

**WHITMAN COUNTY
PLANNING COMMISSION
Public Service Building Auditorium
Meeting
November 19, 2025
7:00 p.m.**

MEMBERS:

Dave Gibney- Chairman
Weston Kane
Bill Myers
Dean Kinzer
Julian Matthews (Zoom)

Brian Davies- Vice Chairman (Zoom)
Chris Melhus
David McKeirnan
Tami Southern

Staff: Alan Thomson, WC Planning Director; Grace Di Biase, WC Assistant Planner, Mark Storey, WC Public Works Director (zoom), Brandon Johnson, Public Works, David Werner, Clerk.

Zoom: JL, Zoom User, Jamie Anderson, iPhoneZ, Ken Duft, iPhone, Denis Tracy, iPhone15#1, Paul Kimmell, Greg S., Denis, Shane Roche (Steelhead), Tony S., N. Frazier, Ashley H, Elinor Huber, Nick, Beau Brown, Tom Handy, Beth St. Marie

Audience: A complete list of those in attendance is available in the Planning Office.

7:01 p.m.- Dave Gibney opened the **MEETING**.

Introduction are held.

Dave Gibney- And they asked that we don't turn the mics on and off up here, you know, so keep them going while we're... We... mostly because sometimes we forget to turn them back on. So, and I guess, we do have Mr. Tracy online, don't we. Go ahead and say hi Denis.

Denis Tracy- Yes, good evening hello.

Dave Gibney- Alright.

Brandon Johnson- And Mark Storey is online too.

Dave Gibney- And Mark okay.

Brian Davies- Yeah Marks here.

Dave Gibney- Say hi, Mark.

Mark Storey- Hi Mark.

Dave Gibney- All right and...

Brian Davies- Good one.

Dave Gibney- ...Mr. McKeirnan just got here just in time to introduce himself.

Brian Davies- Mr. McKeirnan is here. He can...

Dave McKiernan- Present.

Dave Gibney- So let's start out with our Pledge of Allegiance.

PLEDGE OF ALLEGIANCE.

Dave Gibney- Any comments on the minutes for November 5th

Brian Davies- Yes, I believe I had a comment to, Grace did you see my comment? My name was left off of the minutes.

Grace Di Biase- We'll make sure to correct that.

Brian Davies- Okay.

Dave Gibney- Okay.

Brian Davies- That's all I had, thank you.

Dave Gibney- Everybody else is on that. So, we'll pass it back here. So, motion moved to approve.

MOTION by **Weston Kane** and seconded by **Brian Davies** to approve the minutes as amended from November 5, 2025.

MOTION CARRIES.

Dave Gibney- Reports Alan?

Reports:

- a. Board of Adjustment forthcoming hearing- None
- b. Forthcoming Administrative use Permits- None
- c. Update on previous conditional use permits and variances- None.
- d. Update on previous administrative use permits- None
- e. Board of County Commissioners' action- None
- f. Update on previous Board of County Commissioners' action- None

- g. Forthcoming Shoreline of the State Substantial Development permits- None
- h. Update on previous Shoreline of the State Shoreline Substantial Development Permits- None
- i. Planning Commission forthcoming hearings- And we're planning on having a Planning Commission meeting December 19th

Dave Gibney- 17th.

Alan Thomson- 17th, sorry.

Dave Gibney- We're planning on having a public hearing December 17th.

Alan Thomson- Yep.

Dave Gibney- Okay, Alright Thank you Alan.

Unfinished business: Continue conversation about creating a solar energy ordinance, a battery storage ordinance, and reviewing the County wind ordinance.

New business: None.

7:05 p.m.- MEETING ADJOURNED.

**WHITMAN COUNTY
PLANNING COMMISSION
Public Service Building Auditorium
Workshop
November 19, 2025
7:00 p.m.**

MEMBERS:

Dave Gibney- Chairman	Brian Davies (Vice Chairman) (Zoom)
Weston Kane	Chris Melhus
Bill Myers	David McKeirnan
Dean Kinzer	Tami Southern
Julian Matthews (Zoom)	

Staff: Alan Thomson, WC Planning Director; Grace Di Biase, WC Assistant Planner, Mark Storey, WC Public Works Director (zoom), Brandon Johnson, Public Works, David Werner, Clerk.

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Audience: A complete list of those in attendance is available in the Planning Office.

7:05 p.m.- Dave Gibney opened the **WORKSHOP**.

7:05 p.m. – So tonight, we need to finish up our proposed changes for that public hearing of the revision of 1961 commercial wind energy facilities. The Board of County Commissioners has asked us for a final product on this phase of things before the moratorium expires on January 6th. Unless we decide that we're going to hold hearings on Christmas or New Year's Eve the last date we can hold that hearing is December 17th. The notices for a SEPA comment and other things have to go out day after tomorrow, Friday at the latest. Unless the members here override me, I intend to do business in a typical and orderly manner tonight, intended to finish our work on the phase before we adjourn. I will... I will not consider proposed amendments to sections of 1961 that are not under... already under revision, so I'll consider any such amendments out of order. The BOCC has asked us to prioritize decommissioning, setbacks, and landmarks and we have unfinished business in all of those areas will take those up in that order. We have a definition section that we need... that we moved, that we would begin working on back then and we need to get that added into our language. It is in the draft that's printed here. I'm not sure what... I did that Tuesday, so... So it may not have been placed on to the web. When we ended last time, we had 2 additional sections for proposed changes, one on above-ground transmission lines, and one on fire mitigation requirements. We will try and finish those tonight. If we don't finish them up tonight, they're not going to be a part of what goes forward. I'm going to

pause now for comments from the Commission and our ex-officio members, Commissioner Tracy and Mr. Thomson. Do you want to start Denis?

Denis Tracy- Sure, thank you. I hope all the Planning Commission members have the most recent, document showing the changes that have been proposed and... and...and voted on, I think, or at least most of them have been voted on, and including the new definitional section that just came out yesterday, I guess, and I have it here as 26 pages.

Dave Gibney- Yes, that... I threw the definitions into one... into one version earlier today and distributed it to everybody.

Denis Tracy- And so that...

Dave Gibney – I'm pretty sure, go ahead.

Denis Tracy- I'm sorry, and so that's the document that I'm working from and in order to keep your attorney at least somewhat organized, I'd request that the Planning Commission this evening also refer to that document, even if they have other documents that they want to refer to. I have a number of suggestions to propose, starting with page 1, capital A, which is on the screen in front of you, and then going forward, and I don't have all that many, but I have a few.

Dave Gibney- I...I...I...

Denis Tracy- Continue to present them whenever you're ready.

Dave Gibney- Thank you, I... I do want to try and take this in the order the Commissioners have asked us. I didn't anticipate talking about that first page at all, cause I... but so, when we get there, we'll... we'll go for that. Alan?

Alan Thomson- No, I'm good thanks.

Dave Gibney- Weston, anybody?

Brian Davies- Well, Mr. Chairman, did not we agree on the language in A in red, and vote... and we voted and agreed on that a couple meetings ago, correct.

Dave Gibney- We did, but there are, you know, we also agreed on the decommissioning language, but that's not what's going to be before us. There have been a few changes, not to A, but some of the other sections. What we have now is not exactly what we voted for, so I won't... When we get towards the end, if there's still time we can let Mr. Tracy talk to us about A to.

Brian Davies- Okay, so let's move to decommissioning.

Dave Gibney- But it's not the, you know, it's not within the priority that we have of the Commissioners to work on.

Denis Tracy- I do have legal advice about this whole document, so...

Dave Gibney- Okay, well...

Denis Tracy- It's up to you

Dave Gibney- I will... I'll take that. Right now, we're still going around the Commissioners. Nobody wants to talk so, go ahead.

Dean Kinzer- As I was reading through the... the document here this evening before I came to the meeting, I noticed one thing that concerned me tremendously in several places in this document. The applicant has a lot of responsibility, but the applicant is not in the definitions and when we get to the point where they're going to be decommissioning, I think the applicant on many of those issues is going to be long gone, so we're going to either have to include the ownership as part of the applicant definition, or have a definition of owners, operators and applicants.

Dave Gibney- I fully agree, and I made only a reasonable attempt to come up with a definition section, starting late Monday, and most of yesterday, so... and yes, we do you're right, we need a definition of an applicant. That there is language in the decommissioning about how the applicant... that it transfers... that whatever is referred to as applicant transfers to subsequent owners, but you're correct. We need a definition, so. Okay so, Mr. Tracy, go ahead.

Bill Myers- If we're talking about definitions, I don't think a mile got defined as what kind of mile we're talking about.

Dave Gibney- Okay that's our fourth item of business today.

Bill Myers- Okay.

Dave Gibney- Is to do the definitions... just to finish out the definitions. Okay Mr. Tracy if you have something that's to the whole effort and document, please go ahead.

Denis Tracy- No, I... I... what I meant by my last statement was, I have a number of things to talk about that are what I think is pertinent legal advice, and so, and item A is included with that.

Dave Gibney- Do you anticipate... is that a, is that a long and lengthy one, or is that a short one? Should we get it out of the way now?

Brian Davies- Let's get it out of the way now.

Denis Tracy- From my perspective, it's short.

Dave Gibney- Okay, let's get it out of the way now, tell us, talk to us.

Denis Tracy- Thank you. So, it currently reads, to provide requirements, or this... let's see... purpose is the heading, and then it says, to provide requirements for permitting, operating, and decommissioning of commercial wind energy facilities consistent with the support for renewable energy found in the comprehensive.

Dave Gibney- My mistake, the, with the support of renewable energy found in the comprehensive plan was stricken before we finished it last time, and I failed to get that brought into this document.

Denis Tracy- Okay, so it should... what should be struck?

Dave Gibney- Start at the period after facility and strike to the end of the sentence.

Denis Tracy- Okay, that takes care of my comment.

Dave Gibney- Okay, yeah, I apologize to everyone, we... we did strike that language when we discussed this area and I even... I even struck it from one working document and failed to get it done this time. Thank you. Thank you very much Mr. Tracy.

Denis Tracy- Thank you.

Dave Gibney- Okay, the decommissioning language. After we finished it, Mr. Tracy submitted it to Van Ness Feldman for some comments and Commissioner Tom Hand also told me some stuff about how it would... during the movement from the solar ordinance to this one, some of the outline and levels and such got, messed up. I couldn't... actually, I couldn't find a version that didn't have that error in it. So, what we have before us, and what was placed on the website Monday, has had that outline change and formatting changed. When I was listening to Mr. Handy, working with Mr. Handy on that, I realize that there was a significant, you know, the way the guarantee was worded and sub headed was actually quite confusing, and had led to a lot of our discussion, so that... so I've fixed that. It's... and that's the... mostly on having most of the changes are that there is a single financial assurance instrument, the surety bond, bond and a validation section. There were several... Van Ness Feldman suggested several of the definitions that I did put into the definition section. But I missed applicant, so there were the original language had a number of different County entities receiving the documents at various levels, and those have all been changed to designate the County Planner at the point of entry. There was a bunch of these words capitalized and these words not, and... and I lowercased everything like that. So, I, you know, I didn't get everything that Van Ness talked about. They did

suggest that we increase the surety bond amount to 115% of estimated costs, because experience is that it cost government more to do things, and the purpose of the bond was to make sure that the government could do it no one else did. And they also made a suggestion of changing the review to a different period and I do have some language for that if we want to. They also questioned the decommissioning length, depth, stating that, you know, always more than most people do, most jurisdictions do, and that, you know, doing it to the depth that agricultural, would be sufficient, which is, you know, I didn't think... I thought I wanted to go for more than all, which is why, and I originally wrote this, to take it to the depth of Palouse Prairie or bedrock, but we struck that during our discussion. So first, are there any other comments? Is it, you know, are there questions that people on the Commission have about the language that's in front of us right now? And I apologize that it didn't come, you know...

Theresa Bannister- We're struggling to hear in the back.

Dave Gibney- Oh, sorry. So...

Theresa Bannister- A lot of those and your attorney comments, I couldn't make out properly.

Dave Gibney- I have no control... I apologize that the Zoom didn't go to the speakers in the room. Am I going to the speaker in the room now? Okay. Okay, I'll try.

Mike Dymkoski- You need to use your microphone.

Dave Gibney- I'll... I will try, you know. Yeah. I apologize. When I'm... whenever I hear myself recorded, I wonder just how quiet I am, because what I hear myself is, is quite loud.

Mike Dymkoski- We couldn't hear all of that, that he said.

Dave Gibney- Just now?

Mike Dymkoski- Yeah.

Theresa Bannister- How about the attorney comments? That would be helpful.

Dave Gibney- All right. This is, it's page 12 of that current draft. What we had before us, at the, at before, had a number of re...re... the outline format got screwed up as it got... as it moved through. So, Mr. Handy pointed out some things that were in the wrong levels, in the wrong sections, and I've repaired those in this, in the version we have before us. And those were mostly about, adjusting it to the single fin... you know, getting rid of the letter of credit, and whatever the other one...and there really actually were only two, and I always thought I was always reading three of them. So that's all down to just the one level. Another one was the definitions, and they suggested several definitions but I did fail to grab applicant as one

of those, as Mr. Kinzer has pointed out. There were several different places in the decommissioning about which County entity received which kind of documentation or letter from so-and-so or wherever. Those have all been changed to where the County Planner is the point of entry for documentation and correspondence on these issues. Van Ness felt I, I... there was a bunch of capitalization that was not... was incorrect. You know, words that didn't really need to be capitalized. Van Ness Feldman has suggested that we increase the bond amount to be 115% of the estimated costs for decommissioning and restoration. And they have... there is also a suggestion that an annual review of the amount is too frequent, and they have a better language that we may or may not get to. They also questioned that the depth of removal of all materials was excessive for a wind installation and that most jurisdictions did it to below what agricultural land and agricultural would affect. And my comment there was that's why in the original of this, I had proposed that we go to the depth of Palouse Prairie, or bedrock, because that's about 20 feet, and that's gonna be most everything. So, I believe I have paraphrased what I said before. And I'm not gonna ask...so, I'm gonna ask the Commissioners if they have other comments on the decommissioning section. And some comments, any comments on what, on...you know, that we all did see, we all saw the memo from Van Ness Feldman. Mr. Tracy may have some that I missed in this area.

Denis Tracy- I do have a comment, Mr. Chairman.

Dave Gibney- Okay.

Denis Tracy- Mr. Chairman, first I want to say that I am not the advisor on the decommissioning section. That is for Van Ness Feldman and Ms. Anderson in particular, and she has provided legal advice on that and in particular, I am not qualified to advise on the financial guarantees and any language referencing that sort of thing. I am going to point out one question that I have that I'm asking the Planning Commission to consider here tonight, which is, on Page 20 of 26 under... let's see, section N, as in Nancy, is decommissioning, and then number... number one and the little e... lowercase e says this, the D... because there's a number of locations in this section that require the applicant to do one thing and another. And as Mr. Kinzer pointed out, the applicant is long gone by the time the project is decommissioned. A little e, I think is that the effort to remedy that situation and it... well you see the language before you, it's on the screen.

Decommissioning and site restoration plan, and the responsibilities that are under, shall transfer to be fully binding upon any successor... successor of the applicant, which transfer shall be approved in accordance with Whitman County Code chapter 19.61, and then three Xs. So, I don't... I don't know what code provision should be filled in there, but you'd want to fill one in and then you might want to make it clear or... I don't know about making... you might want to insert after the last applicant in that, something like including the owner and the operator, at the time of decommissioning.

Dave Gibney- Thank you, I'll point out that Section G, a little below that is one of the places where this passes to the successors and transferees. And, and you're... and Ms. Anderson

did question whether we needed to make that more clear, and suggested that we have a definition which... which, a definition will be, you know, all subsequent owners and everything, if we get there. I didn't fix that numbering because I wasn't sure what part of this section it would be. Which number it would be when we get there. And I don't immediately see where we do have that being transferred other than Section G and a proposed... proposed definition that will make it clear that when we talk about applicant, we talk about them and any and all successors.

Denis Tracy- An I'm not aware of any provision in the code which requires approval by anyone for there to be a transfer of ownership. Maybe Mr. Thomson?

Dave Gibney- It may not be there. I have, you know...

Denis Tracy- So, if there is no requirement in the code that the transfer of ownership be approved by the County, and as far as I know, there isn't but it there isn't, then that clause could be struck.

Dave Gbiney- Yeah, we should... we probably will want to strike... make it a period of that comma, and finish it out, and stop there.

Alan Thomson- I could have a look at that tomorrow and see if I can figure out where it references.

Dave Gibney- I'm going to go for a.... I'm going to go for somebody moving to strike it.

Weston Kane- I'll move to strike the... the end of Section E, which reads, strike the words, which transfer shall be approved in accordance with WCC Chapters 19.61. Three Xs.

Chris Melhous- Second.

MOTION by **Weston Kane** and seconded by **Chris Melhus** to strike the end of Section E, which reads, which transfer shall be approved in accordance with WCC Chapters 19.61.

Dave Gibney- Any real discussion on this cleanup? All in favor?

Julian Matthews- Aye.

MOTION CARRIES.

Dave Gibney- I... I on the other part, Denis, I would definitely say that we want to when we get to definitions, we want to put in a definition of applicant and state that, that really means the applicant and all subsequent parties that acquire this project, because it's true, you know, even the applicant is probably not going to be the entity that does the actual construction and it's probably not going to be the entity that does the actual operation. So,

all of the, all of the requirements we place on them have to be clearly transferred to any subsequent and I believe we can accomplish that by the definition that we give applicant. Is there... okay, Denis, have anything else? And, and, and I you stated that Van Ness Feldman had made some comments on this issue, this section, and that was the source I used for many of the changes that I put in here, the 15... the 115% and the I... and... and, you know, I did some of those, and I do have two that we didn't necessarily get to... that I didn't want it, you know, one of them was the decommissioning depth, and one of them was the definition of applicant, and one of them is a better language for annual review. Go ahead Bill.

Bill Myers- Well, just while we've got council here, just a matter of clarification, on page 18, N, A and it looks like a, I suppose, a small roman numeral one, removal of all above -ground and below-ground project facilities, material, and infrastructure, the intent of removing additional explanations was just, you know, removal of everything period. And is that, that was my understanding, and am I correct in assuming that?

Dave Gibney- That is what it says, and that is the section that Van Ness Feldman has questioned as to whether that most jurisdictions only require removal to the depth that it would no longer interfere with agricultural activities. We had and in the late... when we wrote... did this at our first go-around, I had in there, to the depth of Palouse Prairie root system which is around 20 feet and, or bedrock, and this Commission chose to strike my caveat in the intent of it meaning... meaning everything.

Bill Myers- Yeah, okay.

Dave Gibney- So, what it says now is everything.

Bill Myers- Everything, yeah okay.

Dave Gibney- And we have had some legal advice from Van Ness Feldman that, that is more than most jurisdictions or other jurisdictions require so. Go ahead Chris.

Chris Melhous- I think on my end, probably a couple of other members, I think, probably the leave no trace situation is kind of what we were hoping for, you know, whether it's 20 feet, 10 feet, 30 feet, just everything gone. I think that was the intent when I voted for that so...

Denis Tracy- Mr. Chairman?

Dave Gibney- Go ahead Denis.

Denis Tracy- I can't resist chiming in, even though I told you a number of times that I'm not the lawyer for this section. I will point out that you have to have a reason for interfering with that landowner's property. So, he's, let's say, let's say...

Dave Gibney- Denis, there is a caveat in here. If the landowner wants to keep something, he gets to.

Denis Tracy- Oh, okay.

Dave Gibney- This is... that's another clause. The landowner can say... the landowner... there's a requirement that the landowner can keep whatever they want, as long as they're willing to continue keeping whatever required permits are active. If the landowner wants to keep one turbine going for himself and is willing to keep all the permits and everything else going he can. If he wants to keep the roads, he can so that's, that's not, that's not a consideration in this particular chunk of how much has to go away if restoration is being done.

Alan Thomson- That's at the top of page 19, roman numeral 6.

Dean Kinzer- Mr. Chairman?

Dave Gibney- Go ahead.

Dean Kinzer- Is it possible that we could leave that up to the decision of the landowner? Because I, you know, being a farmer, I know that most of our crops take moisture from a full 6-foot profile. There are crops like alfalfa, as long as you leave them in there they'll keep shooting roots down, and I know of research projects where alfalfa root 75 feet deep. So, perhaps that should be left to the landowner, if possible. Otherwise, I am in favor of removing everything.

Dave Gibney- I guess, under the language we have right now the restoration... during the restoration process, the company could negotiate that with the landowner at the time. The base, the base in our, the base in the code right now is everything and so I, I... what you have is potentially there.

Alan Thomson- Doesn't number 6 at the top of page 19 address that, Dean? Roman numeral...

Dave Gibney- Oh yes you're correct, and the landowner can make that decision at the time of development of the plan.

Weston Kane- So, I do have a question with number 6 and it's just a thought. Couldn't in... I mean, it's just going to throw a theory out there. If you had a company come in, they could make these agreements with the landlord and basically entirely supersede number one. If they just make the agreement with the property owner. I mean that... it would make more sense for them to come in and pay the property owner a little money and say, hey, we're just going to this route. You have the authority to supersede it. Am I wrong? Am I reading this wrong?

Dave Gibney- They would still also be subject to the clause of, wherever it is that if they want to... if they want to keep... if the landowner wants to keep something, they have to comply with all the permits and re... and... and...

Weston Kane- But what permits would apply to a chunk of concrete left in the ground at 6 feet down?

Dave Gibney- Nothing, you're right but it wouldn't, you know, it wouldn't allow them to keep hazardous waste or, you know, not observe safety. It wouldn't allow them to not rest... restore the...

Weston Kane- I mean, if there's an agreement with the landowner, if they just say, oh yeah, I'm okay with having a round piece of concrete in my field, pay me some money. It would actually be legit.

Dave Gibney- I, I agree that that's a valid interpretation.

Brian Davies- You pay me some money you can leave it.

Weston Kane- Yeah, and it would actually be cheaper, probably, for them to do that.

Dave Gibney- Okay, one thing is that this one says they have to do that as part of the decommissioning plan. Yeah, well, yeah, that does say they'd have to do it as part of the decommissioning plan, and it, you know, it would give the County, the County has to approve that decommissioning plan, so at that point, they could... or the hearing examiner and the conditional use permit could say we're, you know, we're not going to approve that. Go ahead Alan.

Alan Thomson- Normally, these circumstances dictate a certain depth in the Conditional Use Permit. Thou shalt take out X number of feet of concrete. That's not negotiable. So, you guys have to decide what that number is.

Dave Gibney- But, but I... and I agree, that's where we were, but Weston has asked whether number 6 here allows the negotiation to be...

Alan Thomson- No it doesn't because in the permit, in the CUP, it says you've got to dig the X number of feet out. That makes the condition on the permit not negotiable with the landowner.

Brian Davies- So, at the time of permitting, then the landowner would have to negotiate that with the developer.

Alan Thomson- Whatever the landowner wants to do.

Brian Davies- And make the County aware of what they were doing or?

Alan Thomson- But, if you put it in this code, then the landowner has to oblige with that, has to obey to that and that's usually what the codes do. Remove 3 feet, and that's... this is a typical number from all the other ordinances that I have read in this State and elsewhere. 3 to 4 feet is usually the number. So, you've got to come up with a number.

Julian Matthews- So, we should put a number in this section.

Dave Gibney- Well, okay, I...right now, we're saying everything and we have to say a number, or Alan is saying we should say a number. I had a number in the original code and we decided not to do that. Chris has said, you know, no, you know, something that's not visible. Dean has suggested we go, you know, for sure, we're not going to interfere with, agricultural, but perhaps not everything. But I'm sorry, and I don't want to do this, but I agree with Weston being a possible action that when they're applying for the permit the company talks with his landowners and say, hey, are you okay with that pad staying there? We're not going to, you know, we're not going to do the take it out regardless of whatever number we put under number I, number 6 can override it.

Alan Thomson- Then put in except the concrete pad. The concrete pad must be removed to a depth of X.

Dave Gibney- Yeah.

Brian Davies- The property owner can always go back to the developer and say, hey, if you want to leave that there, you can, you know, give me 100 bucks a month or something.

Dave Gibney- That's what it says right now. And now... and, and, you know, so we could amend any agreements of any underlying landlord regarding project facilities and roads which to maintain... retain the pad cannot be... is not... cannot be retained. Anybody want to formally say this? Anybody want to formally put a number on I?

Brian Davies- I...

Julian Matthews- Alan, what's the standard that you've seen, or some relative number?

Alan Thomson- Any codes I've read, and there have been a number of them, 3 to 4 feet.

Dave Gibney- Which is not the agricultural number that... and it's not the, it's not the native blue... I meant ideally, and someday we might, you know, somebody might let the land lie fallow for a couple of centuries, and a Palouse Prairie be returned so.

Dean Kinzer- Fall wheat crops put roots down 6 feet if they don't hit clay and get held up. Garbanzos will put down a full 6-foot taproot very easily, so will canola and so, those are

the numbers that I deal with every day out there on the farm. If I'm only planting dry green peas, they put down roots about 2 feet deep for the season, and so that's what I work with in conserving moisture for the next year.

Julian Matthews- So how many feet do you think it should be?

Dean Kinzer- At least 6 feet.

Dave McKiernan- I, I personally would like to see it gone. These things are going to be on top of the hills, that's where most of our erosion's going to happen, traditionally and it's just going to get shallower, it's not going to get deeper, it's not like it's down in the bottom of the draw where it's going to silt in, and it's going to naturally start covering itself up.

Dave Gibney- Okay.

Bill Myers- 6 clearly states that the landowner can negotiate.

Dave Gibney- I want to, I want to fix that. Okay, so let's, let's...

Brian Davies- Well I move that we put 6 feet, everything should be removed to a depth of 6 feet on I.

Dave Gibney- I'd go 10 frankly.

Brian Davies- Whoa.

Dave Gibney- Actually I...

Brian Davies- Do I hear 10?

Dave Gibney- I was going for... I was going for 20 before, but I... the... you know...

Brian Davies- Alan says we need a number so.

Dave Gibney- Yeah, I'm still worried about the ability for them to weasel out of it, then the number that we come up with, so...

Weston Kane- So you want to deal with 6 first. I will amend that. I will amend Section 6 by adding the words, this does not include the pad the turbine is mounted on.

Alan Thomson- And you could also add in there, to a depth, it must be removed to a depth of X.

Dave Gibney- No that's already a...we're going to put that in I. That's where the removal of everything is. We're going to put a number there.

Alan Thomson- Well can you still weasel out of that because of number 6?

Weston Kane- But if we put the exclusion in there, then the turbine pad has to be removed, or does not include...

Dave Gibney- Everything else counts. Everything else is on... okay, I don't know.

Julian Matthews- So, is this turbine pad on the landowner's property?

Dave Gibney- Yeah.

Alan Thomson- Yes.

Julian Matthews- If the landowner doesn't have a say in whether he wants to leave the pad on his own property or not...

Dave Gibney- No, that's the cycle back, you know if the landowner for some strange reason, thinks that they can keep the permits up and everything else to operate that one turbine, or that three turbines that's still on their land their property, you know, the landowner has the right to continue to do that.

Alan Thomson- Well they...

Dave Gibney- If they can keep the permits going.

Alan Thomson- They don't have a permit to do that, though. They would not have a permit to do that.

Julian Matthews- So is that really worth putting in there, Alan?

Alan Thomson- I think you need to come up with a number which you're struggling with right now and, you can add some language in there just to clarify that it needs to be removed if that's what you wish.

Dave Gibney- Okay so, let's put...

Brian Davies- A depth of 10 feet.

Dave Gibney- ...a depth of 10 feet under I.

Brian Davies- I make a motion, we put a depth of 10 feet under I.

Julian Matthews- Second.

MOTION by **Brian Davies** and seconded by **Julian Matthews** to put a depth of 10 feet under I.

Dave Gibney- All right, all in favor of that?

Julian Matthews- Aye

Dave Gibney- Any opposed?

Chris Melhus- Nay.

MOTION CARRIES.

Dave Gibney- One no. Okay.

Julian Matthews- All right we made some progress.

Dave Gibney- Do you want it deeper or less? Just curious.

Chris Melhus- Honestly, I probably want it deeper. I kind of agree with Dave that I think the placement of these is going to be in a high erosion area. We're already going to be losing soil at a higher rate.

Dave Gibney- Frankly, I like the language of using the native Palouse Prairie as the basis of, because I think that's, that's more defensible in the litigation world, but you guys all said no.

Julian Matthews- What was the vote on that we just voted on?

Dave Gibney- One nay.

Bill Myers- I did not vote.

Dave Gibney- That counts as a nay. If you don't vote... if you abstain, it's not part of the 5 that we need to pass something, and it's, it's a negative vote.

Julian Matthews- So did 5 pass it?

Dave Gibney- Yeah, it did, it did.

Julian Matthews- Okay.

Dave Gibney- So, alright anybody want to try and fix the fact that perhaps during the negotiation, the landowner and the company doing this... and I'm about to say, do you really think that the decommissioning plan is going to... they're going to nickel and dime at that level.

Dave McKiernan- No.

Dave Gibney- I really don't but...

Dave McKeirnan- So, I have a question as I'm, as I'm reading through this the decommissioning comes down to the Whitman County Planner and a soil scientist, or qualified biologist for decommissioning. But as we put these projects in, don't we have to have an EIS or take care of the environmental stuff to make sure that we're not messing with streams and stuff. Don't you think that if you get one of these projects put in and as things change 15 years down the road, that before you go in, it's going to take just as much construction to take it out.

Dave Gibney- Probably.

Dave McKiernan- The roads and everything. Don't you think it should be outside and it should be at the expense of whoever developed it, or whoever owns the project, to have an EIS done so it's done properly to protect the streams, the birds, the erosion.

Dave Gibney- Okay, I am...

Dave McKiernan- That's my question.

Dave Gibney- ...I am pretty sure that a detailed engineering estimate prepared by a licensed professional engineer of the cost to fully implement and decommission and all this other stuff includes what it's going to cost and the eval... and, you know, and down here in B, the things about the plan, what it shows included in a minimum is all that stuff that it's going to take to do it right and that's... I'm, I'm, I'm if you look at, you know, just to grab here, number 4 under B here, detailed plans for restoration of project site and visitation as near as possible to their documented conditions prior to the commencement of site preparation so.

Dave McKiernan- I, I, I understand that's here. But when you go through the State process and they're bringing in everything. I'm just thinking the process to put it in should be just as extensive as the process to take it out, because you're doing just as much.

Dave Gibney- And, and, and I'm pretty sure that if you re... read number B here.

Dave McKiernan- I am.

Dave Gibney- That, that is, that is just as extensive.

Dave McKiernan- But I just, I... my biggest thing is it's up to the County Planner, whether... whoever he or she is, and any scientist that they come up with that says, yeah, this is good, let's go with it.

Dave Gibney- No, okay, no .

Dave McKeirnan- Going back to number one.

Dave Gibney- Okay, number 1 here says that the County Planner shall have the help of a qualified soil and a biologist, and effectively anybody else they want in evaluating the plan.

Dave McKiernan- I understand that, and that's what I read.

Dave Gibney- Okay.

Dave McKiernan- And it says, shall consult with somebody. But we're putting all the power and control into one person to look after the health and the well-being of, of everything when it comes to if you bring in Fish and Wildlife, Department of Natural Resources, everything, trying to bring this project out and put it back to the way it needs to be. That's, that's my argument.

Tami Southern- So you're wanting somebody... the people that approved to put it in to also be the ones to approve the decommissioning process.

Dave McKiernan- Yes.

Tami Southern- Like, they should also have to sign or rubber stamp something to take it out just as well as put it in.

Dave Gibney- You're asking that before decommissioning begins, a Conditional Use process, a Conditional Use Permit for the decommissioning be done?

Dave McKiernan- I think I...

Dave Gibney- In 20 years which is going to...

Julian Matthews- No, no, no, no, I, I, this...

Dave Gibney- It's going to delay, it's going to delay any decommissioning, for however long that takes to happen.

Dave McKiernan- That, you know what, that's fine with me if it takes a little bit longer to decommission it, as long as it's decommissioned properly and we're not dumping a bunch of dirt and stuff, and it's one individual trying to look over the decommissioning of a project the size of a wind farm, whether it's Palouse Wind, Harvest Hills, or any of them. I think it's... it's a broad spec, or it's broad scope. There's a lot going into this. I think that it should be more than just the... the Whitman County Planner shall consult with a qualified soil scientist and qualified biologist. I think they really need to look into tearing all this stuff out a little bit deeper, just like they have to do to put it in.

Dave Gibney- I...

Alan Thomson- Well hold on Dave.

Julian Matthews- I...

Dave Gibney- Go ahead.

Alan Thomson- That is the decommissioning plan. All of that detail that you've just asked about will be hacked out prior to anything happening. Consultation with all of the agencies. Keep in mind that we do have an ordinance, Critical Area Ordinances that have to be applied all the time to any activity, regardless of whether it's a wind farm or not. So, they will... that decommissioning plan will have to accommodate all of the critical areas and, that's part of the consultation. All the agencies will be involved with that and eventually it'll be approved, not just by... you keep saying the County Planner. It's going to be approved by a whole...

Dave McKiernan- But that's what it says. That what it says under number 1 is the County Planner. It doesn't say refer back to the original plan.

Alan Thomson- No, no, no, no.

Dave McKiernan- We're talking about decommissioning here. It does not state that Alan. That's what I'm saying.

Dave Gibney- This is the approval of the plan and actually this is only the, let's make the recommendations that the plan become better. That's what the section number 1 is, is once the, once the company has said, here's our plan, with all the details here, and number B and whatever else the Conditional Use may be, then the Planner and these other folks will take a look at it and say, that's not enough, or that is enough before the County Board of Commissioners, before the Conditional Use Permit is eventually granted to do the construction. You have to have this whole plan in place and approved as part of the Conditional Use Permit in the beginning.

Julian Matthews- I... I guess.

Alan Thomson- Upfront.

Julian Matthews- Julian here, I get what he's saying is, so, like, say, for instance, before, like the only way that you would know if you were restoring it to this original condition is you'd have to have those... everything laid out and like he's saying, I think, like, if they did an EIS, then they would have to determine that site, how it is up front, and then when they decommission it, they have to use that as a standard to make sure it's operating.

Dave Gibney- And then number one... number B1 here is saying, document what's there before you start and B2 is document what's there before you start, to establish the baseline that you're going to restore to, and I'm sorry to... but we, we ran through all of this about... when we were working on this stuff for solar, of making sure that the plan, that the decommissioning plan would be significantly, you know, would be thorough enough that it's going to go back to the original state, which includes documenting the original state and that all of that has to be in place and approved as part of the conditional use process, before any permit to start. And this is explicitly... they can't even break ground until this part of it is done.

Dave McKiernan- I understand having a plan down the road.

Dave Gibney- No, no, no.

Alan Thomson- No, upfront.

Dave Gibney- Plan has to be there at the beginning.

Dave McKiernan- No, no I understand, you have a plan for decommissioning down the road. What I'm saying is, right now what I would like to see is that you don't start decommissioning until there's a full EIS done to protect...

Alan Thomson- No.

Dave McKiernan- ...the area.

Alan Thomson- No.

Dave McKiernan- To tear it all out.

Dave Gibney- Well, it...

Dave McKiernan- I mean I don't see why that'd be unreasonable.

Brian Davies- That's done upfront.

Dave McKiernan- But that's to put it in.

Dave Gibney- Okay.

Alan Thomson- That's all upfront David. The EIS is a public process, and this decommissioning plan, before any construction can happen, before the permit is even issued, has to be a public document. It has to be discussed, it has to be planned out, before the permit is even issued.

Dave McKiernan- I'm... I'm well aware of that, I understand that.

Alan Thomson- Well it doesn't sound like you're aware of it, sorry.

Dave McKiernan- I'm well, I'm well aware of this, but what I'm saying is things change over 15, 20 years, and so that's why I'm like, hey, maybe we should make sure that we're making them go through the same stuff, protecting everything the way they had to when they put it in. That's all I'm suggesting.

Dave Gibney- There's something in here about re-evaluating the plan based on everything else, every now and then and making sure that it will still work right? I don't remember exactly where it is. Okay, I, I still think there's confusion in that you're not understanding that what you're asking for is here and is a part of it. But since that's correct, well propose some language to change, to fix it or, or we conclude that we will not fulfill our mandate or our request so.

Chris Melhous- I think, what we're looking for is under Section 5 or V on there of Section V, Article V on page 19. It's just talking about the reviewing while commercial operations still in place. I think that's kind of what you were referencing Dave.

Dave Gibney- That's one of them, that may be what I'm really remembering about the general review.

Dean Kinzer- What I'm seeing that covers the bases is on page 19, B, It's the last line in B, it says, includes at a minimum, so if there are issues that come up between 20 years where there's that we learn something that needs to be restored in a different way, that can be included in it, is that correct?

Dave Gibney- Yeah.

Brian Davies- Yeah.

Dean Kinzer- So, this is just a baseline minimum, all these things that are listed there, and it can be added to as we need to...

Dave Gibney- Yeah, there, there, there's... and maybe we, you know, maybe we don't have it quite as solid as we do need, but it's a lot more, you know, the existing language doesn't

have any review of changing conditions over the lifetime of the plan. The existing, the existing code doesn't have any financial... or has a lot less solid financial assurance that the money's going to be there to do this, you know, so, and, and frankly, it may... the detail plans if during the, during the conditional use application process, and the hearing examiner, and in the review of the plan that's permitted, that is put forward it can be, it can certainly be stated, and that, as part of the plan Environmental Impact, concerns shall be, you know...

Brian Davies- Addressed.

Dave Gibney- Addressed and looked at. Oh, okay so back to... do we want to do anything more about the potential that has been stated that perhaps the developer could agree up front with the landowner that 20 years, 30 years, 40 years down the road I won't hold you to removing the pad, or I won't hold you to fixing the roads.

Dean Kinzer- I would suggest that the original owners of the land are not going to be the owners at the time of decommissioning, so I, I, I frown on that.

Brian Davies- Well, the owners of the land are probably still going to be the farmers that are farming the land, and they're not going to sell it. Are you going to sell your land?

Dean Kinzer- There's a lot of land moving right now.

Dave Gibney- Okay, but it doesn't seem to me like it's going to be... it's in some landowners' interests to have a wind farm put on their land. We know that. But it's not going to be in their interest to have a concrete pad there, or their descendants, or whoever they sell it to, at the end. When, when it's just a concrete pad. So I... I'm while... I think that Weston is correct and I could be wrong we may find out that we're wrong someday down the road when, when they... when a, when a plan comes forward that says the landowner has agreed not to take the pad out. But...

Weston Kane- I think we do need to think about that this is county-wide code and we're not only talking about good cropland. We're talking pastureland, we're talking scab rock, we're talking a lot of other types of ground that people put windmills on. I mean, all that stuff along the Snake River Breaks. I mean, there's a lot of that, that it would be quite costly to take these out and it would be cheaper just to pay a landowner to leave it and it would not affect cropland at all, because it's pasture and cows aren't worth as much as wheat.

Dave Gibney- Okay.

Weston Kane- So...

Dave Gibney- So let me suggest that we add to number 6 there the concrete pad and tower removal may not be waived.

Weston Kane- You did that as a motion, or you need that as a motion?

Dave Gibney- I'll make that as a motion, you can second it.

Weston Kane- I'll do it.

Dave Gibney- Second it.

Weston Kane- I'll second.

MOTION by **Dave Gibney** and seconded by **Weston Kane** to add to number 6 that the concrete pad and tower removal may not be waived.

Dean Kinzer- Could you restate that please?

Dave Gibney- Additional section, a sentence under number 6, the current wording is any agreement... okay, and this is what needs to be in, it's what needs to be as part of the plan. Which, it basically is up front, if the landowner decides that they want to keep that road that's going to be built, they can. And so, it says that as a part of the plan, there has to be these agreements with the underlying landowner of things that they wish to retain. And I'm saying, add additional sentence, this is actually, I'm gonna refer back to, I'm gonna say that we have a definition of what a wind turbine is and it includes, it's the pad, the towers, the nacelles, and the... it's everything. And it's... that removal cannot be waived. The removal of the wind turbine itself cannot be waived.

Denis Tracy- Mr. Chairman, the definition does not include the pad.

Dave Gibney- It doesn't?

Denis Tracy- No.

Dave Gibney- Remind us to fix that when we get there. And we can, we can do this here, the wind turbine and concrete pad removal may not be waived. Comments? All in favor? Abstentions or opposed?

MOTION CARRIES.

Dave Gibney- Okay. Well, that took us an hour.

Denis Tracy- Mr. Chairman, I'd like, I'd like the Planning Commission to look at the language that was typed in earlier, about to, to a depth of 10 feet, or whatever it was. There we go. Shouldn't it be to a depth of 10 feet, not of a depth?

Dave Gibney- Yeah, and we did get a vote on that, yeah. I di...I di... I probably shouldn't have asked, you know, why anybody voted in the minority. It's a habit I have from another thing.

Chris Melhus- Yeah, my only thing would be, like, as long as it's a minimum of 10 feet, I mean, we're covered there, so.

Dave Gibney- Okay. Well, we covered one of their issues.

Brian Davies- We're done decommissioning?

Dave Gibney- I'm... yeah, the, the other one, that Van Ness Feldman question was if annual review was too frequent? And I think we might be able to just leave that to the Commissioners and to the further legal review that our product is going to have in the SEPA. So I don't want to address it tonight. That's why I did...

Theresa Bannister- What was that comment, sorry?

Dave Gibney- There'll be another, you know, we're gonna have another legal review of everything, and we're gonna have a SEPA comment period before we have our hearing. So, I'm gonna suggest that we not address the frequency of the review of the plan at this time.

Alan Thomson- So with the SEPA, you have to have a complete ordinance.

Dave Gibney- And that's... and we do. It says, it's... right now, it says shall be reviewed annually.

Alan Thomson- Okay, so you're leaving that in there?

Dave Gibney- Right now, I... rather than spend another hour wordsmithing, how frequent a change, unless somebody wants, if somebody wants, I do have the suggestion from Van Ness available to pass it around.

Dave McKeirnan- Well, if Van Ness sent us a recommendation, suggestion, maybe we should take a look at it and maybe take it up for discussion.

Brian Davies- So it says annually. What's their recommendation, Dave? Semi-annually?

Dave Gibney- Never mind. Please bring it up Grace. Pass this around. That's the separate language that I sent. It is on 2A of page 21. A says, the amount of financial assurance instruments shall be adjusted annually as follows and we have a section there. Van Ness Feldman has suggested that annual is excessive and hard, you know, to the operator in the County, and to consider that the re-evaluation be done once every 5 years. Every 5 years, on the anniversary date of the commencement of commercial operations under the initial CUP for years 1 to 5 of commercial operation, and then annually in years 16 and beyond,

provided that if the facility is repowered, the obligation reverts to once every 5 years on the anniversary date of the commencement of commercial operations of the repowered facility. And the word annually is in the two parts of how they have to do it, or whatever they need to do it and we would change that to, as whatever we adopt to change the word annually in number A. And I know everybody else looked at everything Van Ness Feldman told us, and said, and found the other places that I didn't get yet.

Weston Kane- So, if these, that's a big question for Alan, when they're repowered, that basically gives them another 15, 20 years of life, doesn't it?

Alan Thomson- Well, that's kind of the intention. I'm not sure about the lifespan, but they want to continue the operation, yes.

Weston Kane- Okay.

Alan Thomson- And there wouldn't be any decommissioning until the end of that next segment.

Weston Kane- So in theory, run it, you know, say they went 16 years, repowered, went another 16 years, they'd have 30 years out of those towers, and then recommissioned at that point. But they probably would not... and they'd lose money if they took them down sooner than that.

Dave Gibney- As we've been told there's 3 versions of repowering. One of which is take the tower down and build a presumably taller one. So it's, it's the re... it's the whole... it's the repowering of the facility that would trigger... in whatever way, which would trigger another... and all that really does, all that really says is that you start back over it every 5 years rather than one year. And what this does, their language, is if the thing's still there more than 16 years and above, there's an implied increase of the risk, and so you want to watch them closer at that time. And so what we would, you know, if we do this, it would be to strikes shall be adjusted annually in A, and insert re-evaluated once every 5 years, Et cetera, et cetera. Go ahead.

Dean Kinzer- If that would serve the bonding company well, okay, but there's... inflation is going to dictate how big of a jump we're going to have, and I would think we'd need to bounce that off the bonding companies if they wanted annually or every 5 years, because...

Dave Gibney- Go ahead... I think the point is that they're making is that doing it once a year is going, if it's going to take 9 months to do the eval... to redo the estimate, requiring it once a year is excessively frequent. I believe that's the point.

Bill Myers- We're basically talking about paperwork, aren't we? I mean, what, what's to take 9 months? You've got, you've got a, a plan in place, or, or a, it's in place, and it's just, it's a matter of readjusting the numbers for that given year, I would assume.

Dave Gibney- I agree with that, but I'm not sure that it's a trivial amount to adjust a plan that realistically is in the million, the, the close to millions or more dollars annually is, you know, it's not a trivial amount of paperwork.

Bill Myers- And neither is the amount of inflation over a year.

Weston Kane- So Alan, just out of curiosity, do you have an estimate of how many man hours you would spend doing this yearly from the county's end?

Alan Thomson- Me, personally?

Weston Kane- Yeah, from the Planner, from your end of the...

Dave Gibney- Or somebody the county hires to do it?

Weston Kane- Yeah.

Alan Thomson- Well, for me it's not a whole bunch of time, no. But to re-evaluate this, the bonding company have to have a completely redone engineering quote on that. So, they have to hire a consultant to redo, to take into account inflation and whatnot. So, it's not just a question of paperwork.

Dave Gibney- And it's not the bonding company. It's the operator of the wind farm.

Alan Thomson- Yeah, right. So, there's, there's a bit of an involvement here, and typically, one year is not how this is done with all the other wind farms that are out there. So, I would advise going with Erin Anderson's advice.

Dave McKeirnan- Mr. Chair?

Dave Gibney- Go ahead.

Dave McKeirnan- Real quick, just a question. I'm trying to find, in the handout that you gave us tonight, where... what section are we talking about?

Dave Gibney- Page 21A, the amount of the fin... we're talking about the shall be adjusted annually versus shall be done or shall be re-evaluated once every 5 years as this new... this language here. Very top. Right there.

Brian Davies- The first sentence.

Dave McKeirnan- Yeah.

Alan Thomson- And I have had the experience with the Palouse Wind project. That got redone a couple of years ago and it took several months for them to get back to me with the new numbers. So, it's not something that can get done in a few weeks.

Dave Gibney- I'm, you know...

Brian Davies- How often is... have you done this for Palouse Wind?

Alan Thomson- Once.

Brian Davies- Once.

Alan Thomson- That's every 5 years for them, according to their CUP.

Brian Davies- Every 5 for them?

Alan Thomson- 5.

Brian Davies- Okay.

Alan Thomson- Yep.

Weston Kane- So, just, I mean, I kinda like where this... not that I want to make it easier on the wind farms, don't get me wrong, but I also feel we need to make some compromises in this somewhere, or we are going to lose control of this to EFSEC and we have nothing. So, that is the one downfall of this. I mean, the first 15 years, they're not gonna abandon these things, they'll lose money. I mean, our risk really is towards the end of their life. So that 15, where we... where... I mean, I kind of like their recommendation of, when it gets to be high risk, that's when we're checking annually. Going off their language. It's that year 16 and beyond until it is repowered or decommissioned.

Brian Davies- Every year.

Weston Kane- Every year. And that's where the most risk is gonna be.

Brian Davies- I agree.

Weston Kane - So I would move to amend A to read, I would move to amend it by striking an annually, and adding in the words, once every 5 years on the anniversary date of the commencement of commercial operations under the initial CUP for years 1 through 15 of commercial operations and then annually, in years 16 and beyond, provided that the facility is repowered. So, this up to this point, is straight out of Van Ness's recommendation. Then the obligation reverts to, and I would like to say year one so that, once it hits year 15 again,

we go back to year 16. So, the end of that would read, the obligation reverts to year one after this date. After repowered.

Dave Gibney- To year one as in the... as stated in the initial cup?

Dave Gibney - Yes. Okay. Yeah, that's a... that's an improvement.

Brian Davies- I'll second.

MOTION by **Weston Kane** and seconded by **Brian Davies** to strike an annually, and adding in the words, once every 5 years on the anniversary date of the commencement of commercial operations under the initial CUP for years 1 through 15 of commercial operations and then annually, in years 16 and beyond, provided that the facility is repowered.

Dave Gibney- Okay. Any further discussion? All in favor... all in favor of amending it as what was stated and...all in favor? Any opposed?

MOTION CARRIES.

Dave Gibney- Alright.

Brian Davies- Thank you, Weston.

Weston Kane- That wasn't horribly painful, it was only 14 minutes.

Dave Gibney- Okay.

Weston Kane- We're doing better.

Brian Davies- We're making progress.

Dave Gibney- All right. Mr. Tracy, do you have any... did I miss anything from Van Ness Feldman that you want to bring up?

Denis Tracy- Not to my knowledge.

Dave Gibney- Okay and aside from applicant, which we'll deal with, okay? Are there... are we ready to move on to our next subject? Which is setbacks. And maybe we'll, maybe we aren't going to take any long, any time, much time to do that. So, setbacks in... and that is on page 12 of what has been sent out, I hope. Have I got that number right? Yep. So, what we have here is, I believe, but it's obvious I have made a mistake. I've made other mistakes, so this is as we passed it at our last time on the setbacks. We have heard that the setbacks, when applied to property lines and residents and buildings at 6 times, we'll

effectively prevent wind generation countywide. I did a little bit of... I meant to... if you, you know, if you've got a section of land, square mile. If you've got 6 times a 400-foot tower, That's approximately a third of a mile, half of a mile.

Brian Davies- Closer to half.

Dave Gibney- Closer to half. Which means that a parcel the size of a section surrounded by non-participating land is not eligible for a wind tower. And if you look at our parcel maps, you will find that there's a lot of places out there where their sections are smaller. Now, maybe it's a paperwork issue, maybe it's not. It's also, I, you know, as we look at this, we need to know... have reasons why we've determined that 4x is ineffective, and 6x is. And that it's not just the arbitrary halfway between 4 and 8 that we made a vote on. And why we're finding the infrasound studies that we've seen more persuasive than the McKunney-Olson, which has and others have shown that and stated that, the 4x actually does cover the noises. So that's just some comments as to what we have heard. I'm... any comments on anybody from Commission wants to adjust or change any of this. Adjustment, you know.

Denis Tracy- Mr. Chairman?

Dave Gibney- Go Ahead Denis

Denis Tracy- Your attorney has some comments. I felt like I've been speaking, so I'll defer to the Commission members and hold my comments until later, unless you'd like me to go ahead now.

Dave Gibney- I am not seeing anybody eager to talk right at the moment so go ahead.

Denis Tracy- I want to start with where you just started, which is setbacks of 6 times the heights of the windmill, may... may have an effect on the number of... may severely limit the number of windmills that would be physically able to meet that setback in the County. But what regulations on windmill projects are reasonably needed to protect the health, safety and welfare of the residents of the County is what this Planning Commission should focus on and if such regulations would theoretically allow for 10,000 windmills okay. If such regulations would theoretically not allow any windmills okay. The number of windmills I suggest to the Planning Commission is not the issue. Instead, It's the health, safety and welfare of the residents, and what regulations are reasonably needed to protect that health, safety and welfare. And I point out this as well, even if the... a 6x setback would severely limit the number of windmills you have to consider that fact that it doesn't by itself, severely limit the number of windmills. Because there's an additional phrase, which is, six times setback from an un-consenting neighbor and so, if the neighbor consents presumably because they've been paid by the developer then that windmill gets to go in. Doesn't the larger setback require the developer to actually pay the cost of the impact of their windmills on the community, and on that neighboring landowner. If they're going to be able to put that windmill close to their neighboring landowner's property line, or close to

that neighboring landowner's house then they'll have to pay for it. They'll have to pay for the impact of their project. And if the neighbor doesn't agree in the decision on how to exercise their own property rights, then so be it. But I heard the develop... one of the developer's comments at the last meeting, that there's a... this means a de facto ban. No, it doesn't. It means that if you pass this, and if the County Commissioners pass this, it means that Whitman County would require any developer to actually pay for the costs of the impact on the County. So, there's my speech. I have a number of specific recommendations.

Dave Gibney- Okay, yeah I... I've made that point that, that this is economically... there's economic solution to the developers to some of this. So yeah. Go ahead.

Denis Tracy- So, in regards to... if we're looking at page 12 of 26 and, development standards and criteria, and A is setbacks and there's a paragraph there about setbacks at the end of that paragraph. There we go. I suggest inserting how this... how setbacks are... are referenced and how they're measured. That was in the prior... or in the existing code, and it's been the suggestion is to strike that, but it needs, it needs to be in here, so it could read... excuse me... it could read all setback distances established shall be measured from the closest point of the tower to the closest point of the thing from which the tower is set back. For example, an occupied building, property line. And then also, I think it should additionally say this should be measured by a straight line connecting the two points unhindered by roads or terrain, in other words, measured as the crow flies.

Dave Gibney- Is there any... I... okay, I think you're... I would agree that we shouldn't... that that sentence in the original language probably shouldn't have been stricken. Maybe changed a little bit, but in.... if you look a little further down in the, in the stricken part of the original A, what you stated is predominantly there.

Denis Tracy- Yes.

Dave Gibney- Some of the additional measurement, and I... I know the answer's probably no, but I don't suppose you could email that language to Grace in writing.

Denis Tracy- Grace if you scroll down.

Dave Gibney- Well, she can grab that bit, but then your additional bit. So yeah, Grace, go ahead and scroll down to the stricken-out part of A. Go further down.

Denis Tracy- Yeah, and then she already typed in the other thing that I said, I believe.

Dave Gibney- Okay, so yeah starting with... grab that sentence out of all setbacks and bring it up.

Audience- Measured from the ground to the turbine blade.

Dave Gibney- Well, that's what the... that's what I was going to ask to be mailed, but if she's got it.

Brian Davies- That's not in the definitions.

Dave Gibney- Yeah, uncross that out. You can make it black if you want, because it's the original language. The as the crow flies, it's a little flowery for legal language but...

Denis Tracy- I like it though.

Brian Davies- It's the west.

Dave Gibney- All right.

Denis Tracy- Then in 1A, right below this is the minimum non-waivable setback to a building. And this is for physical safety. I question why use the word occupied building rather than just building. You may well have a currently unoccupied building, and you don't want... or you may not want the windmill closer than one and a half times its height to that unoccupied building. It could be a house that's currently not rented. Could be all kinds of things.

Dave Gibney- I, I think there is some of that in the definition of an occupied building structure that is up front, but...

Denis Tracy- There is, and we haven't covered that, but I have an issue with that term, occupied building but my suggestion is to strike the word occupied. It occurs 3 times in that section.

Alan Thomson- So then, Denis, are you suggesting that any building, like a shed, for instance?

Dave Gibney- And in terms of physical safety, he's probably right. You know, you don't want it to drop on barns or shed or anything.

Denis Tracy- Well like, yes, including a shed or not including a shed, I think whatever the Planning Commission wants to do with that.

Dave Gibney- Yeah, I'm... right after non-waivable. It should be non-waivable building setbacks in the very first line part, right after A there. Right there. Okay, and I failed to get rid of the away.

Denis Tracy- And then in... if you're ready, and then in B, non-consenting parcels. Again, this is under physical safety. Requiring the turbines to be a minimum of 4 times the height from the private property line of a non-consenting parcel. You, you can keep in the term

non-participating throughout here. I, I don't, I don't think it adds anything, but you could keep it in. Anyway, I just want to confirm the 4x there, is that what the Commission voted for, and, and why? Is it just the theory that you want to be extra careful, about the non-consenting, neighbor?

Dave Gibney- That is what we had. No, no we had one. We did have... okay the original language was 1x and 4x on this... we did 6x on others, 4x is what was agreed to at this one and the why, we're working on that. You know I, I, I, I'm... the why for all of this is the findings you agreed to help us with.

Denis Tracy- Yes, and I am going to help with that. I asked the Planning Commission to make sure you want to do that, the 4x. You need to have a reason, and it needs to at this location in the code, it needs to be related to physical safety and the threat of damage to the neighbor's property. And if there is a reason, terrific. If there's not a reason, then I recommend you change that to one and a half times, matching the, matching the... the requirements right above it. You still have I will point out, you still have the 6 times height, from the non-consenting property owners.

Dave Gibney- Okay.

Denis Tracy- Property line.

Dave Gibney- I have, I have, Commissioner Myers is wishing to comment, I'm hoping he will give you a reason.

Bill Myers- That's... I had a reason in mind. There's a lot of times you'll park something next to your line, you might be working there, there might be a lot of different reasons that an area like that would be... would need that protection. A lot of times, you'll park a lot of valuable things.

Dave Gibney- But, but the question is why 4 times rather than 1.5 times?

Bill Myers- Because, well, like, you take your average harvest outfit, and you park your stuff, and if you just run up... up maybe close to a, the edge of a field, some of it might be back a few hundred feet. You know, it just depends on where everybody parks, and, you know, you should be afforded the, you know, the...

Dave Gibney-You're outside, you're out, you're, you're that far away from the... you're still the one... what, what... I'm sorry. What you're arguing is that my combine is more important than the person's house.

Dean Kinzer- It costs more now.

Bill Myers- Well, it's, yeah. Well, the person's house, the person's house, that's his choice.

Dave Gibney- It should be 4 times, and the house should be 1.5.

Bill Myers- But what I'm, what, what...

Dave McKiernan- I can tell you why I voted for 4.5, was hearing from the aerial applicators talk about the industry standard is \$2 an acre more, which aerial application is not used as much as we used to. It is still traditional agricultural practice. We still have them flying around. And just because one individual chooses to put a windmill up for financial gain does not deem it necessary for the neighbor to be taxed and extra \$2 an acre for safe application. And we've, we heard that testimony out here, and it was emailed to us in a document. And that was my argument.

Dave Gibney- And, and, and your correct Denis, that is the reason that prevailed at the time that we made that decision.

Denis Tracy- And Commissioner, I, I, I really appreciate that argument, and I think it's an excellent one, an excellent point, and I hope all the Planning Commission members take that argument to heart. I wonder if it belongs in the physical safety here. Maybe it, maybe it does. But I, I, I'm going to suggest that maybe more appropriately, it belongs in the economic impact on the neighboring property owner, which is one of the reasons that supports a six-time setback. It is related to safety, that's why the crop duster isn't going to do it, and you have to get your ATV's or whatever out there to spray, which is going to cost more. So that's...it's the, it's the crop duster's reason why it is related to their own safety, but, I think, I think it's more appropriately addressed in the economic impact to the neighbor, and the reason why there's a 6X there.

Dave Gibney- Denis, first of all can you guys hear me a little better? I just turned my mic on, I may have... have ignored the request of everybody that I have the mic on. I apologize for that. Denis, there is not an economic piece in this language.

Denis Tracy- Yeah, I haven't gotten there yet. It's one of the reasons that will support the, 6X, I haven't gotten to 6X yet though.

Dave Gibney- Okay, okay.

Denis Tracy- Maybe I should move on to that with.

Dave Gibney- Go ahead, why don't you run your comments down, and we'll continue the discussion.

Denis Tracy- Okay, in regard to 2 and 3 let's see here. I request that you organize this differently. It is confusing to me, and since I'm the one that will have to defend this in court, if and when it gets there. I'd prefer it be organized differently. I prefer that it be organized by the thing from which the tower is set back. Not the reason for the setback, and so, in other

words, number 2 would be wind energy, you know, the way it's written, wind energy turbine towers shall be a minimum distance of 6 times the height, excuse me, from any non-consenting landowners building structures.

Dave Gibney- It is, it is organized by the two different things that it's set back from, one being the occupied... the residents and the, you know, places where people are. And the other is the property lines.

Denis Tracy- Yeah, however...

Dave Gibney- Okay.

Denis Tracy- ...however, your headings there are, for me, all messed up and confusing, and it should... the headings should be set back from non-consenting buildings and then, and then A is fine with the whole sentence.

Dave Gibney- Well, I did, I did explicitly separate those by the reasoning to have two different, at the time, potentially two, well, two different things set back from, and potentially do two different amounts was the, the reasoning for these would be different.

Denis Tracy- Yep, but now the distances are the same and there is overlap in the reasoning, So, for instance, the reason for the setbacks, we have noise, both audible and infrasound and that also relates to health. This applies both to buildings, and it can apply, although to much lesser degree, to property lines as a reason for the setback. The noise one primarily applies, I... as far as I can, see, to, buildings, and especially residences, but to buildings in general and I point out, you know, so noise, both audible and infrasound, can cause a significant health impact. I expect a finding that his commission will, will, adopt, or may adopt. This commission may adopt a finding, for instance, that every single, or at least nearly every single study says that a portion of the population experiences a significant health impact from these windmills. Now some of these studies attribute that to what they call a placebo effect, essentially someone being very concerned about a nearby windmill, is that going to impact my sleep? I'm really concerned about that and then it turns out that that causes their sleep to be impacted. In the final analysis, who cares what the exact cause is, but if it's preventing this person from being able to sleep, because it is right next door to their house. That's a health impact caused by this windmill. Anyway, noise is one issue, although it's mostly related to...

Julian Matthews- Oh Denis.

Denis Tracy- ...and then we have...

Julian Mathews- Denis, do you think you can defend that in court?

Denis Tracy- Yes, absolutely.

Dave Gibney- Okay, I, I want to... I'm... I kind of want to back off on this just a little, or talk about a little before we actually be making changes. Because, the reasoning for having these two separate sections was because they are from the two different... they are from two different objects and that I... it was my belief that it would be easier and more prob... better for you or others to be defending them based on the two different reasons and that's why they are separated. Why... and still haven't said anything about an economic part so.

Denis Tracy- I'd be glad to.

Dave Gibney- Okay.

Denis Tracy- Again, I agree, two different sections, but the first one being setback from non-consenting buildings, and the second being setback from property lines.

Dave Gibney- Okay.

Denis Tracy- But... so, the noise reason applies mostly to buildings. Economic cost to neighbors is another significant reason. There is significant evidence that the value of people's homes is negatively impacted by nearby wind farms. There's significant evidence that the value of people's land is lessened, can be lessened. The landowner suffers a loss to their potential development in their own land, there's an increased cost for agricultural production, referring to the issue that the Commissioner brought up about needing a large setback in order to have the crop dusters be able to spray and if we can't... and if you can't have the crop duster spraying then that increases the cost of production to that neighboring producer. And then there's also the potential pollution from plastic shedding off of these turbine blades. All these are reasons that, excuse me, economic cost to neighbors is the reason. All those various things are findings that this commission might adopt, depending on its examination of the evidence. And then we have...

Julian Matthews- Hey Denis, Denis I was wondering, so, has this been apparent with the wind turbines that are up by the rest area? Has this been shown to... that all these conditions are, are occurring with the wind turbines up there by the rest area?

Denis Tracy- I don't know.

Julian Matthews- Well, yes or no?

Denis Tracy- And my answer is, I don't know.

Julian Matthews- Well then, that would be a way... go check it out then. If you're making these claims, then go check it out and see.

Denis Tracy- No sir I will not go check it out.

Julian Matthews- I think you should.

Dave Gibney- Hey, okay, okay, okay.

Julian Matthews- I think you should, you should go check it out.

Bill Myers- I suggest we listen to our counsel.

Dave Gibney- We're not going to get into back and forth and listening to the advice of our council or not. I am going to mention that in most of the activities that I've had, and experience I've had with zoning, the change is property a value or the... it's always been more hypothetical than actual, and the protection of something that may or may not happen in the future are not things that are usually incorporated into zoning codes. In the experience I've had.

Denis Tracy- And Chairman you make, you make a good point. I am not, I'm not asking the Planning Commission to debate these issues today. I'm explaining my reasons for why.

Dave Gibney- Oh.

Denis Tracy- This code should be organized differently.

Dave Gibney- Okay.

Denis Tracy- Because all of these different potential reasons. I'm not saying that his Planning Commission is going to adopt these or isn't.

Dave Gibney- Oh, okay, okay, okay then I am. I am actually more than... I will say that yes I'm going to... I'm going to ask how you would change the name... the heading for number 1. But I am going to fully agree that we can change 2 to setbacks from non-consenting buildings, and three setbacks from non-consenting property lines and that the reasons that I have in those headings are better suited to be in the facts.

Denis Tracy- Thank you.

Dave Gibney- And I would accept, I would like somebody to rather than me moving somebody move that...

Weston Kane- I would move to change the headings on number 2 to be the setback and number 3 as well be the setback and these 2 heading to be used for our findings of fact.

Dave Gibney- Yep.

Tami Southern- I'll second.

MOTION by **Weston Kane** and seconded by **Tami Southern** to change the headings on number 2 to be the setback and number 3 as well be the setback and these 2 heading to be used for our findings of fact.

Dave Gibney – Okay we got Weston, second Tami. All in favor?

MOTION CARRIES.

Julian Matthews- So, explain to me Finding of Fact. What does that mean?

Dave Gibney- We'll, we're not... I'll... we can talk about that later, or whatever. Okay, briefly, Finding of Fact is something that will be entered on the record at the public hearing as the reasons that support the changes that we make, and there will be many of them, and we will be working on those at our first meeting in December. We do have to have the finding of fact ready to go to SEPA process. We do have to have the code ready, so...

Julian Matthews- That would be some data or statistical analysis, or like I said...

Dave Gibney- Yes.

Julian Matthews- ...look at the Harvest Hills.

Dave Gibney – All of those things.

Julian Matthews- That Denis is going to make these claims that are going to see if they are happening at the one by the rest area.

Dave Gibney- Yes, Julian.

Julian Matthews- Okay, I want Denis to do that.

Dave Gibney- No, Denis is not the verd...

Julian Matthews- I would not take Denis's word for anything. If he doesn't then his word is null and void.

Dave Gibney- Julian Please, I am trying to maintain decorum here also. And so, we can have that discussion later on, but we're not going to do it right at this moment. And it may well not be the Prosecuting Attorney's job to do that. It may be someone else's job, but it will need to be done. But I'm going to drop... I want to drop back up and point out that number one is also the heading was originally a reason and not a... this is. So, do you have any comment on that Denis?

Denis Tracy- I, I mean, you could change the heading for number one, I think it still works,

Dave Gibney- Okay, we don't have to necessarily be consistent. Okay, so now you've pointed out to us that we will eventually need reasons for why we've chosen 4X and the 6X and whatever, and I... and again, and you gave some, we went a little into the weeds for tonight, I think on that, because that is... we don't need those reasons. We need to believe we will have good reasons at our meeting the first week of December. So, are there other changes to the wording of these that you think we should do tonight?

Denis Tracy- That was it, except there was a, an occupied in building in number 2, did that get yeah there's...

Dave Gibney- There, there is some question... well again that was, that was by health for the reasons of health. There was some question to in my mind of protecting the shed or the outhouse or the whatever that's at the property line. Versus the.... for the purposes of health, versus something that is predominantly occupied with people. That's the reason that the occupied is there on that one.

Weston Kane- But if we took out health, we don't long... we wouldn't no longer need occupied there.

Dave Gibney- But, no we're just... okay.

Denis Tracy- Again my worry is the building, let's say it's a house, but it's currently not occupied.

Dave Gibney- The definition of occupied building includes a residence that doesn't happen to have somebody in it at the time. That one, I'm... if it doesn't, I know that's what was there before. It includes, it includes things where people are going to live, but it doesn't include the equipment storage shed that's all the way out in the middle of the field that nobody's living in.

Weston Kane- So, would it be cleaner if we changed the wording to, like, home sites? Or something like that?

Dave Gibney- Well, you don't want it, you don't want... if it's a barn and it's got livestock in it for health reasons you do want it.

Alan Thomson- Go to the definition of occupied buildings, and on page 3.

Dave Gibney- Okay, yeah, we'll take a quick diversion to the definition we have on buildings on page 3. Occupied building is a residence, school, hospital, church, public library, other structures regularly used, as well as barns. That are, you know, at the time, or in use at the

permit. And I'm sorry, a house that happens to be vacant because it's not rented, or something like that, that applies. That still fits.

Denis Tracy- I don't think it does.

Dave Gibney- Well, then we'll, we'll, we'll make sure that it's a res... okay so we'll add a resident occupied or not at, you know.

Denis Tracy- That will do it. That will do it.

Dave Gibney- Okay, but I still think it's important that at least in some... in these buildings, that you don't necessarily say that the storage shed that's got equipment, or it doesn't have people in it... it doesn't have living things that can be messed with by the... the what we're trying to protect from be added here. And you're going to get the... and you're going to get the... with non-participating adjacent parcels anyway. So, I guess I'm arguing, let's keep occupied there.

Denis Tracy- I... I.

Brian Davies- Occupied or not.

Dave Gibney- Yeah, well the definition will be. Okay so, if I am understanding it correctly we have agreed, and I'm going to call this... I'm going to be saying that I'm going to be making the motion, and we'll second. We're agreed that we want to bring the... that we didn't want to strike the setback sentence that was in the original code. That we want to add the way it's measured. We wish to strike the word occupied in 1A and, and...

MOTION by **Dave Gibney** and seconded by **ALL** to strike the word occupied in 1A and change the titles to 2 and 3 to be the setback from non-consenting on 2 and setback from property lines on 3.

Brian Davies- Change the titles to 2 and 3.

Dave Gibney- Change the titles of 2 and 3 to be the... what is it... what the...

Brian Davies- Setback from non-consenting on 2, and setback from property lines on 3.

Dave Gibney- Okay. That...

Audience- UNINTELLIGIBLE.

Dave Gibney- What? Okay, so...

Audience- UNINTELLIGIBLE.

Dave Gibney- That...

Audience- UNINTELLIGIBLE.

Dave Gibney- The height of the wind... the height of the wind tower is in the definition.

Audience- UNINTELLIGIBLE.

Dave Gibney- But it's in the definition of what the height of a wind tower is, in the definition that we made, that we have elsewhere.

UNKNOWN- Where is that at?

Dave Gibney- In the definition section on near page 3, as he... as we are back on. So, and, and I, and, so... we've... I, I, I...

Audience- UNINTELLIGIBLE.

Dave Gibney- We're not going to go there right now. I'm going to maintain that if it's not in the definition such that it works, we will fix it there.

Audience- UNINTELLIGIBLE.

Dave Gibney- Okay, and it is.

Alan Thomson- It says the tip of the rotor blade.

Dave Gibney- It says the tip of the rotor blade, and it says from the... that one is one, that is one that Van Ness told... or... no, that's one that the co-pilot told me the right way to define it, so...

Audience- UNINTELLIGIBLE.

Dave Gibney- I did, yes. I am sorry, but I did. Anyway, so do we have a cons... do we know what we're talking about as the changes Dennis has asked us to make in the structure and specifics of this? All in favor? Opposed?

MOTION CARRIES.

Dave Gibney- Okay. Does anybody... go ahead.

Denis Tracy- Mr. Chairman, unless you change the definition of occupied building, then I urge you to strike the word occupied.

Dave Gibney- Let us... okay. Okay.

Bill Myers- I shall move.

Dave Gibney- I want to go...

Weston Kane- I'll second.

MOTION by **Bill Myers** and seconded by **Weston Kane** to change the definition of occupied building.

Dave Gibney- Okay, so in the definition section, we will add the occupied building where it says a residence, we will do comma, or we'll do parenthesis, occupied or unoccupied.

Denis Tracy- Yes, that would do it.

Dave Gibney- Okay, okay.

Weston Kane- So I've got a question, kind of coming back to that. I won't start splitting hairs here. Who is going to dictate occupied versus unoccupied? And if somebody's coming in saying, I can have a 6X buffer, well, I'll go buy a goat, throw it in the barn, or in the machine shed, it's now animal protection. It's now occupied? If I go spend 50 bucks on a goat, it's now occupied. I would do that. Not gonna lie, I would do that.

Chris Melhus- I will give you two goats. I will give you that.

Brian Davies- I'll raise you three goats.

Weston Kane- Kid needs something to rope tie with practice.

Bill Myers- We, we did, we did make a motion, and it was seconded, to strike occupied.

Dave Gibney- Not... not in number 2 yet. The occu... the, the, the, the occupied was all in number 1A. I'm... I'll quit fighting, and we'll strike... we'll strike occupied. In, in sections 1, 2, and 3. All in favor? Opposed?

MOTION CARRIES.

Dave Gibney- Okay. Does anybody want to discuss changing any of the 4Xs, or the 1Xs, or the 6Xs with the knowledge that we already said that 8X won't work? Okay. We're done with setbacks. We have six minutes to go before the hour. We want to talk about the exclusion zones, and on that one, which is on page 10, just a little bit before here, we left it with an amendment that actually had been seconded, from Weston to add... additional areas to exclude. I, I wanna, I want to mention that we will go there. It has also been

brought to my attention that it may be difficult to measure the 2 miles from the rural zones that I've put. I, I assumed something that... I didn't know that most of these were established before computers and that there is not a good description of the areas in the county that are actually those zones, so that may be difficult to measure and, and that brought up the original... the other question of why aren't the setbacks from occupied and property lines that we put in just now sufficient, both for the rural zones and even for the incorporated towns? Such that, is there any good reason for sections A and B? So...

Bill Myers- The, the, the two miles was to provide area for growth of the communities and the zones.

Dave Gibney- Okay. It still may, it still may, it may be different... difficult for the measurement of the rural, but that's certainly a reason for the incarcerated communities. And I suppose that... okay, I just wanted to bring... say that those questions have been brought up. I want to talk about Weston's amendment. Which he has sent us a revised version, so in the... and that came in today, so it's... and what we have before us, it's the section... the second section, D, and I am pretty certain that, Commissioner Tracy has something to say or comm... or Attorney Tracy has something to say on that because he did send us a memo. So, Mr. Tracy?

Denis Tracy- Okay, am I, am I talking about...

Dave Gibney- You're talking about the areas that are not in Section C, but in the proposed Section D.

Denis Tracy- Okay.

Dave Gibney- And I really should have let the maker of the motion speak first.

Weston Kane- And that would be the second version, because the first one was kind of gray. So, I submitted a second version Tuesday, I think it was pa... and then got it in here, so, I tried to spell out specific areas a lot more than the first version did.

Denis Tracy- And that's helpful. The, the problem with, with this, from defending it in court is what's, what's the reason? And it's, and it's got to be more than these things are ugly. You know, some people don't think they're ugly, some people do think they're ugly, but what's the reason that it can't be within a mile of... Klemgard Park, or Pampa Pond?

Bill Myers- One good reason would be, the 5,000 feet, documented, documented by the, Department of Ecology in the state of Washington, where they state that there are health issues, inside the 5,000-foot buffer. As we've been... as far as exclusion zones, we've been talking about miles, so it would just be just as easy to say 1 mile, as opposed to 5,000 feet. And thus, taking care of that, that distance and insulating people that might be camping in those parks over an extended period of time. Boyer Park, for instance, there's people that

actually live down there, pikemen or fishermen, people who work at the dam, and then there's people that spend weeks at a time just for their own pleasure. And their health is of concern as well, as residents.

Dave Gibney- And that very well applies. I'm a little concerned about public lands, BLM.

Weston Kane- So, kind of my thought on BLM is that would help to preserve the wildlife habitats that BLM is already trying to protect out there, give more of a buffer so that the buffer is no longer on the BLM ground, it's now on the County side of it. Give a buffer to BLM and a skewer, because if you're out there, you're in that sagebrush step area that already has a somewhat fragile ecosystem going for it and then you have, you know, such as the sage grouse and some of those birds that would also be affected, you know, so just kind of push it a little farther back from those lands.

Dave Gibney- And I'll comm...Mr. Tracy has already mentioned that just the flat... the ability that, that it may prohibit a number of towers is not necessarily a sufficient reason, but this is, again, something that is going to exclude large portions of the county from any wind. Any, any other comments, Mr. Tracy?

Denis Tracy- Yeah, I... if you were to adopt this, I'd... I think that you should be more specific about number 4 there, public lands administered by the BLM. I... maybe those are defined somewhere, but I think they would need to be. And then Mr. Myers mentioned the Department of Ecology study, and I've seen 4 or 5 emails saying, hey, the Department of Ecology Study says X but I don't know what study that is, and I'm hoping somebody can actually send me a link to the actual study, just saying that the Department of Ecology has a study, and you can find it on their website. You know, if you knew me, you'd know I can't find stuff on websites. So, please send me that.

Brian Davies- It's hearsay.

Dave Gibney- Okay, so is there some dis... and we'll get to you in a moment.

Bill Myers- I got more to say.

Dave Gibney- No, I, I something next, but anyway does anybody have more discussion on the amendment that Weston has made.

Weston Kane- I do think I probably need to make an amendment and add on there with the BLM. I really meant that, as like Escure Ranch was what I had in mind on that one. I believe that's probably a majority of our BLM in the County.

Dave Gibney- So you would, you would amend your... you'd change your...

Weston Kane- So, public land, yeah so, on number 4, BLM lands, including Escure Ranch.

Dave Gibney- Or specifically the Escure ranch.

Weston Kane- I could live with that. Specifically the Escure Ranch.

MOTION by **Weston Kane** to add Escure Ranch to number 4.

Dave Gibney- We'll just change it to the Escure Ranch. Instead of all public lands that happen to be BLM. Okay, I'm going to ask for a vote individually on this one. So Bill?

Bill Myers- Aye.

Dave Gibney- Chris?

Chris Melhous- I'm going to go nay.

Dean Kinzer- Aye.

Tami Southern- Aye.

Dave McKiernan- Aye.

Brian Davies- Aye.

Dave Gibney- Nay.

Weston Kane- Aye.

Dave Gibney- Julian?

Julian Matthews- Nay.

MOTION CARRIES.

Dave Gibney- Okay, I got 3 no's, and everybody else is a yes, so... so we were going to include this in what our final bit of this part of this. Now I'm going to ask, is there any other concerns from members of the Commission.

Brian Davies- I have a concern. I'd like to revisit 9 miles. I think that's extremely undefendable. Is there discussion?

Weston Kane- I guess my first question would put that to Denis is... is that a defensible number at all?

Denis Tracy- Yes is my short answer. The smaller the number, the... well, up to a point. The smaller the number, the easier it is for a reviewing court to say that that's not an unreasonable restriction on someone who wants to put a wind, who wants to put some windmills up. But so, if you were to say 5 miles would it be more likely that a court would uphold that? My answer is yes. Would, if you were to say 3 miles, would that be any more likely than 5 miles? My answer is no, I don't think so. If you were keep it at 9, would a court uphold it? I don't know for sure but I think so.

Dave Gibney- Do you have any, do you have any comment or concern that 9 miles would make most, if not all, of the current Palouse Wind Project a non-conforming use that would prevent them from making any major changes to it in the future?

Denis Tracy- No, I am not concerned with that. The Palouse Wind Project, the one that's already there, is operating, has been operating for many years, but it's a...

Dave Gibney- But they would not be able to repower it by two of the three methods that they've talked about repowering.

Denis Tracy- Yeah it depends what you mean by repowering. But they would not be able to enlarge their use there, is what I, I guess what I would call it. That might not be the right technical term, but they would not... they would be able to continue to operate, but they would not be able to enlarge their use.

Dave Gibney- So tower height would not be something that you would, you would say that they would be able to increase their tower height?

Denis Tracy- No, I doubt very, I doubt very much that they could. Maybe.

Dave Gibney- That's one of the methods of repowering that we've been told about.

Denis Tracy- Sure.

Dave Gibney- They would not be able to... often changing from conforming areas is based in a financial amount of the improvement, usually 50%, sometimes 75%. So, an increasing the... the blades or, you know, if it costs them 50% of the value to put a new generator up there, those would also not be permitted under the 9 by the fact that the project, existing project, becomes within the section. I'm just asking

Denis Tracy- I don't, I don't think it's necessarily dependent upon dollar value. I do think it's dependent on intensity of the use, and the impacts on the area. So, if one were to say would they be allowed to replace a 350-foot turbine with a 650-foot turbine, I think a 650-foot turbine would not fall within the parameters of their current permit, and so they would not be able to do that without getting a new permit. And if... if that particular spot...

Greg S- Where do you get those numbers? Those numbers don't make any sense.

Dave Gibney- Hey, mute him. Sorry you're not going to have that discussion, thank you. Okay I will just, the hypothetically if it was interpreted that it was within their current permit, conditional use permit, before we make this change would you be concerned that we would be making a change that would make them non-conforming such that they could not do that repowering?

Denis Tracy- Any change that the Planning Commission makes will not affect the Palouse wind's operation under their current permit. And so, if Palouse Wind makes a change that would be allowed under their current permit then they can go ahead and do that, regardless of the code, because they have to comply with the code that was in effect when they put their project, not with any new code.

Dave Gibney- That is not what Whitman County Code on non-conforming use states.

Denis Tracy- Okay, I guess we'd have to... we'd have to examine that.

Dave Gibney- Go ahead Bill.

Bill Myers- Would not the, Palouse Wind Project be grandfathered, despite superseding this code?

Dave Gibney- Again, the zoning and non-conforming, it would become a non-conforming use and that would limit what could... what future changes could be made to... the grandfather says you can keep doing what you're doing. But it does, it does not say that if you're going to make changes greater than something that you shall then become conforming and the wind tower being in the 9-mile limit would be non-conforming and not possible for them to become conforming.

Bill Myers- That would basically limit them from increasing the height of the turbines, or, or that would be the only restriction, I would assume.

Dave Gibney- It's conceivable, it's conceivable that increasing the capacity of the generator on the existing tower would fall... would be such that's... I don't know for sure.

Bill Myers- I wouldn't think so dimensionally. If it was the same. I wouldn't think, if you hot-routed the things, anybody would care.

Dave Gibney- Go ahead Alan.

Alan Thomson- So what would be affected, and you're right, as long as they don't change the dimensions and they stay within the permit limitation of their conditional use permit, Denis is correct, they can continue to operate. However, if they wanted to, and I'm going to

keep using this word, repower, 3 steps. If they wanted to increase the turbine size, the height of the turbine, increase the blades, that would require a new conditional use permit with the planning department, and then I think that would be out of compliance with the code that you're now working on right now, where they would be not allowed to do so.

Bill Myers- Was it the original intention of the code to allow them to increase the size of these units?

Alan Thomson- Yes.

Bill Myers- They have that latitude as of the old code, then.

Alan Thomson- If the old code is still in place, they could apply for a conditional use permit to increase, you know, the height of the turbines or the blades, yes.

Bill Myers- Is it possible to give them a carve-out for existing units?

Dave Gibney- I discussed that at the last time, and Mr. Tracy strongly discouraged me. And in later discussions, I've agreed with the reasons that I've been told, and I really don't want to comment that are in the chat to be shown, that I can see them. I'd rather that nobody... I'd rather you just turn that off. Or at least...

Tersa Bannister- Why?

Dave Gibney- Because they're not part of this discussion. I'm not letting you guys speak. I shouldn't let them speak at this time, so that's why. And I'm sorry I even responded, because what I've been led to understand is that if we do a carve-out for the exist... something like, this new changes doesn't apply to Palouse Wind we are weakening the defensibility of the total code for the new project, and that we don't want to be doing any exceptions in the new code. So, yes, we probably could, but I don't... that's not a good idea.

Bill Myers- Would be my opinion that we're doing this for the health and safety and convenience of our residents, and not the convenience of the existing wind company. And they're able to continue to operate as they are. I think it's actually more than generous.

Dave McKeirnan- In my opinion, seeing the map that shows the 9 miles, currently from Steptoe to Kamiak, it reaches Colfax, it reaches Pullman, it overlaps each other and we've already talked about the 2-mile setbacks from our communities. I honestly don't think it'd be unreasonable to pull that 9 miles back to, say, 7 and... because we're putting some other protections in there for our communities, for as we just discussed and voted on, for areas of significance for our parks of a mile. I don't think we're going to be losing any ground, but I think it's going to look a lot better on the number side, and we're actually going to be, you know, potentially protecting more area and more residences. So, I'd like to bring up the 9-mile area.

Dave Gibney- For whatever...

Dave McKeirnan- Brian brought it up.

Dave Gibney- For whatever it's worth, I did do a Google Earth, put a 3-mile circle around those two places, and put a 5-mile circle around those two places and I think the 3-mile, comes right up to the edge of the one we know we're on, that's on deck, the 5-mile covers that. So, you know 7 miles would, would, would probably consume that.

Dave McKeirnan- You know, at the same time, I'd like to... I know we discussed it, and I don't know how, after thinking about it over the last week, you know, from the center of the park. Well, how do you decide where the center of the park is? Who's going to measure from the center of the park? I think it should be from the park boundary lines so that you actually have a set, definite area as to where the park is, or, you know, where you're measuring from, because you can move the center of the park anywhere you want, really. I mean, it's not a perfect square.

Brian Davies- But I think Denis pointed out that the boundary lines can change also.

Dave McKeirnan- They could, they could grow, they could move.

Brian Davies- Just like the, yeah...

Dave McKeirnan- But I think it actually has latitude, longitude. The surveyor can pick that, where you just say the center of the park.

Weston Kane- But the thing is, if you say center of the park, they have this nailed down on ArcGIS.

Alan Thomson- Mmhmm.

Weston Kane- All they have to do is go out there, you could go out there with your phone and figure out where that boundary is.

Dave McKeirnan- Okay, that's fine.

Weston Kane- And be within 4 or 5 feet.

Alan Thomson- Yep.

Denis Tracy- The language does not say center of the park, it's, highest point.

Dave McKeirnan- Highest point.

Dave Gibney- Yeah. It's currently highest point. It's currently highest point, okay.

Brian Davies- Park boundary?

Dave Gibney- Well, we've got, we've got two subjects right now.

Weston Kane- Mmhmm.

Dave Gibney- So, is there... and we can keep talking about them but when we... if we decide to make any changes, we're gonna do it two separate actions, so... anybody else want to talk about either of these?

Chris Melhus- I think on my end, if we're gonna move it to the boundaries I would prefer sticking to a 5-mile radius from a boundary. If we're gonna stick to the center of the park, I think 7 is acceptable to me.

Weston Kane- I think we need to figure out our center of the park, or highest point, or boundaries fir... as the first motion, and then deal with our how far.

Dave Gibney- Okay. Tami?

Tami Southern- I agree with that. I would agree we need to figure out where the measuring point is gonna start from.

Dave Gibney- Are we in agreement that we're gonna talk about the distance from the Buttes in the number 2? Are we okay with what we're... what I've got there for Palouse Falls? Or do you want that to be park boundaries also? Or center?

Weston Kane- I think on the east side, the park boundary in the center of the falls really isn't much different. Like, 50, 60 feet, probably.

Brian Davies- Yeah, park boundary.

Dave McKeirnan- I think we should keep them all the same.

Dave Gibney- Okay. So, it's been suggested that we change the measuring point on all three of these to be the park boundaries or the center of the park, so, a raise the hands on center Park? Nobody? Park boundaries? Okay. Everybody in... is there anybody that is against changing from the highest point and the center point of the falls to the park boundaries?

Alan Thomson- Mr. Chair, go ahead. How do you measure that? From Park Boundaries? You know.

Online- UNINTELLIGIBLE.

Alan Thomson- It's kind of, Kamiak Butte is a kind of weird shape, so how... I'm just curious, how do you measure that?

Online- UNINTELLIGIBLE.

Audience- UNINTELLIGIBLE.

Alan Thomson- How do you measure that?

Dave Gibney- Somebody needs to be muted. Mr. Tracy?

Brian Davies- Straight line from point...

Dave Gibney- Straight line from...

Brian Davies- The park boundary to the proposed turbine site.

Alan Thomson- You're gonna have a whole bunch of straight lines, you know, coming out, so it's going to be a weird shape.

Dave Gibney- It's gon...It's definitely gonna be a weird shape. It's definitely gonna be...

Brian Davies- As the crow flies?

Dave Gibney- It's gonna be harder for you to measure, for you to measure and enforce.

Alan Thomson- Well that's why I'm asking this, because our IT guy's gonna have to do this.

Dave Gibney- Yeah. Oh, well, if you're gonna do it with a computer, it's easy.

Brian Davies- GIS.

Weston Kane- You're thinking, though, correct me if I'm wrong, you're thinking if we do the center or the highest point, then it's one circle.

Alan Thomson- Well, you've got a radius then. You've got a radius.

Weston Kane- Yeah.

Alan Thomson- That's easy to do. We've already done that. I sent it out, you know, the 9-mile one. I'm just kind of curious as to how you would do it, you know, just from the park boundaries. That seems a little bit more difficult to do.

Dave Gibney- I think, frankly, we'd leave it up to the people who ask to do it, and I'm sorry...

Alan Thomson- But is it possible?

Dave Gibney- Oh, yeah.

Alan Thomson- I'm not an IT guy, I don't know.

Dave Gibney- Oh yeah, the... I am certain that the, that the GIS software...

Alan Thomson- Okay.

Dave Gibney- ...is able to do it.

Alan Thomson- Alright.

Weston Kane- You do it exactly the same way, only you pick a proposed location and do a circle around it.

Dave Gibney- You're going to do a bunch of circles, and then draw the line of the intersection.

Weston Kane- Mmhmm.

Dave Gibney- You're gonna do a, you're gonna, you do a circle at every vertex, and on several points of the line, and it's doable.

Alan Thomson- Okay.

Weston Kane- It'll be a lot more difficult, but it's doable.

Alan Thomson- Alright, I'm now educated. Alright.

Dave Gibney- I believe that everybody has agreed that we wish to switch that to park boundaries and, and I'm going to assume that we would do the same measurement in your, in Section D of your area.

Weston Kane- I would think that would be acceptable.

Dave Gibney- Okay.

Brian Davies- Then I'll make a motion, we accept that language. And 5 miles.

Dave Gibney- Nope, one... sorry, Denis. We, I, I believe that I didn't see anybody against changing the... okay, so we had no negatives, no abstention. So...

Online- UNINTELLIGIBLE.

Dave Gibney- Again...let's not... whatever the noise is coming off of Zoom, thank you Julian. Remember, you're muted when you want to talk to us again. Alright, well, anybody want to start at 2, or 3, 5?

Julian Matthews- Are we gonna have the same one for all of them, or like...

Dave Gibney- Yeah. Well, no, we're gonna stick with the one mile that we had in number D, you know, just change the boundaries. We're just talking about the 3 of number C.

Julian Matthews- Okay.

Dave Gibney- And we're gonna do, we're gonna do all of those the same distance, unless somebody really wants to get down into the weeds, which I haven't heard yet.

Dave McKeirnan- I think with the one-mile setback on all the other areas of, significance, I would be comfortable doing 7 miles from those 3, C1, 2, and 3. I'd be comfortable doing 7-miles on those instead of 9.

Dave Gibney- Second? Is there? I think, I think it's too, I... if it was me, I'd go with 3, so...

Audience- UNINTELLIGIBLE.

Brian Davies- I'd go with 3 too, but 5 sounds reasonable. 7, I...

Chris Melhus- I would suggest 5. I would move we strike 9 and replace the 5 at all 3.

Brian Davies- I'll second that.

MOTION by **Chris Melhus** and seconded by **Brian Davies** to strike 9 and replace the 5 at all 3 parks.

Dave Gibney- Okay.

Audience- UNINTELLIGIBLE, vote on it.

Dave Gibney- The current moved and seconded is a 5-mile radius for a, or a 5-mile distance from the park boundaries.

Bill Myers- We're talking about all parks? Or the, three, three parks?

Dave Gibney- The three.

Weston Kane- The three.

Bill Myers- Nay.

Chris Melhus- Yay.

Dean Kinzer- Nay.

Tami Southern- Nay.

Dave McKeirnan- Nay.

Brian Davies- Yay.

Dave Gibney- Yay.

Weston Kane- Nay.

Julian Matthews- Julian, aye.

MOTION FAILS.

Dave Gibney- Okay. All right, well, I'm pretty sure that if I were to do... move the three, that I'd be even more nays. So, would somebody like to move to 5?

Group- We just did 5.

Dave Gibney- I'm sorry, the 4... the 7.

Brian Davies- I'll move 7.

Dave McKeirnan- I'll second 7.

MOTION by **Chris Melhus** and seconded by **Brian Davies** to strike 9 and replace the 5 at all 3 parks.

Dave Gibney- Okay, we got a motion and a second. See, that was... the second got jumped in there on the other one. So, again.

Bill Myers- Nay.

Chris Melhus- Yay.

Dean Kinzer- Nay.

Tami Southern- Yay.

Dave McKeirnan- Yay.

Brian Davies- Yay.

Dave Gibney- Yay.

Weston Kane- Yay.

Julian Matthews- Nay, Julian.

Dave Gibney- Okay, I've got 3 nays, and the rest are yays so we're going to change that 9 to 7.

Dave Gibney- I...

Brian Davies- We're done.

Dave Gibney- Yeah.

Denis Tracy- Mr. Chairman?

Dave Gibney- Is there any other? Go ahead Mr. Tracy.

Denis Tracy- I recommend you cut and paste the language about measurement, measuring the setbacks into this location as well, and how to measure that it be the, you know, as the crow flies, etc.

Dave Gibney- We shall do so. Unless there's an objection. Because we're getting out of time and... and I promised Denis, or I promised Alan that I'll make all of these edits tomorrow, so he can send it in Friday.

Alan Thomson- So, did we make a decision on the RCR's, RCC2s, as far as measuring that?

Dave Gibney- To be honest, I was... I came here ready to move to strike those... both of those, but I've heard enough reasons that I probably would lose that vote. So, we're going to... we're going to leave that, again, up to the person asked to do it when the time comes.

Alan Thomson- There is no, corporate boundaries.

Dave Gibney- You've got a legal description... you do have a legal description on paper of those zones in the various places that they exist.

Alan Thomson- I'm going to show you some pictures tomorrow, and then, Dave, you tell me how you're going to do that.

Dave Gibney- Okay.

Alan Thomson- All right.

Dave Gibney- And frankly, when the time comes, if it works out to be an unfeasible ask that is certainly something that you can take up with your conditional use permit.

Alan Thomson- I'm going to let Jeff Marshall have a chat with you tomorrow. Our IT guy.

Dave Gibney- That's good, that's cool. Hey, I can talk IT all you want.

Alan Thomson- Good luck with that one.

Dave Gibney- I did it for... anyway, okay, the next thing that we have on our table is our definitions would start on page 2 of the new document.

Dave McKeirnan- Mr. Chairman can we take a break?

Brian Davies- Okay, 5-minute potty break.

Dave Gibney- 5-minute break. But we're going to... unless you guys decide to move to adjourn, and when we adjourn, that's where we'll be. Or we're going to finish this up tonight. I'm in now

Brian Davies- We're going to... all we have to do is go through the definitions. We're going to finish it.

Dave Gibney- There... we... we do have to... we do have to have at least a little discussion above ground. The motion was, I just want some clarification, I'll do it right now. The motion that Dean had was to make all transmission lines above, below ground and possibly, or he had strike the reference to above ground in certain other sections. I took a look at those and they do not apply, or those sections do not refer to the transmission lines to and from the facility. One of them is an engineering thing, and the others talk about the lines potentially within the facility. So, I'd rather... I'd suggest that we not actually strike that language in the other parts of the code.

Dean Kinzer- Okay, but I did find 2 different sections in here that I thought need to be struck, so we can discuss that.

Dave Gibney- Okay, and I... they should be highlighted in blue in the... in the document that I sent.

Dean Kinzer- Right, I think I missed a couple of them

Dave Gibney- Okay, yeah if you found... if you found an above... that I don't have marked, that's above ground you're better than the computer. So, 5-minute... 5-minute break.

RECESS.

RETURN FROM RECESS.

Dave Gibney- Okay, thank you everyone, we're going to get through this. So, we're... our next section... oh, the other one, we need something about the... we need to talk about the qualified stuff. But first, Mr. Tracy is, you know, we do need to define applicant and that need to mean the unit... the applicant and all the owners, through the project's finished decommissioning, so I know Weston has made some language.

Weston Kane- Okay, I move to add in the definition for applicant, as the entity responsible for application of this project, and any subsequent parties to whom ownership is transferred through the life of the project, up until decommissioning is complete.

Chris Melhus- Second.

MOTION by **Weston Kane** and seconded by **Chris Melhus** to add in the definition for applicant, as the entity responsible for application of this project, and any subsequent parties to whom ownership is transferred through the life of the project, up until decommissioning is complete.

Dave Gibney- Can you read that again for... for Grace?

Weston Kane- Oh, I was actually just going to give her my copy once I proofread it a bit.

Dave Gibney- Okay. So, what we have is that the word applicant in... and effectively, that is in... going to affect the entire code, not just the new sections. You know, because we're putting it as part of the code. At least, I think that's how it works. And it basically is whoever you know, the applicant and whoever owns the thing, Throughout...

Unknown- Subsequent...

Dave Gibney- Do you... subsequent owners... do you... do we need a in whole, or in part, or, you know, like you know, if somebody decides to, to sell the towers to the concrete recycler and the nacelles to the... and the blades to an airplane manufacturer, or...

Brian Davies- No.

Weston Kane- No. That would fall in our decommissioning language.

Dave Gibney- Yeah, okay. Okay, so yeah, so whoever, from whoever starts it to whoever finishes it, the code applies. All in favor? Any opposed?

MOTION CARRIES.

Dave Gibney- Mr. Tracy, do you have any other definitions you think we have missed?

Denis Tracy- Okay, let's see.

Dave Gibney- And, and I, I know that Van Ness and some others up here on the panel have asked what qualified means in front of some of our places in here. I think that qualified such-and-such expert is fairly well defined in at least case law, you know, and whatever, and maybe even in the definitions of some other parts of the code. The zoning code and even in the administrative laws but, do you have any thoughts on a definition of qualified X or Y?

Denis Tracy- My only thought on that is that I don't think you need the term qualified. Where it says you know, the Planning Director's gonna consult with a qualified soil expert. Well, of course, he's gonna consult with a qualified soil expert. All you need to say is he's gonna consult with a soil expert. That's my only input on that issue.

Dave Gibney- We have had cases where people without credentials or without formal training advertise themselves as experts in various fields and that, that's before the qualified got put into this, this sort of language in other parts of my experience as a, as a dilettante zoning person.

Denis Tracy- Yep.

Dave Gibney- Okay.

Denis Tracy- The comments that I do have, G, irrevocable standby trust fund, I have no input on that. I'm just reminding you on I, non-consenting landowner, you have any landowner who is not granted and does not intend to grant contractual consent, I recommend that you strike and does not intend to grant.

Dave Gibney- The...okay. I'm, I have admitted already that I have exposed myself to artificial intelligence in making some of these don...definitions.

Brian Davies- Oh my.

Dave Gibney- Yeah. And our...and, and, and I just point out to you that directly after that is J, non-participating landowner and when I asked the AI what the difference was that does not intend to grant is exactly what they gave as the difference. Or very close. So that's why that language is in that one.

Denis Tracy- I can't answer for AI. My legal advice is to strike and does not intend to grant.

Dave Gibney- Okay.

Denis Tracy- In addition, later on in that sentence, does not intend to grant... okay, contractual consent for the siting of turbines or associated infrastructure on their property. It should say on or near their property. So, in other words a landowner is not granted.

Dave Gibney- A land...a, a, a landowner has no authority to consent or not consent for his neighbor to put a turbine down.

Denis Tracy- Yes, he does.

Weston Kane- We had the...

Denis Tracy- If a landowner consents to the neighboring landowner having a turbine within 6X of the of the landowner's property...

Dave Gibney- That's definitely the non-participating in my mind, but okay.

Denis Tracy- That's my recommendation.

Dave Gibney- Sure. Okay, so you would say on or near their property?

Denis Tracy- Yes.

Dave Gibney- Let's do it. Okay. The... and again what I did with the AI is I took the definition requests from Van Ness Feldman and given my knowledge that this code began with certain language that EFSEC had already approved for other projects, I said to the AI, give me definitions for these terms based on what EFSEC, on the definitions in EFSEC, and then I said, and take a look at Whitman County Code. And so that's where these came from. And I did... when I looked at them, I made a tweak here or there, but for the most part, I found them to be useful.

Denis Tracy- So, are you talking about G?

Dave Gibney- I'm talking about all of these definitions but I'm also talking about G, the irrevocable standby trust fund.

Denis Tracy- I urge that that be reviewed by, by the expert attorney.

Dave Gibney- It is my understanding that during our SEPA comment period you will also be asking, Van Ness, the... your attorney that you've hired to take a look at this code and that, such additional comments would be part of the public comment and the comment period at our hearing and that we will be able to address any such recommendations at that time.

Because otherwise, I cannot ask your bond attorney or anybody to review this between now and tomorrow, or Friday morning, when we will be ready to submit it to SEPA.

Alan Thomson- SEPA su...

Denis Tracy- That's what we'll do then.

Dave Gibney- Yeah, okay.

Alan Thomson- SEPA submission is not going to happen until next week.

Dave Gibney- I'm considering... if I looked at it...

Alan Thomson- At the earliest.

Dave Gibney- ...you have to publish it...

Alan Thomson- Tuesday.

Dave Gibney- Tuesday. And that's when everything's gonna get published. I am setting for ourselves and me personally a deadline to be ready for you to do whatever you need to do by the end of, I said tomorrow, but I might slip into Friday. So, I don't... I just... okay, it is impossible for us to consult with any other entity, have this Commission take a look at the results of any of that consultation and be ready for SEPA. So, whatever... and I agree, we want this all to be looked at again from a legal perspective but I'm saying that those results will be brought to our attention at the public hearing. Which is our next time to look at all this language.

Denis Tracy- Okay.

Dave Gibney- Alright.

Denis Tracy- Let...yeah...

Dave Gibney- Go ahead.

Denis Tracy- No, that, that's it. There, there might be another comment or two on the...

Dave Gibney- And...

Denis Tracy- ...but we can address that at a future time.

Dave Gibney- ...and I'm gonna guess that, okay, I would ask you and Alan to take a look at to at the end of, at the end of that public hearing, and we've had a SEPA comment period and we add a few more definitions, does that negate the SEPA comment period such that we

have to do another one in another hearing? Or... and two, what is, you know, what can... how much of amendments are possible at the end of the public hearing? And I know at least some of them are, because we will learn more at the public hearing. But how many... and I'm gonna, I'm just gonna put that question to you, and we're not even gonna worry about it tonight.

Denis Tracy- Yep.

Dave Gibney- Is there any other definitions that we think we need to... that anybody in the Commission wants to add?

Alan Thomson- Mr. Chair, I got one comment. Keeping things alphabetical.

Dave Gibney- I thought I did but...

Alan Thomson- Yeah, the irrevocable standby trust needs to bump up one.

Dave Gibney- You're correct. We'll do that.

Alan Thomson- Alright.

Dave Gibney- Okay. All right.

Tami Southern- I have one. On J for the non-participating landowner, keeping it consistent with, I, do we also need to add in on or near their property?

Dave Gibney- Mr. Tracy?

Denis Tracy- Yeah.

Dave Gibney- Okay, sure.

Brian Davies- Yeah, that's... we've talked about that, right?

Dave Gibney- Well, we did it under non-consenting. I, personally, I think that these... yeah, okay. I, I, I, I can see it either way, so I'm not gonna worry about it. We'll, we'll do that.

Alan Thomson- Aren't they both the same thing? Non-consenting? Non-participating?

Dave Gibney- They, they, they, they are... actually, they probably are after striking the does not intend to grant. The, the, the, the thing is, is the non-consenting is, is real, is somebody who has been asked and said, I'm not going to. Whereas the non-participating is, you know, okay, 3 parcels out, and nobody really cares, because they're not going to be impacted, and nobody asked, so I, maybe, maybe they are the same.

Weston Kane- We have both the language for... both of those are in the language as well.

Dave Gibney- We, we, we have both of those terms in the language.

Weston Kane- So we need to have...

Dave Gibney- So we need the definitions. We may, you know, that may be one of those trivial things that you tell me that doesn't make a difference to SEPA, and we should fix.

Alan Thomson- Or go with one of them.

Dave Gibney- Well I'm not going to tonight.

Alan Thomson- Yeah I know, I know. Yeah.

Dave Gibney- Unless, unless the commi... you know, at any time, the members of the commission can make a motion and vote 5 to 4 to overrule me okay. And I might even take that, take... let you do a simple majority of those who actually vote, rather than the number needed to... okay. That brings us to the above... the above-ground amendment that Dean made, and that we did pass and my only real concern on that is that, as it was discussed we talked about, striking references to above ground in the rest of the code and so, when I went through that, and I'm just going to go through that. I found that on page 8 where the word above ground and below ground refers to cables, power lines, and transportation impacts. So, I didn't think we should strike the words above ground there or really sperate things out, is what I'm just saying, let's not strike it there. On page 11, again, above ground and below ground are mixed in with other things besides transmission line, or electrical lines. On page 15, there is a Section G talking about overhead electrical transmission and collector lines and there's two reasons I say we want to keep that. One is it's an engineering thing, and if, for whatever reason, there end up being some overhead lines we should still make them follow these rules if we're going to. The other thing is that Dean's amendment specifies lines to and from the wind energy facility and these could be within the facility, and I believe that that's the only places where I was able to find the use of the word above before ground.

Dean Kinzer- Page 5 of 11 it says, on the bottom the last statement, it says preliminary location of them. Preliminary location of underground and overhead transmission line corridors.

Dave Gibney- Transmission lines, you, you, you, yeah, and the words above's not there, so okay.

Dean Kinzer- Yeah, it's referred to as overhead instead of above ground. I don't have any problem with leaving it in where you think it should be, that's okay with me, but on... on page 5, I do think that should be struck, the overhead transmission line.

Dave Gibney- I think it, I think if you do that, you want to strike transmission and perhaps leave electrical or otherwise they don't have to... if the... if for some reason let's say you want to put an overhead line from a pole to an auxiliary building, or something like that. They don't have to tell us about it in the begin... and this is at the time of the permit application. So, basically if we just state just strike transmission or if we strike the whole section, or we strike overhead transmission line we...

Weston Kane- I move just to strike out transmission from that.

Dave Gibney- How about replace with electrical?

Weston Kane- Replace transmission with electrical. I like that.

Brian Davies- In E?

Weston Kane- In E.

Dave Gibney- In E. In...

Weston Kane- So that it's covered, you know, if they put a streetlight out there at the corner, it's covered.

Dean Kinzer- Okay.

Dave Gibney- E3... E3E okay.

Weston Kane- On page 5.

Dave Gibney- On 5 okay.

Brian Davies- And we're scratching...

Weston Kane- Scratching transmission and inserting electrical.

MOTION by **Dean Kinzer** and seconded by **Dave Gibney** to replace transmission with electrical in E, 3, E on page 5.

Dave Gibney- And all we're really saying there is if they're going to do that, they got to tell us where it's going to be as part of the permit process.

Brian Davies- And what...

Dave Gibney- All in favor?

MOTION CARRIES.

Weston Kane- Did we get a second?

Dave Gibney- I seconded it.

Weston Kane- Okay.

Dave Gibney- By the end... by at this point, by the act of asking for the vote, I seconded it.

Weston Kane- Perfect.

Dave Gibney- Okay, that covers that. So, where we left the last one was Bill made a motion that we add fire mitigation on page 25. It would work out to be section... Part P of 19.61.010. It's awaiting a second and I, you know, a couple of questions before we actually go there is... is, you know, wouldn't somebody... wouldn't a prudent company do this already? Wouldn't they come up with the pot cup? And if we do do it, we're going... I think we should... we need to split number one into detection and suppression, because I'm going to... anyway. But right now is there...

Dean Kinzer- Second

MOTION by **Bill Myers** and seconded by **Dean Kinzer** to add fire mitigation on page 25.

Dave Gibney- Okay, it has been seconded. I'm going to talk to saying that on number one, I think you should separate detection from suppression systems to have them as separate items. Mostly because I'm going to argue that a suppression system is more problematic thing, in that, a lot of suppression systems include PFAS chemicals, a Halon going off, inadvertently while a technician happens to be in the nacelle is conceivably more dangerous than... than, you know, a fire that goes out quickly. You know, I haven't myself experienced being in proximity to an automated fire suppression system, but I know people who have, and I know a few who really didn't recover from the experience. So... so anyway, I'd like us to separate them so I can further argue that we go with detection, but not necessarily a suppression so.

Weston Kane- I'll start with moving to split, number... letter P, number 1, split it into two sections ending at alarm and starting a new section with the word each, where it's, highlighted in yellow

Dave Gibney- Okay, is there a second on that?

Chris Melhous- Second.

MOTION to amend **Bill Myers** motion and seconded by **Chris Melhus** to split letter P, number 1, into two sections ending at alarm and starting a new section with the word each.

Dave Gibney- Okay, anybody want to...

Bill Myers- As far as, the suppression system being a danger?

Dave Gibney- I... I right now we're just talking about splitting it.

Bill Myers- Splitting it okay.

Dave Gibney- We'll talk about the danger after we split it so that we can talk about them separately.

Bill Myers- Okay, alright.

Weston Kane- Okay, so I have first right. So, I would say we need to ... we should split it, because it's going to make it clearer, so we have two separate issues there. If we keep it all, it's... there's no question where one ends and one begins.

Brian Davies- I agree.

Dave Gibney- All in favor? Opposed?

MOTION to AMEND CARRIES.

Dave Gibney- Okay. Now we have, the items 1 through 4 about this. Again, I've already made an argument that I am not comfortable with having these suppression set up there, but Bill wanted to speak in favor, so...

Bill Myers- These systems exist in... in watercraft, you know, ships, and, and ,and in many other places, and they dealt with, through training, installation of master arm switches. Can, you know, when you go in if you're working, you're there, so the system doesn't have to be on. Maybe if you're worried about that, first thing you do is shut the master off and go about your business. And then when you leave, you turn the master on, and that's part of your checklist for working on your turbine. I don't think it's a problem.

Weston Kane- I guess I would ask... to ask Dave, because he knows more about this than I do, are the chemicals that could be used to put the fires out possibly worse than just letting them burn down?

Dave McKiernan- You know, I haven't had the chance to review the NFPA has to say about wind turbines and fire suppression systems that the National Fire Protection Association's recommending. I can speak on behalf of Detection in Whitman County. And as most all of our fire districts are volunteer and rural we already run a delayed response, just to get notified. So, anytime we get advanced notification that something is going sideways, the best thing we can do is get quick notification to get out there and assess the situation. Now, if it's on fire nobody in Whitman County or Eastern Washington has a ladder truck that's going to get to these things to put them out. So, it's basically going to be to protect it. So, I do... I do like the pre-fire plan being in communication with the fire districts. I do like the

idea of having some sort of detection system up there before it's just somebody driving by and sees it burning 4 miles away, and you know, so let's get our volunteers out there the quickest way we can, and try to prevent as much damage.

Brian Davies- Won't the camera on Steptoe see it, though?

Dave McKiernan- That thing sends out more false alarms than it does do good.

Brian Davies- Okay.

Dave McKiernan- It sends Steptoe to calls outside Pullman. So, that's where I would go with that. I would totally support some sort of detection system. I cannot speak on behalf of suppression. The other thing is, on number 4, Whitman County does not have a fire marshal. So, we do have an emergency management director, and we do have the fire districts chiefs, and they all kind of work together with the codes and along with the building department. So, you can pretty much scratch the fire marshal out of that party.

Dave Gibney- What is, is it still, Mr. Tensfeld?

Alan Thomson- Bill is still on yeah.

Dave Gibney- What is his title?

Dave Gibney- Emergency Management Director.

Alan Thomson- Director of Emergency Management, Bill Tensfeld.

Dave Gibney- Okay, is that... is that okay with, Bill, that we change the... to the, the County office that is actually in charge of this?

Bill Myers- Whatever works best for, you know, for the fire guys.

Dave Gibney- And that, you know, that's one of the things we did... I did in the decommissioning, where it said the BOCC here, and the department of somebody here, and the planner there is a... we want, we really want one entity, one County entity to be the recipient of this stuff. The only other, the only other alternative, really, would be the Planner who's going to immediately turn it over to the Department of Emergency Director, so, so let's... okay?

Dave McKeirnan- Okay.

Dave Gibney- I'm not, I'm not gonna you know, I'm not gonna push the suppression thing any further, I just, I just wanted to put that on the record. I agree that yes, people should turn them off when they're there, and, and actually, at the times that I've heard and known it to be experienced, it was, it was a computer room, and the people were routinely working

there, and the individual was this far from hitting the don't do it button when it did it in his face, so... I don't think... actually, I don't think that that happens in that room anymore, either.

Dave McKeirnan- Well, you know, the one thing that I could see on that would be enforcement, and keeping it up to code, too, to keep it up and current. Because as we do not have a Fire Marshal in Whitman County, keeping that suppression system up to date would be pretty tough for us to enforce and serviced. That's...

Brian Davies- How are you gonna inspect it?

Dave Gibney- So, so would we, want to add to number 2, emergency response plans are re-evaluated on X number of, on a, on a cycle?

Weston Kane- How often would you re-inspect a commercial building system? I know you've told me I got a couple of those. How often do you re-inspect them?

Dave McKeirnan- You know, we're try, we try to get through almost all of our commercial buildings in Fire District 12 at least every 3 to 4 years as things change.

Dave Gibney- How about adding to number 2 here, emergency response plans, will be re-evaluated no... or... not, you know, every 3 years, or no less than... no more than 3 years.

Brian Davies- Minimum.

Weston Kane- We need, we need to make sure the systems...

Dave Gibney- Minimum, minimum.

Weston Kane- ...are inspected more than the plans, though.

Dave Gibney- Yeah. Well, and, and the, and the...

Weston Kane- Hey Grace, can you stop on 2? I think I missed the line that was beyond, beyond after the yellow. The detection system will be linked to the central alarm. That probably needs to be back on number 1.

Dave Gibney- That needs to be back up on number 1.

Weston Kane- I'm sorry about that, I missed that.

Dave Gibney- So, do you want to put a... re-eval... you know... an okay, actually, I think a comprehensive fire detection system includes it being maintained and kept up to date, but

I may be wrong. And do you want to do a re-evaluation of the, of the plans, or do you want to let it be.

Chris Melhus- I would think every 3 years, Dave, I mean...

Dave McKeirnan- Like I said, I'm not the fire marshal at all. I'm just talking from experience in Whitman County.

Dave Gibney- You're our closest...

Dave McKeirnan- And...

Dave Gibney- ...you're our closest expert on this panel.

Dave McKeirnan- ...and, and you know, we have emergency response plans that are mailed to us annually from, Williams Pipeline, things like that. It's... we get them annually, and there's maps as to where everything's at, everything's located, any changes. And so it's not abnormal to get those printouts from these big companies to put in our response guidebooks.

Chris Melhus- What I can tell you, too, kind of related to the Whitman County thing, from my time working at school district, when I first started there, their fire system hadn't been inspected in almost 8 years. And there's, like you said, there's just no one to follow up on that, so I'm not sure who would verify that this is being done, so...

Dave Gibney- Director of Emergency Response.

Chris Melhus- I'm sure a little bit of that.

Bill Myers- The burden wouldn't have to fall upon, you know, the Fire Department. I'm sure there's people around that do this for a living. You know, the firms that, you know, that they could, bring somebody in on a, on an annual, biannual basis, whatever is...

Dave McKeirnan- My quest... my question would be are we talking about, number 2? V2? In the, in the response plans, or are we talking about P1 when it comes to the central alarm and the detection?

Dave Gibney- I was originally talking to about number two.

Dave McKeirnan- That's... yes, and that's where, you know, just send an annual...

Dave Gibney- Reviewed annually.

Dave McKeirnan- ...emergency response plans, as things change, I don't think is unreasonable.

Bill Myers- No, not at all.

Dave McKeirnan- Annually. You know, I mean, a lot of times, if nothing changes, they don't build anything that's not gonna change.

Bill Myers- Okay, gotcha. I misunderstood what you were...

Dave Gibney- Do you want to put something about, frequency of inspection, or upgrade, or making it work?

Dave McKeirnan- For the... for the smoke detection?

Dave Gibney- For number one. For number one, detection. And then, and then it would apply to suppression, too.

Dave McKeirnan- I, I cannot speak on that. I'd have to go back and look at the NFPA, see what the actual recommendation is on that so I can give you a valid answer.

Chris Melhus- I know from working with, like Tyco and everything, they did recommend it yearly, but again, that may be more for their bottom line than it is necessary, so... but we're not really concerned what the bottom line is, it's just what's going to keep it up to date and effective.

Weston Kane- And that's kind of what I was wondering, you know, beyond we're all volunteer departments, getting enough manpower to get it done, how much of this will the companies take care of from a liability standpoint, because they're not maintaining this, they're on the hook.

Chris Melhus- Yeah, and that's why I did it. To make sure I wasn't responsible for it when something bad happened. So...

Dave Gibney- The, the, the giving us a printed report and potentially changing it and having it reviewed annually, that's no big deal of sending somebody up into that tower on an annual basis. It's probably, you know, again I think a prudent company's likely to be doing this sort of thing anyway. But, so... and, and, and if it's not during the conditional use process, people like you and the Fire Chiefs and everybody are gonna say, we want you to do this. So... I'm just...

Dave McKeirnan- If, and also, if I had to, if I had to write this, I would strak... or strike the smoke out of it and do a rate of rise. Which is temperature-based, just because of agricultural burning, forest fires, or smoky summers, you get a lot of false alarms, where the rate of rise is based off of a rapid increase in temperature.

Dave Gibney- Would it be good enough to strike smoke and just have heat, or do you want to... that rate of rise.

Dave McKiernan- Rate of rise or.... And, and or heat, you know, and some of them have the arc, read of the... they can read the light. But I really think if we had smoke out there, we're going to just burden our volunteers with a lot more false alarm.

Dave Gibney- Well, and actually, the difference between smoke and combine dust is probably.

Dave McKiernan- You're going to have a problem.

Bill Myers- Yeah, yeah no this is.

Dave Gibney- Okay.

Bill Myers- Whatever the fireman over here wants.

Dave Gibney- Alright.

Dave McKiernan- I am not a professional.

Dave Gibney- So, right now we're going to... we'll be striking smoke, adding rate... okay, if we do... if we pass this, and changing that to rate of rise, which is a fire term, rate of heat rise, rate of temperature rise. Okay, we will be separating the yellow out into its own section. We will be reviewing the plans annually and... and we will be referring this... the... we will state that the Director of Emergency Management may tell the towers to stop operating. That's what that is during the red flag thing. We're giving that a thought.

Brian Davies- And 4...

Dave Gibney- And in number 4 we haven't had any... I think everybody's in agreement that we want to put the responsibility and damages on the culpable party. Okay.

Dave McKiernan- I think you're kind of running into a gray area there. Because the... the operators of the wind turbines that ultimately carry all the liability and responsibility if there is a problem. I don't know if it's up to our volunteer Fire Chiefs to be reaching out on a red flag day to notify them to shut down or our Emergency Management Director. I think we kind of need to leave that until they're professional and their discretion.

Dave Gibney- Into who's?

Dave McKiernan- Into the operator of the energy facilities.

Dave Gibney- Well, they're more than willing to, or they've than able to shut it down at any time they want, but what we're doing here is you're giving the... the County the authority to tell them that they will, whether or not they want to.

Bill Myers- Yeah.

Brian Davies- I'm not sure about that.

Bill Myers- The burden of notification need not fall on the fire department. If a red flag is published, it would be up to the one company to... to monitor that and, and act accordingly just like we...

Dave Gibney- That's not here. That's not the way you got it written right now.

Bill Myers- No, no but it's, but that, that's something that we could, could do. I'd be willing to change... change anything in deference to Fire Fighting or an organization, whatever work best. Just as long as these things shut down when... when there's a red flag. I mean it's, it's when we burn, you know, we have to call DOE and, and just, you know, and they, they make a decision on a burn days and...

Brian Daveis- How's a wind turbine going to cause a fire in a red flag day?

Bill Myers- If they occasionally will...

Brian Davies- How many times have they caused fires?

Bill Myers- It's not widely publicized, but they do cause fires.

Brian Davies- It's not widely publicized.

Bill Myers- No.

Dave Gibney- They do cause fires, but it wasn't necessarily a red flag day that had that happen, it just caught fire.

Bill Myers- But it, when you start turning something up... when there's, you know, high wind, those things should be feathered.

Dave Gibney- Well in a lot of cases of the high wind... the high wind into the red flag area, they aren't... that's above the operating wind speed anyway, in a lot of cases.

Dave McKiernan- I, I personally would like to see us just scratch off number 4. Just that's not... That's not our position as your volunteer Fire Chiefs and the... and the Emergency Management Director. Now if you wanted to go into the code somewhere else that they should not be operating during red flag days, that's a whole different subject.

Weston Kane- And I, and I'm going to play devil's advocate a little bit on this. I completely agree that we need to scrap this, partially because high winds, these are going to shut down, because we've already heard what those numbers are. The other part to this... I mean, there are parts of the Country that they shut down the power grids when it gets windy. Do we want to be like California and those places and do this? Because I mean, personally, I kind of like to keep my lights on and my air conditioner running on a red flag day.

Dave Gibney- And in reality that's not up to this code one way or the other, that, you know, the shutting down of the power system, in fact is my understanding... I've received notice from Avista that they might do that already so.

Weston Kane- Liability will dictate if this needs to happen, which is where Avista's coming from.

Dave Gibney- All right, so, up until now, we've been just friendlying it. But what I've heard is, going to be a motion from Dave and possibly a seconded from Weston to strike number 4 from Bill's addition to the code. You guys... is that... is that your motion David?

Dave McKiernan- That's correct.

Weston Kane- Yep.

Dave Gibney- Someone's seconded.

Weston Kane- That's where we're going.

MOTION by **Dave McKeirnan** and seconded by **Weston Kane** to strike number 4 from Bill's addition to the code.

Dave Gibney- Okay, do we have... all in favor of striking number 4?

MOTION CARRIES.

Dave Gibney- Okay, how about all in favor of adding 1,2, and 3 to the code, Section P as we... we've talked about it.

Brian Davies- I move, Mr. Chairman, we add sections 1, 2, and 3 as amended to the code.

Chris Melhous- Second.

MOTION by **Brian Davies** and seconded by **Chris Melhus** to add sections 1, 2, and 3 as amended to the code.

Weston Kane- Are we talking the new numbers or the old ones? Because I think it's 1, 2, 3, 4 now.

Dave Gibney- All right, Okay, yeah 1, 2, 3, 4.

Weston Kane- As currently. Right now

Dave Gibney- But, but okay. So, as it's been proposed, without the last one?

Brian Davies- Correct?

Dave Gibney- Everybody agrees. All in favor?

MOTION CARRIES.

Dave Gibney- I did forget to ask Mr. Tracy if he had any opinion on the fire bit. But I also kind of understood that he wasn't going to be commenting on the new stuff.

Denis Tracy- No, I have no comment on your 1, 2, or 3.

Dave Gibney- Okay, well that brings us to the end of our evening. I would like...

Denis Tracy- One more quick thing to request?

Dave Gibney- Go ahead.

Denis Tracy- On page 5. Preconditional use meeting C. The project applicant will hold a minimum of two informal community meetings. This doesn't say when they have to do that, this came up, in a... at an earlier time.

Dave Gibney- Oh.

Denis Tracy- I request that you add, prior to submitting an application, the project applicant will hold a minimum of two informal meetings C.

Dave Gibney- Right, okay you're right. Okay actually what you would really want... aren't you saying a pre-application meeting rather than a preconditional use meeting?

Denis Tracy- The would be a better title.

Brian Davies- Pre-application meeting.

Dave Gibney- Public meeting. Okay, and...

Denis Tracy- Prior to submitting an application, the project applicant will hold.

Dave Gibney- Okay, anybody object to that? All in favor of doing it?

MOTION CARRIES.

Dave Gibney- Okay, I would like a motion that we submit... that we are done with the drafting of our revisions for this phase of, review of the Planning Commission, and that we, you give me time that we transmit, or that we send our results off for SEPA review and published them. And, and actually hold that public hearing on the 17th of Decemeber.

Weston Kane- So moved.

Dean Kinzer- Seconded.

MOTION by **Weston Kane** and seconded by **Dean Kinzer** to send our results off for SEPA review, published them, and hold a public hearing on the 17th of Decemeber.

Dave Gibney- All in favor? Opposed?

MOTION CARRIES.

Dave Gibney- Okay, and... and this may or may not be the end of revisions of Whitman County... well, it's not the end of revisions of Whitman County Zoning Code, by any means. At... after the public hearing, the Board of County Commissioners will need some time to act. They may or may not ask us to return to solar and battery renewable energy code, which is where we were... this Commission was before we went into the wind. If they do... we will pick that up. I am strongly going to suggest that we all take... that Alan and the... they arranged some more of those.... that short course stuff, and that planning and zoning training. And that we... that we ... That we do. Go ahead

Brian Davies- I have seen on the schedule at Commerce that they are doing short courses about every month or so. So, I think we may be able to schedule that. But they're trying to make an outreach and doing a lot more of those courses

Dave Gibney- I think that this... every... well every other week, and then every week has gotten a little old for some of us, and so I hope that we can take a more relaxed path in whatever... whatever happens in the next year after we finish this up in December. So, anybody want to move?

Brian Davies- Move to adjourn.

Weston Kane- I'll second.

MOTION by **Weston Kane** and seconded by **Weston Kane** to adjourn the meeting.

Dave Gibney- All in favor?

MOTION CARRIES.

Alan Thomson- So, is our next meeting, the first Wednesday of December?

Dave Gibney- Our next meeting is still the first Wednesday in December, at which time we will be doing the exhibits and findings of fact that will be presenting at the hearing

Denis Tracy- If any Planning Commission member has suggested Findings of Fact, please feel free, send them to me.

Dave Gibney- Thank you, thank you Mr. Tracy.

10:18 p.m. - WORKSHOP ADJOURNED.