

**WHITMAN COUNTY  
PLANNING COMMISSION  
Public Service Building Auditorium  
Workshop  
December 3<sup>rd</sup>, 2025  
7:00 p.m.**

**MEMBERS:**

Dave Gibney- Chairman  
Weston Kane  
Bill Myers  
Dean Kinzer

Brian Davies (Vice Chairman) (Zoom)  
Chris Melhus  
David McKeirnan (Zoom)  
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; Amy McLain, Clerk.

**Zoom:** Ken Duft; Tom Handy; Nfrazier, Jamie Anderson, Willard Morgan, David McKeirnan; Julie, Paul Kimmel/Avista; Dennis Tracy; Shelley Chambers-Fox; Shane Roach Steelhead; Denis; Eric Slusher; Ashley H; Monica Carillo; Emily Pearce (Moscow-Pullman Daily News); Hans Schmidt; Julian Matthews; Noah Corin; JL; Luke Sorenson; Danno.

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

**7:15 p.m.-** Dave Gibney opened the **MEETING**.

Dave Gibney- All right. Well, why don't I call this, this regular meeting, the Whitman County Planning Commission for Wednesday, December 3rd, 2025, to order and we will start with the Pledge of Allegiance.

**Pledge of Allegiance.**

Dave Gibney- Introductions. Let's start with our members out on the Zoom this time. That's Julian and Dave.

**Introductions are held.**

Dave Gibney- So, we have the minutes from November 2nd or 12th. Any discussion?

Brian Davies- Move to approve.

Weston Kane- I'll second.

**MOTION** by **Brian Davies** and seconded by **Weston Kane** to approve the minutes from November 12, 2025.

Dave Gibney- So a motion by Brian, a second by Weston to approve. All in favor say aye. Any opposed?

**MOTION CARRIES.**

Dave Gibney- OK, reports Alan.

Alan Thomson- **REPORTS.**

**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. And we have a Planning Commission hearing, public hearing set for December 17<sup>th</sup>.

Dave Gibney- OK, thank you.

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

New business: None.

**7:18 p.m.- MEETING ADJOURNED.**

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

**7:18 p.m.- Dave Gibney** opened the **WORKSHOP**.

**Dave Gibney:** So, it's been brought to my attention that the copy that we sent out to SEPA does have an indenting problem. And on what I see is on page 17 there's a set of alphan... or lowercase letters, followed by a parenthesis. And they should be indented such that they're underneath the Roman numeral I. Because they're all part of that surety bond stuff. If there are other corrections we'll take care of them, but that's... that's what I found when I looked at it. Hmm.

**Julian Matthews:** Yeah, Julian here, I did notice that I think on page 2 of 22. They must have had, like, the Whitman County letterhead in there, but I don't know if it makes a difference, but then, might be a good idea to spell check the whole thing.

**Dave Gibney:** It's... that's certainly been done.

**Alan Thomson:** It doesn't need to be spell-checked, and it doesn't need to be corrected.

**Dave Gibney:** Yeah. So... So, I had figured the plan tonight that we would devote, with our preparation for that upcoming public hearing on the 17th. But, before that, we need to address that email that we got from Board of County Commissioner Chair Handy last Tuesday. The question that is asked is, do we as the PC, as a body, believe we need to do

more work before...with the moratorium in controls in place. And specifically, he said. The BOCC is making the following request. If the Planning Commission, as a body, believes that more code development work is needed before the moratorium for the Wind Energy Code is lifted a motion approved by the majority of the Commission should produce a formal request for an extension for a defined period of time, and a list of items that rise to the level of immediate concern list only the critical items which are missing from the revisions in their current state for the BOCC to consider in granting an extension. So, we're gonna discuss that as a board. And I hope that we'll have every member have a chance to talk about it, and that would include Mr. Tracy and Mr. Thomson. Then, if we...get there, we will have a motion and a vote. So... So, let's just... or let's start out there on the, with, Julian and then David. So go ahead, Julian.

**Julian Matthews:** You mean about

**Dave Gibney:** On whether or not we... on whether or not we need to do more before...before... with the moratorium in place.

**Julian Matthews:** Well, I guess we need to determine, like how much time we would need if we do.

**Dave Gibney:** That will be what we will discuss... if we choose to ask for more time then we will discuss how much more time and what we need to do. What items we want to put on that list. So, but I guess if there's things you think we need to do more on, go ahead.

**Julian Matthews:** Let me think about it, then go on to the next person, I'll get back with you.

**Dave Gibney:** David?

**David Mckeirnan:** I do think that a little bit more time and some more in-depth discussion just amongst the board members would be beneficial. Because since we started the last few weeks of voting to make changes, I think that I think we're making great progress. But at the same time, I would like to get...some stuff before the commissioners and start getting the stuff that we've made our final decisions and our votes for our recommendations to the commissioners on the records and on the books as soon as we can.

**Dave Gibney:** Well, and I guess I should be clear, if we... if we ask for more time we'll cancel the hearing. And we won't be putting anything more in front of them until after we've accomplished whatever it is we say we're gonna do more. So... Chris?

**Chris Melhus:** I tend to agree with Dave on this. It would be nice to revisit a couple spots for some touch-up work. At the same time. If the group feels like we need to move forward with it, I'm okay with that, too.

**Dave Gibney:** And again, just to be explicit on their request, it was... more are there things we haven't done yet that we think need to be there and we need the moratorium to accomplish, so I'm... I'm not... I'm one... I'm not one way or the other, just trying to be real clear on...on what the request was, so...

**Bill Myers:** Okay, I have a motion prepared. We don't have to entertain it immediately, but I pass these out. I can go ahead. and read it so that we can consider it.

**Dave Gibney:** I really... go ahead and...

**Bill Myers:** Okay.

**Dave Gibney:** No, go ahead and say what you're going to propose, but we won't...

**Bill Myers:** Okay

**Dave Gibney:** we won't consider it a motion made until I've had... we've had the chance to have this informal discussion.

**Bill Myers:** Okay, that's yeah. But anyway, I would move that we'd revise the, that the revised wind code to the... we'd send it to the county commissioners now, so they can, codify it immediately on the condition that they extend the moratorium and the interim control for an additional 6 months starting January 7th, 2026, and ending on July 7, 2026, for the purpose of allowing time needed to properly finish the code. And I gave some examples of the setbacks to you know, to accommodate non-participating neighbors and aerial application. Agriculture as it's mentioned in the comprehensive, county's Comprehensive Plan viewshed, as it's, mentioned in the comprehensive found, comprehensive plan, and to, further improvements to decommissioning language and the bonding. And what I have in mind is we've worked hard on the code. It should be available for consideration by EFSEC in the event that application is made before we can finish our work on a code that will stand the test of time. We can submit further code additions and corrections to the county commissioners as we complete them.

**Brian Davies:** This is true.

**Bill Myers:** so that our progress is kept up to date. This will allow us to meet at a reasonable schedule, and it'd be fun if we could stop the cattle drive that we've all been in here and, and, proceed as, in a more civilized fashion.

**Dave Gibney:** Yeah. Hey, I appreciate that, and that is a compromise between not having the hearing that we've got scheduled we still, we can't submit things piecemeal. We have to accumulate and hold another hearing at some time in the future for anything new. But you're correct that asking for more time does not explicitly say that we halt where we are and don't hold our hearing that we're coming up with. So Dean?

**Dean Kizner:** I feel it is... excuse me, paramount that, that we get this, what is... we've gotten prepared in front of the county commissioners to approve. Because if it does go in front of... if they apply at EFSEC, then it's under the old code, not these new iterations that we've come up with, and so I think we need to get that in front of the county commissioners, and as Bill has suggested ask them to extend the moratorium and interim control for that amount of time. And one of the examples I have, I have been putting together, aerial application versus ground application costs, and what that would entail, and I'll have to ask forgiveness. I didn't get it all completed as I would have liked to. Horse and I had a little difference of opinion, and he put me in the emergency room last Friday, so... anyway, I come up with a full \$41 per acre loss if you end up having to go by ground, and then I got to thinking about that, you know, that's... that's the real costs, all right. And up to 55, depending on how much... how many corners and overlap you have, but then I got to thinking, you know what your, your insurance and your USDA cropping programs are based on your 10-year average. You're reducing your 10-year average so this is going to have a cascading effect as to how much your insurance is going to pay you if you have a crop disaster or the USDA is going to help you out when we have terrible prices on our commodities. And when I put the pencil to that you can come up with over \$100 an acre on certain years, so, so that needs to be scoped out and figured out as something we could put in late... at a later date, but that's... that's... but as I said, one of the reasons is I think we need to get those critical issues taken care of now and put them in front of the commissioners to be approved.

**Dave Gibney:** Brian?

**Brian Davies:** Well, I was fairly satisfied with the compromise that we came up with that is now under SEPA review. And what I'm hearing is that we should go ahead and present that to the commissioners, and I'm of like mind. And then we can work on the other stuff. If everybody wants to... extend the moratorium 6 months, I'll go along with it. I'm really not a fan of it, but I will go along with it if everyone else wants to do that.

**Weston Kane:** So I'm kind of, I'm in that mind of, I mean, we've worked hard. I think we have a good compromise going. We've really put in the effort and we had a deadline to set, and I really think we need to do our best to keep on that deadline and get this in front of the county commissioners. And I feel that if there's something that they feel is out of line, they can send it back to us and then we will have their suggestions and their guidance instead of kind of shooting in the dark, because I feel like we've spent a lot of time just beating around the bush on this project. And it'd be nice to follow through, get it put to the county commissioners so, we can get their input, and then they can make the call you know, if they want to bring on... because if they bring on more moratorium and send it back to us, great. Then we have their guidance, and we know what they're looking for.

**Brian Davies:** Dave, what do you think about that?

**David Mckeirnan:** Are you talking to me, Brian?

**Brian Davies:** Correct. Are you in the same camp as the rest of the conversation is going?

**David McKeirnan:** Yes, yes. I believe I am 100% in the same camp. I would like to get this before the commissioners to show them that we have made some progress, we are doing our due diligence, and since we have started into this, I guess, a workshop mode and not more of a for lack of better terms, you know, just letting everybody in the public here, speak, which has been great. We've given them for and against, we've given a lot of time to it, and now it's time for us to really do it. I...I kind of like what I'm hearing, and I kind of feel like there's a consensus amongst the group.

**Julian Matthews:** Yeah, I agree, Julian here. Because probably the last 4 meetings I attended were the ones where we actually were producing something. I mean, it's nice to have everyone comment, but then after a while, if you have every meeting a bunch of people commenting then that just slows us down. So I think it would be good just to get things going, and then, I guess with, Alan, so, Alan, what's the process for this? Okay, we give it to the Board of Commissioners and then they have what options? What are their options? Or what can they do? Or what will they do?

**Dave Gibney:** We... go ahead. We've stated that several times. I just... I'll go to Alan, but I do want to say that the county commissioner's request did kind of pretty much say that if we, if we wanted more time, that was one thing, if we were gonna send, if we decided to send what we have, then they kind of expected us to get on to solar and battery as a part of this. I the, the issue I really have is, are there are these other issues that we're gonna talk about, and we'll list them. Are they such that the moratorium being in place is important? For them being, for us to do that or are they things we could do whether the moratorium's there or not. And so, Alan, go ahead and say the Commissioner.

**Alan Thomson:** So, if the Planning Commission sends a recommendation to the Board of County Commissioners, you finalize your ordinance, the changes, sends it over to the BOCC, then the BOCC has 3 choices. They can accept immediately what you have sent to them and enact it into law at that moment. They can send it back to the Planning Commission for further review. Or they could choose to review it themselves, which would entail them having to make a public hearing, have a public hearing in front of the public. So those are the three options for the BOCC.

**Dave Gibney:** And their choice to extend or not extend the moratorium and interim controls are really pretty independent on that however they choose to take what we will send them, the meeting they're gonna have an opportunity to deal with this on is the Monday. The moratorium expires on a Tuesday, and our next meeting would be a Wednesday, if I have things correct.

**Alan Thomson:** Yeah. Well it is, I can't speak for the county commissioners, it's up to them to decide whether they want to extend the moratorium So I don't know what that choice would be.

**Dave Gibney:** Okay.

**Julian Matthews:** So then, excuse me, so then we give them what we have, and they have a certain timeline to determine what they're gonna do, like, 30 days, or what, 2 weeks? 90 days?

**Dave Gibney:** As soon as they get it, and have a formal meeting, they can accept it into law. That's one...that's the first option

**Julian Matthews:** I know that, I know that. I heard that. But what I'm getting at is, do they have a timeline to say, okay, we're gonna review it, and we'll get back to you in you know, 30 days, 60 days, anything like that, Alan?

**Alan Thomson:** No. So, when it gets sent to the board, the Board of County Commissioners, there's a couple of interim steps. Planning puts together the package sends it over to the BOCC. Then the BOCC has to make time for a public hearing, a public meeting.

**Dave Gibney:** To do anything different.

**Alan Thomson:** Yeah. No. Period.

**Dave Gibney:** They don't have to hold it here; they have to have it at a public meeting.

**Alan Thomson:** So, if they choose to accept it, they will have to have their meeting set up. So there's a time frame there. And that is just getting that advertised in the paper, and that usually is about a three-week window there. So, Corey will arrange the hearing, the meeting, and then at that time, 3 weeks beyond the time we send it over to them, they'll have that meeting and make their decision.

**Dave Gibney:** Denis has his hand up, but so what I'm actually hearing is that even if we send a recommendation to adopt our code at the end of our hearing on the 17<sup>th</sup>, they may not be able to take action prior to the expiration of that moratorium.

**Alan Thomson:** Probably not. No, no, it doesn't sound like it, because they have to make their decision in the public.

**Dave Gibney:** And in an announced public meeting, it has to be on the agenda of that public meeting, so it's more than just a regular meeting of the commissioners.

**Alan Thomson:** Right.

**Dave Gibley:** Okay. Denis?

**Denis Tracy:** Yes?

**Dave Gibney:** Your hand is... is that the mouse that's on Denis's, well, it's your turn to... it's your turn to talk to us about...asking them to extend the moratorium and us doing more work anyway, so go ahead.

**Denis Tracy:** Okay. So, I'm... I'm not gonna express my view about what you should or shouldn't do. I don't see that as my place, but I will advise you about the law, and I'll first, I'll start with it's my understanding and maybe I misunderstood what the chair's, or how the chair posed this at the start of your meeting. So, if I did, I apologize, but it's my understanding the county commissioners are not asking you or suggesting that you should cancel your meeting on December the 17th, or cancel the public hearing, or not refer them things that you've already done, and that you're able to complete by December 17<sup>th</sup>.

**Dave Gibney:** That may have been my misinterpretation of...What action we would take tonight, yes.

**Denis Tracy:** So, it's my understanding that county commissioners are not asking you to short-circuit your, the progress that you've made, and, and to not conduct the public hearing on the 17th, and to forward them things that you can complete by the 17th. I don't think that they have asked for that. Instead, they have just asked separately, are you as a Planning Commission, asking the county commissioners to extend the moratorium? And, in order to further consider changes to the code, other changes that you may not complete by December 17th, and if you are asking for that, if you are asking for an extension of the moratorium to consider other changes the County Commission would like to know specifically what other changes do you think are so important that they need to be considered, or excuse me, that the moratorium needs to be extended while you consider them. I think that is the question that the county commissioners posed. It would be legal for you to do that, to send them your work product.

**Dave Gibney:** Sure.

**Denis Tracy:** that you complete by December 17th, if you do complete it, and then to consider other changes at a later date, like in January, or February, or whenever. It would be legal for you to do that.

**Dave Gibney:** Okay. I just, I didn't read the entire note, and I'm gonna, I'm gonna read what led me to believe that we would we would stop, that we wouldn't complete this section of work, but it's the last paragraph was, if no such request comes from you wWe will determine your work to be complete on wind energy code. And you will shift your focus to

solar and BESS. So, I'm sure we could, I'm sure that there's some leeway in there to continue working on the code and ask for an extension of the moratorium, and continue working on the code, and submit what we have. I don't think that's all mutually exclusive. But there was a, there is an implication here that, if we don't ask them to extend the moratorium. We wouldn't be working on, on any more wind. So anyway.

**Julian Matthews:** What was that? What'd you what'd you just say, Dave? You said that if they extended the moratorium. I didn't hear that.

**Dave Gibley:** Okay, they have, they have asked us to formally ask them to extend the moratorium for a defined period of time, and to present them with a list of items that we think we need to work on in the code, that needs the moratorium in place. And I have interpreted that as if we continue to work on the code we would hold back the package that we have right now until we have a complete package, and it's been, I'm quite clear that I don't have to take that path. I would say that we're, I agree with Mr. Myers, we're done with every other week. And that, you know the, depending on the number of items we come up with we could find ourselves still not ready at the end of a 6-month moratorium at one meeting a month. And talking about you know, a couple, depending on how we go. Usually discussion takes one meeting to come up with the drafts, and then the next meeting is what, what we formally actually adopt them, you know, so we could probably do 2 or 3 separate items over a 2-month period. I have also, just in my own mind of the belief that we could use some, an additional shot at the short course and the training on what planning and zoning are just because a number of us are new, and a number of us could use the refresher. And that would take up at least one of the or at least a good portion of one of the meetings in the next year. So anyway. Anybody, further comment? Do you, do you want to have your, make your motion.

**Bill Myers:** Yeah, I move that we send the revised VIN code to the County Commissioners now, so they can codify it immediately on the condition that they extend the moratorium and interim control an additional 6 months, starting January 7th, 2026, and ending on July 7th, 2026, for the purpose of allowing time needed to properly finish the code.

**Dave Gibney:** I don't believe that we have the authority to place conditions on the Board of County Commissioners.

**Bill Myers:** They can either accept it or reject it.

**Dave Gibney:** Well, would you like them to, would you like them to extend the moratorium? Okay, well, okay

**Bill Myers:** Okay myself, personally, I, you know, extend the moratorium. What I did by this was to provide a linkage to the two, so that they both get done.

**Dave Gibney:** Would you consider. Okay and now means actually after our hearing in two weeks, not now as tonight, because we still have to go through our hoops.

**Bill Myers:** Well, whenever the, whenever the, the commissioners, the, the intent of this is if we get, if we get EFSEC, we want this to, to, our work to be considered.

**Dave Gibney:** Okay.

**Bill Myers:** And I would like what we have accomplished thus far to be codified. You know, being a neophyte in this business, you know, I may not have proper grasp of this, but it seems like we can just say, hey, commissioners, you want the code, and you want it now, you can have it now, but we need a moratorium and interim control.

**Dave Gibney:** That's some of that's why I think we could use some more of the training. We cannot make a decision and send it to the county commissioners without holding a public hearing on the issue. We have, and we cannot do that until we've completed our SEPA review period, so that's what we have scheduled on the 17th of December, is to send the product that we have and we are permitted to make some changes based on the SEPA review and some of the other suggestions that have made, but we cannot at the end of tonight send our current product to the commissioners and we can't, we can't say to them, well, we sent this to you, therefore you're obligated to extend the moratorium, because the condition of us sending this to you was that you extend the moratorium.

**Bill Myers:** They would be under no obligation to do so anyway, and as far as the date I'm flexible on that as far as the motion is concerned.

**Dave Gibney:** Okay.

**Bill Myers:** You know, if there's a meeting that, you know, if the meeting needs to take place to make that happen, I was just, there's been expressed the urgency of the EFSEC issue.

**Dave Gibney:** Okay.

**Julian Matthews:** So, Dave, so, Dennis. So, what, maybe you could wordsmith what he's trying to get at so then we can't, like Dave's saying, is that true? We can't, like, conditionally say that you need to put a moratorium, here's the document and approve it. Well, I mean, we're assuming they're just gonna approve what we give them, right? That's what it sounds like? But then...

**Denis Tracy:** I, I'm sorry, go ahead.

**Dave Gibney:** Go ahead Denis.

**Julian Matthews:** Can we tell them conditional accept, or, you know what I mean?

**Denis Tracy:** Right, yes, I do know what you mean and thank you for the request. I think that you can't. You technically cannot condition what you do on the county commissioners doing something. You're separate bodies. But if Mr. Myers would consider some wording changed to his motion such, such as, that his motion requests that the Planning Commission take, finish its review at the earliest possible date and forward on to the County Commission its work product that it has completed by then which is anticipated to be December 17th. And the Planning Commission urges the County Commissioners, in the strongest possible terms, to extend the moratorium according to the dates that Mr. Myers suggested.

**Dave Gibney:** Right.

**Denis Tracy:** That, I think, might, might...

**Bill Myers:** Yeah.

**Denis Tracy:** You know it would be fine to do and would meet, maybe, Mr. Myers' goal.

**Dave Gibney:** At, at this point there has not yet been a second, so we're, we can talk about the wording to the motion. I'm thinking myself, is that we'll have a, we'll do a motion that we're, that we intend to request that the moratorium be extended. We will work on a list of the things we wish to add to that request, and later this evening we will do a formal motion to pass that forward to the BOCC. Brian.

**Brian Davies:** I just need some clarification from everybody. So, we've put together a body of work. We approved it the other night to go to the SEPA comment period. Why do we need to extend the moratorium? Is that just to protect us in case, if we can get the commissioners to adopt it. As we've written it, after the, after the 17th public hearing or put it in their lap and say, you guys either adopt it, or if you want to extend the moratorium, but I don't understand, if they adopt the new language, why do we need the moratorium? The moratorium's just to protect in case of EFSEC, correct? So, having better language in place in case EFSEC gets it handed off to them.

**Dave Gibney:** Can't do that either.

**Brian Davies:** Is that where we're going? I mean, is there a need to really extend the moratorium and the interim control measure if we already have some language?

**Dave Gibney:** Well, and, and that's the real question, a question. I mean the moratorium or not has very little to do with whether or not an application actually goes to EFSEC. Sure, our code in place does. We can, you know aside from that last paragraph, we can, we can, at tonight, we can put together a, we asked the Board kind of like Dennis said, we asked the Board of County Commissioners to extend the moratorium such that the County

Commissioner, or the Planning Commission can address these additional issues. And we can still go forward with our hearing in 2 weeks and give them that. And, and they can choose to extend how long they extend moratorium, or how, you know, if they ask, if they actually ask us to continue our work in wind, or they can make the point that they really think we need to get on to solar, or BESS. And there, you know, there's an additional thing that hasn't been mentioned yet tonight, but it's my understanding that we have till June or July to revise the Whitman County Critical Areas Ordinance which is that's gonna have to take priority over some of this other work.

**Brian Davies:** 27, right?

**Alan Thomson:** The grant money ends summer of 26.

**Dave Gibney:** So we have.

**Brian Davies:** Oh, for the county.

**Alan Thomson:** For the county, yeah. Okay.

**Julian Matthews:** So, do you think.

**Dave Gibney:** Go ahead, Julian.

**Julian Matthews:** Do you think we should just focus on what we think needs to be changed? Like, can we make the changes, I don't know about tonight, you know, rather than, and either way, you know, like, say if we get the changes in tonight that people think that we need, then kind of be closer to the end product, or what, or just keep talking about it.

**Dave Gibney:** We're not going to make any explicit changes to the code that we've sent for the SEPA review until after that period is over. We can, at that point, and when we open our public hearing. That might be a place to make minor amendments, and at the end of our public hearing, before we make our final decision, is another point to make some additional amendments. To be clear, those can't be significant enough to change a SEPA decision or to require an additional comment period. And I'm, I'm told that with a legislative matter like this it's most of the changes we've talked about. But adding, you know, adding several additional subjects would be a significant change so that, we're not going to, we're not going to do any additional things to the code that we send forward out of this phase, whether we send it after the public hearing. Or, you know, we're just, we're, none of this new stuff is gonna happen before the county commissioners have an opportunity to decide what their response is to the work we've done so far.

**Julian Matthews:** Okay, so what can we do in the next hour we have to help in this whole process in what we're trying to do get the code done, in the next hour what can we do?

What should we do?

**Dave Gibney:** Nothing that we're talking about right now has anything to do with getting the code done.

**Julian Matthews:** Well, what I mean is we have an hour left, so what should we be working on right now? We've been discussing this for quite a while now.

**Dave Gibney:** Go ahead.

**Bill Myers:** I would consider that we, if we struck the words on the condition and insert and request it would read, so they can codify it immediately, and request that they extend the moratorium. Okay, and as far as immediately, that would mean, as scheduled, or at their discretion.

**Dave Gibney:** as scheduled work or as planned

**Bill Myers:** As planned, as scheduled. We could take that, we could put immediately, strike immediately, and go as planned. But, anyway, with the, with the, with the strong inferences that we, we'd like that moratorium to, to complete our work, and...

**Julian Matthews:** So then, I'm just requesting could you like, remake the motion with the, what you're, what the changes?

**Dave Gibney:** That's, that's what was gonna be. I will restate the motion as I believe it's been made.

**Brian Davies:** Chris has a question.

**Dave Gibney:** Go ahead, Chris.

**Chris Melhus:** Just to muddy the waters a little bit more, I'd be more comfortable honestly with a 3-month rather than a 6-month moratorium. I think commissioners might respond to that. That just, and I don't know if this is something that needs to be put as a motion, or if it's something we just use as a letter as a board to the commissioners. If that would make it cleaner for everyone.

**Dave Gibney:** Honestly, I think we have little or no control on how long they choose to extend the moratorium up to the 6 months, but.

**Chris Melhus:** I think it's just a suggestion, a strong, strong suggestion.

**Dave Gibney:** And we're working at crafting this motion, there's not yet a second. Because we either have to do this, and then another motion to do the items, or.

But as I understand it right now, Bill is moving that we send our, the revised wind code that's our current work product to the county commissioners, as planned. Which implies the scheduled public hearing. So that they can codify it, at, you know, as soon as possible. And we request that they extend the moratorium and interim control, currently an additional 6 months. The starting and stopping doesn't matter, because that's just the way it would be.

**Brian Davies:** We won't condition it.

**Dave Gibney:** You know, for the purpose of allowing time needed to do, and Bill has 4 items so far, and we will discuss those 4 to 6, or whatever items amongst ourselves. So

**Bill Myers:** There's more.

**Julian Matthews:** Second.

**Dave Gibney:** Go ahead, Julian.

**Julian Matthews:** I second it.

**Dave Gibney:** The motion is yet incomplete.

**Julian Matthews:** Oh, I thought you just read it.

**Dave Gibney:** The rec...

**Brian Davies:** It was for grammar.

**Dave Gibney:** Okay.

**Julian Matthews:** Okay, I would request that you read the completed motion.

**Dave Gibney:** And I would, as I was saying, the request that has been made from the county commissioners is a motion to request an extension of the moratorium with a list of the items that we believe that we need to discuss under the moratorium. And how long we think we need to do that. We have words for a motion to extend the moratorium. Bill's handout has 4 items that he believes we should add to that list. I believe that there may be other members of the Commission who have additional items, or there's some wording that we need to work on about this because, well, okay, so the items that Bill has, and so we, so the items Bill has here to add on that list are increased setbacks for non-participating neighbors and aerial application. And I would point out that we have setbacks for non-participating neighbors in the work we're sending forward. So that's not necessarily an additional item. The aerial application is relatively new information. I'm not sure what is meant by agricultural in the code, as per the county's comprehensive plan, but

that's an item. Viewshed in the code, as per the county's comprehensive plan. And then, again, we have further improvements to decommissioning language and bonding, which we've done a lot of work on already. So, that would be 4 items as participated, or as suggested. Does anyone else on the Commission want to add to, and again, this doesn't necessarily mean that that's all we're going to do. But, at this point, we're gonna ask, how long do we think we need to do that?

**Bill Myers:** I just put four in there rather than to flood, you know, the issue, but there's also the compensation for non-participating landowners for damages and inconvenience. Insurance and liabilities, guarantees. You know, you need to be able to get somehow guarantee that there'll be, these land, these landowners will be able to get insurance, and that, and there are liabilities involved. And then, the issue of protection of area water supply during the construction would be something that should be, be considered. There's, there's more, but I, there again, we'd, we'd need to prioritize these so that, if time gets short, we could just pull a pin on it. But, yeah, I, if we can present this for them to codify at, at, as they have planned, and request that they extend the moratorium. And that's, those are my intentions.

**Dave Gibney:** Okay? Let's, let's stick with the up to 6 items right now. How long do you think each of those items might take us to write code for?

**Bill Myers:** That's, that's the question. That's why I asked for 6 months. The commissioners can change that at any time at their, at their discretion. It's not, it was just a matter of getting 6 months on, on the books so that, unless they change, you know, they might give us a nudge and say, hey, we're about done, you know, they might two, three months in. We might get the stuff we want done in, in a month or two. But if we've got six, six months down, we've got, we have that we have that tool.

**Brian Davies:** And they can close the moratorium at any point.

**Alan Thomson:** Mr. Chair, there's one thing that we really need to put up front and center. The update of the Critical Areas Ordinance is going to have to take precedence. And that is going to begin as soon as we can get a consultant on board. Probably sometime in the beginning of January. So that's going to be the number one priority right there, to the Planning Commission. We have to get going on that. I don't know how we're going to fit in doing the rest of the stuff within that 6-month period, but that's just, that's the reality of what we're dealing with right now.

**Bill Myers:** Six months would give us the latitude to handle this, and then, and then pick it back up.

**Dave Gibney:** Weston's been trying to get his word in.

**Weston Kane:** I guess here's a question I have for the board of, we have been at this code for, what, 8, 9 months now. How long do we keep kicking this horse before we give it to the commissioners and let them deal with it? They are the ones that are paid to make these decisions. I know all these people know how to get ahold of them. At what point do we say, we are done, we send it to them, and let the public deal with the commissioners on this? Because at some point we have to be done with this. We have went over some of these codes so many times. And so, I'm just trying to figure out at what point do we give this to the commissioners, drop it in their lap, let them deal with the public directly. And hope they're not tone-deaf on the public.

**Dave Gibney:** And I, I just, I've been, I've been on commissions like this for a while, like, 15. I honestly think that for every 2 to 3 items you need at least 2 months, 2 meetings, that's one meeting a month. So, I think this work, this 6 items would take around 3 months, 2 to 3 months of that's what we do in our work. I also actually disagree with maybe, if we, some of these things, we haven't necessarily had enough, allowed the public to have enough comment on some of these issues, and so I wouldn't say that we would be doing each of these meetings as just us talking about the code again. I think we would be back in asking for public comment and perhaps even asking for additional expert testimony. So honestly, I don't think that these 6 items could be done in the 6 months you're asking for, especially if we have to spend any number of those months on a critical areas' ordinance, and that's not something, as Alan says, that's not something we can bypass.

**Bill Myers:** These 6 items, or these four, are actually just examples, they're not part of the motion. Nor is the final statement. The motion stops, you know, at the lines on the top.

**Dave Gibney:** The commissioners have asked us for these are the specific things you think the moratorium should be in place for, while you work on them, and how long do you want to take? That's, they've asked for us to give them the reasons for extending the moratorium.

**Bill Myers:** Would you like to thin this out to, two, two, two items? Two or three, as of, we can, if they want a list, the, excuse me. To further improvements on decommissioning language and bonding. Let's call it, to review setbacks for non-participating neighbors and aerial application. And we can, we could.

**Brian Davies:** So, 1 and 4?

**Bill Myers:** 1 and 4. Possibly, and then as an addition, we can, you know, lump viewshed and agriculture, together, you know, as, so that we don't have to discuss them separately. There'd be three, and that, there's your three, and, and there again, we'll have six months. I know it goes, time goes quick but if we need to address, we can halt work on this, address other concerns, and then come back to it. In the meantime, we have a code. You know, that, that, if, if we do, if they do apply to EFSEC, we have a code for them to examine.

Basically what my intentions were was to be a win-win for everybody on this, so that we can just more or less have our cake and eat it, too.

**Denis Tracy:** Mr. Chair, I have a question for Mr. Myers.

**Dave Gibney:** I, I want, I'll go to you. What I'm, and I'm, I really want to talk to you, Dennis, but you just said. By prioritizing number one and number four, is it your belief that what we're about to pass forward to them is inadequate and incomplete? Because that's the main focus of our work so far.

**Bill Myer:** We do have testimony regarding aerial application, and I don't think that's been examined closely enough. We, I don't really want to break out, participating neighbors, from, participating farming neighbors, necessarily, but that may be something that we can examine, because, simply a participating, landowner that's not engaged in agriculture has different needs. I think it's something that at least needs to be at the very least, it justifies the six times. At best, it, it my thinking upon reviewing the information, I heard that a mile would not be unreasonable. Okay.

**Dave Gibney:** Mr. Tracy?

**Denis Tracy:** I would like to build on what you just said Mr. Myers because the Planning Commission has tentatively approved a six-time setback, both from property lines and residences, non-consenting property lines and non-consenting residences. Some of the reasons for that include the increased cost to aerial application, both the increased costs and the decreased availability. In some situations it simply won't be available. And in other situations if it is available, it will cost more so shifting some costs to the neighboring grower. And then also, one of the reasons that the Planning Commission has been presented with, and I suspect may adopt as an additional reason for the six-time setback, is the increased cost of fire insurance, or on some occasions, it could, be even the unavailability of fire insurance. And so, these things I believe that this Planning Commission will adopt them as multiple reasons supporting the six-time setback. But I'm understanding Mr. Myers to be suggesting that further review, that he would like to have further review and more information, which he believes may well lead to a recommendation for a larger setback, and he just actually said that. So I'm, I guess I'm restating what he said. But I just want to ask Mr. Myers if that's consistent with what his thinking is?

**Bill Myers:** That's consistent with what my thinking is. I mean, 6x is what we all agreed on. It would just be nice to spend some time after we're in the shelter of 6x to, to examine maybe just a little bit more to accommodate turning radius of aerial application.

**Dave Gibney:** Okay. So, as I understand it. Whatever it is that I read earlier as the first part of the motion. And I, and then, as the list of things that we were working on. We would, look again at the setback language in reference to non-participating neighbors and aerial

applications. We would talk about agriculture and viewshed as the county's Comprehensive Plan addresses them. And that there would be additional looking at some of the decommissioning and the bonding. Is that, is that what you had for the three items?

**Bill Byers:** That's, that's the three I'd settle on. I'd like to...

**Dave Gibney:** Okay.

**Bill Myers:** I'd be more than happy to hear from everybody else on that, you know, and there may be, upon the presentation of that, there may be, more worthy subjects.

**Dave Gibney:** Okay.

**Bill Myers:** But, but those are, the, and after we hear, you know, the testimony on this, there's already been, you know, we've already read a letter on that that well, well, examines that subject, but it should be considered in a meeting.

**Dave Gibney:** We don't need really go into what we might do, you know, our reasons, what we might accomplish in terms of the specifics in the future. It's what are we going to do this or not? Julian is still ready to second.

**Julian Matthews:** No.

**Dean Kinzer:** I'll second it.

**Dave Gibney:** Okay. So, we have a motion and a second. That the planning the Planning Commission, that's we send the revised wind code, our work product as we have sent it to SEPA comment to the county commissioners. You know, of course, pending the outcome of our public hearing, which we will still hold so that they can consider it and that we are asking them to extend the moratorium and interim control the full additional 6 months that they can. For the purpose of allowing time needed to continue work on the code we will look again, or we will look at setbacks for non-participating neighbors and aerial application. We will look at the agricultural and viewshed aspects of the wind code, as per the county Comprehensive Plan and we will further refine the decommissioning language and bonding. That's 3 items and at this time we anticipate that that could take the entire 6 months of the moratorium that we're asking for, especially given that we have other work. Is anybody upset with that wording of the motion?

**David Mckeirnan:** Mr. Chair.

**Dave Gibney:** Yes.

**David Mckeirnan:** I would just like to set a goal. If we're gonna, if we're gonna vote on this for the 6 months. Seeing the progress, we've made over the last few, and hearing what has

been discussed early on in this meeting with the process that the commissioners are gonna have to go through. I kind of feel that the extension's gonna be inevitable, for them, and I think we need to set a goal to, to try to get through these 3 subjects, or these 3 topics, or whatever that Bill Myers has presented, to get those done in 3 months. And if that means we have to meet twice a month, instead of once a month. Then we owe it to the people to do it.

**Dave Gibney:** That, that's, that's our procedure unless you, you know, we can decide at our meeting in January how often to meet and what our procedure is to do this. At this point, unless you're, unless you want to amend that, that we're only going to request that they extend the moratorium for 3 months, I'd like to, I'd like us to take this vote.

**David Mckeirnan:** Okay. Go ahead.

**Dave Gibney:** Okay. Any final comments?

**Weston Kane:** So, just. Point of clarification. No matter how, what we vote tonight, will this be submitted? I mean, we're going through our prop meeting on the 17th, and it'll be submitted to the Commission.

**Dave Gibney:** That is an assumption that at the end of that hearing, there's an affirmative vote of at least 5 of us to send it forward. But, most likely, yes.

**Weston Kane:** So basically, bringing up, codifying it into this stuff in this motion is really a moot point. I mean, because we really have two motions going here. That's why I was asking that point of clarification, is A, do we want it to go on to the Commission, and B, do we want the moratorium? Because it looks like we want it to go on, but we also want a moratorium.

**Dave Gibney:** Well, and, so, you know, you're, yes, there's more in this motion about reasons for the motion than there needs to be.

**Weston Kane:** Okay. Because it's a...

**Dave Gibney:** I apologize for making the assumption that if we were to extend the moratorium, ask for the extension of the moratorium, we would continue the work that we're doing, rather than finish the current work and start an additional effort, and that was a poor assumption on my part. If we pass, if we make this request to extend the moratorium. I see nothing that says we don't hold our public hearing in September, and assuming the outcome of that is favorable, it will go to the commissioners at the earliest possibility. So...

**Julian Matthews:** So, Dave, I just want to clarify, so you're saying that after the hearing on December 17th, and we still have to vote.

**Dave Gibney:** the, at the, the. Yes. Okay. The only way that a planning commission is the advisory body to the Board of County Commissioners, the only way that we can formally propose changes to the ordinance, is to hold a public hearing and have a public vote on that final decision after that public hearing. Everything up to now has just been in preparation for that.

**Julian Matthews:** So, like, kind of like Mr. Kane was saying, almost a moot point, because if we say that we want to send it to them, we can't really do that until after the public hearing, is that correct?

**Alan Thomson:** At the public hearing. That's the reason for doing it. So, at the end of the public meeting, you will make a motion to recommend sending this to the Board of County Commissioners. That's your, that's it done right there once you do that.

**Dave Gibney:** We could further simplify the motion to, we asked the county commissioners to extend the moratorium for 6 months, so that we can do these 3 items.

**Brian Davies:** That's the bottom line.

**Julian Matthews:** It's about the, okay, call the question. I call the question.

**Dave Gibney:** Is that, is that. Is that restating of the motion acceptable to the people here?

**Bill Myres:** My intention was to leave everyone the most leeway possible here. That the commissioners can do what they want to do, we can do what we need to do, and then, and to give plenty of time to do it. So, the, and also, the intention was to, to, at the Commissioner's, schedule, that they, that they can go ahead and, and make a law out of what we've given them. And then, and then we've got, we've got time, we can either use it or not.

**Dave Gibney:** And we don't have to tell them how to do their business, as Weston has pointed out, and we don't have to have that authority.

**Julian Matthews:** So, Dave, I was just wondering, too, like, they kind of gave us, like, want to just expedite this. Is there a point where the Board of Commissioners could say, thanks a lot, Planning Commission, you did great service, thanks a lot, we'll take it from here?

**Dave Gibney:** Technically, we have to hold our hearing. We have to send them some they cannot do planning and zoning controls without the Planning Commission at least looking at things.

**Brian Davies:** We have to finish our action.

**Dave Gibney:** We have to finish.

**Julian Matthews:** Then, like, after the hearing, say we didn't vote to send it to them, or didn't vote to approve it, then what would happen?

**Dave Gibney:** We would have taken our action; we would have looked at it. If, as you're asking, we tied and sent it with no recommendation. They can still follow through and do what they want to do, what they decide to do with it. If we vote against this particular ordinance as the changes in the totality they can decide, they could still decide to immediately adopt it into law at their earliest convenience. And they always have those other possibilities of holding their own hearing, on a properly noticed timeframe, which would take, you know, 3 weeks to 6 weeks. Depending on what kind of, you know, review they decide to allow. And so, go ahead, Weston.

**Weston Kane:** Well, I'm, I'm just looking at this motion, thinking, I mean the way it's currently worded, we can't do anything with it tonight.

**Julian Matthews:** Right.

**Weston Kane:** Unless you change the wording to split the moratorium off from the codifying anything, because we cannot codify anything tonight.

**Julian Matthews:** Right.

**Weston Kane:** So, right now, if you want codified in this motion, we need to postpone it until the next meeting.

**Bill Myers:** What, let's, we can back up, from, you know, so they can, I don't know, we, whatever actions, you know, so that they can proceed, you know, we, that was my whole, whole, whole intent, was so that they could proceed.

**Dave Gibney:** Yeah okay. Let's do the procedural. We're gonna vote, and we're gonna say no to the motion as it is. And then we're going to do a motion that says, Board of County Commissioners we formally ask you to extend the moratorium and interim controls, for a 6-month period, such that we can address these 3 items that we've talked about. So, to get us going on that.

**Motion:** On the motion before us, which is the more complex and multiple things, please all in favor, please say aye.

Opposed?

**Motion Fails**

Nay, okay, so does someone besides me have a language they'd like to move to accomplish this?

**Julian Matthews:** I think we should wait till after the hearing.

**Dave Gibney:** The commissioners have asked us explicitly at the end for today, at this meeting to either request or not request, the moratorium be extended.

**Bill Myers:** I move that we extend the moratorium and interim control for an additional 6 months, starting January 7th, 2026, and ending on July 7, 2026, for the purpose of the time needed to properly finish the code.

**Dean Kinzer:** Seconded.

**Dave Gibney:** You're making an imp, you're making a statement that we have, that the work we have done is not complete and is improper. The motion should be, I, that the Board of, the Planning Commission requests that the Board of County Commissioners extend the moratorium for the 6-month period allowed, so that the Finding Commission can address these three items.

**Bill Myers:** Yes. as, as stated. Okay, so, let's strike...

**Dave Gibney:** None of this. This, for the purpose of a lot none of this beginning and ending. and none of this pro, none of this quantifying as to whether our job so far.

**Bill Myers:** Okay, well, okay, well, that wasn't my intention, was to impugn our work, because it's been our work, but we have not been able to comprehensively you know, anyway, that's not the issue here at the moment. The moment is the issue at the moment is to have a 6-month moratorium. I've stated the dates for the purpose that our current moratorium ends on the 7th. And, the continuing moratorium should start on the 7th of, of,

**Alan Thomson:** 6<sup>th</sup> of January.

**Bill Myers:** Of January, yes.

**Dave Gibney:** That's, again, exceeding our authority to make specifics as to what their action would be. We're asking them to extend the moratorium. Period.

**Brian Davies:** Period.

**Julian Matthews:** So, we can ask them, but that's asking them. They may or may not, right?

**Dave Gibney:** Yeah, no matter what we do, they may or may not. Yeah. So, the motion is that the Planning Commission Requests the Board of County Commissioners to extend the moratorium and interim controls on, I think it's renewable energy that it comes down to, in play...

**Brian Davies:** 6 months.

**Dave Gibney:** For the 6 months allowed. So that the Planning Commission can address concerns about setbacks for non-participating neighbors in aerial application. Agriculture and viewshed, as per the county's comprehensive plan. And potential further improvements to the decommissioning language and bonding.

**Bill Myers:** Yes.

**Dave Gibney:** Anybody second?

**Dean Kinzer:** Second.

#### **Motion Entered**

**Dave Gibney:** All in favor?

#### **Motion Carries**

**David Mckeirnan:** Oh, good.

**Dave Gibney:** Everybody's aye. I'm gonna go no, because I don't want, I don't think we need to addition, I don't think that the stuff is, needing to be the, we need the moratorium to do this, but I, I lose, or I. So that has been passed. And yes, we used up a whole bunch of our time. So, on the path to that hearing, which is still scheduled. Again, I'm gonna say that tonight, we're not, we can discuss, and we may come to the conclusion that we will make amendments to that code at the time of the hearing. But for not com, making anything complex. We're not gonna explicitly change what we have out there in the world for comment. So, we do have Mr. Tracy's suggestion or request About the two pieces of the exclusion language. And, you know, we probably don't really need to talk about aerial agriculture and wind towers. Or setbacks, because we've concluded we will do that in the future anyway. So, the one thing that we have from Mr. Tracy is that we not extend the exclusion zones to the areas that are not Kamiak Butte, Steptoe Butte, and Palouse Falls. And that we not exclude the surroundings of the county's rural residential zones. So, Mr. Tracy.

**Denis Tracy:** Yes, I'm still here.

**Dave Gibney:** Do you have any more comments on, on those requests that came from you. Or comments, or, you know, we can talk about them at the hearing also.

**Denis Tracy:** So, I sent you all a memo, or an email, anyway. Suggesting that on Section B, I don't know if you all have the code in front of you. This is on my page 7 of 23. No, it's not. My page 8 of 23. This is in 19.61.053, Exclusion areas. A. It says, wind energy turbine towers are not permitted within 2 miles of the boundaries of incorporated communities. I have no objection to that, I think it's clear, and quite defensible. B. Wind energy turbine towers are not permitted within 2 miles of the area zoned as, Rural Community Residential or RCR, Rural Community Center District is RCC, and Rural Community Commercial District, RCC2. My suggestion to you in my email is that it isn't clear, at least to me where these areas are. I've since conferred with the planning office and apparently they are identified by individual parcel numbers. There isn't very clear descriptions beyond that, but they are individual parcels out in the county do have those designations. I want to make sure that Planning Commission, I want to make sure that the Planning Commission intends to apply this 2-mile circle around each of these areas. It wasn't clear to me that the Planning Commission actually discussed this. And so, I'm hoping the Planning Commission does, or if you feel that you have discussed it enough, that's fine. I just had a question about whether you had discussed where these things are, and that you want a two-mile circle around them, around each of them. And if so, why do you want a 2-mile circle around them? So that's my issue with B. And then my issue with D. Yeah, with D is that it is too vague in a number of areas. And so, would you like me to go further and describe D to you, or would you, want to pause and discuss B?

**Dave Gibney:** Let's, let's do the B, the B first. And, and though that clause is there because when I pulled the incorporated language out of setbacks into the new excluded areas, I saw that these were other areas of dense population. At least, presumably Codified similarly to the incorporated areas and that they were known. I, the two is just, the same as it is. Because I, you know, the reason, and the reason for doing this in my mind, is similar or the same as doing it for the incorporated areas, period, because otherwise, in the incorporated areas, there's still sub, the residents in an incorporated area or the property lines, are still subject to the setbacks. I, frankly, I have no skin in this game at all, it just seemed a logical parallel. And I, I would be fine if we did strike that in, from the code before we send it all the way to the commissioners at the hearing, so.

**Brian Davies:** I would too.

**Dave Gibley:** Okay, I don't see anybody pushing to keep that. So, let's go on to, er.

**Weston Kane:** I'm just wondering, Alan, how many, how many of these districts do we have?

**Alan Thomson:** We have 10 or 11 of them. And they're not all the same. The practical difficulty of measurement, if you look at Steptoe, for instance, Steptoe has all three of

these zones. And there's no defined boundary, like a city limit boundary. So, my question is, and I talked with our IT guy. And it's like, how are we gonna measure that?

**Dave Gibney:** And my response to Alan on that is that it would be on the wind tower proposal proponent to evaluate these parcels just like it would any other parcel in the area that they're talking about affecting. And that, that we don't have to identify them up front, that they...that it would be on that, on that developer to conclude that there were no parcels within 2 miles of their proposed corridor.

**Alan Thomson:** There, there's, we do not have any, digitized maps.

**Brian Davies:** A county zoning map.

**Alan Thomson:** We don't, we don't have any digitized. We have a piece of paper. with pretty drawings on it.

**Brian Davies:** We do too in Uniontown.

**Alan Thomson:** Yeah.

**Brian Davies:** We drew it, we drew it with pencils.

**Alan Thomson:** Yeah, right.

**Dave Gibney:** Again, I'm okay with, with not having this confusion.

**Alan Thomson:** And it would be possible that you could make a mistake there, because what I found out also, even with incorporated towns, Uniontown, Colton, they don't know exactly where they're municipal lines are.

**Brian Davies:** Well, and that's a very good point, because unless you specifically state in your land use ordinance how you're going to define your zoning districts in town. Then, you know, then they could be helter-skelter. But, you know, center lines of streets or, or major you know, we do delineate that in our, but I can see how it, it would be hard to do out in the unincorporated county when you have you know, these other areas, these other population areas that maybe used to be an incorporated town but is not now.

**Alan Thomson:** Yeah, and so, to further muddy it, there are some communities such as Tekoa and Rosalia, that actually have parts of town that are not attached to the town. And he had, it is the city of Rosalia and Tekoa, so...

**Dave Gibney:** We're not proposing to eliminate the one or the two miles from around the incorporated communities.

**Alan Thomson:** Right, right. I'm just going to add to that that you're going to have to add a little bit more to that, you know, that point there. You're going to have to put a two-mile radius around that the airport, for instance, out in Roselia, which is not part of the town, it's outside town. So, just an FYI.

**Dave Gibney,** Am I wrong that compliance with this would be more on the proponent of a wind corridor than on the county to say, you know, this you gotta...

**Alan Thomson:** That's the way I want it to be, because I'm not going to try and make that determination, but we need to check it. We need to know that they're doing it right.

**Dave Gibley:** And that would not only be our, the county's acceptance of the application, but it would then be, on the hearing, on the hearing examiner's cup decision to be sure that all such vetting occurred.

**Alan Thomson:** The planning department's gonna have to verify as best as possible that you're actually not including an area within 2 miles. We will have to do that. That would be our responsibility, but yes, the applicant would be the ones trying to map out where this two-mile area is.

**Bill Myers:** Mapping these would be, project by project, so you wouldn't have to, you know, the entire bulk, for better, lack of a better word, of these districts would not have to be specified in compliance to the application. And it wouldn't be unreasonable for them to go down and pull parcels just like anybody else that has to do has to do work in this fashion. Put it on the wind company to do it.

**Dave Gibney:** The other question though that Mr. Tracy has asked is, what is the reason, the supportable, defensible reason for having this as part of the new code that we're putting in? And my, well, it's, it's almost sort of similar to an incorporated town. So, let's do it is... is kind of wishy-washy.

**Bill Myers:** People live there.

**Dave Gibney:** Yeah. People live everywhere, though.

**Weston Kane:** So, what if we changed it to something like, clusters of more than 5 homes in a certain area? Or something like that, to where we could just look at a map and say, yes, there's 5 homes here? Or, I mean, because if the county's records are that far off, something that's more.

**Dave Gibney:** Well, no, the county's records aren't that I mean, a parcel of land is zoned this, or it is not.

**Weston Kane:** Yeah.

**Dave Gibney:** And somebody owns that parcel of land, and the assessor's office has a record of that.

**Weston Kane:** But what I'm hearing, and I've seen it with my own property lines, because I've looked at the old satellite images, and I've looked at the current on my property, and there is a 30-foot discrepancy on my fence. And I mean, I think that's where some of this issue's coming in.

**Alan Thomson:** As far as legal descriptions are concerned, a lot of these rural communities have lots and blocks. They're not described individually, in the sense that it'd be lot 2, block number A, or whatever. That's how it's described, how a lot of them are described. And then we also have a mix of businesses, it's not just residences. RCC2, includes business areas and residential.

**Dave Gibney:** Okay, I think we've, we've come to, we don't have to make a conclusion tonight on this. Because we have to make the decision, as again, I'm okay with not having it. I'm gonna say, if you want to adjust the code to any cluster of 5 houses or something like that, that's certainly something that we've just punted down to the after the moratorium and to the additional work that we're doing.

**Weston Kane:** That would be my thought. That'd be a long-term, I mean, short-term, I'd almost rather send it this way, and the commissioners can decide on it.

**Dave Gibney:** Okay. Okay. So, the other issue that Dennis has brought up is the area that Weston made the motion that we add in, so, let's let Dennis speak first, and then and I know Weston has provided us with some findings and some exhibits to add to the record. Which, by the way, we're not going to get very far in preparing a record for adding to that curing, so we will be spending more of that time making that record at that hearing. Again, I have asked that, and suggested, that we start that hearing at 6 p.m. on that date. We don't really want to have to continue that hearing. So, we want to get this done, and so and the whole point of having a good record with the exhibits and findings of facts, is to protect what we do from litigation, one way or the other. We have to show that we, that we paid attention to the science and the impacts and everything, and why we made the choices that we've made. And that's, you know, again, that's the protection against that being told we've acted arbitrarily and capriciously, and, and also, this record is going to be part of what FSEC uses when they evaluate our ordinance. As to what parts of it they may or may not, you know, feel obligated to follow. So, it's important that we do a good job. I disagree with some of the ways we've made here, but I want us to have a good, solid product when we come to the end of this procedure, so. Go ahead, Mr. Tracy.

**Denis Tracy:** Okay, and so Mr. Kane's proposal here in D, I, I believe that I do understand the gist of it, and I think overall, that, the, the idea of having a protection area around the parks is probably fine, or is fine, as in theory, but the devil is in the details here. Wait a

second. There we go. And we have, we have on the screen two, two different versions it's been, it's been modified a little bit back and forth, so my piece of paper that I'm looking at in front of me, may not.

**Dave Gibney:** the um.

**Denis Tracy:** the most recent.

**Dave Gibney:** The, yours is really pretty close. The real difference is that we, okay, on our screen, we need to move down to the D

**Weston Kane:** Say, the D that's listed there.

**Dave Gibney:** Right, okay, and number 4

**Weston Kane:** That one.

**Dave Gibney:** has been changed to the Escure Ranch, rather than all public lands by the BLM. And I believe, other than that, it is as we passed it.

**Denis Tracy:** Okay, so I am looking at one with, that has the Escure Ranch on it. So there

**Dave Gibney:** The one we have up here isn't.

**Brian Davies:** That's all BLM land in the kidneys. That's all, yeah.

**Dave Gibney:** Okay.

**Brian Davies:** Well, besides

**Dave Gibney:** Okay, go ahead.

**Denis Tracy:** So, overall, this is too vague. And the problem with it being too vague is a developer or somebody who's not a developer I mean, everybody needs to know exactly where things can go, and where things can't go. And this is too vague. So, for instance, the first part here says, wind energy facilities shall be prohibited within 1 mile of lands designated as national, state, or local significance, for purposes of this section. Areas of national, state, or local significance include, but are not limited to, and then it lists things. So, the language, but are not limited to, is just precisely the problem, or one of the problems here, because you have to limit it to specific things. Otherwise, nobody knows where these things can go or they can't go, because then, then anybody's idea of an area of significance might or might not apply. So, let's say you struck the language but are not limited to. Does that fix it? No, it doesn't. Because all state parks, including Palouse to Cascades Trail, I guess that's the John Wayne Trail. If I'm thinking right, that does seem

specific enough. Number two, all county parks, including Klemgard, Bill Chipman Trail, Wawawai County Park, here, again, we have the including part, that would be okay, as long as you, the Planning Commission members, are aware of what county parks you're talking about. Are there other county parks or not? I don't know. But you need to know, and consider, do you want this exclusion area of 1 mile around every county park? So, you need to know where is every county park and have a, even if it's a 60-second discussion, just make sure that you know where you're, where you want this to be. Number three is problematic. You say public access sites and recreational lands owned, or managed by Department of Fish and Wildlife, including Rock Lake, Pampa Pond, and Revere. I'm going to talk for a second after we get through whether or not things are specific enough, I'm gonna talk whether about whether or not you have good reasons for this, but whether it's specific enough. So, as I read number 3, I think to myself, so does that include all the feel-free-to-hunt signs where I might go with my ill-behaved Labrador, and try and get a pheasant. Is that managed by Fish and Wildlife? Those things change from year to year, and, and I kind of think that that would fit that definition. But the issue of me saying I kind of think it would means I don't know whether it would, which means it's too vague. And then, including Rock Lake, okay, but well, that gets into a sufficiency of the reason. Escure Ranch, I think that is sufficiently defined. Now the, my issue of do you really have a good reason for this? I ask that you consider. So, for instance, the Bill Chipman Trail, you can't see beyond the hillside to either side of the Bill Chipman Trail. You can't see a mile. Would it, would it impact anyone's enjoyment of the Bill Chipman Trail? If so, great, keep it in. If you want to keep it in, fine. I'm just saying, have a discussion about that. Don't just blanket say all county parks. Consider whether it's, you know, you actually want a mile setback around these county parks. And Pampa Pond, which is right next to Highway 26, you'd be hard-pressed to find a time when it's not loud there, because of the car noises. So, is that one that's a knee-jerk placement here? Or, have you thought it through? And no, you do want a one-mile setback from Pampa Pond. What else? What else can I say? That's, that's all. I'm gonna stop talking.

**Weston Kane:** I mean, I'm all for removing the, but are not limited to. I mean, that was something that definitely needs to I'd see entirely where you're coming from on that. As for the others, do we need to go through then and discuss each one individually, and why? So, each, each location?

**Denis Tracy:** That would be ideal. And you can, you know, you can have this is a summary discussion, doesn't have to have a lot of detail, and.

**Dave Gibney:** And...

**Denis Tracy:** And the reasoning can be repetitive from site to site.

**Dave Gibney:** And better doing it now than in 2 weeks. So, yes.

**Weston Kane:** That was gonna be my next question, if we can deal with this now. So, I would move to remove the are not limited to off of that, off of thee.

**Dave Gibney:** Wh... you could. He can say that he will be, he will move at the public hearing to make these changes.

**Weston Kane:** Yep, so we need to make, so that'll be something we can bring up a public hearing.

**Dave Gibney:** Okay, so just running through some of these. The Palouse to Cascades Trails is formerly known as the John Wayne Trail. It goes from Tekoa to the county line would be our jurisdiction?

**Weston Kane:** That would be our jurisdiction. It goes from, well, it goes from the Idaho state line.

**Dave Gibney:** It does go from there.

**Weston Kane:** Because if you go east of Tekoa it goes out, meets up out.

**Dave Gibney:** I've only, I've seen what claims to be the beginning of it at Tekoa.

**Weston Kane:** I grew up, up there. Just a little ways off of that.

**Dave Gibney:** Okay, okay So that's a trail that goes from the Idaho line to the county line to the west, asking what Dennis is, you know. How much, you know, how far what's visible a mile on either side of it? And, and would, you know

**Weston Kane:** I mean, most of that trail I've been on, easily visible mile each side of it, because it goes up, I mean, if you're, when you're in Tekoa you're on that trail, you have to, that's the one that has the trestle, and so you're up high, yep, and then it goes falls along the side of the mountain all the way out to, where it meets up with the Idaho side, which actually, if you follow through right, leads down and goes into Lake Coeur d'Alene.

**Dave Gibney:** So, this is the protection of the visual.

**Weston Kane:** The visual.

**Dave Gibney:** Viewshed.

**Weston Kane:** Viewshed.

**Dave Gibney:** The beauty of the Palouse is your...

**Weston Kane:** And then coming the other way comes all the way out there, by actually by Revere, and Escure.

**Dave Gibney:** Okay.

**Weston Kane:** On the other end. Through down through Malden. Goes through Malden City.

**Dave Gibney:** So that, you know, that would be a reason that has been accepted by this commission to do such protection. And it's no longer...

**Denis Tracy:** And is it...

**Dave Gibney:** ...and it's no longer the John Wayne Trail, that's been in that name's, you know.

**Weston Kane:** Yeah.

**Denis Tracy:** And is it a state park?

**Weston Kane:** It is on the state park website; they're considering a state park.

**Denis Tracy:** Okay. And then, are there any other state parks besides Steptoe?

**Weston Kane:** I think those are the only two, aren't they?

**Dave Gibney:** Yeah, I think so.

**Chris Melhus:** Memorial for Rosalia battlefield.

**Denis Tracy:** Then I would suggest that you strike all state parks, including, and just have it say, Palouse Cascades Trail.

**Weston Kane:** See, and actually...

**Chris Melhus:** Steptoe battlefield in Rosalia, there's that, so I'm not sure if that's a state park or just a memorial site, but...

**Weston Kane:** That's in town, isn't it?

**Chris Melhus:** Yeah.

**Weston Kane:** So that would actually be superseded by the 2 mile around town anyways.

**Dave Gibney:** Okay, so Grace is pos, is gonna strike the all-state parks at this point, but, but again, this is just the suggestions, we're not making anything. You know, and you could I mean, I'm, I'm not suggesting for sure, but you could add a number something, which is, other lands decided by, some commission that gets made, or whatever, but, moving on.

**Mark Storey:** Mr. Chair?

**Dave Gibney:** The Bill Chipman Trail, go ahead, Mr. Storey.

**Mark Storey:** There's also the Columbia Plateau Trail, which is north of the John Wayne Trail. It just clips a little corner of the county up in the northwest corner.

**Dave Gibney:** Okay.

**Brian Davies:** That would be the same.

**Weston Kane:** That one gets a fair amount of use from the Cheney end.

**Dave Gibney:** Okay.

**Denis Tracy:** Is that a state park as well?

**Mark Storey:** Yes, I believe that's owned by the state.

**Denis Tracy:** Okay. Steptoe Park is covered in the other section, that's why you might not need to include it here.

**Dave Gibney:** The reference was to the Steptoe Battlefield Memorial, not the Steptoe Butte.

**Bill Myers:** Yeah.

**Denis Tracy:** I see.

**Dave Gibney`:** And we could, we can do some research and make sure that we have identified all the state parks. Before we get to the next, on the county parks. I would guess I'd point out that the Bill Chipman Trail is entirely in the South/North Moscow Corridor. Which is an area we have already, we do not have, renewable, or we do not have wind farms permitted. In either of the corridor areas.

**Alan Thomson:** And at the beginning of the trail is inside city limits.

**Dave Gibney:** Yeah.

**Alan Thomson:** Pullman's city limits, and then, it does border north and south Pullman-Moscow corridor, and it's within 2 miles of the airport, also.

**Dave Gibney:** We may not need to have additional protection of the Bill Chipman Trail. So, you could if you wanted to be explicit, you could say Klemgard and Wawawai County Parks.

**Alan Thomson:** And there's an Elberton County Park.

**Dave Gibney:** And that...

**Mark Storey:** Yeah, there's Elberton and Colfax Trail...

**Alan Thomson:** Colfax Trail.

**Mark Storey:** ...are also county parks.

**Dave Gibney:** Okay. So, we could explicitly name them there.

**Bill Myers:** There's probably a list of all these parks, I would assume, someplace.

**Mark Storey:** Yep.

**Alan Thomson:** Well, the County Parks Department hopefully has that list.

**Dave Gibney:** I, you know, I agree, but I did make the speculation that there was an ability to easily identify all the rural zones, too, so. Okay.

**UNKNOWN:** Is order...

**Dave Gibney:** Yeah. So on the public access, so we can fill out number 2 and make sure we have it explicitly, and we're not doing any wishy including. The public access sites, I, you know, Dennis has got a point.

**Brian Davies:** Can't protect everything.

**Weston Kane:** Anybody got any ideas to reword that one? Because I do understand where Denis is coming from, that they go put up all those hunting signs in the fall.

**Dave Gibney:** You know, are the, let's, maybe you need to be more explicit. Are there, for Rock Lake, you're really talking about where people put their boats in and out, or are you talking about, you know, 2 miles away from the whole Rock Lake, because somebody could be running a boat out there.

**Weston Kane:** Well, and this one's a 1 mile, but that, I mean, that water would be public access. Because you'd be...

**Dave Gibney:** The whole lake? And is Rock Lake the only Lake in the county where people put boats in and fish. Go ahead, Chris.

**Chris Melhus:** Concern is just water access for, like, firefighting, airplanes, that sort of thing. They do use it for that.

**Dave Gibney:** Yeah.

**Weston Kane:** It might be a good one to keep open for that reason, too.

**Dave Gibney:** Okay.

**Chris Mehus:** Yeah, I mean, we did that a lot, so...

**Dave Gibney:** Do you, do you want to try and make a more explicit the...

**Weston Kane:** I can work on that, make that more explicit. And you said the Escure Ranch would probably be okay? Denis?

**Denis Tracy:** Seems like, I mean, that's a pretty clear definition. At least I think it's a pretty clear definition.

**Alan Thomson:** Well, it has to be a parcel of land, right? Yeah.

**Brian Davies:** A 5000-acre parcel of land.

**Dave Gibney:** Yeah.

**Alan Thomas:** A 5000-acre parcel?

**Brian Davies:** And it totals a lot more than that.

**Dave Gibney:** And as to the reasons on all of these, they, they are somewhat equivalent or in the same nature as, some of what we're using for the, you know, to protect the buttes in general is the, the view, you know, the views of the Palouse and the economic benefit we get from that, so...okay?

**Denis Tracy:** Thank you for having that discussion.

**Dave Gibney:** Thank you. Okay. I think it's time that we took a break. And I'm not sure how much more we can get done tonight. Denis, you were at the last meeting, and at other times, you have offered to help our various members, wordsmith. Findings of fact for the positions they're taking. And also help, you know, Alan and me with the, you know, the infrastructure findings of fact. I know Alan has put together, some on how the existing

ordinance came together. I've got a list of these are the, you know, public meetings, or the Planning Commission and the county commission meetings that have happened that took us to the point of, where I became the chair of this body. Can we, is there some way we can work together to without violating OPM and things like that. To have to kind of expedite our process of building our record in two weeks.

**Denis Tracy:** Yes, and I'm gonna suggest, I'm not supposed to volunteer for things, but I will volunteer to try to collate materials, studies, informational sheets, etc. There's been a lot of material submitted by a lot of people over the past year. My suggestion to this to the Planning Commission is that, that's good background material, nothing should be thrown away, it should all be kept, it's all part of the record of your proceedings, however, specific things to however, I'm gonna suggest having a batch of things to refer to as supportive material for your public hearing and your final product, and a lot of that can be materials that have already been submitted. Let's just submit them again.

**Dave Gibney:** Correct.

**Denis Tracy:** into, into a defined bucket. And within that bucket my idea is there'll be a smaller bucket that will refer to effects on aerial applications and farming. And in another bucket would be impacts on fire insurance rates and availability. And another bucket would be something else. I'm, and so, I would like materials to be submitted and I'm just gonna print them, I'm gonna hit printer, or rather, excuse me, I'm gonna hit print because I'm, almost 63 years old and I like paper. So, I'm gonna hit print, and then I'm also gonna put them in electronic buckets too. And I would like to meet with some volunteers from the Planning Commission. I've already started to do that a little bit, but in particular, the folks who are, supportive of the setbacks, supportive of the protection areas around the Buttes. Supportive of the decommissioning language, I'd like members of the Planning Commission to come and meet. and we can meet 4 of you together. Can't do 5, because that would violate the Public Meetings Act, but we can meet four of you together. Bring your materials, and then we can, together, we can wordsmith the findings That come from all this supportive material. And we can... and I can also invite members of the public to join in that, in that effort as well, so that we can try to make sure that all of the...studies that folks want to include, get included. I...I've got some time, and I will devote some time, during... during my days, and I can devote some time on a weekend as well if need be.

**Dave Gibney:** We have 3 weeks, give or take. And I appreciate all of that effort that you're talking about. Well, the seventh...

**Denis Tracy:** I think we have only 2 weeks.

**Dave Gibney:** Two weeks, yeah, you're right, I'm, because see, yeah, I was including that fact that we went out to SEPA earlier, and we went out last week, never mind. But yeah, 2 weeks, I, I also have I've been organizing everything that I have received, electronically, and I was gonna take a glance through the paper that I've gotten, and, and, and try and start, you know, building a list of those, so that, yes, we, you know, we can physically, we can

electronically, physically introduce them to the new record of the hearing. And I appreciate your offer to talk with people. I was gonna ask if you were, and I was hoping the answer would be yes, that we can still take, info from the public. And you're our attorney, so I know that you will avoid causing any kind of a serial violation of the Open Public Meetings Act.

**Denis Tracy:** Absolutely.

**Alan Thomson:** Denis, can we just clarify submissions from the public? So, when we're at the public hearing would it be the better way that if members of the public want to have things in the record, that they give us copies of that during the hearing?

**Denis Tracy:** Yes, bring copies to the hearing, but also submit them ahead of time. I would say just for belt and suspenders approach, you could submit them to Alan and I, or, and me, excuse me, and.

**Dave Gibney:** Yes, and I would, you know, I would hope that when we get to the public hearing the public will we'll definitely be welcome to submit additional material, but the caveat there is it really should be an additional material and something that we haven't already gotten entered in. And we're gonna, you know, at the start of this hearing, we're gonna sit up here, and we're gonna say here's item 1. It's in the hearing, here's item 7 through 8 in the list of them, and they're in our record, and that kind of thing. So, at the end, you know whatever the people want to bring as part of their public testimony should probably be new information, or information that they have noted that we did not get included in whatever we do. So, go ahead, Alan.

**Alan Thomson:** Denis, for clarification there, there's been a whole bunch of information that has been sent to us over the last year, year and a half.

**Denis Tracy:** Yep.

**Alan Thomson:** If the public wants something in particular, even though it has been sent to us already, they need to resend it again you know, give us that as a submission for the record, even though we've already received it, but it's not in the record, so to speak, the record that we're going to be creating at the public hearing. So, if there's something important, emails, you know, letters, whatever, studies. That the public have that really think should be part of the record, then produce that for us over the next two weeks.

**Denis Tracy:** Absolutely. And keep in mind you know, people can submit anything, but if you submit something that says, well, Bavaria has a certain setback it's also very helpful to include the source for that piece of information. So, that could be a link. to a study, preferably English rather than German, but you know.

**Dave Gibney:** Well, I think another one is, you know, it has been stated that neighboring counties have these, these setbacks it would be useful to have the reasons that the neighboring counties chose to use those setbacks.

**Denis Tracy:** Could, could be.

**Dave Gibney:** For whatever it's worth, I'm willing to come to Colfax and meet with, as a separate, not as a part of the, the four, but with you and Alan, or however it works out. As a separate, time, also, so.

**Denis Tracy:** Sure.

**Dave Gibney:** We'll work that out. We'll get, we'll get, I really do want us to do, to have a good job when, you know, a good product when we send it to the commissioners. So, thank you.

**Denis Tracy:** So, are there volunteers on the board there? On the, on the commission?

**Dave Gibney:** I have a hand up from Brian, Dean, Bill and Chris. And I suppose that you know, you could do 3 and 3 and just not pass information back and forth between them. So, we can get that, get that you guys can, you guys work that out, schedule, like, you know, talk tomorrow?

**Alan Thomson:** So, Dennis, question on membership. You're an ex-officio member. Does that mean that you're part of the Planning Commission?

**Dave Gibney:** He doesn't contribute to the decision-making at the end, I think.

**Alan Thomson:** I'm just asking the question for an open public meeting thing, you know?

**Denis Tracy:** If, so, the, the Public Meetings Act requires, or rather prohibits, a meeting of a majority of the of the board, or the Commission, without prior notice and allowing the public in. So, what's a majority? If, if you don't count the ex-officio members, there's 2 of them, that's the planner and the lawyer. So, if you don't count the ex-officio members, there's 9 members, and that means up to 4 could meet. So, you can't meet with 5, because that's a majority. If you do count the ex-officio members, then there's 11 members, and still, you could have 5 meeting, and if you're counting the ex-officio members, then that would include me, so still me plus 4 more of the regular members, the voting members. So, I'm confident that we can meet with me and four voting members.

**Dave Gibney:** And, and just to caveat that. Could you meet, would it be a serial meeting if you met with four at one time. And then had an additional time when you met with one or two or me, does that push you over that edge?

**Denis Tracy:** Only if I'm acting as a go-between.

**Dave Gibney:** You will be careful not to be a conduit of information.

**Denis Tracy:** Conduit, there we go, exactly.

**Dave Gibney:** And the same would go for Alan being the ex-officio, and up to 4 other members in one time or another.

**Denis Tracy:** Yes.

**Dave Gibney:** Okay.

**Dave Gibney:** Is there, is there anything else we need to do tonight?

**Alan Thomson:** The findings of fact are the biggie right now.

**Dave Gibney:** Okay.

**Alan Thomson:** So, not tonight, but

**Dave Gibney:** Do you, I will, I'm gonna put it to the commission. I'm seeing a little sign of talking out there. We could take a break and come back and, you know, take 5 minutes and then come back and listen to people for, until 9.30, or we can ask them if they can get it done in 10 minutes now. And then adjourn. What do you want?

**Weston Kane:** I think let's do it in 10 minutes now, because by the time we take a break, they're going to get 10 minutes anyways.

**Dave Gibney:** Okay. Go ahead, Carol.

**Carol Black:** Carol Black, never been to a public hearing, so I'm confused about the process I saw the outline earlier. That you would come in, and you would meet. You will go through the findings of fact. So, the public in the newspaper, in the Gazette, it said 7 o'clock, so that's what the public has seen. I've seen 6 o'clock tonight, but I think before we answer that question, what will be the process for the public to be able to come? It was said to bring paper and things like that, but if somebody could talk about what we should prepare for us to come, that would be very helpful to us tonight. Thank you.

**Dave Gibney:** Okay. I had, it was a mistake to be the 7 o'clock in the first notice of the paper. I've asked if we can have that adjusted for the subsequent and Alan has said that we could.

**Alan Thomson:** Well, we can't alter the legal ad. But we would have to make it known publicly and obvious that we want to have the meeting at 6 p.m. So, we'll just let everybody know, and keep letting everybody know, 6pm Is when we're gonna start. Excuse me?

**Dave Gibney:** And I am doing it publicly right now, and I'm putting, if I put it on the website, I'm doing it publicly. The legal ad is not the only venue of making that notice available.

**Audience unknown:** UNINTELLIGIBLE.

**Dave Gibney:** Okay, okay. I, I. Let me grab my procedure.

**Brandon Johnson:** While we're doing that Emily Pierce has a question online.

**Dave Gibney:** Go ahead, Ms. Pierce.

**Brandon Johnson:** She's with the Daily News.

**Emily Pearce (Moscow-Pullman Daily News):** Hello! So, I am writing a story tonight about your guys' public hearing notice, for the Moscow Pullman Daily News. Would you like that to be adjusted to 6 o'clock, and note that it's at 7 in the Gazette?

**Dave Gibney:** Yes, please.

**Alan Thomson:** There you go.

**Emily Pearce (Moscow-Pullman Daily News):** Okay Thank you so much.

**Dave Gibney:** Okay. Now, there's a lot of. There are many, you know, procedures on a public hearing, and I don't know that what I've put together is explicit or whatever. But what I have intended is we're gonna, you know, formally open it. We're gonna build that record of what we've got that's taken us to this point. We will get, we will enter the draft of the ordinance as part of that record. And we will have some discussion amongst the PC as to where we are at. That would be a point where we could make some of these amendments that we talked about tonight. Then I anticipate public comment, and by public comment, I mean every, all of you, anyone can come up and speak. I would really ask that we keep it limited, that we avoid duplication, and if you have additional material, you'd like to be part of added to the record. Hopefully, not something that we add ahead of time as part of our earlier procedure, and we're gonna, we're gonna make an effort to make that thorough. And that's gonna take however long it takes. I, I hope that it isn't gonna take such that we, you know, we do want to finish before the day's over. And actually, I'd like to finish before, you know, even before 10 happens. That's why I'm asking this to start at 6, because I think it could take more than 3 hours, or 3 hours. Once everybody has had their opportunity to speak. And I'm gonna try and, again, I'm gonna try and say, you know, 3 minutes, and then stop. And if what you're saying, I've heard 2 or 3 times already in the hearing from someone

else. I'm gonna ask that you, you know, bring new information. When that period is over, we will close the public comment period of the hearing. The Planning Commission will discuss again, potentially making additional amendments. And in either of these amendment periods, there may well be comments from the SEPA review. That are such that we need to make changes based on them. I don't know what those are gonna be yet, you know. Up until now, almost every public every SEPA review public comment period I've been a part of is the, there's been nothing coming back from the review. I don't think that's gonna happen tonight. We will do whatever additional amendments. We will do additional, you know, we will have done additional exhibits. If we have any additional findings that have are a part of what's come from the public. Or from the comments. We'll enter them into the record. And we will take a vote. And you know, in most situations, and probably in this situation, there will be at least 5 of us. That vote to forward the recommendation to the county commissioners with a recommendation to adopt. It's conceivable that we will change that, and there are 5 people, members, that want to Forward it with a motion recommendation to reject. I don't think that's gonna happen, but it could. We could forward it. You know, we could tie. For some reason, you know, one of us doesn't show up. That would be, you know, that would forward with no recommendation. We could decide that we don't want to forward it at all. I don't think that's gonna happen. But those are the four ways it could. Alan? I mean, and Dennis, have I outlined a viable procedure that should work for us?

**Alan Thomson:** I think so, just, I just want to make it clear to Ms. Black and the rest of the public if what you want in the record, I mean, you've sent us an avalanche of stuff over the last year and a half, two years. You need to pick out specifically what you want to have in the record and bring it to us. Not just at the hearing, but before the hearing as well. So, pick out what you think is important, and give it to us, and we'll put it in a box, and that will be part of the record. Okay.

**Audience unknown:** So...?

**Dave Gibney:** Microphone. And please identify yourself.

**Chantel McGuire:** Hi, my name is Chantel McGuire, and I just wanted to clarify for the next meeting, you said, please don't bring any new information you've already given us. But you've said, please bring it, and bring it clarified.

**Dave Gibney:** No, I, okay, what I'm...

**Chantel McGuire:** So I'm trying to figure it out.

**Dave Gibney:** What I meant is that at the beginning of the proceedings we're gonna sit here and we're gonna enter a bunch of stuff. Which could be and that's gonna include the stuff that Ms. Black and everybody else send to Alan to say, put into the record. And we'll get that all formally entered before we open the public hearing. If there's something that you want to add or you know, I'm giving a little bit of leeway. Is there something you want to surprise

us with at the, you know, the public part of it, then be ready to put it in the record then. But it's it's. We, you know, it's try and keep things to not new, to only new stuff at the, actually is brought at the, provided at the public hearing. You know, ideally, everything that you want us to put on our record will be in our hands before the hearing. And we will just formally list it, this, this, this, and this is going into the record.

**Chantel McGuire:** Okay. So, you want us to submit it that day?

**Alan Thomson:** No, no, no, no.

**Dave Gibney:** No.

**Chantel McGuire:** I just need to clarify, because you both have contradicted each other several times.

**Dave Gibney:** Tonight.

**Chantel McGuire:** Tonight.

**Dave Gibney:** Starting now.

**Chantel McGuire:** Okay, okay, that's clear.

**Dave Gibney:** Starting now. Reiterate, these are the things you want in our official record.

**Chantel McGuire:** Okay, I'm ready for that.

So, my name is Chantel McGuire. I'm co-owner with my husband of McGuire Air Service. We operate Ag aircraft across the Plouse, and I want to be very clear that Ag aviation is already a high-risk field, and wind turbines in the wrong places create operational hazards that cannot be mitigated.

**Dave Gibney:** Can I interrupt you? Are you going to just read the letter that you sent to Mr. Tracy?

**Chantel McGuire:** Sir, this is not the letter that I sent.

**Dave Gibney:** Okay. Because... because that is already... that's part of our existing record.

**Chantel McGuire:** I Understand.

**Dave Gibney:** It's very likely going to be...

**Chantel McGuire:** I Understand.

**Willard Morgan:** Let her speak.

**Chantel McGuire:** Okay. So, in the wind turbines in the wrong places create operational hazards that cannot be mitigated. Such I, I very quickly went through your packet, and the mitigations aren't well done. And wishful thinking or vague assurances do not keep our pilots safe either. Every field we cannot safely access becomes an agricultural loss for local farmers, not just us. I'm here tonight to listen and take notes, which I have, and understand the full scope of this project, but I want you to know that I'm committed to provide accurate, real-world data and NAAA-supported safety distances at the December 18th meeting. This was not the letter I sent you.

**Dave Gibney:** Thank you. I appreciate it. I really do. We would, we will take that. So. And just to also be clear, that information on the assumption that the Board of County Commissioners do extend the moratorium, or even if they don't. On the assumption that we will continue to work on this ordinance and other ordinances into the future, your information is more, is very welcome, and we will take it into consideration on the further work. I really do understand that I, honestly, I thought that and I hadn't worked it out to the non-participating as much, but I had re, thought that wind towers said, well, no, crop dusting doesn't happen, and that could well be, so. Go ahead, Mr. Which means the wind towers don't get...

**Kevin Ackison:** Kevin Ackison, Colfax. I'm confused, we've, over the past year and a half or so, provided public testimony and written documentation. That apparently, it has not been entered into the record, and so what I'm hearing tonight...

**Dave Gibney:** We're, we're asking you to, it has been entered into the record of our minutes and our, what we've made, collected. It has not been entered into an official record of an official public hearing to make an official decision.

**Kevin Ackison:** Okay, so that needs to be, to be resubmitted, all of that information. Thank you.

**Alan Thomson:** Yes.

**Dave Gibney:** Anybody...

**Roger Guiney:** I want to talk about...

**Dave Gibney:** State your name.

**Roger Guiney:** Roger Guiney, Elberton, Washington. I want to talk about erosion. The word that is used in the, the paper I read from the last meeting said mitigate. I feel it should say

is prevent. Now, read what I wrote. The soil of the Palouse Formation is highly erodible by both wind and water. Since many of the concrete slabs will be on slopes or on top of, hillocks. The likelihood of erosion is a certainty. Now, I have a solution. In the 1980s, I had all 960 acres of my land terraced. Terraced. And the terraces, some of them run for a half a mile or more, and they are level farm over terraces. So that the water is contained on the ranch and seeps into the aquifer. The same should happen here if this project gets the green light. I, the erosion in the Whitman County is horrendous, quite honestly. And something needs to be done about it before the Stake River dams are obsolete because they're so full of soil. Right, that's all but I really feel strongly that there should be terraces and water attachments so that no water is coming off.

**Dave Gibney:** We appreciate, we appreciate that, that comment, and, and make it again at the public hearing. It, I, it, I don't know exactly how the existing code, talks about the specific, farms around the, and the farming practices around the turbines, but we, it's certainly information to, to have, so thank you. Anybody else?

**Weston Kane:** I move to adjourn.

**Chris Melhus:** Second.

**Dave Gibney:** All in favor?

**PC Members:** Aye.

**Meeting adjourned.**