

BENTON COUNTY PLANNING/BUILDING DEPARTMENT

Terry A. Marden, Director

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**BENTON COUNTY BOARD OF ADJUSTMENT
CONDITIONAL USE PERMIT – CUP 07-03**

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, May 3, 2007.

Name: Energy Northwest
ATTN: Dave Kobus
P O Box 968
Richland, WA 99352

Location: section 12, Township 7 North, Range 29 East and Section 16 of Township 7 North, Range 30 East, W.M.

Conditional Request: Erect and operate five (5) wind turbines up to 415 feet in height.

THE CONDITIONS OF APPROVAL FOR THIS CONDITIONAL USE PERMIT ARE AS FOLLOWS:

1. Applicant shall not conduct any of the activities within the scope of the Conditional Use Permit 07-03 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 the applicant provides written verification from the Benton Franklin Health District to the Benton County Planning Department that the applicant has complied with the Health District's requirements for the proposal. The applicant shall continue to meet all such requirements while the Conditional Use Permit CUP 07-03 is in effect.
4. That the applicant provides written verification to the Benton County Planning Department that all 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 from the GMA Agricultural Zoning District. All 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 07-03 is in effect.
5. 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.

6. That the applicant implements the submitted 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.

7. The applicant obtains the required permit and/or approval 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 permit and/or approval from the Benton Clean Air Authority has been obtained.

8. That the applicant provides a report and map(s) covering field verified locations of all 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 the 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.

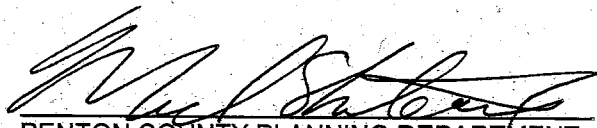
9. That any damage to county roads as a result of the project be repaired and those repairs be coordinated with the Benton County Department of Public Works and meet their requirements for such improvements.

10. That the mitigation measures contained in the attached Mitigated Determination of Non-Significance issued on April 16, 2007 File Number EA 07-05 are hereby included as conditions of approval for Conditional Use Permit – CUP 07-03.

11. That the applicant complies with all the requirements 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).

12. That is the use of any wind turbine or the wind turbine farm is discontinued for a period of one (1) year or more, the owner of such a facility shall remove the facility within six (6) months of written notification by the Planning Department.

Conditional Use Permit issued this 12th day of February 2008.


BENTON COUNTY PLANNING DEPARTMENT
For: BENTON COUNTY BOARD OF ADJUSTMENT

CC: Benton County Building Office