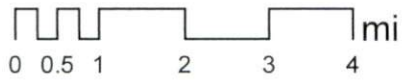


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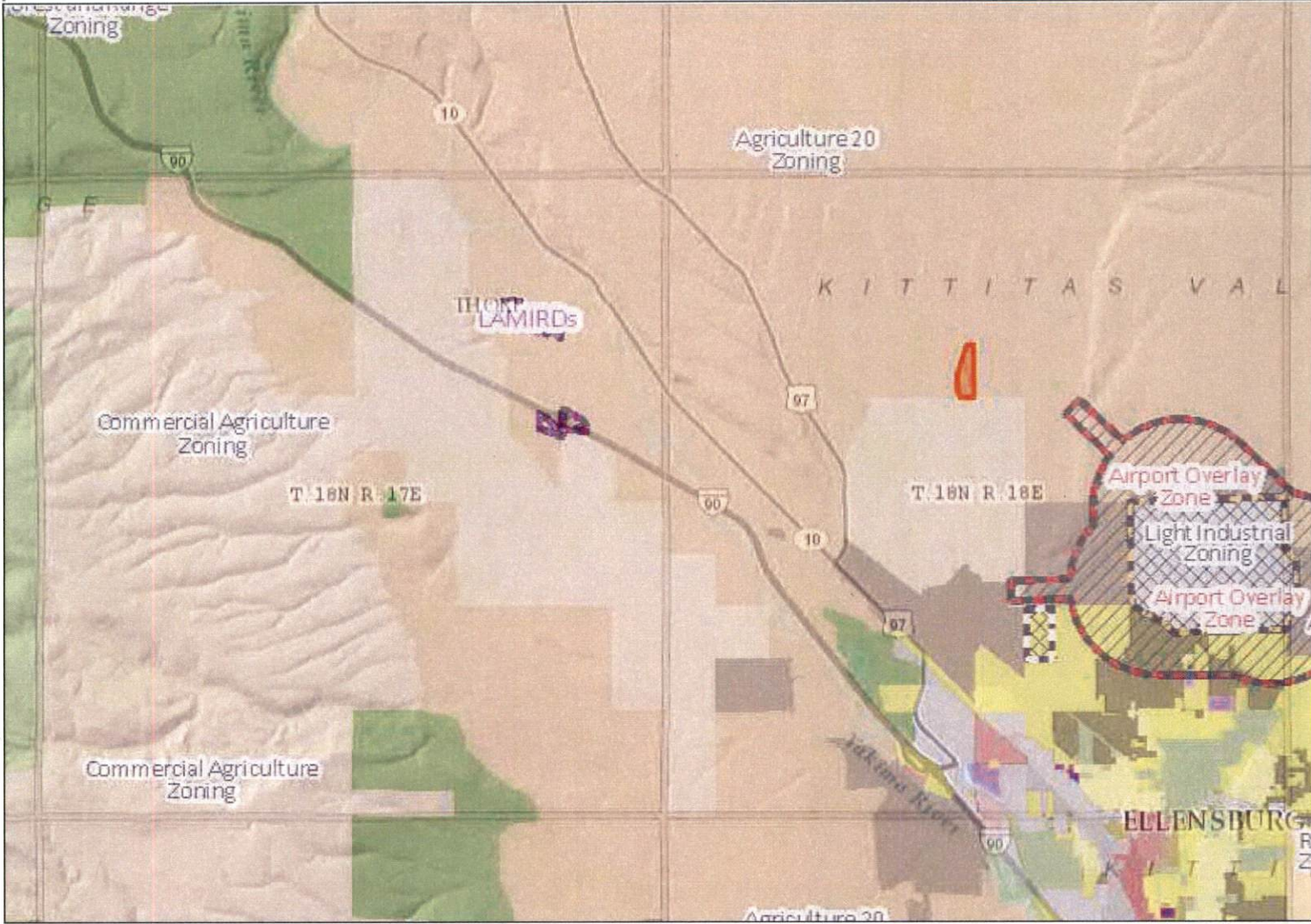
1 inch = 12,037 feet
Relative Scale 1:144,448

Disclaimer:

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Fumaria - Zoning - Ag 20



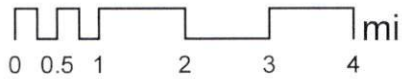
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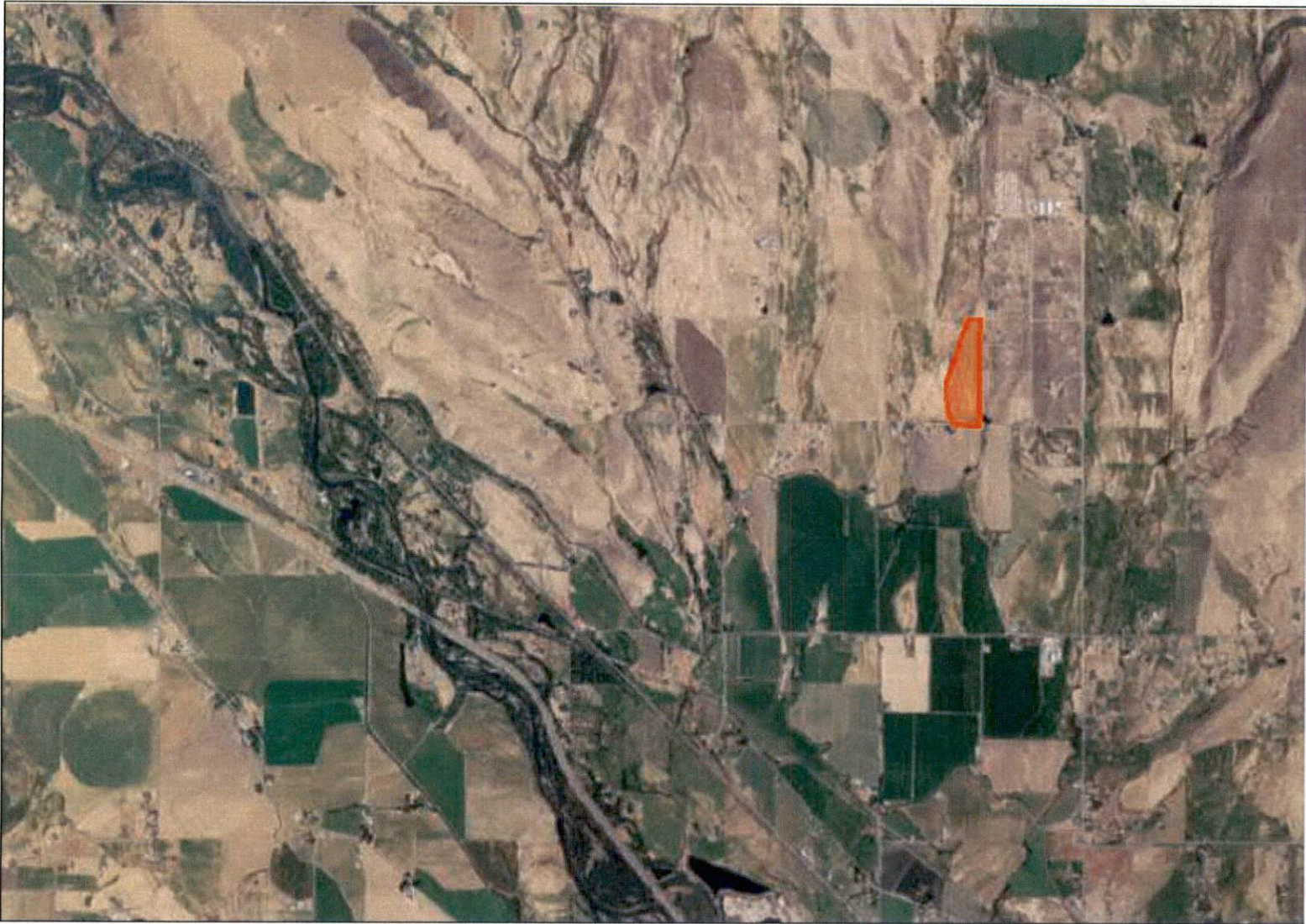
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Fumaria Aerial Image

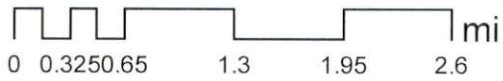


Date: 2/1/2018

1 inch = 6,019 feet
Relative Scale 1:72,224

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Fumaria Aerial Image

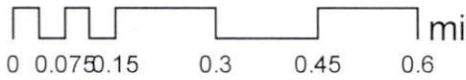


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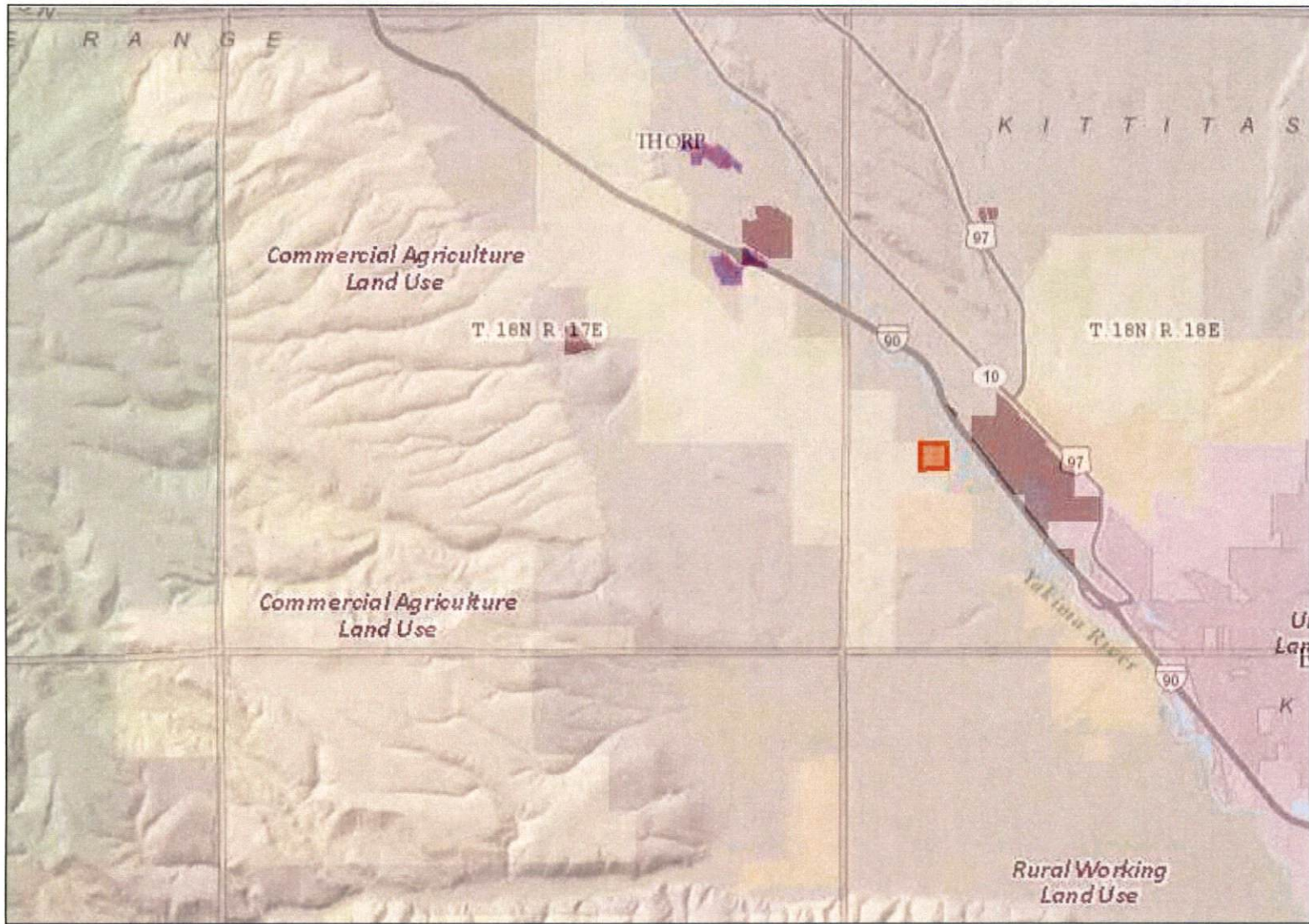
1 inch = 1,505 feet
Relative Scale 1:18,056

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Typha - Land Use - Commercial Ag

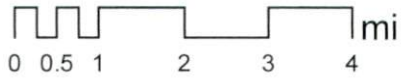


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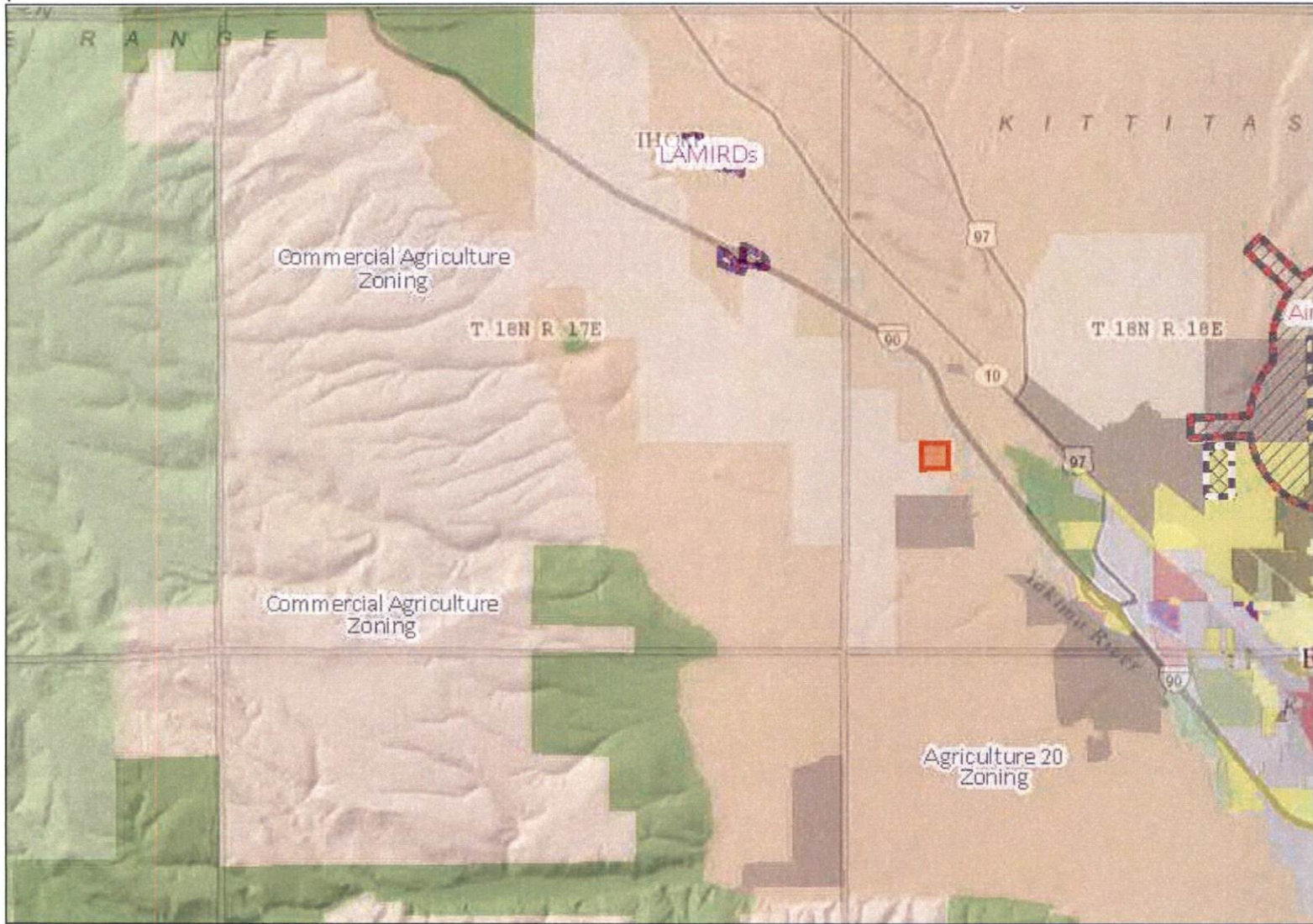
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Typha - Zoning - Commercial Ag



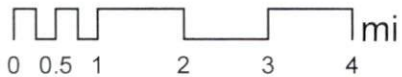
Date: 1/19/2018

1 inch = 12,037 feet

Relative Scale 1:144,448

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Typha Aerial Image

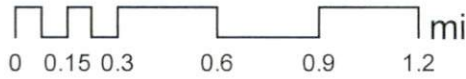


Date: 2/1/2018

1 inch = 3,009 feet
Relative Scale 1:36,112

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Typha Aerial Image



Date: 2/7/2018

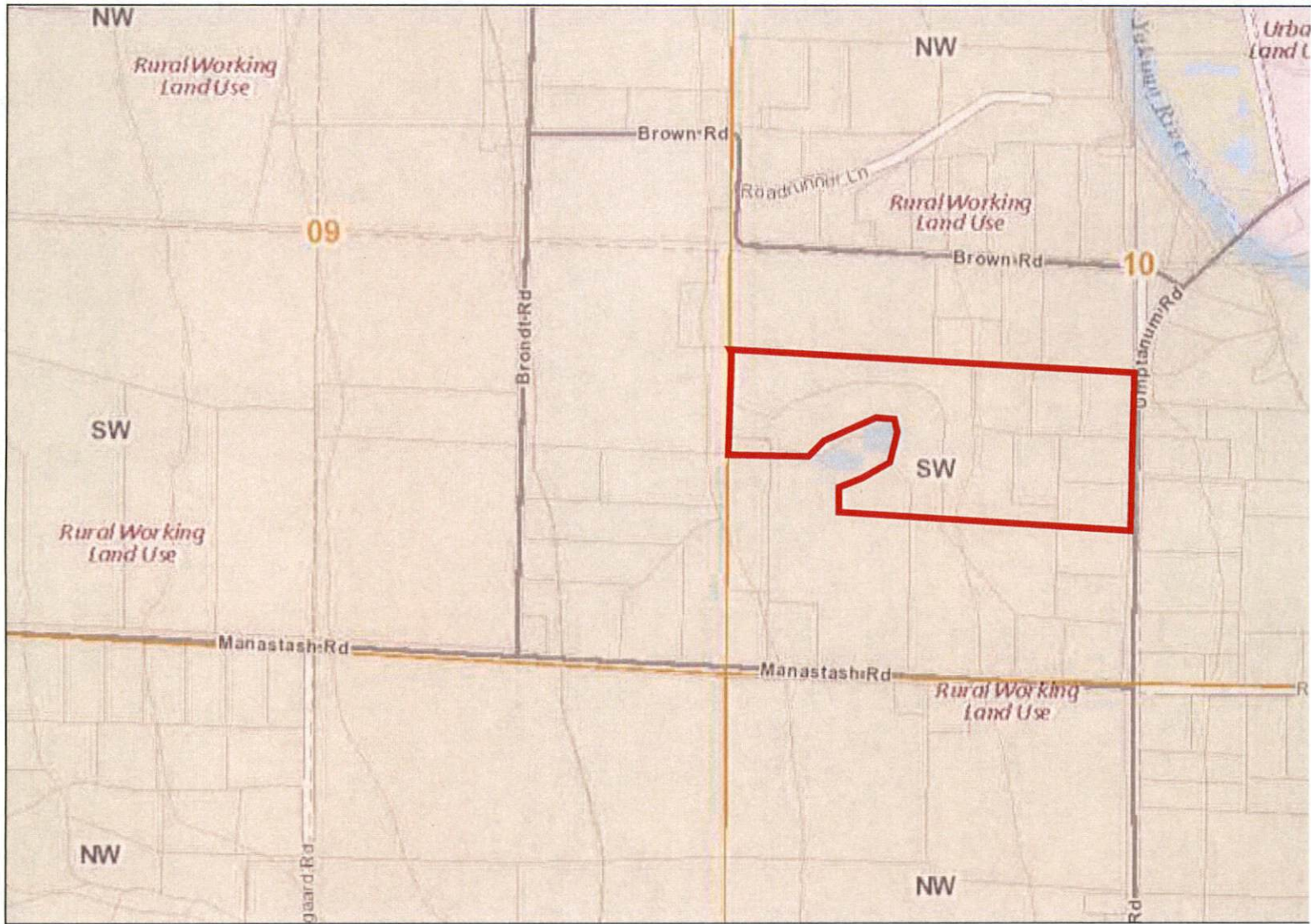
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Relative Scale 1:9,028

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Urtica - Land Use - Rural Working

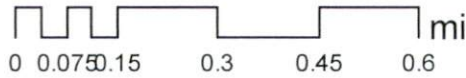


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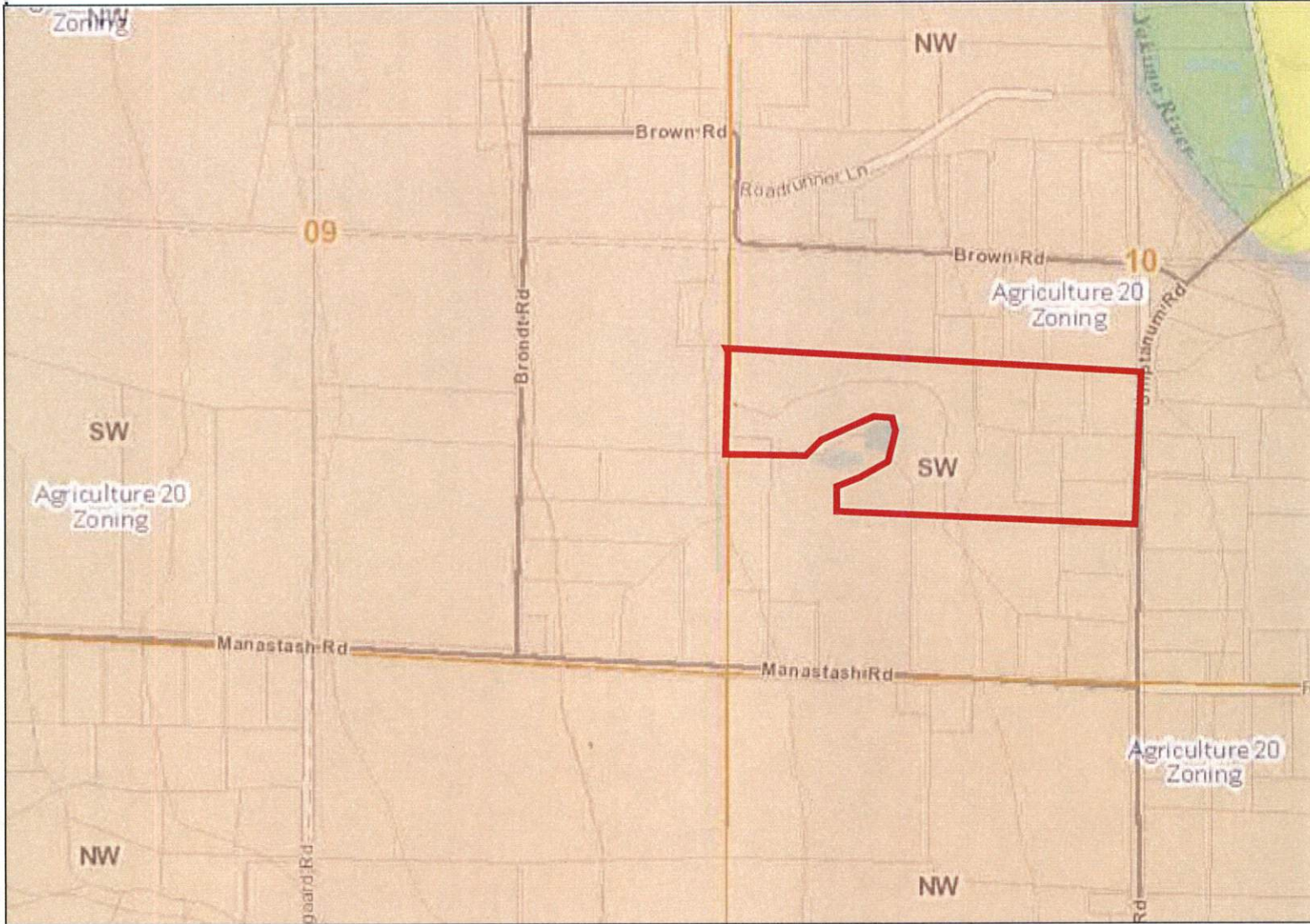
1 inch = 1,505 feet
Relative Scale 1:18,056

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Urtica - Zoning - Ag 20

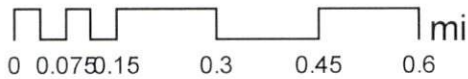


Date: 2/7/2018

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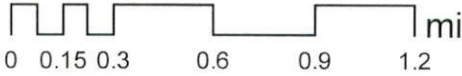
Urtica Aerial Image



Date: 2/7/2018

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Urtica Aerial Image

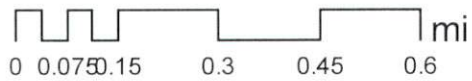


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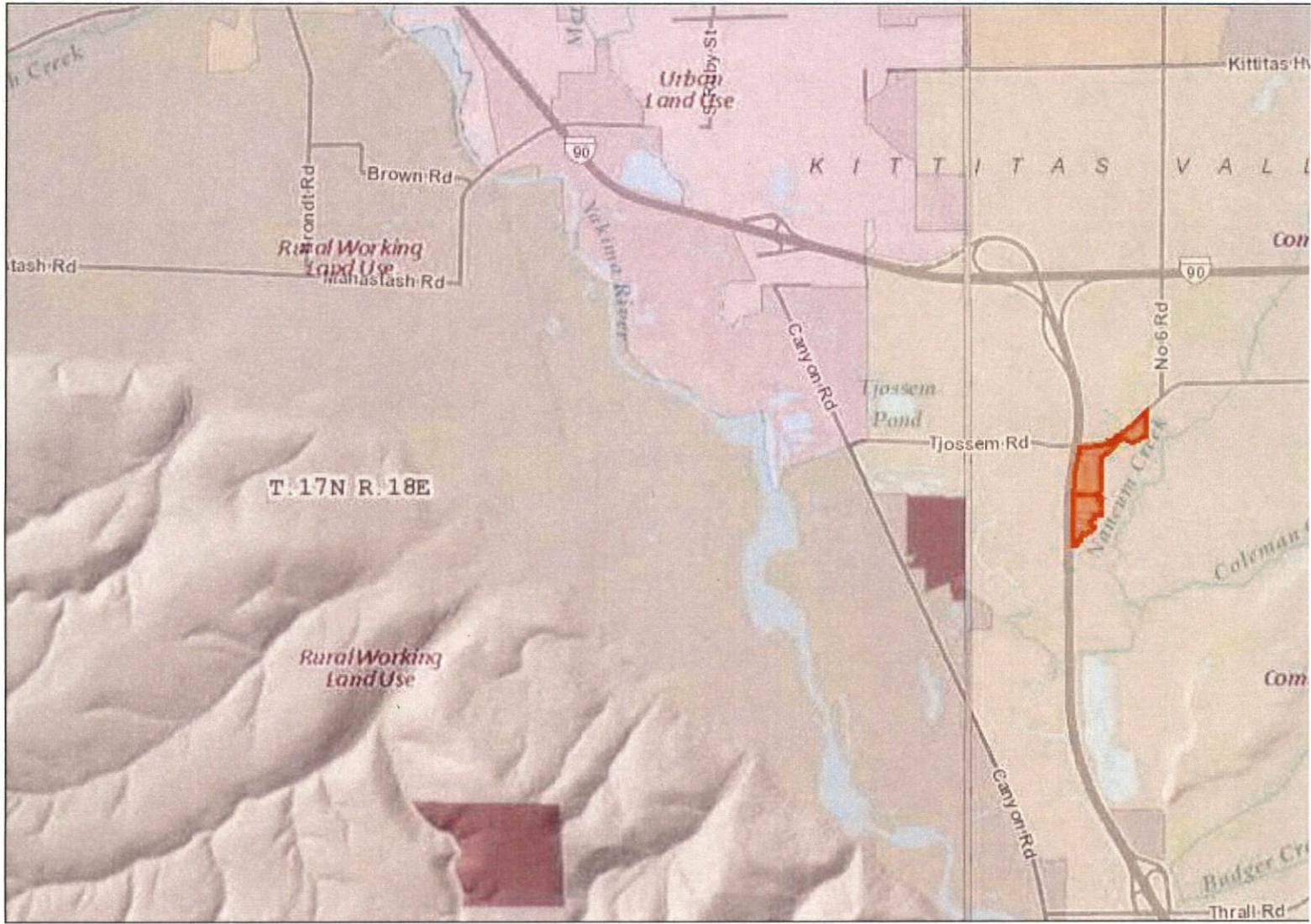
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Camas - Land Use - Commercial Ag



Date: 1/19/2018

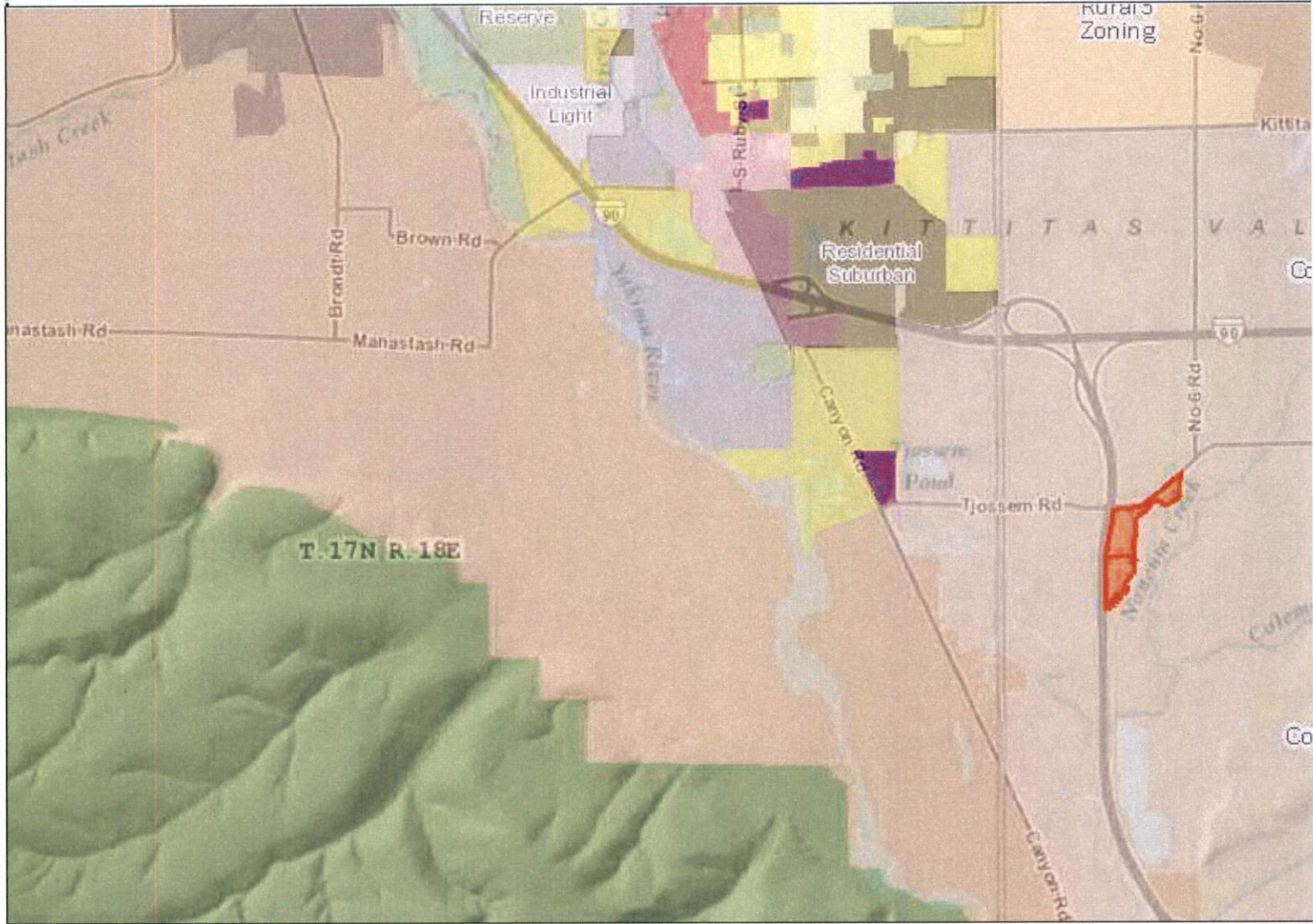
1 inch = 6,019 feet
Relative Scale 1:72,224

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Camas - Zoning - Commercial Ag

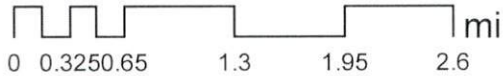


Date: 1/19/2018

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Camas Aerial Image

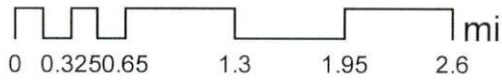


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Camas Aerial Image

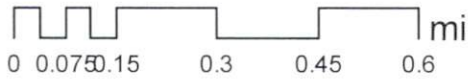


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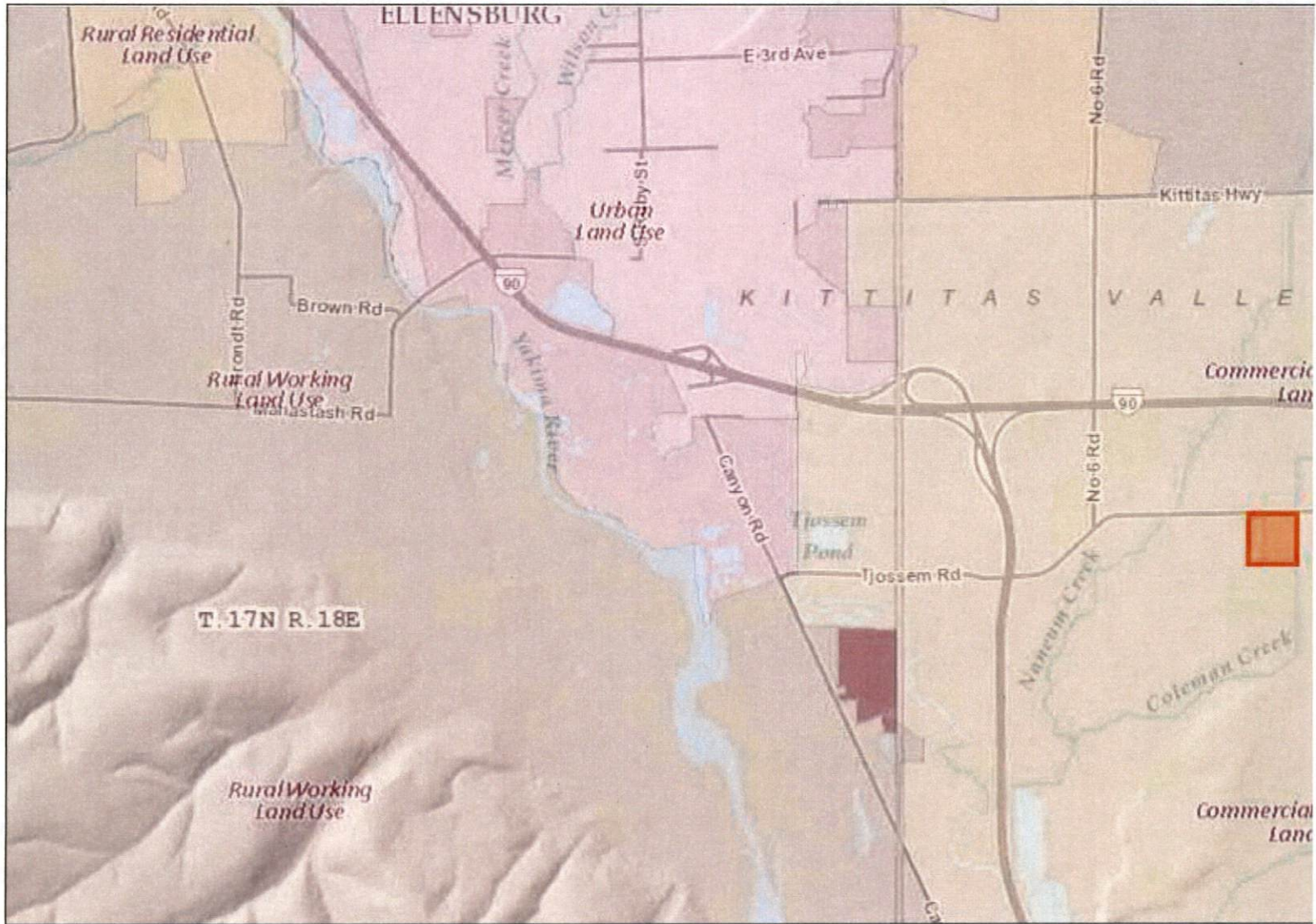
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Penstemon - Land Use - Commercial Ag



Date: 1/19/2018

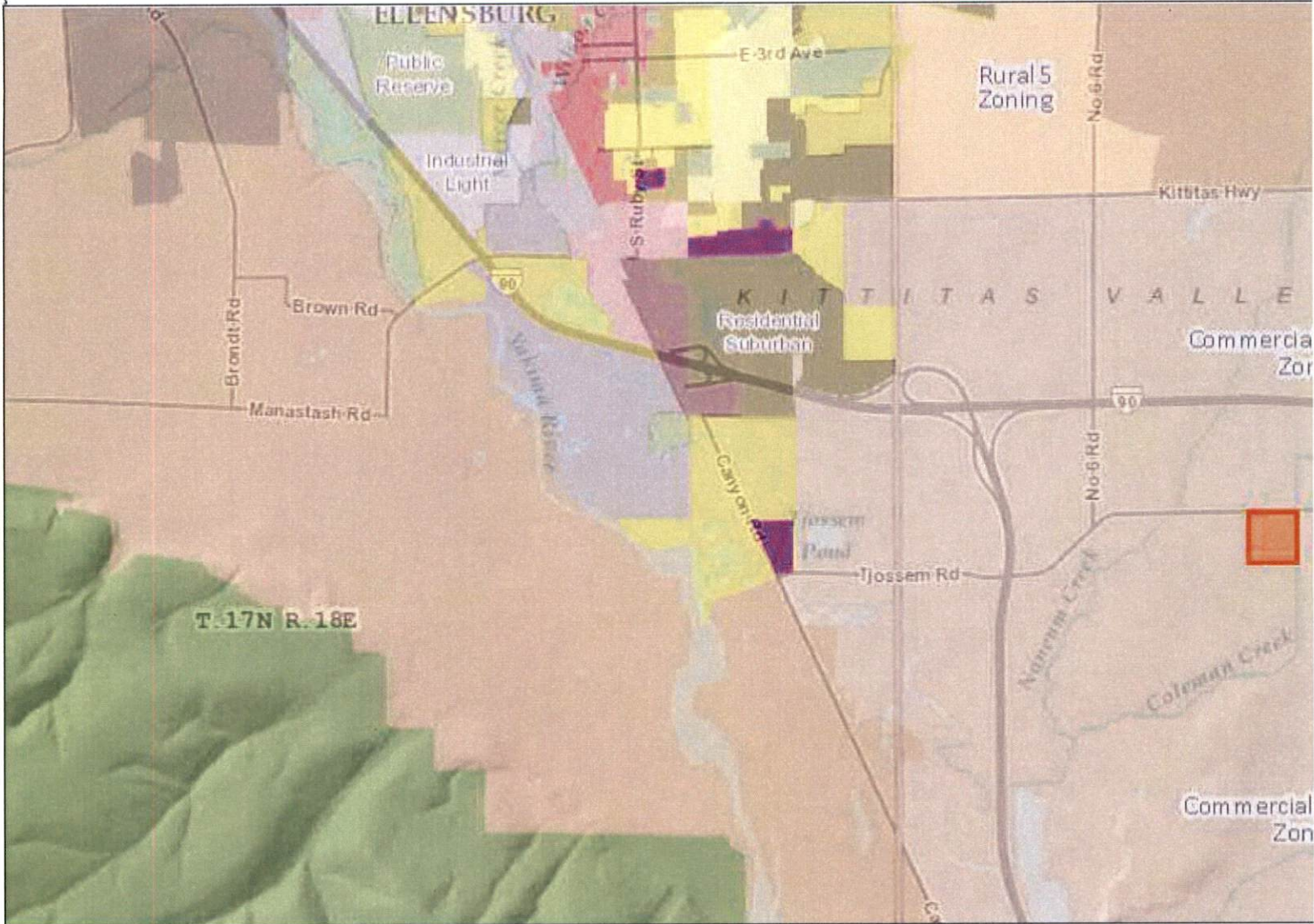
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Penstemon - Zoning - Commercial Ag

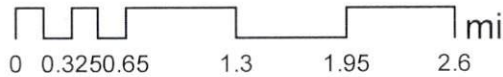


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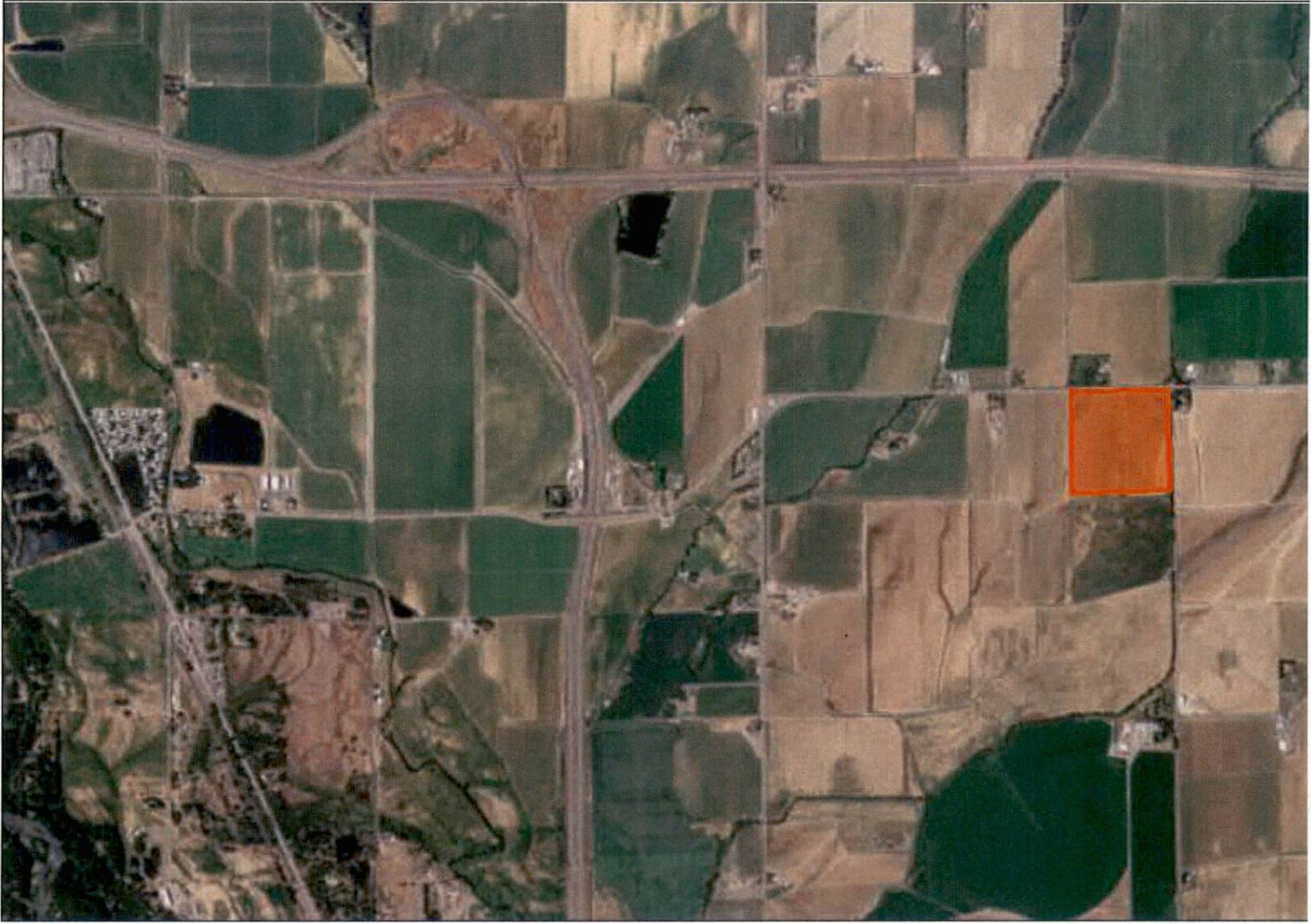
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Penstemon Aerial Image

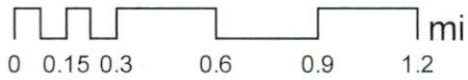


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