



## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

August 16, 2013

Mr. Jeff Slothower  
Lathrop, Winbauer, Harrel, Slothower & Denison LLP  
P.O. Box 1088  
201 West Seventh Avenue  
Ellensburg, WA 98926

### **RE: Request for Fees Paid to Process Applications in CP-13-00001 File**

Dear Mr. Slothower;

This letter is in response to your letter to me dated August 13, 2013 requesting refund for the fees for processing the Wind Facility which involves submittal of a SEPA Checklist, the Comprehensive Plan Amendment application, Rezone application, Wind Farm Siting application, and the Development Agreement application submitted by Columbia Plateau Wind Energy Facility, LLC.

I am unable to refund any of the funds per KCC Code 15A.03.050, Fee Schedule, which indicates that "fees shall be payable to Kittitas County and ***shall not be refundable in any case***" per Ordinance 2007-22 (emphasis mine). Therefore, I don't have the authority to refund payment for application processing.

I would like to address your argument related to the reasoning behind requesting the fee refund. You indicate in your letter that "Columbia learned that the process the County had outlined for Columbia to follow was not a process authorized by the relevant Kittitas County Code and Comprehensive Plan provisions." The applicants requested a meeting with the County to describe the required applications and hearing process. Ms. Ozbolt and I met with the applicant on June 16, 2013, and described what was going to be required to have the project approved. Ms. Ozbolt explained to the applicant, his agent and a representative from the Chamber of Commerce at the meeting that Chapter 15A and Chapter 17.61A, Wind Farm Overlay, required five applications and fees for each application. The process was described to the applicant along with an explanation of who would be involved in the approval of the project proposal.

Chapter 17.61A of the Kittitas County Code describes requirements for establishing a wind farm resource overlay zone which is required for such a facility. KCC 17.61A.040(1) requires the approval of a development agreement for which the County has application and fee for such application. In KCC 17.61A.040(2)(a), the Code indicates that in addition to the approval of the wind facility development permit and development agreement, approval of such facility will requires an "amendment to the comprehensive plan land use designation" which has application and associated fees with such application as agreed upon "by the applicant and county". Payment of the fee demonstrates that there is an agreement by the parties. KCC 17.61A.040(2)(b) requires that amendment to the "rezone of the County zoning Map to wind farm resource overlay zoning district" be made which also require fee for rezone. This was discussed and described to the applicant at the June 16 meeting and pointed out to the applicant and his agent.

Mr. Jeff Slothower, Attorney for Columbia

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This process was discussed frequently between Ms. Ozbolt and the applicant's agent, Mr. Douglas Mitchell through a number of emails between June, 2013 and the end of July, all of which are on file for public review.

The above cited Code sections outline the applications, process, and ability for the County to apply fees to process the applications. Therefore, it is concluded by the County that the fees paid for applications is not inconsistent with the Kittitas County Code and Comprehensive Plan.

Please contact me with any questions.

Sincerely,



Robert "Doc" Hansen  
Planning Official

cc. Douglas Mitchell, agent for applicant sent via email  
Gene Martin, applicant sent via email  
Lindsey Ozbolt, County Planner sent via email  
Neil Caulkins, Deputy Prosecuting Attorney sent via email