

**BENTON COUNTY PLANNING/BUILDING DEPARTMENT**

*Terry A. Marden, Director*

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**BENTON COUNTY BOARD OF ADJUSTMENT  
CONDITIONAL USE PERMIT – CUP 06-22**

The following Conditional Use Permit is granted, in accordance with the provisions of Benton County Code, Chapter 11.52, and according to the motion passed by the Benton County Board of Adjustment on Thursday, October 5, 2006

**Name:** Energy Northwest  
P O Box 968  
Richland, WA 99352

**Location:** The wind turbines will be located between Owens Road and Nine Canyon Road in Sections 1, 2, 3, 12 and 13 of Township 7 North, Range 29 East, W.M.

**Project Description:** Erect and operate 25 wind turbines. The turbines will be mounted on freestanding steel towers that will be 200 to 265 feet tall with a blade length of up to 150 feet in a GMA Ag. Zone.

**THE CONDITIONS OF APPROVAL FOR THIS CONDITIONAL USE PERMIT ARE NOTED BELOW:**

1. Applicant shall not conduct any of the activities within the scope of Conditional Use Permit 06-22 until the applicant is in compliance with conditions 4 through 10 set forth herein. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the conditional use permit until those conditions have been met. The conditional use permit shall not become effective until issued by the Planning Department.
2. If the conditions of approval have not been met and the Planning Department does not issue the conditional use permit within one (1) year from the time the Board of Adjustment conditionally approved the conditional use permit, the Board of Adjustment may declare its approval null and void at a regular Board of Adjustment meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Board of Adjustment meeting.
3. That Conditional Use Permit request - CUP 06-22, be to construct and operate a wind turbine farm project. The project will consist up to 25 wind turbines with a combined capacity of up to 32 megawatts. The wind turbines will be located on freestanding tubular steel towers that could be from 200 feet to 265 feet tall. Three rotor blades will drive the wind turbines, with blade lengths from 100 to 150 feet. The project will include the construction of access roads. The wind turbine farm will be located between Owens Road and Nine Canyon Road in Sections 2, 3, 12, and 13 of Township 7 North, Range 29 East.
4. That the applicant provides written verification from the Benton Franklin Health Department to the Benton County Planning Department that the applicant has complied with the Health Department requirements for the proposal. The applicant shall continue to meet all such requirements while the Conditional Use Permit SP 06-22 is in effect.

5. That the applicant provides written verification to the Benton County Planning Department that all the requirements of the Benton County Fire Marshal and Benton County Building Office have been complied with. The proposed building must meet all the required setbacks for the GMA Agricultural zoning district. All the wind turbine towers must meet the setback requirements for the GMA Agricultural District. The applicant shall continue to meet all such requirements while the Conditional Use Permit CUP 06-22 is in effect.
6. The applicant obtains the required permit and/or approval from the Federal Aviation Administration for the proposed wind turbine towers. The applicant shall submit written verification to the Benton County Planning Department that the required permit and/or approval from the Federal Aviation Administration has been obtained.
7. That the applicant develops and implements a fire emergency plan for the site during the construction phase that will include the storage of on-site water for fire suppression. The plan shall be submitted to the Benton County Fire Marshal and the Benton County Fire Protection District No. 1. for review and approval. The applicant must submit written verification to the Benton County Planning Department that the fire emergency plan has been reviewed and approved by the Benton County Fire Marshal and the Benton County Fire Protection District No. 1.
8. The applicant obtains the required permits and/or approvals from the Benton Clean Air Authority for the proposed project. The applicant shall submit written verification to the Benton County Planning Department that the required permits and/or approvals from the Benton Clean Air Authority has been obtained.
9. That the applicant provide a report and map(s) covering field verified locations of all the proposed wind towers, and all potentially impacted microwave beam paths associated with Jump Off Joe Butte Communication Site, prior to beginning construction on the site. The report and map(s) shall be submitted to the Washington State Department of Natural Resources for review and approval. A copy of the report and map(s) along with written verification that the DNR has reviewed and approved the sighting of the towers shall be submitted to the Benton County Planning Department. That the applicant shall place the wind turbine towers such that the spacing between towers where the microwave signal passes through is wide enough to provide necessary clearance or rotate the turbine strings so that the wind turbines are no longer in the path.
10. That any damage to the County Road because of the project be repaired and those repairs be coordinated with the Benton County Department of Public Works and meet their requirements for such improvements.
11. That the mitigation measures contained in the attached Mitigated Determination of Non-Significance issued on September 19, 2006 in file number EA 06-22 are hereby included as conditions of approval for Conditional Use Permit 06-22.
12. That the applicant complies with all the requirements noted in Benton County Code Sections BCC 11.18.050 (27)(i) and BCC 11.18.050(27) (iii) through BCC 11.18.050(27) (x).
13. That if the use of any wind turbines or the wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within 6 months of written notification by the Planning Department.

Conditional Use Permit was issued this 1<sup>st</sup> day of February, 2008.

  
BENTON COUNTY PLANNING DEPARTMENT  
For: BENTON COUNTY BOARD OF ADJUSTMENT

CC: Benton County Building Office  
Benton County Assessor/Benton County Treasurer