

**KITTITAS VALLEY WIND POWER PROJECT
KITTITAS COUNTY PLANNING COMMISSION MEETING**

Minutes for February 13, 2006 @ 6:30 P.M.
Commissioners Auditorium

Those in attendance: Chair David Black, Doug Harris, Mark McClain, Grant Clark, Don Williamson

Also in attendance: Darryl Piercy Director of Community Development services, Jim Hurson, Prosecuting Attorney, Staff Planner II, Joanna Valencia, Board Clerk Susan Barret, Court Reporter Louise Bell and approximately 4 persons representing applicant and public interests.

I. Call to order and introduction of members and staff.

Having a quorum the meeting was called to order at 6:30

II. Unfinished Business

A. KITTITAS VALLEY WIND POWER PROJECT (Z-05-22)

Closed Record Hearing to review and consider Finding of Facts, Conclusions at Law

Darryl Piercy, Director of Community Services, introduced the findings of facts and the procedure to make amendments. Piercy began by reading the findings of fact, conclusions at law and recommendations. Corrections and revisions were made by Prosecuting Attorney, Jim Hurson. Hereto and incorporated herein is that document with corrections and revisions.

Grant Clark made a motion to approve and send forward the revised findings of fact, conclusions at law and recommendations to the Kittitas County Board of County Commissioners related to the Kittitas Valley Wind Power Project. Don Williamson seconded the motion. The motion was amended by McClain to allow Chairman Black to sign and authorize the document. The motion carried with a 5/0 vote.

FINDINGS OF FACT:

The Planning Commission submits the following, findings of fact, conclusions at law and recommendations to the Kittitas County Board of County Commissioners related to the Kittitas Valley Wind Power Project proposal:

On September 30, 2005 Sage Brush Power Partners, LLC submitted a consolidated application seeking approval of an amendment to the County Comprehensive Plan, a rezone to a Windfarm Resource Overlay Zone including adoption of a development agreement and approval of a development permit related to a proposed wind farm project in Kittitas County to Kittitas County Community Development Services.

A revised application was received on October 17, 2005 and this application was deemed complete by Kittitas County Community Development Services on October 17, 2005.

On October 24, 2005 Kittitas County Community Development Services received a copy of a letter that served as formal notice to Energy Facility Site Evaluation Council (EFSEC) from Sage Brush Power Partners, LLC requesting withdrawal of the preemption filed on February 10, 2004.

On October 27, 2005 a Notice of Application was issued by Community Development Services pursuant to KCC 15A.03 with a December 5th, 2005 comment deadline. Said notice solicited comments from jurisdictional agencies, landowners within 300 feet of subject properties, interested parties, and subject properties located within the proposed project site.

The Kittitas Valley Wind Power Project proposal consists of development of a utility-scale wind energy facility on a project area of approximately 6,000 acres located in unincorporated Kittitas County. A permanent footprint of approximately 90 acres of land area will accommodate the proposed turbines and related support facilities.

The project area includes all or portions of Sections 01, 02, 03, 09, 10, 11, 12, 14, 15, 16, 21, 22, 23, 27, and 34 of T19N, R17E, W.M. in Kittitas County.

The Energy Facility Site Evaluation Council (EFSEC) assumed lead agency status for this project pursuant to RCW 80.50.180. As part of Kittitas County's review of the project, all SEPA documents including those from other wind farm proposals in Kittitas County have been reviewed and considered. SEPA materials containing updated information reflecting the current submitted application were requested and have been also reviewed. A final environmental document has yet to be published by EFSEC, and therefore there was no opportunity for County review. The review and recommendation is based on the environmental information available and contained within the record.

The applicant has failed to demonstrate that the proposal is essential or desirable to the public convenience. There is insufficient demonstrated need for the electricity that would be produced from this project when balanced against the negative impact to Kittitas County. There is also no assurance or limitation by the proponent that power produced by this project would be for use in Kittitas County, the State of Washington or even limited to the regional northwest power needs.

The proposal is detrimental and injurious to the public health, peace, or safety or to the character of the surrounding neighborhood. The proposed wind towers are more than twice as tall as the currently existing tallest structures in the area (BPA power transmission towers). The scale of the wind turbines in both size and number as proposed for this location is inconsistent with the current character of the neighborhood/area. A wind farm in this location would be inconsistent with maintaining the geological, vegetative and environmental continuity of the lower Kittitas County valley. The wind farm proposal area is in close proximity to numerous currently existing residential structures and home sites. The project would result in increased noise levels to the surrounding area. The proposal's visual impacts are significant and cannot be mitigated under the current proposal. Shadow flicker will impact numerous existing residences and home sites.

The proposed use at this proposed location would be unreasonably detrimental to the economic welfare of the county. The applicant has failed to adequately demonstrate that the property values in the area would not be adversely affected. The Planning Commission finds that opinions and testimony presented indicate that there would be an adverse impact on property values and property rights of adjacent landowners.

The proposed project area has left “islands” of non-participating landowners and is adjacent to numerous non-participating property owners’ homes and lots. In order to mitigate identified visual impacts the currently proposed 1,000 foot setbacks are inadequate in order to address impacts on homes and land parcels adjacent to the project.

Pursuant to KCC 17.98.020(E), a petition requesting a change on the zoning map must also demonstrate that the following criteria are met. The proposed rezone does not meet all seven of the zoning code criteria as described below:

The Planning Commission finds that this proposal is not compatible with the comprehensive plan. The Planning Commission voted to deny the request to amend the Comprehensive Plan to designate the Kittitas Valley Wind Power Project Area as a Wind Farm Resource Overlay District.

The amendment does not bear a substantial relation to the public health, safety or welfare. The Planning Commission finds that the proposed setback of 1000 feet is inadequate in order to mitigate the visual impacts and shadow flicker to surrounding properties not within the project area. In addition, the turbines would be in close proximity to existing homes in the area.

The proposed amendment does not have merit and value for Kittitas County or sub-area of the County. Although, the reduction of overall taxes may have merit and value for Kittitas County, this is not sufficient when balanced against the negatives and the Planning Commission denied the Comprehensive Plan and sub area plan for the proposed project area due to those negative concerns. There are significant visual impacts and likely reduction in property values near the project area. There is concern for impact of shadow flicker and noise affecting participating and non-participating landowners. The proposed project area also creates an “island” of non-participating landowners.

The proposed amendment is not appropriate because of changed circumstances or because of a need for additional property in the proposed zone, or because the proposed zone is appropriate for reasonable development of the subject property. The Planning Commission finds that there has been no demonstrated change in circumstance that warrants this change in land use and that the benefit seems to be only for participating landowners but to the detriment of adjacent landowners.

The subject property is not suitable for development in general conformance with zoning standards for the proposed zone. The Planning Commission finds that project area and surrounding neighborhood is an established rural recreational and rural residential area, and the proposed project is not appropriate in rural populated areas such as this neighborhood.

The proposed amendment will be materially detrimental to the use of the properties in the immediate vicinity of the subject property. The Planning Commission finds that the proposed amendment will be detrimental. The Planning Commission finds that land adjacent to the project area including the pockets and islands of property are going to be significantly affected with impacts that can not be mitigated, which will affect property rights and values.

The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties. The Planning Commission finds that the proposal will not impact irrigation deliveries.

Pursuant to KCC 17.98.020(E), the Planning Commission recommends denial of the zone overlay of the project site from the existing Forest and Range and Agriculture-20 zone to Wind Farm Resource Overlay Zoning with a 5-0 decision.

A development agreement is required to be processed concurrently with the rezone and comprehensive plan change request. Because the Planning Commission recommendation is for denial of the project, the Planning Commission did not specifically address the proposed draft development agreement. The Planning Commission voted to forward the proposed Development Agreement to the Board of County Commissioners with no recommendation with a 5-0 vote.

There was public testimony both in favor and in opposition to the project.

The project proposal is not compatible with surrounding land use in this area of the County.

The project as presented was not compatible with the comprehensive plan, zoning code and utility ordinance.

The Planning Commission unanimously recommends that the Board of County Commissioners deny the Kittitas Valley Wind Power Project proposal in its entirety.

This concludes the Planning Commission portion of the Kittitas Valley Wind Power Project hearing. With no further business the meeting was adjourned at 6:58.

Susan Barret, Planning Commission Clerk