



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships - Building Communities"

December 4, 2009

Nichole Seidell
Authorized Agent
CH2MHILL
2020 SW Fourth Ave, Suite 300
Portland, OR 97201-4958

EX # 41



RE: Teanaway Solar Reserve Conditional Use Permit (CU-09-00005) & Development Agreement

Dear Ms. Seidell:

Thank you for your letter transmitted via email on October 9, 2009, in which you provided a summary of public and County comments received during the public notice comment period, along with the Applicant's proposed approaches for responding to those comments.

Your letter and summary matrix were forwarded to County staff on October 11, 2009 for review and comment. No comments requesting additional information or revisions to the proposed approach for the resubmittal were received, although County staff did note that additional comments may result from review of the resubmittal.

1. SEPA

We note in your summary matrix that the Applicant already anticipates responding to many of the environmental impact issues raised in the public and County comments. The County concurs with the list of identified issues and proposed additional environmental analysis and information to be prepared. In addition, attached are some other comments based on the County's review of the expanded SEPA checklist and comments received after the public comment period.

Also, based on your letter and subsequent communications, we understand you intend to submit this additional analysis and a revised SEPA environmental checklist demonstrating that the proposal will not result in adverse impacts. We note in your letter that you intend to provide an "addendum" to the submitted expanded SEPA checklist. Based on a follow-up communication with the Applicant's attorney, we understand that the use of the term "addendum" was intended to convey your understanding that the County is requesting additional information about the project and its potential environmental impacts in accordance with WAC 197-11-355(4)(d).

To assist the County in review of the revised proposal, please submit the revised checklist in two formats: a redlined version (with revision marks) and a "clean" version (with revisions accepted).

2. Conditional Use Permit

In addition to the environmental information noted above, also submit to the County an updated CUP narrative, as applicable, based on any project modifications and consistency clarifications. In regard to the CUP review criteria and conditions, revise the narrative, as applicable, and provide additional supporting information in regard to the findings and conclusions stated in the application materials

(e.g. pg. 3-4: not injurious to the character of the surrounding neighborhood – KCC 17.60A.010.1). In addition to the information provided in the application materials regarding “optimal location within the site”, expand on the factors for use of this site for the proposed conditional use (e.g. proximity to BPA transmission line).

3. Development Agreement

Attached are the County’s initial comments on the proposed Development Agreement (DA). The revisions in this document were prepared by the County as part of the initial review of this agreement. The revisions are purposely limited at this time as a full substantive review of this document can not occur until the Applicant submits additional information as described in this letter. In addition to the SEPA and CUP information noted above, also submit to the County an updated DA, as applicable, based on any project modifications and the County’s initial review comments. Note that additional revisions will be prepared after a SEPA threshold determination is issued, and a decision is made on the associated CUP.

4. Applicant Hosted Meetings

As we have discussed, the County is aware that the Applicant has hosted several meetings and provided information to the public regarding the proposed development and potential modifications to the proposal. Any information communicated to the public in these venues is not part of the official County record. The County utilizes information in the County application file for its review. If the Applicant wants information and commitments, if any, from those meetings to be considered in the County’s review, that information must be submitted to the County with the above outlined information.

All additional studies and revised application materials shall be submitted to the County no later than 60 days from the date of this letter (February 2, 2009). Following receipt of the resubmittal, the County will send a letter to “parties-of-record” advising them that the Applicant has resubmitted information for continued processing and explaining the schedule and steps for how the process will proceed. That letter to “parties-of-record” will also be posted on the County website under the CUP file number (CU-09-00005). The County’s purpose in providing this letter is to inform the public regarding the resubmittal and the status of the review process. This letter is not a code requirement and does not constitute an additional public notice period.

Please also note that the information identified above and in the related attachments is not all inclusive and is subject to change pending review of the additional requested information. If you have any questions regarding this matter, please feel free to contact me at (206) 382-9540, or by email to anelson@GordonDerr.com.

Sincerely Yours,



Anna Nelson, AICP
Contract Planner

cc: ✓ Dan Valoff, Staff Planner
Neil Caulkins, Deputy Prosecuting Attorney
Howard Trott, Teanaway Solar Reserve, LLC
Patrick Ryan, Perkins-Coie

SEPA Environmental Checklist (ECL) - Preliminary Review Comment Summary

The following comments are in addition to those items that the Applicant has already identified for purposes of additional environmental analysis (see Applicant's summary matrix received by the County on October 9, 2009.).

General:

Provide updated information in the revised ECL based on any revisions to the proposal, and confirm that the statements are consistent with all project elements (e.g. ECL pg 14: Response to Item g. is incomplete. No % of the site is provided for proposed impervious surfaces and the response does not acknowledge project elements that will be impervious, such as the inverter buildings.). To assist in review of the revised proposal, please submit the revised checklist in two formats: a redlined version (with revision marks) and a "clean" version (with revisions accepted).

Background, Project Description and Timing:

Revise this section of the ECL based on any revisions to the proposal. Include clarification of projects elements (e.g. pg 8 states 75 inverter buildings and pg 6 states 40 inverter buildings). Provide a summary for decommissioning of the project and associated reclamation. In addition to a summary of the decommissioning and reclamation, provide the related environmental analysis and mitigation for the applicable environmental elements listed below (e.g. impacts to Earth from decommissioning and any proposed mitigation).

Government Approvals or Permits:

Identify what project elements trigger the listed permits (e.g. Section 404 – NWP for road widening?). Revise the list to include all anticipated permits (e.g. NPDES; County construction permits).

Earth:

The summary matrix states, in part, that "BMPs will be outlined in the NPDES permit...which will be submitted to the Department of Ecology." Note that this information must also be submitted to the County prior to issuance of a SEPA determination.

Identify any building elements that will be located on slopes above 33.3%, if any.

Air:

No additional comments.

Water:

The summary matrix indicates that a hydrologic analysis is currently being performed. This information must include construction related stormwater impacts and operational related stormwater impacts related to rain on snow events (i.e. consider stormwater impacts from rain on snow events and related snow removal plan for access to the proposed facilities).

Plants:

No additional comments.

Animals:

No additional comments.

Energy and Natural Resources:

The summary matrix identifies the "Energy and Natural Resources" environmental element in regard to comments regarding decommissioning and reclamation. As noted above, the environmental analysis and mitigation for decommissioning and reclamation should be described for each applicable environmental elements (e.g. impacts to Earth from decommissioning and any proposed mitigation).

Environmental Health:

Provide information in regard to potential noise impacts from the operation of the project (e.g. dBA or other descriptor for noise from tracker; noise from transmission line?; noise reflection from wind across the site after construction of the solar panels?).

Land and Shoreline Use:

In regard to critical areas (KCC 17A.02.060), the ECL (pg. 28) states that only "wetlands and frequently flooded areas apply to the project". Clarify this statement in content of information provided later in the ECL regarding frequently flooded areas (pg. 31). Provide documentation confirming that no geologically hazardous areas exist on the site (i.e. areas over 33.3%).

Describe any proposed modifications to development standards (e.g. reduction of 200-foot setback form Commercial Forest Zone – KCC 17.56.065) and any related potential environmental impacts.

Housing:

Expand on the hotel and motel availability information (i.e. vacancy rates during anticipated construction schedule) in regard to the conclusion in the ECL (pg. 33) that "adequate temporary housing provided by hotels and motels is available to meet project needs."

Aesthetics:

Clarify the proposed height of the poles associated with the powerline proposed to interconnect to the BPA. The ECL notes 150 feet (pg. 34). The draft Development Agreement notes 175 feet (DA, Section 5.2).

The matrix states that "a visual impact study and simulation concludes that visual impacts will be minimal and not detrimental to the character of the surrounding area". Based on the limited information provided to date, the County disagrees with this conclusion. It is noted that elsewhere in the matrix a statement is included that indicates that "additional visual analysis will be performed to assess the visual impacts to southern properties." Additional analysis (i.e. simulation viewpoints) shall also be prepared for potentially affected views (i.e. views from public roads, private roads, and existing residences) within 1 mile of the project area. The additional analysis shall also include the proposed transmission line corridor and facilities associated with the powerline proposed to interconnect to the BPA, and the proposed substation.

Light and Glare:

The ECL states that staging areas are to have lighting (p.g. 21). If these staging are proposed to be on-site (vs. off-site in existing yards), expand on this description and related potential impacts and mitigation.

Recreation:

No additional comments.

Historic and Cultural Preservation:

No additional comments.

Transportation:

As noted in the matrix, if construction access is proposed for a route that utilizes crossing the bridge on Red Bridge Road, an engineering analysis of the bridge shall be prepared prior to construction. In regard to video monitoring before and after construction, if construction access is proposed for a route that utilizes City of Cle Elum roads, those roads shall be included in the monitoring (City of Kittitas noted in matrix is an error).

In addition to coordinating any modification of the current gating system with applicable property owners, the applicant shall coordinate modifications with affected agencies (e.g. for fire and emergency access).

Public Service:

Provide documentation from Fire District #7 regarding the proposed contracting for fire protection services.

Utilities:

No additional comments.

