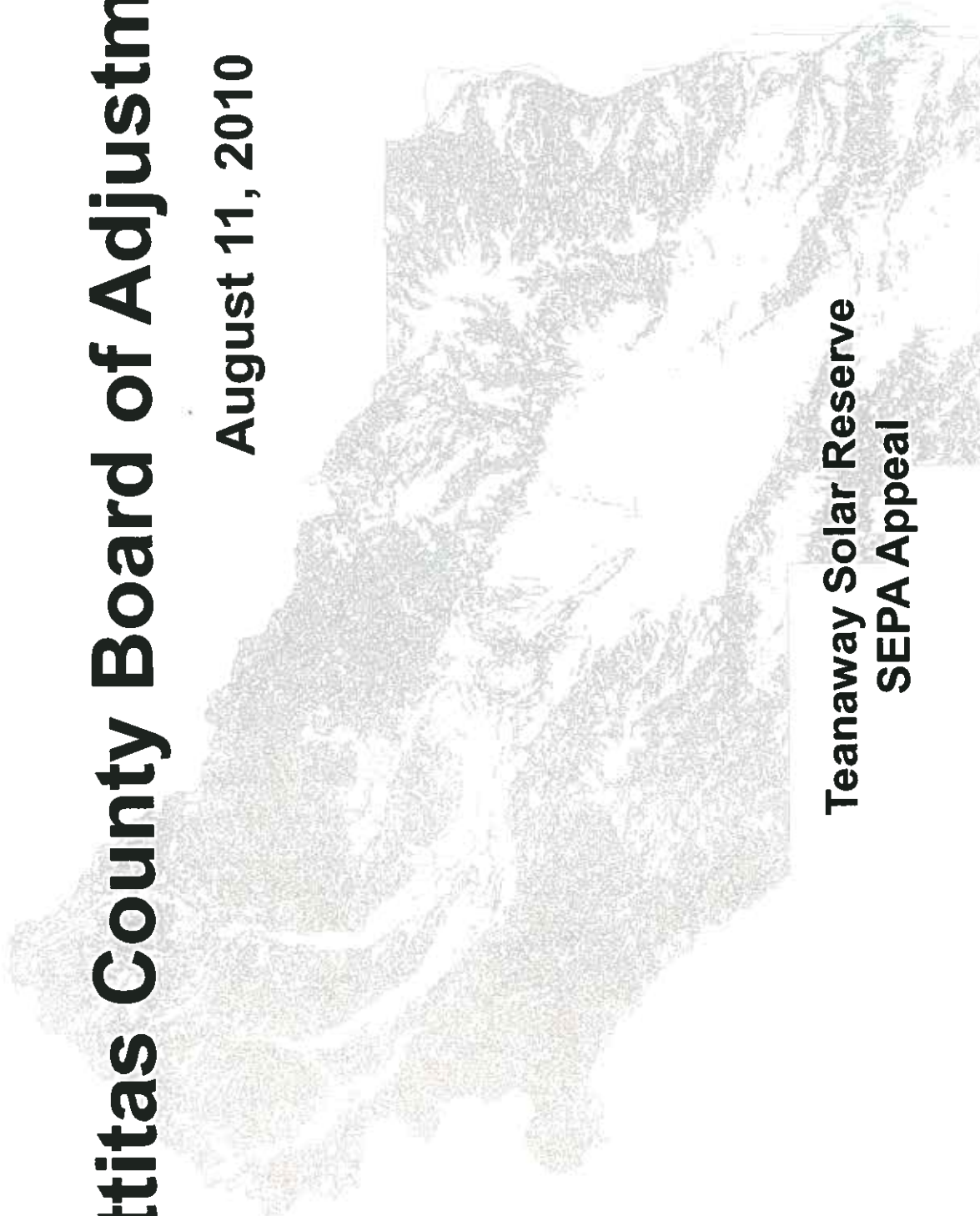


# Kittitas County Board of Adjustment

August 11, 2010



**Teanaway Solar Reserve  
SEPA Appeal**

**CU-09-00005**

40  
# ~~39~~  
PMA DD 8/11/2010

# Summary Information

- MDNS Issue July 15, 2010, deadline to appeal was July 29, 2010
- Timely appeal was filed July 27, 2010 by James Brose and Paige Green Dunn
- Appellants written appeal letter contains 10 claims
- Burden of Proof is on Appellants

# Summary of Appeal Issues

- **Issue #1:** The County failed to properly evaluate the fire protection plan
- **Issue #2:** Failure to conduct an alternative site analysis as required under RCW 43.21C.030
- **Issue #3:** Failure to ensure consistency with critical areas ordinance, which has not been updated as required by state law
- **Issue #4:** Special and sensitive areas not properly mitigated
- **Issue #5:** Failure to ensure compliance with wildlife laws

(cont.)

## Summary of Appeal Issues (cont.)

- **Issue #6:** Failure to adequately consider potential impacts to water resources
- **Issue #7:** Failure to consult with tribal governments
- **Issue #8:** Failure to consider the precedent set by this project
- **Issue #9:** Other concerns—Identified artifacts; carbon sequestration
- **Issue #10:** Inadequate analysis of cumulative impacts

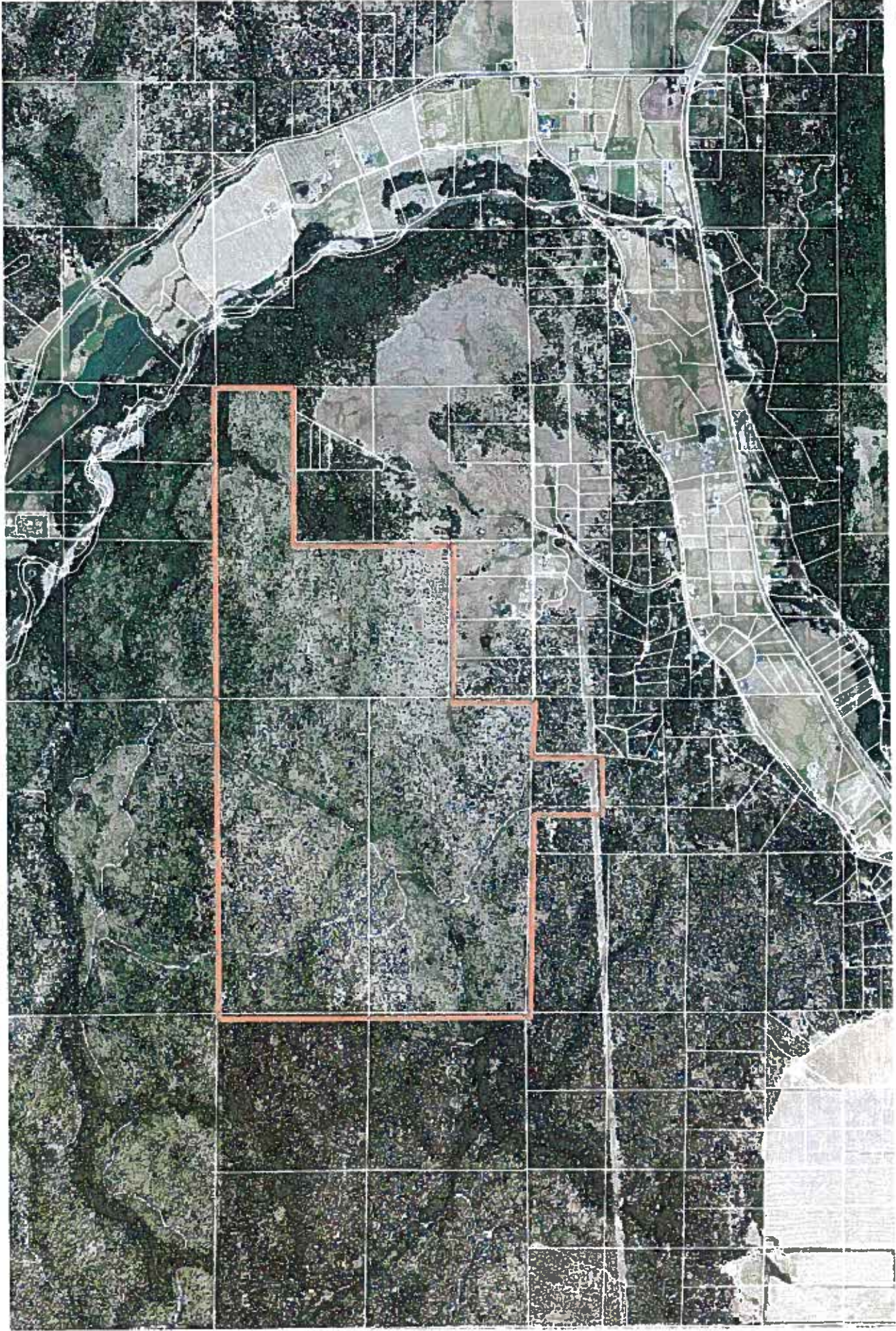
# Project Information

- Overview of Mitigation Measures and SEPA Staff Report.
- Voluntary Mitigation – WAC 197-11-600(4)(b)
- Code Mitigation – WAC 197-11-158
- SEPA Mitigation – WAC 197-11-350(3)
- Proposal, with ALL mitigation measures, will not have a significant adverse environmental impact.





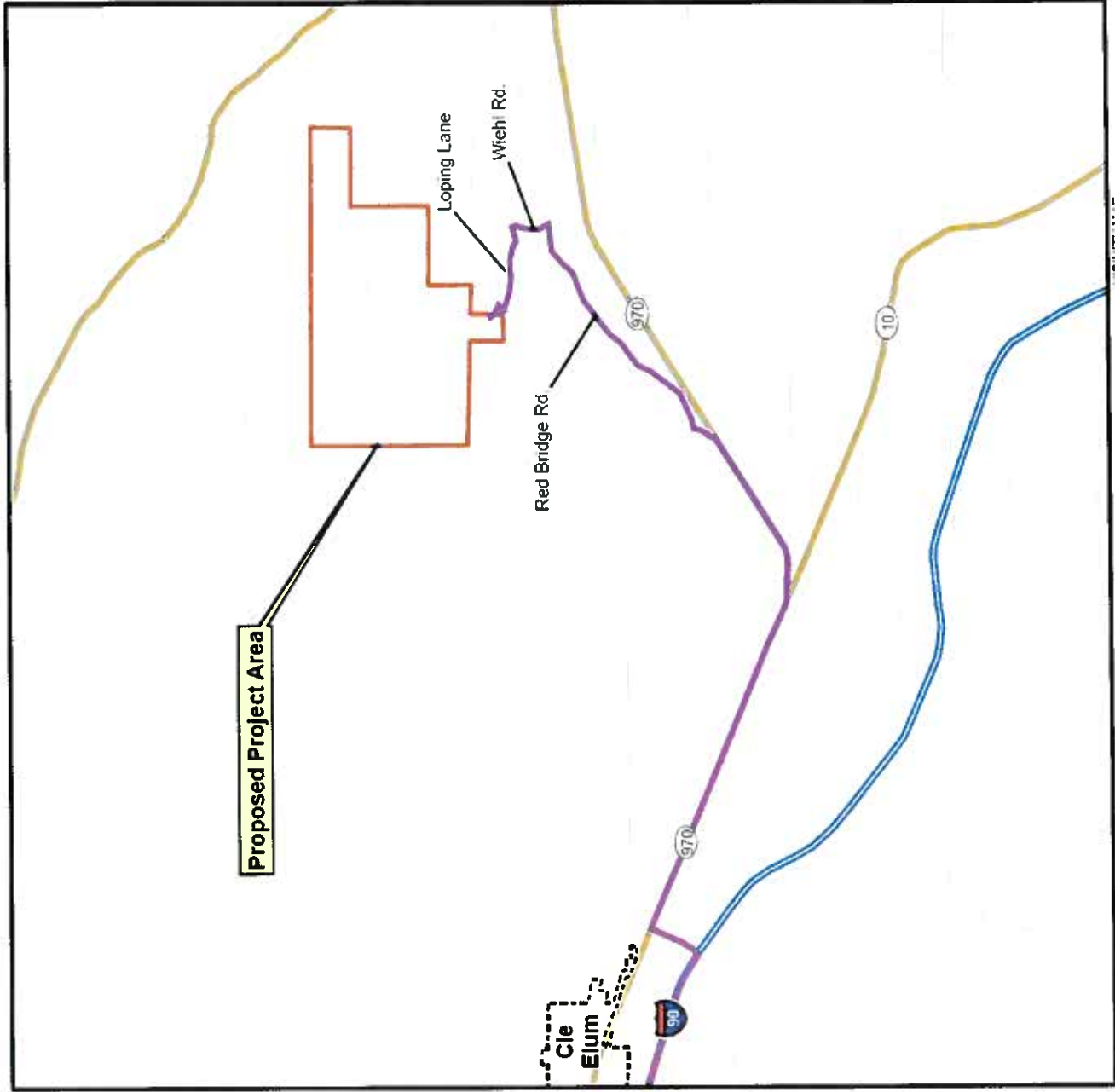




Aerial Photo of Project Site

From Kittitas County COMPAS





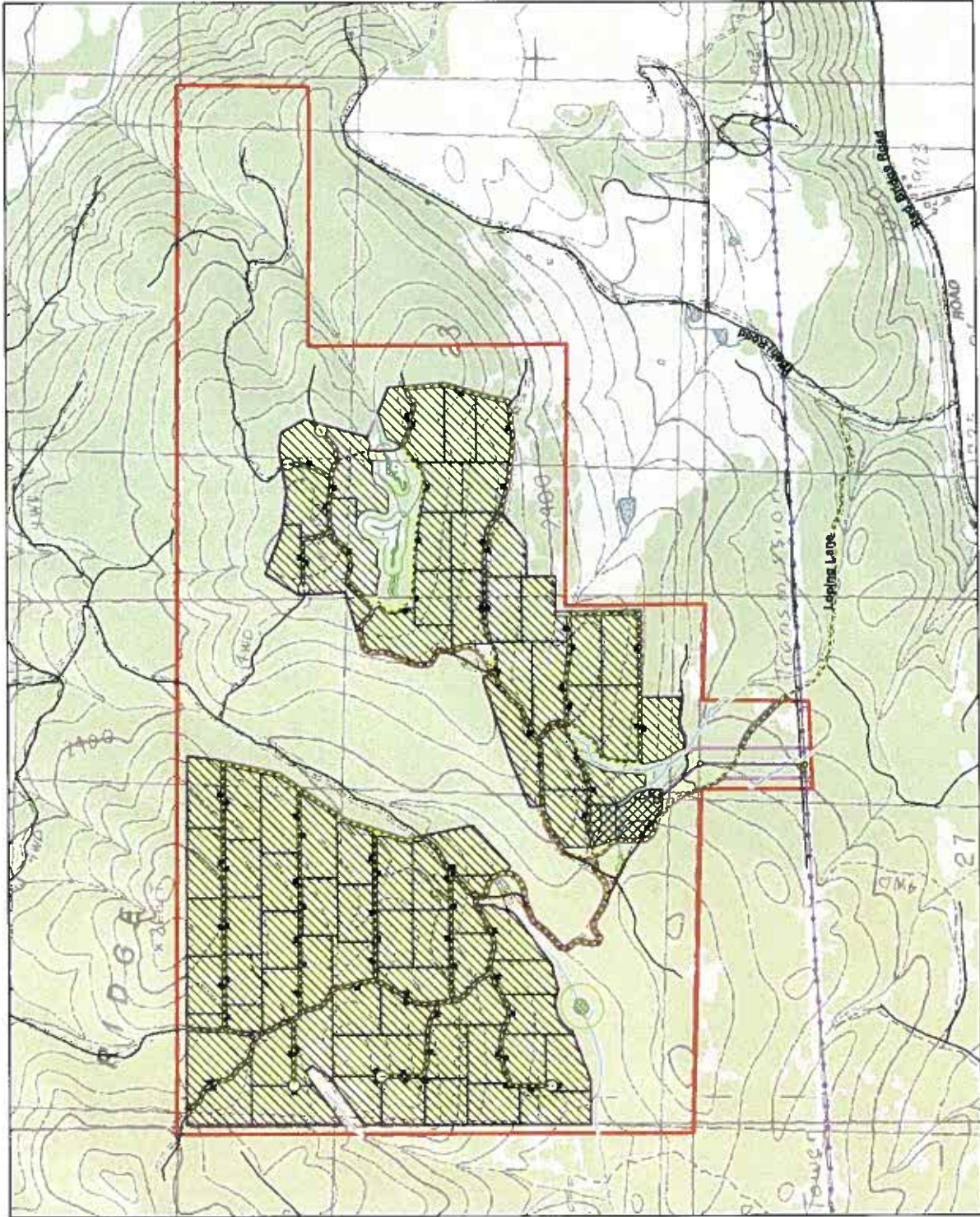
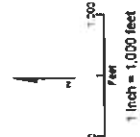
Site Access Map





- LEGEND**
- Proposed Project Features
  - Proposed Project Area (962 Acres)
  - Proposed Project Site (477 acres)
  - Proposed PV Array Block
  - Proposed Field Inverter and Field Transformer
  - Proposed Substation/O&M Facility
  - Proposed Transmission Line
  - Proposed Transmission Structure
  - Proposed Maintenance Road
  - Proposed Improved Maintenance Road
  - Existing Maintenance Road (Planned Decommissioning)
  - Proposed Improved County Access Road
  - Proposed Improved Private Access Road
  - Existing Features
  - Existing BPA Transmission Line and ROW
  - Existing Road
  - Stream
  - Stream Buffer
  - Wetland
  - Wetland Buffer

Note:  
 1. TSR has delineated a 300' area within which the BPA transmission line will be located. On this 300' area, a 100' stream buffer will be needed for the placement of the BPA transmission line. Final design and placement to be determined by BPA.

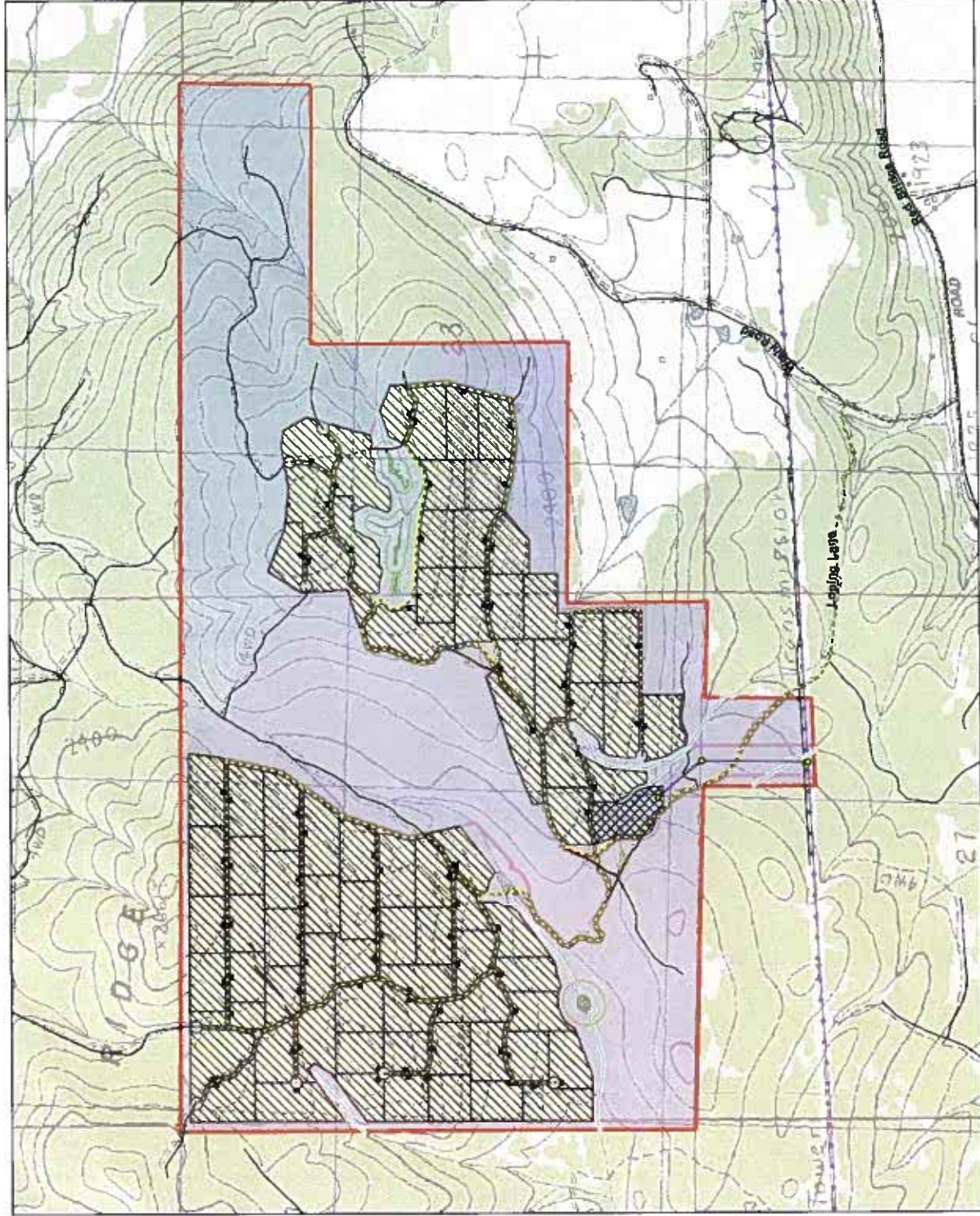


**FIGURE 4**  
**Proposed Site Layout**  
 Tearaway Solar Reserve  
 Kittitas County, Washington

From February 2010 Supplemental Submittal

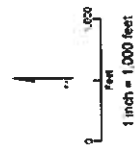
**Proposed Site Plan**





**LEGEND**

- Proposed Project Features
- Proposed Project Area (882 Acres)
- Proposed Project Site (477 acres)
- Proposed PV Array Block
- Proposed Field Inverter and Field Transformer
- Proposed Substation/O&M Facility
- Proposed Transmission Line
- Proposed Transmission Structure
- Primary Access Road
- Secondary Access Road
- Proposed Improved Existing County Access Road
- Proposed Improved Existing Private Access Road
- Existing Maintenance Road
- (Planned Decommissioning)
- Existing Features
- Existing BPA Transmission Line and ROW
- Existing Road
- Stream
- Stream Buffer
- Wetland
- Wetland Buffer
- South Drainage Basin
- North Drainage Basin



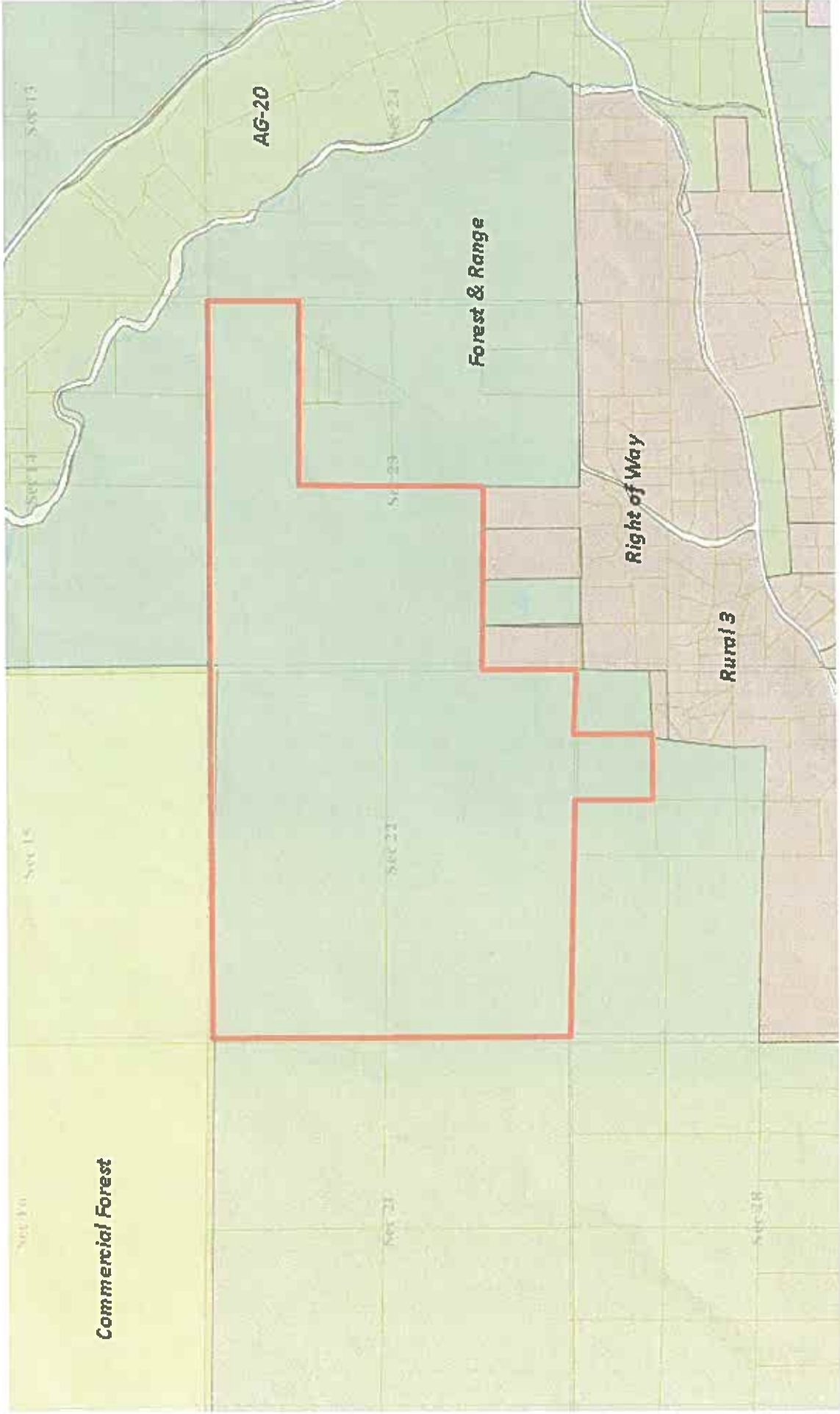
**FIGURE 3**  
**Proposed Site Layout with**  
**Drainage Basins**

Hydrologic Analysis  
 Teanaway Solar Reserve  
 Kittitas County, Washington

CH2MHILL

**Proposed Site Layout with Drainage Basins**

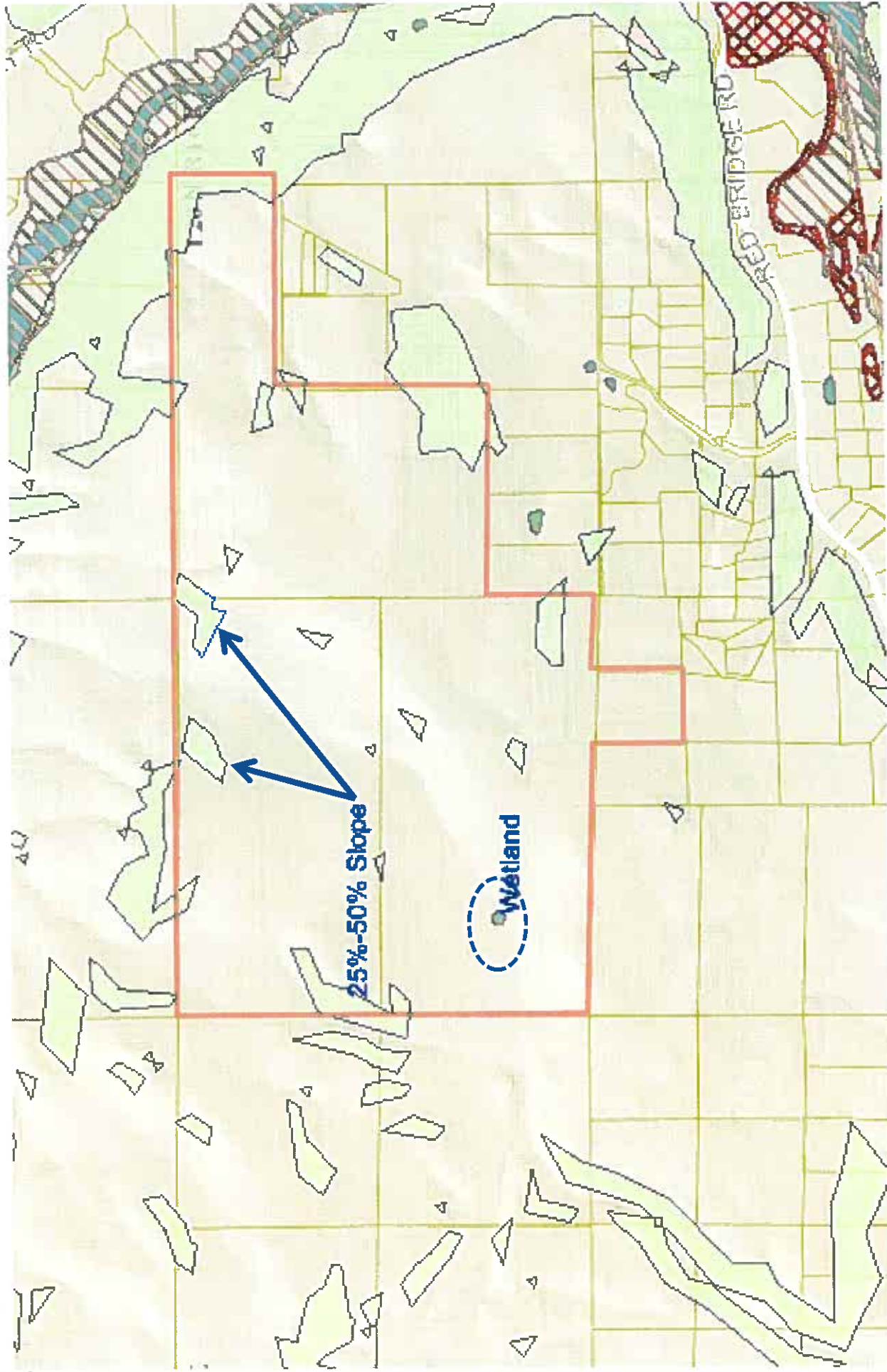
From June 2010 Supplemental Submittal



From Kittitas County COMPAS

Zoning: Forest & Range





\*additional habitat critical areas exist, but are not shown

From Kittitas County COMPAS

**Mapped Critical Areas: 25-50% slopes; wetland**





Identified Structures

From February 2010 Supplemental Submittal, Figure 5

# SEPA Review

- County reviewed application materials, comments from agencies, Yakama Nation and public, and conducted site visits.
- Required submittal of additional information.
- Coordinated review with agencies and Yakama Nation.
- Provided multiple opportunities for public review and comment.
- After review of the entire record, Responsible Official issued MDNS – WAC 197-11-350.



# **Response to Appeal Issues**

- **Issue #1: The County failed to properly evaluate the fire protection plan**
- **Kittitas County Fire Marshal**
- **Fire District No. 7**
- **Kittitas County Department of Public Works**
- **Mitigation Measures**

## **Response to Appeal Issues cont'd**

- **Issue #2: Failure to conduct an alternative site analysis as required under RCW 43.21C.030**
- **Not Required For An MDNS**
- **“Alternatives” Considered in Site Layout**

## **Response to Appeal Issues cont'd**

- **Issue #3:** Failure to ensure consistency with critical areas ordinance, which has not been updated as required by state law
- Kittitas County – CDS, PW, NWCB
- Various State Agencies
- Mitigation Measures



## **Response to Appeal Issues cont'd**

- **Issue #4: Special and sensitive areas not properly mitigated**
- **Kittitas County – CDS, PW, NWCB**
- **Various State Agencies**
- **Yakama Nation**
- **Mitigation Measures**

## **Response to Appeal Issues cont'd**

- **Issue #5: Failure to ensure compliance with wildlife laws**
- **Code Mitigation Measures – WAC 197-11-158. GMA Project Review and use of other laws and rules to provide analysis and mitigation of specific impacts of proposal.**

## **Response to Appeal Issues cont'd**

- **Issue #6:** Failure to adequately consider potential impacts to water resources
- Kittitas County Department of Public Works
- Various State Agencies
- Mitigation Measures



## **Response to Appeal Issues cont'd**

- **Issue #7: Failure to consult with tribal governments**
- **Yakama Nation**
- **Mitigation Measures**

## **Response to Appeal Issues cont'd**

- **Issue #8:** Failure to consider the precedent set by this project
- **Issue #10:** Inadequate analysis of cumulative impacts

## **Response to Appeal Issues cont'd**

- **Issue #9: Other concerns – identified artifacts; carbon sequestration**
- **Yakama Nation**
- **Washington State Department of Archaeology & Historic Preservation**
- **Mitigation Measures**



# Conclusion

- Decision of County to Issue MDNS is Entitled to Substantial Weight – WAC 197-11-680(3)(viii).
- No Evidence In Record that County Made an Error in MDNS Decision.
- Clarification of MDNS SEPA Mitigations - For Plants and Historic and Cultural Preservation.
- Enforcement of Mitigation Measures through CUP Decision and Development Agreement.
- Recommends BOA Deny Appeal.