WEDNESDAY KITTITAS VALLEY WIND POWER PROJECT APRIL 12, 2006

Board members present: Chairman David Bowen, Vice-Chairman Alan Crankovich & Commissioner Perry Huston.

Others: Julie Kjorsvik, Clerk of the Board; Darryl Piercy, Director of Community Development Services; Allison Kimball, Assistant Director of Community Development Services; James Hurson, Chief Civil Deputy Prosecutor; a Court Reporter and approximately 50 members of the public.

PUBLIC HEARING KITTITAS VALLEY WIND POWER PROJECT CDS

At approximately 6:00 p.m. CHAIRMAN BOWEN opened the continued public hearing from March 30, 2006 to consider the Kittitas Valley Wind Power Project.

Disclosures were made by Chairman Bowen, Vice-Chairman Crankovich and Commissioner Huston. There were no objections made and all Commissioners remained seated.

The Board of County Commissioners each made comments on the project application and information in the record.

MR. DANA PECK, PROJECT MANAGER felt very confident that the issues raised by the Board could be worked out through the Development Agreement provisions.

The Board expressed interest in going on individual site visits to a wind farm. JAMES HURSON, CHIEF CIVIL DEPUTY PROSECUTOR felt there would not be a problem for the Board to go on individual site visits.

CHRISTINE COLE felt the Board should make their visits to a wind farm during the day and at night to make their observations.

CHAIRMAN BOWEN moved to continue the public hearing to Thursday April 27, 2006 at 6:00 p.m. in the Home Arts Building at the Kittitas County Fairgrounds. COMMISSIONER CRANKOVICH seconded. Motion carried 3-0.

Meeting adjourned at 7:30 p.m.
THE KITTITAS COUNTY BOARD OF COMMISSIONERS HEREBY ADOPT THE VERBATIM TRANSCRIPT OF THE HEARING AS THEIR OFFICIAL MINUTES OF RECORD ***

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Julie A. Kjorsvik  David Bowen, Chairman
IN THE STATE OF WASHINGTON
COUNTY OF KITTITAS

KITTITAS COUNTY BOARD OF COUNTY COMMISSIONERS SPECIAL MEETING
RE KITTITAS VALLEY WIND POWER PROJECT

VERBATIM TRANSCRIPT OF PROCEEDINGS

April 12, 2006
6:00 p.m.
Kittitas County Fairgrounds
Ellensburg, Washington

HEARING BEFORE THE KITTITAS COUNTY BOARD OF COUNTY COMMISSIONERS

REPORTED BY:
LOUISE R. BELL, CCR NO. 2676
1 APPEARANCES:
2 KITTITAS COUNTY BOARD OF COUNTY COMMISSIONERS:
3 COMMISSIONER DAVID BOWEN, Chairman
4 COMMISSIONER ALAN CRANKOVICH
5 COMMISSIONER PERRY HUSTON
CHAIRMAN BOWEN: All right, it is Wednesday, April 12th, 6:00 p.m. We are in the Kittitas -- at the Kittitas County Fairgrounds Home Arts Building for continued public hearing to consider the Kittitas Valley Wind Power Project Z-2005-22 submitted by Sage Brush Power Partners, LLC, for siting of a maximum of 80 wind turbines and associated facilities at a site located approximately 12 miles northwest of the city of Ellensburg.

And with that, I'm going to go ahead and go into declarations for the commissioners.

I didn't have any conversations with anybody other than staff. I did officially review the additional testimony that was presented through the Monday following our last hearing. I watched a DVD and reviewed the CDs that were in the original record which I had overlooked previously, so I dug through and found those, so I reviewed them.

Director Piercy did provide a worksheet to use if we chose, which I used to kind of make sure I collected my thoughts correctly and then
Chief Deputy Prosecutor Jim Hurson did assist me with locating some setback info in the DEIS and talked a little bit about process tonight.

So with that, that would be my declarations. Is there anyone here who wishes to object to my continued sitting on this hearing?

Seeing no one wishing to object, Commissioner Crankovich?

COMMISSIONER CRANKOVICH: Yesterday I talked to Deputy Civil Prosecutor Jim Hurson about procedures. I also reviewed the additional testimony that was submitted before the deadline.

Mike Johnston from the Daily Record called me today because he could not attend due to a scheduling conflict, and he just wanted to know how early he could call tomorrow morning for any comment.

And other than that I have nothing else to declare.

CHAIRMAN BOWEN: Hearing that, is there
anyone who wishes to object to Commissioner Crankovich continued sitting on this public hearing?

Seeing no one, Commissioner Huston?

COMMISSIONER HUSTON: The only contact I have had, Mr. Chairman, was a question today that I posed to Mr. Piercy regarding what is the comp plan designation for the footprint of the project area. He did give me that answer. We examined a map. I've asked him to bring the map that we looked at for introduction into the record so there would be no question as to -- as to which map was it was we examined.

Other than that I've had no contacts.

I do have a question of the proponent, but that would be more appropriately posed later in my discussion.

CHAIRMAN BOWEN: Hearing that, is there anyone here who wishes to object to Commissioner Huston continued sitting on this hearing?

Seeing no one wishing to object, all commissioners will remain seated. Thank you.

With that, I would like to start and see if
there's any comments from staff.

        MR. PIERCY: Mr. Chairman, for the record,
Darrell Piercy, Director of Community Development
Services. We have no comments to offer
additional to what you have identified this
evening up to this point. We would be happy to
respond to any questions that you might have,
however.

        CHAIRMAN BOWEN: Okay, thank you. With
that, gentlemen, I guess I've been thinking about
different ways today could go, and I know I have
several questions for the applicant. I'm also
curious -- oops, we got just -- Mr. Hurson.

        MR. PIERCY: Darrell Piercy again, if I may.
Just to clarify, you had made a notation in
your declaration, Mr. Chairman, in regards to the
matrix that we have provided to you. I just
wanted to state for the record that the decision
matrix was the same matrix that was utilized by
the Planning Commission and it is already in the
record.

        CHAIRMAN BOWEN: Thank you. I appreciate
the clarification. I meant to say that.
So I assume my seatmates have some questions or thoughts they'd like to throw out there to kind of guide the discussion, so I -- I hadn't really decided which direction we're headed this morning -- or this evening, so any suggestions from my seatmates?

COMMISSIONER HUSTON: Mr. Chairman, what I might suggest is in any application of this nature, there's always a variety of issues that I will -- will identify as housekeeping, if you will, going through the recitation of a variety of declarations and findings -- not declarations, excuse me, findings and conclusions that are almost general in their approach. And I'm prepared to go through that if you'd like.

We do have some specifics here that would give rise to the notion of either question or in terms of how we wish to proceed. I am certainly willing to frame those discussion points which might give the two of you some targets, if you will, and avoid any redundancy. Your call.

CHAIRMAN BOWEN: Mr. Crankovich, any --

COMMISSIONER CRANKOVICH: That's fine with
CHAIRMAN BOWEN: Okay. Proceed.

COMMISSIONER HUSTON: Very good. In terms of where we are today, it's always important, I think, to go back, if you will, to the beginning. And while I won't necessarily speak to all of the specific comments made, there's certainly a common theme in terms of the approach and the comments I'm going to offer.

The first, of course, is the process itself.

There's been a variety of discussion with regards to consistent with the comp plan, not consistent with the comp plan, et cetera, et cetera. And I remind everybody that it was the legislative intent of the Board of County Commissioners, of which I was a member when this was adopted, that each and every one of these projects would be evaluated on a site-specific basis. That's key: Site-specific basis.

To that end, certainly there will be commonalties amongst different applications, leading to commonalties in development agreements, SEPA comments, mitigations, that sort
of thing.

But as a result of the decision the Board of
County Commissioners made, of which I was a
member -- and in fact drove the decision, if you
want to know for the sake of the record -- the
reality is there is no such thing as precedent in
terms of this discussion. Each one is
individually evaluated.

There may be commonalty. Let's keep in mind
that if you're going to do a site-specific and
independent analysis of a project, then the
documents that flow from that decision are also
independent by nature of the very beast.

So to that end, what I'm going to suggest is
that the process that we have applied has been
consistently applied. I've heard absolutely
nothing in the record, nor do I glean anything
from the record from my own independent analysis,
that in some way this process has been tainted or
is skewed in any manner.

So to that end, the goal, the legislative
intent of the Board of County Commissioners has
been met and that this project has been given the
same process, the same opportunity for evaluation
that any process in the past or any other process
in the future will be given, barring changes put
into legislation by the Board, which of course is
not the case before us.

There's been discussion in the record of the
rules that were in place in the past versus rules
that are in place now, and I remind everybody
that that is exactly the case; the rules were
different in the past.

But as a matter of law and as a matter of
practice, an applicant is vested only at the time
of application. The rules that were in place at
the time this application was received are the

exact same rules we've applied. So there's been
no change in terms of this particular process,
and that's an important point to note.

To that end, I'm going to find that the
process we've applied has been consistently
applied and is in accordance with Kittitas County
Code and all applicable statutes and regulations.

Now let's move to the Comprehensive Plan.
There's been the discussion as to whether it's
consistent or not. I'll go back to my previous
remarks. I'll remind everybody there is no
predesignation in the Comprehensive Plan. That
is process. The process requires a Comprehensive
Plan amendment.

If in fact the Comprehensive Plan already
allowed for this, there'd be no need for a
Comprehensive Plan amendment. By definition what
we're doing is evaluating the site, the actual
specific proposed site, to determine if it can be
made consistent with the Comprehensive Plan.
That's the process. And that is the goal, of
course, of the applicant and the decision we have
to evaluate.

So to that end, the only things I would
offer in terms of the Comprehensive Plan is that

at this point -- and then I go back to a variety
of observations in the record about whether it's
resource land, not resource land; the GPOs
certainly lend a predisposition to the
preservation of resource land.

And the reason I asked Mr. Piercy for the
designation is this area is designated rural in
the Comprehensive Plan. Now, there may be a
variety of zones still in place within that rural
designation.

And we all know as a matter of past
discussions that the zoning was not wholesale
changed when the Comprehensive Plan was adopted,
because zoning speaks to a variety of different
issues. Land use densities being two primary
ones. So there was no effort at that point to
try to pre-guess what zones should exist when the
Comprehensive Plan was adopted. That's all been
driven by the landowner on a site-specific basis.

So the fact that a zone within the footprint
is commercial ag does not mean it is a resource
land designation; it is a rural land designation.
The rural designation allows for a variety of
uses. That's in the Comprehensive Plan and it's
in the county-wide planning policies.

But it is also the area that is
predesignated to take higher densities of
residential development.

So that's the distinction, the key
distinction between a rural designation and many
of the other designations in the Comprehensive Plan. It is an area that is pre-zoned to be eligible -- "eligible" underscore -- for higher levels of residential density as opposed to your forestlands, long-term commercial significance, mineral lands, et cetera.

So in terms of the Comprehensive Plan, what we're looking at today is to determine if in fact the proponents have provided sufficient information that we are then able or willing, if you prefer, to designate the Comprehensive Plan to then make the project consistent. So the question of consistent at this point is academic. The question is can it be made to be consistent with all of the following decisions.

The question of public benefit always comes into the conversation. It comes into the conversation at any point you're discussing Comprehensive Plan amendments, rezones, something of that nature.

And I think we can note for the record that there is information included that would suggest that power generation by definition is a public
benefit. There's been a lot of discussion about subsidy versus non-subsidy, but I've seen nothing in the record that indicates that subsidized power industry does not benefit the public.

And arguably, I've seen information in the record that suggests all power generation activities are subsidized in some way. So I'm not going to rely on that in terms of determining a benefit to the public or not.

We've had information in the record that suggests some jobs are created; there is some increase to the tax base; there's some revenue generated, if nothing else to the individual landowners involved in the project area, all of which arguably lends to the notion of economic development which lends to itself the notion of public benefit.

To me, then, it comes down to a cost-benefit analysis. Merely because there is a public benefit, do the impacts of the project and the associated mitigations reduce the adverse impacts to the point where the public benefit emerges as predominant? That's the question before us.
We'll come back to that point, I'm sure, a number of times in the rest of our discussion.

Now, as we come down to the cost-benefit analysis, that takes us to the two key components of the project application and any ensuing permits that might be issued. That, of course, is the SEPA process which identifies the impacts and identifies the proposed mitigations, and then the Development Agreement which flows from that.

And I do have a question for the proponent, and I would ask at this point, Mr. Chairman, if you would allow me to indulge --

Mr. Peck, could I bring you to the podium for just a moment?

MR. DANA PECK: Yes, sir.

COMMISSIONER HUSTON: I'm sorry?

MR. DANA PECK: Yes, sir.

COMMISSIONER HUSTON: Oh.

MR. DANA PECK: Do I need to identify myself?

COMMISSIONER HUSTON: Sure.

MR. DANA PECK: Dana Peck, Project Manager for Horizon.

COMMISSIONER HUSTON: Okay. I realize that
direction to staff as contained in the staff report indicated that the template of the Wild Horse was the template we were going to use in a proposed draft for this Development Agreement?

MR. DANA PECK: Yes.

COMMISSIONER HUSTON: That's accurate?

Let me direct your attention, then, to Page 12, and I realize you don't have it. I'll go ahead and read it to you.

Page 12 Section 5.10, Traffic Monitoring.

And what I need is to have you show me on the map what we're talking about here. "Applicant shall monitor traffic levels following completion of construction of the project for a period of three years. After that time, the applicant shall continue monitoring of tourists and operations traffic to the project upon written request from the County. Should tourists and operations-related traffic to and from the project site exceed WSDOT warrants as contained in Chapter 9.10 of the WSDOT design manual, the applicant shall construct right- and/or left-turn lanes on the Vantage Highway. Said improvements shall be designed and constructed in accordance with WSDOT guidelines."
Where on your project map are you going to build left -- right- or left-hand turn lanes on the Vantage Highway to mitigate the impacts of tourism to your project?

MR. DANA PECK: Could I have a moment on -- with my staff folks on that as well?

COMMISSIONER HUSTON: If you need one.

MR. DANA PECK: I do.

(A discussion was held off the record.)

MR. DANA PECK: Always good to double-check these things. Could I -- could I just approach --

COMMISSIONER HUSTON: Please.

MR. DANA PECK: What we anticipated is that this would be the principal access point for any kind of use and that whatever sorts of traffic or realignments needed to take place would take place according to state guidelines --

COMMISSIONER HUSTON: So you're pointing on the record to Highway 97?

MR. DANA PECK: Yeah.

COMMISSIONER HUSTON: Okay. The Development Agreement indicates the Vantage Highway. Show me where on the Vantage Highway you intend to construct right- or left-hand turn lanes.
MR. DANA PECK: I'd say that that's a classic case of cut and paste gone wrong and that that would be a correction that we'd want to make as we went through the Development Agreement conversation with your staff.

COMMISSIONER HUSTON: So based on your answer, then, there are elements in this Development Agreement that you do not intend to honor?

MR. DANA PECK: No, that we would find that we'd probably have to go back and correct, as any contractual agreement finds itself amended and corrected as you get into the finer fine points.

COMMISSIONER HUSTON: There is a point to my question, and the point I would make is if in fact we get to the point where we do see an amended version of the Development Agreement, do not word-search "Wild Horse" and replace it with "Kittitas Valley Wind Power" and hand it to me, please.

I want you to go through this section by section and make sure that every word is something you intend to do. And I'm going to
submit by way of discussion that you do not
intend to build left- or right-hand turn lanes on

the Vantage Highway to mitigate the impact of
tourism on this project.

MR. DANA PECK: That's certainly correct.

COMMISSIONER HUSTON: Very good. Thank you.

MR. DANA PECK: And our apologies for that.

As I said, one of those cut-and-paste things.
Probably one of those things that wouldn't have
happened in the typewriter age but can happen in
the computer age. Sorry about that.

COMMISSIONER HUSTON: Very good. I would
submit it also wouldn't happen if in fact we
monitored the submittals that come in to make
sure they're accurate.

At any rate, that's my question.

MR. DANA PECK: Appreciate the opportunity
to not just address but correct.

COMMISSIONER HUSTON: Thank you.

The point in all this is the Development
Agreement is the absolute heart and soul of the
mitigations of the impacts. And I assure
everybody I'm going to go through this again and
again and again with a fine-tooth comb. I expect
everyone else to do the same thing and I expect
that when I read something in here, that is
exactly what is intended to take place.

Otherwise that gives question to the entire
Development Agreement. And we don't want that.

MR. DANA PECK: Yes, sir.

COMMISSIONER HUSTON: We want this to be a
document that is absolutely carved in stone, or
obviously we have other challenges in the rest of
the discussion I'm about to propose.

So SEPA. We've gone through a variety of
impacts that have been identified and certain
mitigations that have been proposed. I'm not
going to go through every one, but I think
there's some keys point that we do need to
address.

One: There's been a suggestion that the
impacts to wildlife has not been sufficiently
studied, and there's been a number of suggestions
that we study Wild Horse to determine what the
impacts there might be.

I don't agree with that. Back to my basic
premise that each is a site-specific evaluation,

I would suggest that whatever we glean from a

study of Wild Horse would be no more or less

relevant than any other wind farm that's in

existence at this point in time anywhere

throughout the world.

We did build into the Development Agreement

the notion of ongoing monitoring with the

committee put in place to do that. I'm going to

suggest that because the question of impact to

wildlife in the record is not put in context, I

don't know that I have a point to specifically

study to.

There's discussion of bat kills, as an

example. But there's no suggestion that five or

fifty or five hundred a day is necessarily an

issue, other than the suggestion that we

shouldn't kill any bats, I suppose.

But in order for me to suggest ongoing

study, I need to have in context some notion that

there's a number out there that is in some way

unacceptable or in some way is incredibly

damaging to the particular creature we're talking
about in the study. And I don't see that in the record.

I think the Development Agreement does deal with the question of impact to wildlife, bird kills, et cetera, has in place monitoring; and I would suggest that's probably sufficient for the purposes of the evaluation of this project.

Impacts to property values obviously has been an incredibly hot item in this discussion.

And again, the thing that is arguably lacking is the context of that discussion. Impact to property value up or down.

Going back to my real estate experience, the buyer's the final arbiter of price. Well, obviously if you have property and you want to sell it to someone who does not want to live next to a wind farm, the existence of a wind farm, will, needless to say, be an impediment to your sale. Arguably to someone who wants to lease land to wind farms, arguably it's a plus.

There was -- and the only true hard data that was introduced into the record is that there have been sales of property since the
announcement of the wind farm process has been
made. Now, I don't know whether as high a price
as arguably it could be. It was higher than what
was paid for.

But what I find more lacking in the record,
or for that matter as a matter of case law, is I
can't find any indication that there's some --
some predetermined notion of guarantee of
speculative value, investment value.

The only thing that I can go back to that's

relatively hard and fast is the question of
taking, a regulatory taking. And the mark there
is relatively high in terms of in order to
establish a regulatory taking, you have to
essentially establish if you've been stripped of
all value of your property. And no one has
suggested that would be the case.

On the other side of the coin, if by the
decision I might make is to deny the folks the
opportunity to lease to the wind farms, arguably
I've lowered the value their property.

So I guess at this point, if you will, I'm
between a rock and a hard place. No matter which
decision is made, somebody will suggest -- and
arguably could demonstrate -- that they did not
gain as much value from their property as they
might otherwise have done.

But no one has suggested that property is
rendered valueless in either event, nor has
anyone suggested that anyone's going to lose
money based on their purchase price. It's just a
notion of a decrease in your investment
potential, is essentially what has been
introduced into the record. And I don't
recognize that as an impact that we can mitigate.

Because I think it's, it's impossible in any
specific terms to quantify.

So in terms of the discussion of property
value, I don't see that as an impact that we've
necessarily established was adverse, mostly
because we haven't established a starting point
in that discussion.

Now, there was discussion in terms of the
impacts to roads. Commissioner Crankovich made
the observation in terms of the Development
Agreement with regards to restoring roads to the
existing condition.

With all of the other discussions in the record in terms of ongoing monitoring -- well, and obviously whether tourism's going to be an issue here or not, I suppose we have to discuss that; but certainly the issue of construction activity, the increase in activities on the surrounding roads, et cetera, it would be a relatively unusual circumstance where we would not require that roads be brought up to a particular standard.

Now, there's nothing in the record to indicate they aren't at that standard. But just to bring them up to the condition they're currently in I think falls short of the mark. I think more information in terms of the condition of those roads at this point is necessary, whether the condition of the roads would deal with the increased traffic that we're talking about with regards to construction, ongoing maintenance, tourism, et cetera, et cetera, and whether or not those roads should be upgraded, then, to that particular level of service.
There's been a great deal of discussion in terms of impacts to the viewshed. And here again I think we have to try to find a starting point in which we can identify that a viewshed exists or, if you will, does not exist. The question has essentially been one of change to the viewshed. And I think we can accept as a matter of record that the viewshed will change, irrespective of whether this project is approved or not. New houses will go up, new things will be built, stuff will happen that will change the nature of the viewshed.

If you're talking about actually obstructing any and all view of the viewshed, then arguably that's a condition that we should discuss, and I'll come back to that point later in my discussion.

I do not believe that we have established clearly that the mere existence of a project of this nature will render the viewshed essentially denied to everybody. I am going to suggest later that there may be impacts in terms of proximity
to residences that arguably obstruct viewshed or actually go to a more specific impact. Again, I'll cover that when I come to that point.

I don't believe that a viewshed is something I can guarantee to be unchanged. The viewshed in this case arguably is already altered by the hand of man. So I'm not prepared at this point to deny a project based upon the fact that a viewshed from a variety of points in the valley will be impacted in some way.

Now, the impacts to potential -- "potential" -- residents, let's chat about that a bit. The setbacks that are in the Development Agreement parallel those that were proposed in Wild Horse. But a key point in the Wild Horse to discuss -- in the Wild Horse discussion was the distinction between establishing a setback which people coming in to build a residence would still need to adhere to.

The discussion was minimum safety setbacks, by which I believe the County should not allow construction, even if voluntary, within certain setbacks, within certain areas of these projects
for safety's sake: ice throw, tower collapse, all that sort of thing.

But we did make a distinction, and I thought a clear one, between the notion of impacting residences that do not exist where a person arguably has the option of building or not building or a person has the option of building to take into account the impacts of the towers or, for that matter, to the see them more closely if that's what they want to do, versus impact to already existing residences.

And I guess this brings me now to the stumbling block on which I still stand, and that's the notion of how we're going to mitigate impacts to existing residences created by this project.

Page 22 of our Development Agreement indicates that in fact there will be impacts from shadow flicker, et cetera, et cetera -- I don't need to read it -- as a result of this project.

And the mitigations proposed are the blinds, the trees, the screening.

But again I come back to the point, those
mitigations require people off site to mitigate the impacts of a project through their own actions; through alterations of their own residences; through, if you will, alterations of their lifestyle.

For arguing there are no impacts, that's a different drill, but we're not; it's accepted in the Development Agreement that those impacts exist.

Now, we were talking about light, if you will, in a project area, the mitigation -- in 15 years I've never encountered a mitigation that suggested we install screens on everybody's house. You shield the lights on the project so that the light is directed away from the surrounding areas. And that's a relatively common mitigation to light pollution, if you will.

Sounds, et cetera: generally mitigated in the project area by the project proponent.

And this deviates from that; and it might seem like a minor issue, but to me it's a critical point. How much am I going to ask the
neighborhood, if you will, to deal with impacts to a project not their own? And this is a critical point for me. The only alternative to these mitigations that has ever been proposed in terms of the record is distance.

Now, the setbacks proposed and the declaration in the Development Agreement that these impacts still exist are, obviously, one does not deal with the other in an adequate manner. I don't know what that number is. Or even if that number exists.

And it's something I reserve the right to come back in later discussion to deal with, Mr. Chairman, because there's nothing at this point in the record that demonstrates to me that a thousand -- well, a thousand feet obviously is not enough, because we're still proposing additional mitigations.

Whether two thousand's enough, three thousand's enough, in past hearings a mile was suggested, but I don't know that there's any magic in that number. And at some point we can discuss how we might go about gleaning that information to make a more complete decision.
But at this point, based upon the
information in the record, the setbacks are not
adequate to mitigate those impacts. Which the
proponent has acknowledged exist. So kind of
back to that point.

That takes me through the key points as I
see them, Mr. Chairman. As I've said, I've
indicated a few relatively minor issues, frankly.
The big key to me is the impact, the setbacks, if
you will, or other -- I suppose possibly you
could make the towers invisible, and I guess it
wouldn't be an impact, but no one has proposed
that that's possible; so I'm kind of coming back
to the one feasible, viable mitigation so far, at
least, is distance, and the distances proposed
would seem to be inadequate.

I can stop at that point and...

CHAIRMAN BOWEN: Commissioner Crankovich,
anything you want to pick up there that might
have been missed in Commissioner Houston's
oration?

COMMISSIONER CRANKOVICH: I can elaborate on
some of the things that he said. But I have kind
of a -- somewhat of a prepared statement. And a
lot of which Commissioner Huston already covered.
One thing I would like to point out that he
touched on a bit, and it was in, in Erin
Anderson's closing statement of March 30th. And
she emphasized choices on balancing individuals'
acceptance of conditions and risks and what it
means to them and citing her decision to live
near the airport and accept the associated
circumstances.

That's a point that I tried to make
previously when I quoted that the project is
located where the viewscape is dominated by large
electrical transmission corridor facilities.
That's true.

But with the exception of a few longtime
landowners, others purchased property in the area
accepting that the towers and power lines were
there. They made that choice.

And so with that in mind, their concerns
about this project should not be dismissed
without consideration. I mean, you are asking to
impact the area again. But this time it's with
those residences in place and people in place
that, you know, the towers aren't your -- your --
wind turbine generators aren't there right now.

There was also another statement by
Mr. Yoder, and he stated there are sacrifices associated with progress. That's true. If there weren't sacrifices for progress, we'd still be in covered wagons.

But we are now still learning of and paying for long-term negative effects of such things as those living downwind of Hanford, the effects of hydroelectric dams on the salmon where people actually want to breach the dams. A failed nuclear power project that was aptly named WPPSS. That was some money pit. And the health risks that are associated with the coal industries.

The potential health concerns for the wind power projects should also not be dismissed without consideration.

So with that, Commissioner Huston covered pretty much everything else that I said -- or he said about the mitigations.

I do have questions. And Mr. Peck, if I could bring you up.

One thing, I -- if you could clarify for me, that this was something that I noticed today in reviewing the record that we have. On April 3rd we received a petition that identified support
one submitted by Mr. Yoder on March 29th only identifies his support for wind power projects; there's no mention of the Kittitas Valley Wind Power Project.

Is that an oversight or is that -- I mean, because the point I'm getting to is several people in their testimony object -- that object to this particular project have indicated a support for wind power in general but not in this this particular location. So to me that kind of needs a point of clarification.

MR. DANA PECK: It's my understanding that the petitioners as they went door to door explained the two aspects of wind power in Kittitas County, of the public benefit that they perceived from it, both within the county in terms of tax benefits that would flow into the various tax districts, for instance, as well as providing a fuel neutral or, you know, clean energy source, as we tend to call it.

That was one explanation that was given of why they were doing this petition drive, and that
they also discussed the Kittitas Valley project but made it clear to the petitioner that what they were formally supporting was the concept of renewable energy development, that they weren't characterizing the petition drive as exclusively focused on the Kittitas Valley project.

COMMISSIONER CRANKOVICH: Okay, so as I stated previously, I have read the -- the ads in the paper, and to me it's a mite misleading when those ads show up at the time when this is being considered and yet there is, by your own admission, possibly no tie to the support for this project versus the overall support of wind power in general.

MR. DANA PECK: Well, I -- it would be my supposition, much as you are making a guess at what's going through people's minds when they sign this, that although the petitioners, again, as I understand, made it clear to these people that this wasn't a formal endorsement of the project, because of the time that we're in right now, the context of the petition drive's timing, if you will -- I mean, I'm always reluctant to
try to read somebody else's mind, but it would be
my guess that anybody that signed that petition
on the schedule that it was being circulated
understood that this project was very much a, you
know, a potential beneficiary of their signature.

But I don't want to characterize that signature
as being directly linked to the project, because
I'm sure in some cases that's not the case.

COMMISSIONER CRANKOVICH: Okay. While I
have you here, let's see, I found a discrepancy
in the project boundary maps. And it's in Book 1
of your Findings and Conclusions. Exhibits 1, 4,
and 8 are similar and Exhibit 5 is different.

MR. DANA PECK: Boy, I have to take a look
at that. And I know having just come from a
county where one of the commissioners was a
former road department guy -- I don't know if you
you know Ray Theron or not, but he was my boss
for the previous eight years -- I know better
than to talk maps with a road guy without looking
at them first myself. And if there is a
discrepancy, we would certainly address it in the
Development Agreement process.
COMMISSIONER CRANKOVICH: Okay, there definitely is a difference between the maps.

MR. DANA PECK: And I hope you don't mind me just sort of punting on that, but like I said --

COMMISSIONER CRANKOVICH: And that's fine --

MR. DANA PECK: -- on a couple of occasions --

COMMISSIONER CRANKOVICH: -- it might be something that you didn't even notice and it's just that I did, so I just wanted to point that out.

MR. DANA PECK: Ray made it real clear to me that he knew a lot more about maps than I did, and I'm not going to put myself in that situation one more time if I can avoid it.

COMMISSIONER CRANKOVICH: Regarding the thousand-foot setback that is proposed, and I believe you stated that it surpasses industry standards, is there any place that that's documented or, you know, what the industry standards are? Because right now I, I couldn't find it in anything that I read.

MR. DANA PECK: I can't quote you chapter
and verse on that, but the national association, the American Wind Energy Association, keeps pretty thorough files on that. So we all, those of us in the industry, tend to know what everybody else is doing.

And you know, a thousand-foot setback is pretty much the -- if you look project to project nationwide, it's where the industry's coming down on, because it basically takes the, the tallest tower height and adds 500 feet to it, just as a sort of rule of thumb.

I think -- let's double-check -- look over my shoulder as I say that just to double-check on that.

So in our mind -- in the industry's mind, I should say, we feel like in addition to a height that's taller than the tallest tower that we're proposing here from tower base to the tip of the blade, we're adding 500 feet to that.

COMMISSIONER CRANKOVICH: Going back to the roads, and I touched on this the last time, what I see as necessary, improvements have been identified from the northern portion of Hayward.
MR. DANA PECK: Uh-huh.

COMMISSIONER CRANKOVICH: And the recommendation for improvements to the southern portion has been made for mitigation efforts to support use by emergency services. This appears in the original DEIS under the Summary of Impacts Mitigation Table 1-3 and Page 1-54 under Impacts for Fire Protection. It also appears in Book 2 of Facts and Conclusions and then the proposed Development Agreement. And that's Exhibit 20.

Proposed SEPA Mitigation Measures Page 41. And it's -- also it has to do with response time from -- by Fire District 1.

MR. DANA PECK: Right.

COMMISSIONER CRANKOVICH: Over the course of the southern portion which is below the canal and is in poor shape. And I know that for a fact.

MR. DANA PECK: We were just up there yesterday, and it's pretty clear to me too.

COMMISSIONER CRANKOVICH: Okay. You know, I mean, your response the last time was that the roads will be restored to a good condition or
original condition. I still stand by my
requirement, I guess, that that be brought up to
a higher standard.

MR. DANA PECK: That reminded me of a
conversation we had with D.J. Evans, the fire
chief, not too long ago and that he was -- he was
very much of the opinion that the southern
portion of that road wasn't critical to him in
terms of firefighting issues.

COMMISSIONER CRANKOVICH: Well, that
collection that I've had with D.J. Evans last
summer, not regarding this project, is that's
completely contrary to what he told me --
commissioners in the healthy state that it's in
right now --

COMMISSIONER CRANKOVICH: Correct. Because
his previous -- his previous comments to me were
in regards to -- and it was identified in the
mitigation measures of the response time to come
through the southern portion as opposed to having
to go I-90 and come up 97.

MR. DANA PECK: Right.

COMMISSIONER CRANKOVICH: You know, so
I'm -- I guess -- I guess it's possible that he
would have changed his view, but as adamant as he
was that it needed to be improved, not even
considering this project, maybe he was
misunderstood.

MR. DANA PECK: Well, we'll be in full
consultation with the fire district on all of
this, both in terms of fire suppression
considerations during construction, what kind of
equipment and notification procedures; we need to
make sure what we've got on paper actually gets
implemented. And with the kind of road
construction we're going to be doing up there
once the mobilization has occurred and the
equipment's there, if he's -- if he's got some
suggestions he can make that will make his life
easier, I think we'll sure accommodate him.

I mean, I don't think we're talking about an
extension of Interstate 90 here for him, but I
think by the same token, if there's something we
can do to make those guys' life easier, we'll
sure -- we'll sure figure out a way to do it.

COMMISSIONER CRANKOVICH: Well, I think -- I
think it's a critical part, critical piece to the
fire protection that it be required.

MR. DANA PECK: Right. And you know, and
one of the things that we can really say to the
fire districts is, you know, we're a real good
neighbor when it comes to that; we make their
life a lot easier in a whole bunch of different
ways, not just money and fire trucks. I mean,
we're making it possible to fight wildland fires
out there off of roads and not just running over
hills with a pack on your back. And if there's
road access that ought to be put in and improved
in some of these areas, with that thought in mind
I'm sure we'll find ways of getting D.J.'s made to it.

COMMISSIONER CRANKOVICH: Okay.

MR. DANA PECK: I appreciate your flagging that too, because if I got a misunderstanding with that gentleman, it's one I want to resolve real fast.

COMMISSIONER CRANKOVICH: Well, yeah, I find it hard to believe that he did a 180 on us.

MR. DANA PECK: Well, and you know, he might have been saying to us that the level of improvement that he saw he needed in that area was -- was at a different scale than what he saw in other areas and we just didn't hear it right.

COMMISSIONER CRANKOVICH: Okay.

MR. DANA PECK: And I'm doing kind of a little fancy footwork on that one, I know, but it's something that I'll sure -- we'll sure clarify with D.J. along the way.

COMMISSIONER CRANKOVICH: And also getting back to the roads and returning them to condition -- existing condition or better, I'll reiterate again, with my public works background
I know Bettis Road and I know it's going to be damaged severely. Even in the state that it's in. It was chip sealed a couple years ago, but the base, especially from the Horse Canyon side, is suspect. I'd still suggest that it be considered that there be improvements made regardless.

MR. DANA PECK: I think the argument that, you know, restoring it just to the way we found it might not be sufficient is sure one that we hear and want to discuss with you as to what "sufficient" was. There's -- you know, again, there's -- there's some line between where we started and Interstate 90 here --

COMMISSIONER CRANKOVICH: Right.

MR. DANA PECK: -- but I think that if -- if it's better -- a little better than where we started, that's certainly a conversation we'd be willing to have. Because as you know, once you mobilize this kind of hardware, you know, when you've got a crusher on site or however you're handling your aggregate, you know, there's a lot of things that you can do to help a road like
that out that's really -- that's the time to do it.

COMMISSIONER CRANKOVICH: Okay. That's all I have for now. Thank you.

MR. DANA PECK: Thank you. Appreciate it too.

CHAIRMAN BOWEN: Both of my seatmates obviously touched on the major issues that were in front. I guess I'll elaborate on a few things. I asked three specific questions last time, and I'll add details those right now.

One of them was whether we've got 64 towers or 80 towers. And I'm speaking for as one commissioner, before I could sign a Development Agreement I'd need to know the number of towers and where they're going.

And I realize it's been evaluated for -- I guess the final answer I got was 82 to 150 turbines, and -- but that still doesn't answer my question. My question is, how many turbines do we have, where are they at?

I also talked about the sub-area boundary and basically got the answer: Not interested in
changing that back then; and there was a
follow-up letter, and the comments, they said
they wanted to be consistent in how it depicts
the plan boundary but they did make some -- the
northern parcels are in single ownership and they
didn't want to change the overlay over the top of
them and that an amendment could occur in
consultation with the County through the
Development Agreement process, if I'm reading
this correctly.

My concern here -- and I'll elaborate more
than I did then -- was we go ahead and approve
this project with the current footprint and
knowing that we've got EFSEC down the road, we
now have an overlay that says this is a good
place to put wind towers and wind towers should
go here, although it's specifically been denied
or -- or it's been a no-build zone or whatever, I
don't believe we're going to be able to enforce
that very well once the overlay's in place.

So I'd be interested in following a section
line or something, because the underlying zoning
still remains the same; people can still use the
rest of their property that didn't end up in the
overlay zone just as the way they did before.
But it would potentially protect us from being preempted through a different process and taking the local decision-making away from us here, which is something I'm very concerned about.

I also talked about setbacks last time, and the one-thousand-foot setback that keeps coming up seems to be talking about safety. I haven't seen it really proposed as a setback for mitigation purposes.

And as Commissioner Huston said, I'm not sure what that number is; I don't know if it's a half-mile, if it's one mile, if it's two thousand feet or a thousand feet, but I guess I don't have information that tells me specifically what is the right place, what is the right distance.

And I guess one of the answers to me at the last -- at our last meeting was that yes, at two thousand feet it totally takes the shadow flicker away but at a thousand feet it mitigates it tremendously. And I'm just -- if you can take it away by going another thousand feet, it seems to me it might be something worth doing.

I think that's everything on my three questions there.

Other things I came across in the last --
what has it been, a week and a half, two weeks?
I wanted to make sure that we did address the
microwave interference for our EMS 911, make sure
we're not blocking any towers, make sure that has
been addressed. I don't remember seeing that in
here, but I have read through a lot of stuff, so
it may be in there and I just don't remember at
the moment.

Talked about the setbacks.

There was a lot of discussion about how tall
these towers are, and the DEIS shows that the
tower itself is going to be between 150 and
263 feet. To me I need -- I would really like to
know which tower we're using, which unit we're
using. I understand market conditions will
affect that some. That number came out of
Chart 2-7 out of the addendum to the Draft EIS,
is where I found those numbers.

I would reinforce what Commissioner Huston
said about being site-specific. Out at Wild
Horse we didn't have a whole lot of neighboring
land uses and the neighbors that were there were
satisfied that their setback was okay. And
because neighboring land uses will vary on
will vary, based on compatibility with neighboring land use.

It's written in our code and it's kind of a common-sense thing and it's specifically addressed as we wanted to look at each of these as a site-specific project.

A lot of discussion about financial benefits and detriments. I ended up in the same place Commissioner Huston did. Yes, we expect our property values to increase, and when we move into a place we move into it because we like how things look around it.

But we're not permanently I guess endowed with the fact that it'll remain the same forever. I think we all know that something will change, whether it's housing or some other project.

There was a lot of discussion about these being natural resource lands and that under Forest and Range it says it's where natural resource management is the highest priority.

But I would like to emphasize that where this particular project is at, these are not
actually under a natural resource lands
designation in our comp plan; they are under
rural lands, and there are a lot of different

uses in that rural lands.

And so that took me to the Kittitas County
Code, took me to Forest and Range. Within that
code there's 13 permitted uses, 21 conditional
uses. And it didn't eliminate wind farms, but it
didn't say wind farms specifically either.

And as you read through the rest of the
code, it also indicated that in Forest and Range
under 17.56.070, those people that bought
property out there should have expected the
structure heights on neighboring properties would
follow, "No structure shall exceed two and a half
stories or 35 feet in height, whichever is
greater. This limit does not apply to
agricultural buildings."

So unless you can make the great leap of
faith to a 263-foot tower being an agricultural
building, I'm not sure that it's, you know, in
the code that you can do this right now and that
you're vested in that.
And you go on to the Ag 20, the permitted uses are the same as an Ag 3 plus 8 processing, and there's four conditional uses. And it specifies special setbacks for the hog feeding operation, which I mentioned in the last set of hearings.

That covers my observations. I looked at the maps. I guess the last time I'd asked also about centering the towers more into the center of the footprint to try and help mitigate the distance. Once again, it all comes back to setbacks and distance for me.

I compared the old with the new, and I saw where there were five towers removed that were pretty centrally located, and I saw places where, in my mind, you could potentially put four different strings that weren't near the boundary lines and weren't near the non-participating landowners.

And I'm not an engineer and I'm sure somebody could tell me no way in heck could those go there. But it's a topographical map, and as I was looking through it, you know, I'm not sure
exactly what the scale is on the topography, but it looked to me like it was -- some of the places I thought they were able to go were less than a -- less then 50 feet difference in elevation. And some of the things could just be moved a little bit -- some of them that are sited right now could be moved a little bit further east, a little bit further southeast to get away from being so close to non-participating land owners and try and mitigate some of that distance factor.

The one section that's bothering me most is the southeast corner where we've got seven towers put in place that have sandwiched two landowners and their residences. And with the fact that five towers were removed out of the central section in the original application, why those seven towers had to remain there and those five had to go, I guess I'm a bit curious on the explanation of that and how we might -- if that might be a potential change that we could make.

There was a lot of discussion about growth or no growth, and that really isn't what this
issue's about. It's about compatibility with neighboring land uses and whether this particular project will -- could comply with our Comprehensive Plan and be placed here.

I noticed a lot of the -- as I was looking at setbacks in the DEIS, most of the analysis was done from .4 to 1.5 miles away, and there's nothing in here that shows mitigation in those ranges. If we're talking about setbacks, we keep talking about the one thousand feet, and that just hasn't -- I don't see where that's been documented in here that that mitigates anything or has been analyzed necessarily.

So those would be my observations for now. And Commissioner Huston, you indicated you had some additional potential comments.

COMMISSIONER HUSTON: The cut and thrust of my following comments, Mr. Chairman, would be essentially where do we go from here. In terms of -- in terms of the record and in terms of the information that has been presented to us. I think before I can indicate by way of an agreement, a Development Agreement project
permit, that this project does in fact bring a benefit to the public, it has to be reconciled with the residential uses that are allowed in this area under the current designation of the Kittitas County Comprehensive Plan.

Now, that comes back to the notion of mitigating the impacts that we all are in agreement exist. The proponent has agreed in the Development Agreement they exist, the record has indicated they exist; that's the whole question of the shadow flicker, the impact of the looming towers in proximity to existing residences.

I'm not talking about the impact to distant viewshed. I'm talking about the identified impacts to residences due to the proximity of these towers. That's a deal-killer for me.

I realize that in any SEPA process there's always the option of identifying a probable significant adverse impact and saying, Oh, well, we're prepared to accept that.

Commissioner Crankovich speaks to the issue of the dams and the impact on salmon, but that may be a good example of what I speak. That's
not a surprise. Nobody thought the salmon could climb over those dams and suddenly we realized they can't. That is not the case. That's why the hatchery programs were put into place.

It was an identified impact; everyone knew when you dammed up the river, the fish weren't going past that dam. Nobody had any question attached to that. So the hatcheries were introduced. That was a mitigation, and now what we're coming to is a discussion of whether that mitigation was sufficient or not. That's a different issue.

We have now an impact that is identified. I am not prepared to write that off. That impact has to be mitigated. And in the current Development Agreement I don't believe the setbacks, if that's the way we're going to mitigate the impact, is adequate.

I can't give you a number to go off and bring back to me and then I'll be happy. I am going to suggest some -- some ways in which I might personally pursue trying to gather that information, and I'll come back to that in just a
moment, Mr. Chairman.

Commissioner Crankovich did indicate the issue of the petitions and whether they were skewed or not. And I guess to that end I remind everybody that it's well-founded in terms of land use decision-making that the mere existence of opposition -- or, for that matter, support -- does not justify an approval or a rejection. Just because everyone in the room likes or does not like it, we still have other issues to deal with.

So while the petitions in the record are certainly fascinating, frankly they don't do me much good. Because we're still dealing with the identified impacts and the need to mitigate those impacts. That's the deal-killer for me.

The rest of the issues we've discussed I'd suggest in the greater scope of things are relatively minor details. I have to get past the question of impacting already existing residences due to the proximity and size of these towers.

Now, to that end, Mr. Chairman, as we've all discussed, we've all at some time wandered around
other projects. I haven't since this application came; in fact, I haven't for some years. I may need to, as a matter of fact, with a range finder in hand, if you will, to figure out what a thousand versus two thousand versus three thousand versus four thousand, five thousand, whatever feet from these things is actually what that is in terms of a perspective.

I can certainly ask the proponent to give me all sorts of computer models, and I'm sure Desi'd be more than happy to bring his models back in and whatnot, but frankly that still begs the question of extrapolation. I guess unless the Board is prepared to argue at this point that the impact is so onerous it just cannot be mitigated.

And I would suggest at this time that in the interest of a complete process, if you will, in the interest of fairness that the proponent be given the opportunity to come back with an amended Development Agreement that speaks to the concerns we've expressed.

But independent of that, I guess let's say I need to go find a project with comparable towers
with a range finder in hand or pace a lot, at any rate, and try to bring to my own mind a clearer perspective of what these things look like and what they do at a variety of distances.

Now, that isn't necessarily going to be all I need to know. I still need what information can be gleaned in terms of impacts of these things: At a thousand feet the impacts still exist; where might it not exist? I need good hard information and agree that the proponent can provide it or staff research or however the legal department would suggest we proceed.

Obviously if we get too far astray of what is in the current Development Agreement, the Board always reserves the right to go back out for comment. I would not suggest we do that as a Board, Mr. Chairman.

CHAIRMAN BOWEN: I would agree.

COMMISSIONER HUSTON: Fair enough. I mean, logistically that has some appeal, but then comes the notion of a representative of the proponent and a representative of the opponent and whoever else makes sure we don't look at one another,
send some kind of odd signal back and forth.

I suggest if the Board wishes to do that, we just announce our intent to do that, we indicate a period of time. I don't want to hear from the proponent when I go look at them. I'm not taking an opponent with me. I don't even want to talk to the people at the project if I can avoid it; however, they might arrest me for trespassing if I don't at least tell them I'm going to go look at their towers.

But if we do it, I suggest we do it independently at the discretion of the individual board member, and then we just come back and disclose the contacts that took place, if any, during that time period.

I have no magical number to suggest, Mr. Chairman. I mean, certainly a couple of weeks I would think would be more than adequate to arrange a trip down Walla Walla way or some such thing. So I can do a little bit of independent research in terms of how to deal with this -- again, and I say quite it plainly, it's a deal-killer. If I cannot mitigate this impact, I
am not prepared to dismiss it.

So we need to figure out what an adequate setback if any exists to mitigate that specific question of impact. The other minor -- more minor details, obviously in the eye of beholder. And then I can -- I can take a look at a Development Agreement. If we can't get to that, if the proponent is not prepared to propose different setbacks, then I'm wasting everybody's time.

CHAIRMAN BOWEN: Should we have the proponent address whether they're interested in doing that?

COMMISSIONER HUSTON: Save us a lot of time. If a thousand foot's a deal-killer for them, then I guess we go on from here.

MR. DANA PECK: Could we just have a minute to caucus amongst ourselves?

CHAIRMAN BOWEN: Certainly. Why don't we take a -- let's take a ten-minute break and give our court reporter a chance to rest her hands and you guys a chance to talk.

(A break was taken.)
CHAIRMAN BOWEN: I'll have the proponent come up and at least address whether this is a waste of time or not; and if it's not, then I'll have my staff talk about how it might work.

MR. DANA PECK: Mr. Chairman and Commissioners, certainly not a waste of time, and we are very appreciative of all of the detail that you've shown in going through the materials that have been submitted, voluminous as they are. I don't know how you do it. And same to staff. I mean, we live this stuff; it's one thing on your agenda. Thanks for giving us this much attention.

We as the company and as the team that are representing this project had a chance to talk for a couple of minutes. We're very confident that these sorts of -- what we would call micrositing issues can be worked through on just a real open conversation on Development Agreement provisions.

We think that, you know, both parties negotiating reasonably can find answers to these questions. We're very encouraged in your interest in going to other sites. People who go to wind power sites tend to come back with real
strong opinions; sometime good, sometimes bad
from our perspective, but you'll -- you'll know
how you feel when you go to one. And I just
can't tell you what a positive development I
think that will be for both your staff to give
them guidance in your conversations with us.
But we feel that there certainly aren't any
deal-killers in the sorts of conversation that we
had tonight and that negotiating together in good
faith we can -- we can nail these issues in the
Development Agreement. And would very much like
to, you know, put some time parameters on that,
looking at the past Development Agreement
negotiations that others have been through, and I
suspect you would too. But we think we can get
there.

CHAIRMAN BOWEN: Okay, thank you.

Staff comments; Mr. Hurson, you had some
suggestions on how this might look.
I guess I should ask Commissioner
Crankovich, are you up for Commissioner Huston's
suggestion?

COMMISSIONER CRANKOVICH: Yes, that's fine.
I've only seen a project from the Tri-Cities
through binoculars, so that's as close as I've
ever been.

COMMISSIONER HUSTON: Okay.

MR. JIM HURSON: Jim Hurson, Deputy Prosecutor.

The suggestion's an interesting one, but I was trying to -- because generally you would go on site together; but frankly, as I thought through in my mind on the break, every time I've had a, a group site visit with a board, it doesn't work. I think on Wild Horse EFSEC counsel went up with proponents, opponents, various parties involved in the EFSEC counsel, and then every now and then you'd look around and you'd see, you know, two or three people over in one portion and some other people over in another, and somebody's trying to talk and everybody can't hear it, so it is kind of an unworkable situation.

So if you want to go down there, I think the appropriate thing is each of you go independently, you'd get the full report back on the record what it is; we'd still go through, you know, does anybody have a reason to disqualify, appearance of fairness issue.

If it raises new issues or questions that
aren't already in the record, we may have a need
to reopen the record for people to respond if
there's some particular issue, and I think that
would take care of that issue.

Another thing I would suggest is that when
you go, you in essence have like an escort with
you to escort, guard, witness, whatever. Perhaps
it would be I could go with one of you
and Mr. Piercy could go with another one and
Ms. Kimball could go with a third so that you
have in essence someone there that can be a
buffer in case someone does try to approach you,
that we could be the people that could make sure
that there aren't any ex-parte contacts and then
we could kind of verify that on the record so
that people know that there's no inappropriate
discussions, contacts. I think this might make
it a little cleaner.

The other thing is if you're going to do
this, as far as finding a site -- and maybe we
could check into that, but as I recall, it's like
the Walla Walla turbines are the 240-foot-tall,
approximately, and they're like .6 megawatts, and
the ones in Kennewick are 300-foot tall and I think they're 1 megawatt or maybe 1.2. I think there's a small one down at Biggs that has some 400-footers, but there may be a dozen.

Anyway, we can -- if you want to find one that is the same size, I don't know if you'll find one that has the same size or the same numbers, but at least you might be able to get a size. But we need to check into that so we can make sure we have the right dimensions, if that's what you're looking for. And I'm sure the applicant can help us find the right kind of sites that are in reasonable proximity so we don't go to Costa Rica or something.

CHAIRMAN BOWEN: Okay. Commissioners, any comments to what Deputy Prosecutor Hurson said?

COMMISSIONER HUSTON: No. I think Mr. Hurson's suggestions are well-founded in reality. Hadn't thought about taking a bodyguard, but oh well, I guess that has some merit to it.

And certainly the issue of looking at the right thing is important, whether we obtain that
information from the applicant or someone in the industry. I guess I don't necessarily care. But it is relevant. The numbers of towers I'm not so much concerned about as the size. I don't want to look at a 200-foot tower and then try to extrapolate to what another tower might look like.

I mean, ideally we would find exactly identical structures; that would be perfect, but as close as we can get certainly makes some sense, so.

MR. JIM HURSON: And what we'd probably have to do is -- I'm certain we'd have to contact wherever you're going to go for permission to go on, but we probably need to make it clear that you're not there to see the dog-and-pony show, they're not there for a presentation. Explain why we're there, and I trust that they wouldn't have any objection to us going for those purposes. And then we can just make sure it's insulated.

CHAIRMAN BOWEN: Thank you. Commissioners, all three of us okay with this?
COMMISSIONER CRANKOVICH: His suggestions are fine with me. They make a lot of sense that we don't go together, and the notion of having somebody else go with us to kind deflect any potential conversation is good.

CHAIRMAN BOWEN: I guess we'll leave to it staff, then, to organize that and set those up.

Mr. Piercy, I believe you kind of volunteered to do that, if that's the direction we went, while we were in break?

MR. PIERCY: I'd be very happy to do that, Mr. Chairman.

CHAIRMAN BOWEN: Thank you. In the meantime, while we're doing that, do we as a board want the proponent and our staff talking a little bit about our details we brought forward tonight and seeing how that fits in with the Development Agreement, or what would we like to do there?

COMMISSIONER HUSTON: Actually, Mr. Chairman, I would suggest that the two processes are essentially independent. When I suggest going on site, what I'm trying to do is
create in my own mind a context.

I, I'd counsel the proponent to not wait until I come back and venture a number that I think might be acceptable. I'm looking for the applicant to actually present additional information to suggest a setback from their perspective, mitigates the impacts that they have agreed exist.

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So I'm looking at two independent tracks. I want to go and create a context. I'm not necessarily looking for a number, but I want to know in my mind what 200 feet looks like, or three or two or one or whatever.

So in terms of your question, I would think it would be necessary, whether it be before we go or after -- I guess I don't necessarily care; it's a matter of time line. But at some point, staff and the proponent need to gather up to deal with, if nothing else, all the other issues we've talked about, not the least of which is this question of setback and mitigating those impacts.

So I would still be looking for the proposal from the proponent in terms of what they believe
mitigates this impact. All I'm doing is trying to, again, create a context by which I can measure what they say with some level of personal experience. So that's what I'm looking for. I see no issue with that, Mr. Hurson, is there?

So that would be my suggestion, that that one track take on the schedule comfortable to the proponent, the staff, and knowing that we're going to come back at some subsequent date after we've done our own independent research.

CHAIRMAN BOWEN: Okay. Is there anything else we wanted to cover tonight before we start talking about the date we're coming back?

COMMISSIONER HUSTON: No. I think in terms of what I'm looking for, I think I've been fairly clear about what I'm dealing with is, frankly, the question of an identified probable significant adverse impact which I must mitigate.

And just to be clear for the record, I'm not prepared to walk away from that as just an acceptable impact and one that's not -- that we're not able to mitigate. I don't believe
that's the case. I need to mitigate that impact before I can determine that in fact this project's public benefit outweighs the negative impact. So in a nutshell that's it.

Now, obviously the other details I've indicated need to be dealt with as well, but let's be realistic: This is the -- this is the key point. So just so long as that's clear so there's no question in the mind of the proponent of at least what one commissioner's looking for. I'm not prepared to accept the global notions that power generation is a public benefit; I'll just accept that, that's fine. But we're dealing with the question of this project generating power. Because as we've already indicated with past decisions, there are other sites at which wind farms can be placed. So it's not a question of wind farm's good, wind farm's bad; we've already covered that. The question is in this site. Can the benefits that it will generate, can they be made to outweigh the impacts that they cause? Question of mitigation.

CHAIRMAN BOWEN: Okay. Commissioner
Crankovich, any other comments on this part?

COMMISSIONER CRANKOVICH: I would, you know, offer up the same observations and hope that they would work towards resolving or addressing some of the other issues that were raised.

As far as visiting the site, I concur; I would need to know for myself and be able to measure distance to see what, what you're dealing with. And so I believe that's a good suggestion.

The other ones, you know, need to be addressed also. I mean, there are a couple that are very important to me, so give it all consideration.

CHAIRMAN BOWEN: Okay. I would concur with my seatmates. I think my question's -- I probably made it pretty clear; got some intelligent people over here with the proponent's side who understand what their task is and what the bar is, I guess.

With that, two weeks from now would be the 25 -- 25th, 26th, 27th. The 26th I'm not available. The 25th I understand Mr. Piercy's not available. And so that kind of leaves us
with that 27th, if we want to do a night meeting
or if we want to do it in the day in the
auditorium. I kind of assume we want to continue
to do this here, but.

COMMISSIONER HUSTON: I would suggest we
stick with our night meeting format,
Mr. Chairman, and have the capacity for folks to
view it. Needless to say, we'll at some point
have to grapple with the question as to whether
the changes we proposed are sufficient and we
need to go back out to public comment or not, but
that -- I realize it's logistically more
complicated, but I guess I'd be more comfortable,
to use your phrase, to think out loud with
everybody watching in the auditorium, and day
meetings does propose some obstacle to that.

CHAIRMAN BOWEN: So I would propose that we
continue the -- this public hearing to the 27th,
6:00 p.m. here in the same building.

COMMISSIONER CRANKOVICH: Is that a motion?

CHAIRMAN BOWEN: Deputy Hurson has a comment
first.

MR. JIM HURSON: Yeah, Jim Hurson.
It sounds like you were maybe getting ready to recess. One thing that occurs to me is the process for the site visit. Some people might think it's a bit unusual, so I might suggest that the Chair ask if anyone present objects to that process being used.

CHAIRMAN BOWEN: Sure. With that, anyone here object to the process of the commissioners doing a site visit?

Ma'am, please come to the microphone if you have an objection.

MS. CHRISTINE COLE: Christine Cole, 7430 Robbins Road, Ellensburg.

I don't object to you going to the site, but I think it should be done at day and at night to view the lights.

CHAIRMAN BOWEN: Okay, thank you.

COMMISSIONER HUSTON: Good idea.

CHAIRMAN BOWEN: Uh-huh. Anyone else wishing to object?

Seeing no one, it looks like we'll move forward with that process. Thank you, Mr. Hurson.
Yes, I would move to continue this public hearing to April 27, 6:00 p.m. here in the Home Arts Center at the Kittitas County Fairgrounds.

COMMISSIONER CRANKOVICH: Second.

CHAIRMAN BOWEN: It's been moved and seconded to continue this public hearing to April 27th, 2006, 6:00 p.m., Kittitas County Fairgrounds Home Arts Building.

Any discussion to the motion?

Hearing none, all those in favor indicate by saying aye.

COMMISSIONER CRANKOVICH: Aye.

COMMISSIONER HUSTON: Aye.

CHAIRMAN BOWEN: I too will vote aye, and the motion carries. Thank you.

(The proceeding was adjourned at 7:24 p.m.)
This is to certify that I, Louise Raelene Bell, Certified Court Reporter and Notary Public in and for the State of Washington, residing at Yakima, reported the within and foregoing hearing; said hearing being taken before me as a Notary Public on the date herein set forth; that said hearing was taken by me in shorthand and thereafter under my supervision transcribed, and that same is a full, true and correct record of the hearing.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I financially interested in the outcome of the cause.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal this ______ day of __________, 2006.

LOUISE RAELENE BELL, CCR
CCR No. 2676