

**WHITMAN COUNTY  
PLANNING COMMISSION  
Public Service Building Auditorium  
HEARING  
December 17<sup>th</sup>, 2025  
6:00 p.m.**

**MEMBERS:**

Dave Gibney- Chairman  
Weston Kane  
Bill Myers  
Dean Kinzer  
Tami Southern

Brian Davies (Vice Chairman)  
Chris Melhus  
David McKeirnan  
Julian Matthews

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

**Zoom:** Willard Morgan; KHQ NonStop; Michael Lyman; John Wright; Farmer Kathy; NFrazier; Susie Hennigar; Melissa MacKelvie – WDFW; Lon Makai; Jan Varness; Conner; Evan Ellis – KQQQ Radio; Garrett; LaCivita– WDFW; Abstractwit; Julie Ed English; Lon Ottose; Dawn Sherwin; Luc Sorenson; JP; Erica Austin; Elinore Huber; Hans Schmidt; D Family; Denis Tracy; Adam Capage; Darcy Wetterstien; St. Maria; Michael Largent; iPhone; Michael J; Tom Handy; Tucker j Senter; Thompson 2023 Laptop; Byron Bigrig; Michael Echanove Palouse; Theresa Pfaff; Julie Aune Kincaid; Jim Kincaid; H. Greystone; John Tombold, Spokane; Janice Mecuwsen; Scotty Cornelius; iPhone; Jessica’s iPhone; Hanna; Mike Hodine; McKenzie iPhone; Cory Doneen; Collins iPhone; Reliant; Mike Dymkoskis iPhone; Tanner Conner; Nick; Erica Austin; Conner

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

**Dave Gibney Opened Hearing 6:09**

**Dave Gibney:** Thank you, Alan. Okay, so, I am now going to hereby. The Planning Commission hereby opens this public hearing. This is, and can you guys hear me? Am I, am I am I eating the mic well enough? I, I can't read through the mic. This is a non-project legislative hearing on proposed amendments to Whitman County Code 1961 Commercial Wind Energy Facilities. This commission conducted a series of meetings over the previous 28 months where renewable energy facilities, including wind, were discussed. Explicit review of 19.61 began at our meeting of April 2nd. At our meeting of November 19th we decided to send a draft of the proposed amendments to a public hearing to be held on this date, December 17th. The County Planner issued a Determination of Non-Significance, which was properly published. The comment period ended, and the planner has responded to those comments. Our purpose tonight is to establish a formal record, accept public comment, adopt findings of fact, review our draft ordinance and make a decision on

our recommendation of these amendments that we will forward to the Board of County Commissioners. So the, my, the preliminary population of our official record. The Plan Commission hereby incorporates into the official record of this hearing the following materials. All comments submitted during the SEPA comment period, together with the planner's written responses. The minutes of the Whitman County Planning Commission from September 2023 through Octo..., through December 19<sup>th</sup>, 2025. All documents transmitted by the County Planner to the Planning Commission in connection with this matter, by email. All documents and comments received by the Planning Office on this matter since the December 19<sup>th</sup> meeting and up until 5 p.m. today. Earlier today, we received a set of documents from the prosecuting attorney, Mr. Tracy, as a compilation of the evidence and other materials that have been submitted to us over this time period and they're a part of the record. In addition, the record shall include any other relevant materials, submissions, the exhibits received in connection to this matter, whether or not I have specifically mentioned them just now. I have, so, that's the opening. We're now going to start okay. Is there anything that I have missed, Alan or other members of the commission, that you'd like entered as evidence and exhibits? Not, not findings.

**Alan Thomson:** No.

**Dave Gibney:** Okay, I hope and believe that that last item says that basically anything we've ever gotten counts. So, I have two documents I want to enter as the start of our findings of fact. I submitted by email to everyone, and a set of, I have 27, 127 statements, procedural findings of fact, prepared by Commissioner Dave Gibney dated yesterday. These are and, I hope, and I tried, purely, this is when we met, this is who met, this is the event that occurred, this is when the moratorium was incited, and all of those sort of things. It also includes a list of the items that I was able to determine I received during this time period.

**Brian Davies:** Which are all in folders.

**Dave Gibney:** Which are all in folders, which were sent to the planner and Mr. Tracy as a zip file and the minutes, also. We also have before us a set of findings 1 through 77, submitted by the prosecuting attorney earlier today. We've had very little time to look at these and, so at this time I'd like to let the members of, if they, unless they desire to move on, I'd like to let the members of the Commission take a look at these and decide if they agree that they are facts that should be submitted in part of our record. And yeah that could take us, that could take us a little while, so go, yes, Julian?

**Julian Matthews:** Could you just define, or maybe Mr. Tracy can define, what that actually means. Like you say.

**Dave Gibney:** I think I'll, I might defer to Alan in a moment. In my experience doing this planning and zoning stuff find. The evidence and the exhibits and everything are just everything we've seen. The findings of fact are factual statements that support the decision

that we ultimately make, a set of those. Some of those are the procedural facts, like what I said, you know, the Board of County Commissioners established a moratorium on such and such a date, we met on such and such a date, so-and-so talked to us on such and such a date, that's what mine are. I deliberately did not attempt to make any in fact, any of mine say that they support or don't support any of the amendments that we're going to make. I left that to Mr. Tracy and to the members of this commission. And once we have a chance to take a look at Mr. Tracy's, I will be asking the Commission if they have any more that they would like to put on. Alan, did I cover what findings and facts are?

**Alan Thomson:** Yeah. This essentially is the history of what we are debating right now and going over. It's a story, where we came from, and what we're deciding on.

**Denis Tracy:** And it's also statements that you find to be true.

**Julian Matthews:** Right, it says fact, dictionary on I just looked down on Chrome. Fact, a thing that is known or approved to be true.

**Dave Gibney:** I should have acknowledged that Mr. Tracy is with us online and also County Planner Mark Story.

**Alan Thomson:** All of a sudden, he got promoted to my job.

**Dave Gibney:** Oh, I'm, well, actually you can all have you guys can all have my job. I'm sorry, Director of Public Works, Mark Story. So, I'm gonna just, you know I'm gonna go 15 minutes or so for people to take a look here, to look at them. Go ahead, Bill.

**Audience Members:** Can't hear, I can't hear.

**Bill Myers:** Well, I took a look at this earlier when it was sent to all of us, you know, by email, and had a chance to scan it. I didn't read the whole 262 pages on turbine height, nor did I, but I kind of scanned the information. It's a very comprehensive list of what we've all all, all looked, I think, even one reply, from one of our members was that we've seen this all four or five times before, and, and we have. It's been it's been a contest of death by expert.

**Dave Gibney:** Are you referring to the exhibits sent as evidence?

**Bill Myers:** Yes, the exhibits.

**Dave Gibney:** 77-item findings of fact document, which is what we're talking looking at now.

**Bill Myers:** They, yeah, they, basically, the findings of fact document is more or less a cover letter, for the evidence, as, as I understand it. Anyway, the, it's, it's, I find no fault in the presentation of this evidence, and I think it's a pretty comprehensive, a pretty

comprehensive list of what we've all reviewed. I would feel confident myself of accepting it as is, without any additions or corrections.

**Dave Gibney:** Well, just as a specific number 3. I'm not aware of any of the Planning Commission members visiting a wind farm in Garfield County. I certainly was not a part of that. That is not a fact. Maybe some of the Planning Commission and members did.

**Denis Tracy:** Mr. Chair, I believe that comes from planning staff, and they were referring back to 2007.

**Dave Gibney:** Okay, you're right. Never mind, you're correct. Go ahead, Julian.

**Julian Matthews:** Mr. Tracy, how do you prove something, you're an attorney. How do you prove something is true?

**Denis Tracy:** Sure, I don't. I decline to engage with you with semantic debates.

**Julian Matthews:** No, that's what we're trying to find out. You're the attorney.

**Denis Tracy:** Evidence, evidence, sir.

**Dave Gibney:** Anyway, okay, I'm gonna let the other members read a little bit more. And, and again, if. I apologize for reading a fact that it was a fact, it did occur back in 2007. Before I was here. I, I misread that. I believe I've seen some things in here that state that the Commission has agreed that this is more and I don't recall us always having had that full agreement. A consensus, perhaps, but the full commission hasn't. But I, I also should not be engaging in the yeses and the no's at this point. But I do want to be sure that all the members of the Commission have had an opportunity to read the findings that were presented to us today, which I did not have an opportunity to read until I got here, because I didn't see them until 5, about 5 o'clock, which is about I believe there were technical issues that may have kept me out of that loop, so.

**Denis Tracy:** While the Commission's reading, I want to note for the public that I left out about 20 copies in the meeting room there, for the public.

**Dave Gibney:** And I believe Alan has some more, also.

**H. Greystone:** Can someone please update us on what item number we are on in the agenda?

**Dave Gibney:** In the public agenda, we are on item number 5, public hearing on Proposed Changes to the County Wind Ordinance.

**H. Greystone:** Copy. Thank you.

**Dave Gibney:** Go ahead, Julian, with the mic.

**Julian Matthews:** It says, number 61, fire insurance baring wires within the last 5 years, blah blah blah.

**Dave Gibney:** Number what again?

**Julian Matthews:** It's on page 9. So, I don't remember, did we get some data, or some, like, say, to me, what you would need is, like, some insurance policies to show that okay, this is the way it was before, and then that's this is how much it's gonna cost you now? Is that, did we get that? I may have missed that meeting or something.

**Alan Thomson:** Julian, is your mic on?

**Julian Matthews:** Yeah, yes.

**Dave Gibney:** Okay, okay.

**Julian Matthews:** But you understand what I'm saying?

**Alan Thomson:** No, they can't, people can't hear you.

**Dave Gibney:** And I was just about to say that I had, I see that most everybody has had a chance to take a look at it here, and so I will, ask the that I'll let everybody who wants to ask those questions. Your question is regards to number 61 within the we're asking if the statement is, within the last 5 years, fire insurance for homes in rural areas has gone through, comma, and continues to go through great changes. Power insurance is harder to get some carriers have stopped issuing policies for it for carriers that remain, the price has risen. We have had some public testimony from members of the public, that their insurance rates have come up, gone up. To the best of my knowledge, we have not had any insurance professionals provide us with such data.

**Denis Tracy:** Mr. Chairman, this is your attorney. I refer the Commission to evidence items exhibits G1 through 7. I'm not sure about number 8 there, that are in, that are part of your packet. As well I suspect that a number of Planning Commission members themselves are well aware of these facts and can themselves take notice of that.

**Julian Matthews:** Well, yeah, that's great, but the thing is, I'd like to see documentation to say, okay, well, maybe the Commissioners, whoever...

**Dave Gibney:** That mic, that mic really is not working, Julian.

**Alan Thomson:** Are you switched on? Is it switched?

**Julian Matthews:** I'm thinking someone's trying to tell me something. Okay, so what I'm getting at is, okay, like, this is a finding of fact, like, however you define it, okay, so I would it would be nice to see, okay, this, like you're saying, 5 years, within the last 5 years fire insurance in homes and rural areas have gone through and continues to go through great changes. I mean, that's pretty vague, I don't even know what that means. But, like, okay, like, say last 5 years ago. I assume they're talking about wind turbines, so my insurance cost me, whatever, \$1,000 a year, fire insurance. So then, the next year it went up, and now, 5 years later, it went up to \$5,000 a year. I'm sure they could bring in a copy of that to show as evidence, because basically, and that's great if the Commission board members, then, if they have that documents available, that's what I would like to see as proof you know, I take their word for it, but, you know, a lot of this stuff just can't be, well, yeah, so-and-so said so, and this is and I'm not saying people, make stuff up, but it would be nice to have documentation to say, okay, like. Like, with my car insurance, I have 3 cars, now I have 4, so I can show when I had 3 cars, I paid this amount, now I have 4 cars, I pay this amount. Do you get what I'm saying?

**Dave Gibney:** And so, you know, and number, number 62 is also a statement of what may, what probably is a fact, it probably is true that insurers consider it, but I think we have actually less evidence that the actual insurer has done that, and, but it, you know, and we don't have a cross, we do not have a cross-reference from these facts to the items of evidence.

**Denis Tracy:** Actually, Mr. Chairman, you do. If you look at the table of contents for the evidence items, you'll note that one subheading, G, is wires and fire insurance. And as I said before, items G1 through 7 are the evidence to support these findings.

**Dave Gibney:** Okay. Thank you for drawing our attention to that other document that I had not found on my table.

**Denis Tracy:** I put that on, I put that on the tables in front of every commission members at 5 p.m. today.

**Dave Gibney:** I saw this, and I had a copy of this, So, okay. I, Is this yours, Carol, or I...

**Unknown woman:** That's mine.

**Dave Gibney:** Okay, so. Anyway, everybody has had an opportunity to see it. And that is okay, so these were items that we received in email, not presented to us here, and so, yeah, Julian, we do have some information to support that in our record.

**Julian Matthews:** So, you have documentation to support this in G wires and fire insurance. Is that right, Denis? Since you received the emails, I guess, or you're putting them in here?

**Dave Gibney:** We did too, Julian.

**Denis Tracy:** That's right.

**Julian Matthews:** Are the documents here? Where are they at?

**Denis Tracy:** You were emailed them, and they are also sitting in the two boxes in front of you on the stage if you look up and just to your left.

**Julian Matthews:** Okay.

**Dave Gibney:** They are also ref... They should also be referenced in the zip file that I prepared and, and the emails that were sent to us, earlier today when Denis sent us all our exhibits, so...

**Brian Davies:** Okay, go. That's a good, a good amount of inventory.

**Dave Gibney:** So, if, if a member of the Commission would like to move the acceptance of the two of each of the Finding the Fact documents before us. Either separately or by one motion.

**Bill Myers:** I so move

**Brian Davies:** I would like to move, Mr. Chairman, that we accept the findings submitted by you, titled Procedural Findings Prepared by Planning Commission Chairman Gibney. And that we accept Prosecuting Attorney Tracy's email with the table of contents as the second one, and then Prosecutor Tracy's findings of fact proposed revisions to the Commercial Wind Energy Facilities Ordinance Chapter 19.61. I move that we adopt those three with our inventory of public comment for the public hearing.

**Dean Kinzer:** Second the motion.

**Dave Gibney:** I have a motion by Brian and a second by Dean to adopt the two items and the cover email as our first findings of fact on our record. All in favor, please say aye.

**All Planning Commission members:** Aye

**Denis Tracy:** I want to note, Mr. Chairman, that items 76 and 77 concern tonight's meeting. And as such, I think you'd have to adopt them after the meeting's over. It's my guess as to what will happen at tonight's meeting.

**Brian Davies:** I'll make a note of that.

**Dave Gibney:** Okay. I, I agree, and we will, we will consider those two items not as part of our current motion. Okay. Does anybody in the staff or the commission have any additional findings that they would like to have introduced into our record, at this time?

Seeing none, I am going to introduce the, enter the draft ordinance on our record. I believe I don't know if there are more copies out there in the public. I know that the Commission has been, and I'm sorry if you're not being heard. I know the Commission has received a current copy of it with the minor corrections that were noted, as of last, and part of this is what went to the SEPA, there was an indentation and numbering problem. It was corrected. So, these are proposed changes to the Washington Whitman County Code 19.61 Commercial Wind Ordinance Energy Facilities. And they're hereby in the record. There are amendments to Section 19.61.010 which is also retitled Purpose. There's a new section, 19.61.015, Definitions. There are amendments to 19.61.020, Application of Standards and Criteria addressing pre-application public meetings. There is a new subsection, 19.61.030(D), under other applicable requirements, requiring underground transmission lines. There's a new section, 19.61.053, Commercial Wind Energy Facilities Exclusion Areas. There are amendments to Section 19.61.060, Subsection A, Development Standards and Setbacks, and to Subsection N, Decommissioning, and there is a new subsection P of that section, Fire Mitigation Requirements, and they're on our record. At this, at this point I'm gonna ask each member of the commission to just, you know, if they have any comments on our procedures and where we are right now. I'm hoping that everybody can keep that into a minute. We really don't want to be here tomorrow, so, so, Brian?

**Brian Davies:** So to proceed, so let me get this clear, Dave. You want me to give you my opinion on where we're at if we should move ahead. Or, or just add, or what my feelings are, in general.

**Dave Gibney:** Maybe I shouldn't have asked. I can't, I just, at this point, I wanted to give everybody on the Commission a short chance to speak. We are about to be at a point where we will be making potentially making amendments to this code before we go to public comment. If you want to wait, if you have an amendment, you want to wait till then to say it, just you guys can all we can have this time really close, and we can get we do have one amendment that's been brought before us, on, clarifying the, additional excluded areas, so. But I just thought that at this point, I should let you guys make any kind of opening remarks you might want to.

**Brian Davies:** I'm okay, I don't have really anything that's right in front of my mind that I need to get, so I can wait till specifics come up, so thank you. I yield.

**Weston Kane:** I can wait till we do amendments.

**Dave Gibney:** Anybody else? Go ahead, Bill.

**Bill Myers:** Now, this is the product of months of hard work, and at this, at this point, this is satisfactory.

**Dave Gibney:** Okay. All right. We are at the point before public hearing where I'm going to ask if the Planning Commission has any amendments they would like to make to the proposed draft before we go forward.

**Weston Kane:** Mr. Chairman. I'd like to amend, excuse me, 19.61.053, Commercial Wind Energy Section facilities exclusion areas, number D. I would like to strike everything what we have in number D and replace it with wind energy facility setback from sensitive public areas. Wind energy facilities shall be prohibited within 6 times the height of a turbine, measured from the ground to the tip of the blade at the fullest vertical position of the following sensitive public areas. Number 1, the Palouse to Cascades Trail State Park Trail, the Columbia Plateau Trail State Park Trail. Number 2, Klemgard County Park, Elberton County Park, Colfax Trail County Park, and Wawawai County Park. Number 3, Rock Lake, and number 4, Escure Ranch.

**Dave Gibney:** Okay. And this, to be clear, that is just really clarifying, what we had before as to being specific at the locations. But it, we did also, in the ordinance we were having, had it, that exclusion area to be a mile from those and you are proposing that we take that down to 6 times the height. And I would note that Pampa Pond, which I'm familiar with, and Rivera are no longer there, I don't know what Rivera is.

**Weston Kane:** Rivera? It's a fish and wildlife area right north of Escure.

**Dave Gibney:** Okay. So, is there a second to Weston's motion?

**Brian Davies:** I'll second.

**Dave Gibney:** Okay. Is there any discussion?

**Weston Kane:** Mr. Chairman? The reason I proposed to make these motions was in order to make something that I feel is probably more defensible. Our previous code probably, on this section, I don't know, would have held as well as what we currently have here, so I'm looking for that compromise to make something that'll stick better.

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

**Bill Myers:** Six times, as opposed to a mile, isn't a great concession. I would like us to stick to a mile. We did narrow down the locations from a rather comprehensive statement. I think that's an adequate concession. I think we should stay at a mile. And then, go with the locations that you have stated. I think that would be the, the best solution, on this section.

**Dave Gibney:** Other members? Or Staff? Mr. Tracy?

**Denis Tracy:** Well, if The Planning Commission goes with a setback of 6 times the turbine height, then many of the or much of the reasoning that you apply to your six, your 6 times height setback that you have for property lines, and for houses, many of them, not all. Many of those factors would apply to these sensitive public areas, and so you could have additional crossover. If you go with a mile that's farther than the other setbacks, and you're thereby a little bit more limited in the reasons that you can point to for these setbacks. So, I agree with Mr. Kane that it is more likely, again, there's no mathematical formula here as to what is absolutely right and what is absolutely wrong. But, I agree with Mr. Kane that 6 times setback is, is a good idea. Can you go with one mile? Yes, you can.

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

**Dean Kinzer:** I would have to go with Mr. Kane on this, and treat the public parks the same as we treat private property for the setbacks. Otherwise, why, why do the public parks get treated different than private property. And so, I think we need to keep that even keel across the board. That's just my stance on it.

**Dave Gibney:** Okay. And any, okay. Okay, so, we have a motion to amend our draft, as stated by Weston, and we will, we definitely have the printed copy available to make sure we get it into the record. And seconded by Brian. All in favor, please say aye.

**Planning Commission Members:** Aye. Aye.

**Dave Gibney:** Opposed?

## **AMENDMENT PASSED**

**Dave Gibney:** Okay, we've made that amendment. Are there any other amendments that members of the Commission or our staff would like us to consider, at this point before I move to the public comment period. Okay, again, we had the sign-up sheet I honestly, okay I'm gonna, yeah and I hope that we, somebody has helped us comply, compile list of people on Zoom. I'm gonna look at this one, too. But anyway. So, again we have the sign-up sheet. I had truly hoped that I could ask people to say which side of this various issues that we would be they'd be talking on, but that's not gonna work, so we're just gonna go through I'm going to try and make sure we give the people online as much opportunity as the people in the rooms. It was suggested that I make a calculation at this point by how many we have. In terms of the number of minutes to allow. Again, I don't want to ask, I don't want to tell anybody not to speak, and I don't want to limit everybody. But we probably have a couple hours of work to do afterwards to accomplish our goal this evening. I'm going to start with asking everybody to limit their comments to 3 minutes. Because that's what I had in my original draft. That might be a little long with the number of people in the room. Again, this is a legislative hearing focused specifically on the proposed amendments to the Whitman County Code 19.61, commercial wind generation energy, commercial wind energy facilities. And our comments should address the merits and the concerns made by the

proposed changes. This is not a forum for general discussion about wind energy or other energy generation facilities or topics. Nor for topics outside the scope of the amendments under consideration. Well, I'm sure that people will wish to speak on something else, and I'm gonna be, I'm gonna try and be generous and not cut people off. I have the sign-up sheet here and the first name is Jess Smith. Okay, and we do have a timer that they will be, that the audience can see or not? Okay, it will make an, it will make a small noise, so let's go ahead and start. Okay, thank you very much.

**Jess Smith:** My name is Jess Smith. I live outside of Palouse, and I'm one of the folks that's within about a half mile of one of the proposed towers. First of all, I want to thank all of you guys who are on the Planning Commission. That's a thankless job. So, thank you. I really do appreciate the time and energy y'all put into that. So, thank you for that. I do support the proposed setbacks and the exclusion zones around Kamiak and Steptoe explicitly, but I generally support the changes that y'all are going to make, or hopefully going to make, to our code. I do have a couple of few points, I'll keep it short, I promise. Thankfully, Steelhead Americas published a letter with their opinions of the proposed code, and I've got a few rebuttals. First of all, they are not aware of any jurisdiction where a commercial wind project has been sited within that 6 times tip height of restrictions. I'm happy to inform Steelhead America that down in Umatilla County, there are actually 5 projects. One as recent as 2022, that are within Umatilla County's code. Umatilla has a 2-mile setback, 2 miles being about a 13 times tip height. So that's significantly more than our proposed 6 times. I would also note that I see that setback is completely reasonable. There are other several other counties and several other, actually, states that have significant setbacks. Things like, I think it was Maine has a 13 times setback. So we are not unusual with the 6 times. That's completely reasonable. And I, there was a comment earlier about it being defensible. This isn't just us. We're not the only ones doing 6 times. That's not unusual. The Steelhead letter actually had a very good resource from NREL, the National Renewable Energy Laboratory, that you can go dig all of those up. In regards to the claim that the exclusion zones around Kamiak and Steptoe are prohibitive. First of all, that's a 7-mile exclusion zone. It leads to, as they state in their letter, about 300 square miles of non-developable land. Whitman County has over 2,000 square miles. Are those 300 really the most valuable, highest priority sites in the entire county? My opinion is that for these major landmarks, 7 miles is completely reasonable. And finally, I believe our elected officials and the Planning Commission are aware, but apparently Steelhead is not, that the goal of our code is for the betterment of the people of our county. Not for the betterment of Harvest Hills LLC, owned by Steelhead Wind of Portland, owned by Steelhead Americas of Portland, owned by Vestas, a wind turbine manufacturing company of Portland, Houston, Boston, and Colorado. This code should support the people of Whitman County, not the people of Portland, Houston, Boston, and Colorado. This is prohibitive to go to it is prohibitive, to an outside entity coming in and forcing this on our community. Thank you.

**Dave Gibney:** Thank you. Okay. I can ask for decorum, and to not waste and use time with applause, and I am going to do that now. Please do not applaud for each speaker, and

please, if somebody comes up and is in support of wind and asks for changes to this ordinance, our proposed ordinance. Let's not have any booing, also. Thank you. Tom Lamar.

**Tom Lamar:** Hello. Thank you, Commission, for taking comments tonight and holding this hearing. My name is Tom Lamar, I'm the Executive Director of the Palouse Clearwater Environmental Institute, PCEI, the owner of 22-acre Rose Creek Nature Preserve at 6702 Shawnee Road, Pullman, north of Albion. Near where some of the site, sites are to be located. I'm also a Latah County Commissioner, but I am not speaking on behalf of Latah County. I am here to present the perspective from PCEI. The current draft proposed ordinance, Chapter 19.61, Commercial Wind Energy Facilities, has been written to serve as an effective ban on future wind energy projects in Whitman County. The result will be that wind energy developers will be forced to seek approval through the Washington Energy Facility Site Evaluation Council, EFSEC. Commissioner approval of this ordinance would remove Whitman County and its citizens from having a serious voice in the siting of future commercial wind projects within the county. The state EFSEC process will only be a credible route will be the only credible route for renewable energy projects in Whitman County. The existing ordinance in 19.61.060, development standards and criteria allow developers and contracting landowners reasonable flexibility to address necessary issues, including safety, environmental criteria, soil fertility, location with respect to transmission lines, wind maximization, and other siting needs. The proposed language in 19.61.060 of four times the height of turbine from property lines, and 6 times the height of turbine from buildings is not a credible setback for the siting of turbines. The land requirement to accommodate this setback violates private property rights and means that only very large parcels could possibly be considered, and most landowners will be excluded from lucrative turbine siting contracts. Such a limitation hurts the very people who will benefit from the most from the economic diversification these turbines will bring to Whitman County. If passed by the commissioners, the state EFSEC review team will consider this an unreasonable attempt to prevent the project, and it will be ignored. The exclusion areas listed in 19.61.053 further exacerbates this effective ban on commercial wind facility siting. All the distances referenced in this section are completely burdensome to a developer and only serve to further require the State of Washington to take over the siting of renewable energy in Whitman County. We have other large, human-made objects, such as radio towers, cell towers, transmission lines, telephone poles, barns, roads, and other artificial objects well within these exclusion zones.

**Dave Gibney:** Thank you.

**Tom Lamar:** Would you like me to...

**Dave Gibney:** Wrap it up, please?

**Tom Lamar:** Okay, I won't finish, but I'll hand it in.

**Dave Gibney:** Yes. Okay. Any written materials or whatever, please turn them in to us.

**Tom Lamar:** That's great. I feel like also the facts ended about Number 13 in this document. Much of the rest of that's opinion. Thank you.

**Dave Gibney:** Okay. Thank you.

**Inaudible**

**Alan Thomson:** Give it to Grace.

**Dave Gibney:** Shantyl McGuire.

**Shantyl McGuire:** Hi, my name is Shantyl McGuire. My husband and I own McGuire Air Service which is an Agricultural Aviation Service. We spoke at our last meeting about setbacks, and I noticed that Art Swannack had sent you guys an email that would mitigate some of the issues with aerial application, and I'm hoping you guys read it and would consider that. We talked about it, and we felt like even though it doesn't have the setbacks of 1.5 miles, or 6 times, or any that it would still work, so I'm hoping you guys received that. But my biggest concern tonight was about the one-mile setback around Rock Lake and after talking to some pilots that we had worked with in the past that fly, fire bosses and super scoopers, that north and south end is really, really important to have further setbacks so that they can get in, scoop up the water, and firefight. So, I'd like you guys to consider that, also, when you guys are making changes tonight, okay? We love the underground wires looking forward to that, because the last glass turbines didn't, or wind turbines didn't have that. So, we're, we really appreciate that. Take care. Thank you.

**Dave Gibney:** Is there anybody in line on to speak on Zoom?

**Brandon Johnson:** Yes. H. Greyston is on.

**Dave Gibney:** Okay. H. Greystone?

**Holly Greystone:** Yes.

**Dave Gibney:** Go ahead, 3 minutes.

**Holly Greystone:** Thank you. This is Holly Greystone. I've been a Whitman County resident for about 15 years now, and, you've basically, you've heard everything that's been said so far with the previous people that spoke. I just basically iterating what they said. I think it's really important that we are considering future-proofing for fire, you know, management, like, having those setbacks so that our , our you know, our people who are taking care of our communities and our lands can be protecting that. But additionally to that, the private lands and the value that we have and the work that we put into our land being devalued by having these, these things in our area is something we should consider, and I understand

you guys are doing that, and I really appreciate the time and energy, and I just adding another voice to the room of people that are there, basically, saying the same thing, and just want to iterate that I am in full support of that, as well as my neighbors. So, thank you again. I appreciate you guys revising this and considering the setbacks, and just you know, continue to do that. I'm not opposed to us having industry here, just like to consider its impact on our neighborhoods as we go forward. Thank you.

**Dave Gibney:** Okay, thank you. Do we have an idea how many people on Zoom we're gonna want?

**Brandon Johnson:** That's the only one so far.

**Dave Gibney:** Okay. Awesome. Okay. Shane Roche.

**Shane Roach:** Do you guys hear me?

**Dave Gibney:** Yep. I can.

**Shane Roach:** Good evening, members of the Planning Commission. Thank you for your time tonight to have the public hearing. My name is Shane Roche, I'm the lead developer of the Harvest Hill wind project. I've been coming to Whitman County and working with landowners and community leaders for 4 years. We'd originally hoped to permit this project locally. We recommend you do not send this ordinance for approval to the Board of County Commissioners. While there are multiple problematic portions of the ordinance, the 6-time tip height from property lines is a de facto ban on wind development in the county. If passed, all developers will go straight to the state to current wind projects. Thank you for your time, and hope you have a great night. Happy holidays.

**Dave Gibney:** Thank you. Linda Marler. And I'm just gonna go down this list and pop over to Zoom once in a while.

**Linda Marler:** Linda Marler, Colfax.

**Unknown man:** It's not on. It'll turn green in just a minute. It may not work.

**Brian Davies:** Sounds like it's working now.

**Linda Marler:** Thank you.

**Dave Gibney:** Let's not turn that thing off when we set it down.

**Linda Marler:** I'll try not. I've edited my remarks so they're a little shorter. But I consider that this is a project that we need locally, because we need lots of local projects. We're facing a nationwide shortage of electricity. Especially with AI development and use of electric

vehicles, and we need proper regulation, proper setbacks. But if we make this so we can't do projects locally that's a loss for all of us. I'm not planning to go off the grid, I enjoy my electricity. So, our Planning Commission has taken a lot of time to update our wind restrictions, wind turbine restrictions, and we need to be real careful to hit the right balance. When we talk about all the rest of the county we have to be able to tie in production to transmission lines. We can't produce with wind turbines, and then have 20 miles of lines to get it into the grid. So, I feel another part that we have here is landowners have a choice to allow or not allow wind turbines on their property. If we get into a case of pretty much dire need and utility companies like Avista take this over they will not come asking if they can put a turbine here, or if we're interested. Avista doesn't ask. They come and tell you where things are going to be and I think we need to be aware of that difference. Thank you. Sorry.

**Dave Gibney:** Martin Marler.

**Martin Marler:** I'd like to defer my time to Tom.

**Dave Gibney:** Okay.

**Unknown woman:** Tom, one more time. Oh.

**Other unknown woman:** Can we do that? Is that what we're going to be doing this evening

**Unknown man:** That was very close.

**Dave Gibney:** I, really think that, that it would just add some confusion to the to the whole process. I understand that we cut him short, but I, I also understand there wasn't much more at that point, so. Okay, so you can use your time.

**Inaudible**

**Martin Marler:** Hi, Martin Marler. I think I know most of you out there, but I appreciate what all you're doing and I wouldn't want your job, but we're in the middle of the project. I've worked over 50 years with used and older equipment, so I could afford to buy my ground, and now I've opted to let it be used for turbines. And I don't think somebody with one acre or no acres has the right to tell me that I can't have turbines. Especially saying that they have to be almost a mile away from their property. And I, I think you need to take that into consideration for all of us that are involved on our side and be fair to us. And I think if you look at it from the project, the number of people that will be here working will benefit our county. And I think I see the senior employee back there of Schweitzer Engineering, and Hugh can tell us that a lot of products are going to be on these turbines that Schweitzer Engineering makes. So, if we want to help that business out a little in our county, keep that in mind, too. And, I guess with that, oh, I would like to see you just copy the state rules, and then there wouldn't be this big, huge problem with all of us up here in front of you, and I

hope you get a little more organized. 52 years ago, I started farming, and prior to that I worked with NASA and Grumman Aircraft, worked for Lytton Systems and Teledyne Systems. And we had to be organized, we didn't go in there unorganized, and I'm sorry that I feel, and I think a lot of us out there feel, that this started out very unorganized, and you're dealing with something that's very critical to the county and to the landlords. Thank you.

**Dave Gibney:** Thank you. Bill Owens.

**Unknown man:** I can, actually.

**Bill Owens:** I have decided to not speak, other than to say that I have...

**Dave Gibney:** No, we, we can't do any speaking that isn't at the microphone, because we can't get it on our record, and people can't hear it.

**Bill Owens:** I am Bill Owens, my wife is Gwen Anderson she started the first petition in opposition to wind power on the Palouse nearly 2 years ago. Because of the things I have to say that have been said already, over and over again, I decline to say anything further.

**Dave Gibney:** Thank you. Greg Jones?

**Greg Jones:** I'm Greg Jones, I farm east of Colfax I am in this project area, and I am in favor of the windmills because I want the money and I think having new money in Whitman County is a good idea. And I have a legal right to have windmills on there at least 2 years ago, I did, and if you pass this ordinance, I'm not gonna have that legal right. Now, I want to know if you're gonna planning on compensating me for my loss of value in my property.

**Unknown man:** Yeah right

**Greg Jones:** Hey.

**Dave Gibney:** Did you guys be quiet, please? Let him speak.

**Greg Jones:** And as far as these regulations you wrote, I consider them to be kind of a joke. You're not trying to regulate wind power you're trying to ban it. Why don't you just come out and say it flat out, we want to ban wind power and make it a, and if you do that, then the county commissioners will not have any authority over that windmills, and everybody's just going to go to the state. That I'd like, I would like to see new money coming into Whitman County, and I don't like this well, this whole idea. I just read all these regulations, and they make no sense. But I'm for the wind power, and I think the easiest way to sell this is just go back to the rules they wrote in 2009. That was a good set of rules. Either that or just copy the state rules. But what they came up with here is, well, somebody's political statement.

**Dave Gibney:** Thank you. Amy Mazur?

**Amy Mazur:** Hi! My name's Amy Mazur. I am thrilled to be here. This is so exciting. I taught political science at WSU for 32 years, and this is Democracy in action, so bravo. I lived on Palouse River Road, for 2 years. I love Colfax, I love that road. I was just below, I was on the Schmick's property, and just below, Mary and Mahler's property. I am against your amendments, wholeheartedly, I don't understand them. I would reiterate the previous gentleman's comments. They seem to be entirely against your economic interests, landowners, the economy, in terms of the money that will be brought to the economy through the jobs, the parts, the new energy. I don't understand why you would want to abdicate your authority to, the state government, the FSEC process, because essentially, this is not a ban. This is not a ban. This is you are abdicating. If you pass these amendments, you are abdicating your role in any future development of wind turbines. And if you want to do that, then you go ahead. But that's not democratic, because, and I'll end on this note, because my understanding is that a great part of this process has not been democratic. That people feel intimidated to be, say anything against the wind turbines, that it's a vocal minority that has come in here.

**Unknown Person:** Are you talking to us or the board?

**Amy Mazur:** I'm talking to everyone in here. Yes, okay, well, I wasn't told I had to talk to the board, because I'm a professor, that's what I do, I talk to my audience.

**Dave Gibney:** Yeah. We're here.

**Amy Mazur:** Okay, well, my understanding that there's been intimidation, I think there's a sheriff here tonight because of unfortunate problems, and to end, just to be very clear, that is not democracy. That is not participatory democracy, that is hooliganism. And you should not be a part of a process that has produced this very bad taste in many people's mouths that are actually for something that's good for the county and for the economic benefit of the county. So, I would like you all to carefully consider supporting these amendments. Because, you know what? My great-grandfather said this, and I'm sure your great-grandfather said it, If it ain't broke, don't fix it.

**Dave Gibney:** Thank you. Rod Hubner, and I may well mispronounce some names, and that's just gonna happen, but Rod Hubner.

**Rod Hubner:** Good evening, I'm Rod Hubner. I'm here on behalf of Georgie Linewebber, she wrote this, did the research, and Georgie is, spent 26 years as a national, natural resource conservation for USDA, she grew up on a heritage farm established in 1877, and she still manages that farm. She has been a Whitman County resident for 72 years. Her criteria is the concern for erosion control when constructing windmills isn't addressed in the evolving Whitman County Code. Failure to analyze foreseeable impacts of this erosion It violates WAC-197-11-228 and the GMA Growth Management Act. For this reason, the moratorium needs to be extended to consider this issue, as well as other issues not addressed in the

newly revised code. When clay hilltops are dug to a depth of 20 feet or more with a diameter of over 50 feet for windmill bases, erosion becomes a big factor. What is being done to mitigate this? NRCS and the conservation districts remain silent on this issue. These two organizations, Natural Resources Conservation Service and the conservation districts receive federal and state funding, just like the windmill companies. We are being played having our tax dollars fund both natural resource conservation and natural resource destruction. The public has been brainwashed that all this is working together for the public good. We are paying for both conservation and destruction. For some reason, the green movement has indoctrinated people to assume windmills are good for the environment. They are not. Placement on windmills and roads on our prime farmland force farmers to farm off contour, causing even more erosion. Erosion leads to water quality issues, as well as aquifer recharging problems. The runoff from construction should be captured on site and not allowed to cause, excuse me, cause water quality issues or sedimentation on the property on adjoin, or on adjoining property. Terracing is suggested to control water runoff as well as sediment basins, all depending on the topography. This needs to be placed in the county code and needs to meet NRCS standards and specifications. Included in the packet are the soil types that will be affected by the Harvest Hills project. These packets were given to Alan, I think, the other day, I believe. I have a general soil map outlining the proposed windmill project area and listing all the soils within that area, and then I have maps broken down by areas more closely showing the soil types not visible on the whole project map. Each packet of maps includes a soil map, a report, a farmland classification, oh, just about done, prime farmland, farmland of statewide importance, and not prime farmland, and a K-factor report. I'll skip down, and we, anyway I guess you get the idea.

**Dave Gibney:** That, that was the time. And we do, but I would also say that that's somewhat of an example of addressing things that are not part of the amendments before us tonight.

**Rod Hubner:** Well I have to say, she talked to Alan the other day, and he said to do this here.

**Dave Gibney:** Well, I, and thank you.

**Rod Hubner:** Don't shoot the messenger.

**Dave Gibney:** I'm making, I'm more making the point for future comments tonight, so thank you again.

**Rod Hubner:** You're certainly welcome.

**Alan Thomson:** It was all entered into the record.

**Dave Gibney:** Yes, and, and for whatever it's worth, when we're done tonight, the record just shifts to the commissioners for a while, but they get to listen to everybody just like we do, so thanks. A Zoom?

**Brandon Johnson:** Uh-huh, Colin.

**Dave Gibney:** Okay. Colin in your iPhone.

**Colin Bannister:** Yeah, hello everyone. My name's Colin Bannister, from Pullman, Washington, and I might have mentioned before in prior public testimonies, but I spent 3 years as the student lobbyist for Washington State University's student government. And in that position, I worked at the state capital, like, my job was organizing students to focus on things like financial aid, preventing tuition increases, and a perspective I got from that, and just working in the state legislature in general is that it's really hard to organize people. It's really hard to have grassroots movements pop out from nowhere. And something that I have seen consistent over this entire project has been a massive grassroots movement of people that have been against this project. There's been very little support for this project from the general public in Whitman County. That's been demonstrated time and time again by petitions, very large Facebook groups, and that's even despite, you know, really strong efforts from the company to, like, come canvas on campus at WSU, come to events like the Lentil Festival and all these different, avenues to try to get people to sign up. And they're not succeeding, because there's not support for that in this community. There's not broad support for this, especially with it being that these are going to be 700-foot towers, potentially even higher in the future, and with that in mind, there needs to be different zoning laws for that. There needs to be different zoning setbacks that are hot, that are bigger, given that these are much bigger size. And you know, I think that it's just abundantly clear that people don't want this. Even college students that I'm talking to, from across the political spectrum, when I'm talking to folks that are in my classes on different things. Nobody, nobody wants this, especially when they're given the context of what this does and what it would do to the Palouse. I also think that it's concerning how involved the company has been with providing information that this commission and county commissioners have been using. I think that it should be done in a more independent and, you know, more of a way that does not involve the company being the person that gives or being the entity that gives that information. It really should be more independent and just in general, like, for, you know, students like me that are thinking about our futures and thinking about, you know, where we want to live, what we want to do with the rest of our lives, it's becoming much less incentivizing to live in the Palouse if there's going to be 700-foot towers. I don't want to; I don't want to continue living here if that ends up being the situation. I'll move and go to another city, and I think a lot of students are in that situation, and it's not going to be good for the region.

**Dave Gibney:** Thank you, we're, we're, I appreciate the comments. Is there another one on Zoom?

**Brandon Johnson:** No.

**Dave Gibney:** Did I do Seth Denton? Okay.

**Seth Denton:** Good evening, everybody. I'm not a public speaker, so I had to write this down. My name is Seth Denton, I live in Oakesdale, and I provide a unique perspective being an ag pilot, as well as my home has been, 3,100 feet downwind from the nearest, wind turbine at Oakesdale. These 425-foot turbines are a definite, noticeable noise problem's not the right word, but they're evident. Even on an absolutely calm day, we always have humming noises, and some of them make reassuring clunking and squeaking noises, which are always exciting to hear. On windy days, it can sound like we live in a decibel level similar to a rushing river, it's constant, just constant whoosh-whoosh. Just observation as a local person. I'm also, as I said, a second-generation ag pilot. There's been a dent in an ag plane since 1953. So, I've sprayed fields in and around, wind turbines in the 14, whole 14 years I've been spraying. Done this not only at Oakesdale, but I grew up down in Athena, Oregon, in Umatilla County, very close to wind turbines, as well as in Wasco, Oregon and Lynn, Washington. I appreciate you addressing the, transmission lines and fully supporting them being underground. All these cross-country wires are, with the terrain around here, sometimes they swoop so low that we can't necessarily go underneath them safely. And, when you're in a 500-gallon airplane hauling over 4,000 pounds worth of product, climbing over them isn't always a very safe option. They also increased maneuvering challenges for us. Most of the time, I can turn within a mile of the mile radius of the edge of the field I'm spraying. But, considering wind and temperature, a lot of times with the terrain we fly in, I can exceed well over a mile in my turns. And considering, you know, if you put these up close to Kamiak Butte, or maybe Steptoe, or, say, down by the river, close to Farmington, you have the steep, rising terrain, so it's, it increases that even more. It's just a safety concern from my, industry. Another thing is the MET towers, my only concern with the information on that is they're a very invisible killer. I notice there's no limitation on maximum height. Here in Whitman County, we don't have any real tall ones. I've provided them for my information coordinates of a Met Tower in South Dakota that's 2,000 feet tall. So, some of these don't affect just us ag pilots below 500 feet. I'd also support if there's any, verbiage we could provide to, notify ag operators, as well as airports, including, like, Sheflin Field, just a few miles from Kamiak Butte, and us over at Oakesdale, St. John. I would support verbiage to notify us when these are put up, because they're just invisible and quick to put up. Anyway, thank you so much for your time.

**Dave Gibney:** Thank you, Julie Clarkson Gulick. And, we're past the 7 o'clock that we were notified that this hearing would begin. Just want to ask that anybody who's come since that time and hasn't signed up to I believe there's still a sheet back there. If not, make sure that we give you a chance to speak. So, thank you.

**Julie Clarkson-Gulick:** I'm Julie Clarkson-Gulick, and I encourage the Planning Committee to amend the setbacks for non-participating properties to 1 mile and then approve the current proposal for submission to the commissioners. The setbacks are to protect non-

consenting neighbors from the harms of infrasound generated from the massive turbines, as demonstrated in a recent study from Ken Mattson, M-A-T-T-S-S-O-N. You can watch his presentation on YouTube, where he discusses his research showing that the turbine-generated infrasound travels at least 10 kilometers, over 6 miles. And can vary depending on weather conditions and terrain. The setbacks are also required for air access for life flight, air fire suppression, and aerial applications for farmers. Non-consenting neighbors should not be put in a position of risk of being harmed, so someone else can make a few extra bucks. Please do not let big business try to intimidate or con you into believing you have no choice but to give in to their demands and go with the current code, as it appears one commissioner has sadly already done. Your job is to represent the majority of the residents of Whitman County, and for this first project, less than 15% of the residents in the area agree to having a wind tower on their property, and the vast majority of those don't actually reside here, and won't have to live with the impact of their choice like the rest of the community. In addition, to my understanding, developers get tax incentives from the state. The deadline for federal government subsidies is July 4th. The developers claim the county will get all their taxes, but in reality, Whitman County will have to cover their portion of the state rebate to the developer. Also, tax thresholds impact school funding, potentially hurting our schools, in a few years. Finally, why would a wind developer invest in construction and then sell within 2 years, as Harvest Hills has stated? It's the dollars they recoup, not because they believe in wind energy production. Again, I support the amendments to code. You must protect our county and its people. The developers have to deal with our code, and if Harvest Hills does end up going to the state, and a lesser setback is approved, at least you've done your due diligence to protect the people of the county. Thank you.

**Dave Gibney:** Thank you. Simon Smith.

**Simon Smith:** Good evening. Thank you so much for this opportunity to make a comment on the 19.61 amendments. I live in Pullman, have for the last 26 years. My perspective on these particular amendments is shaped very much by my position on the subject. I favor clean energy production. Because it supports economic growth and regional sustainability. I also believe that individual landowners should make their own decisions. So, when I read the proposed changes, I found them unnecessarily restrictive. And, for example, there was a comment about, invert in, in commerce here, regardless of whether the building owner consents, that was one of the statements that was made in these amendments, and for that reason, I realized there was a particular slant to this document. Fundamentally, I believe it's inappropriate to impose unnecessary and restrictive code unless there is solid evidence to support it. So, decisions must have a foundation of rationality and ideally, scientifically peer-reviewed data. I bring that point up because I just scanned through the findings of fact, just this evening, I hadn't seen them before, and 3 of those statements were fundamentally incorrect. They are not facts. So, in the absence of sound evidence, I think no changes should be made. My concern is that these over-onerous 1961 constraints are motivated by turbine technology concerns that are no longer valid. The technology has moved on in the last 20 years, so we're probably going to be dealing with a very different

type of technology when it's installed. Also, there appears to be an unwarranted assumption that if these, this, facility is not built, that the area will remain unchanged over the next decades. That's highly unlikely. Yeah, and that our power requirements will only increase in the future. So, I would, I recommend that these amendments are not accepted. Thank you.

**Dave Gibney:** Thank you.

**Brandon Johnson:** Cory online

**Dave Gibney:** Okay, we have Cory online, and then we're going to take about 5 minutes to recess to and then stop pickup. So, Cory.

**Cory:** Can you hear me?

**Dave Gibney:** Yes.

**Cory:** Awesome. Well, thank you for letting me do this. I am in full support of the amendments, as having lived in around these wind turbines and had to work around them, they are noisy. If you haven't lived within a half mile of them, they make a lot of noise clunking, banging, and having to hear the constant swoosh swoosh. Because the one thing that's unique to the Palouse is that the wind is higher, or blowing enough to make the wind turbines turn, but when you're down in the draws and the valley bottoms, where most of our houses are located, because we cannot build on hilltops because of viewshed and such things, you can hear them that's what when the turbines went in behind my parents' house, along Oakesdale Road, that was one of the things they said that they haven't really encountered anywhere else in the United States, is just because of the elevation change. And so, I'm in support of getting them set back from non-participating landowners as far as possible. And, also away from the county roads, because with freezing fog and that, they're always danger, falling ice, or ice can be thrown from them and where the Palouse Wind Farm is located, there are some that are, I mean, if it tipped over, the blades would hit the county road, and as far as I'm concerned, that's way too close to having where people can be driving, and then if it launches ice chunks, I mean, driving down the road, I wouldn't want to see someone get whacked by one of those in their car. And that's, that's pretty much all I had to say, was just, I'm in full support of the amendments that you guys have made, and the work that you guys have put forth. And regarding the Commissioner's comment, I don't think it's closing the door on wind development, just taking a good approach on getting it, so they're, it's far enough back from non-participating landowners that it's not gonna bother them nearly as much. So, that's all I had.

**Dave Gibney:** Thank you.

**Cory:** Thank you.

**Dave Gibney:** I'm gonna pause for 5 minutes, and let everybody stretch their legs, and.

## **5 MINUTE RECESS**

**Dave Gibney:** Can I ask, can I ask people to begin taking their seats, please. Thank you. If my commission members could return, Mr. McKeirnan, here comes, and, and, and Chris? There he is. Alright. Thank you again, everybody, for joining us here. We've had good comments so far, and I think let's just, my next name here is, Simon Smith.

**Unknown man:** You already called him.

**Dave Gibney:** Oh, I did. Oh, I'm sorry, okay, Kevin Owens.

**Kevin Owens:** So, good evening, Planning Commissioners, staff and neighbors, my name is Kevin Owens, and my family and I have lived in Whitman County for almost 12 years. My children have grown up here, and I'll soon have a grandchild raised here as well. This county is our home, and I'm grateful for the work you've already done to improve the wind code. My comments tonight are not criticisms, they're opportunities to strengthen the ordinance so it's fair, enforceable, and protective of both residents and the county itself. First, aerial application protections must be clearer. In Whitman County, aerial application is often the only timely and effective way to protect crops. Ground application may be possible in some areas, but it is slower, less effective in our terrain, and often insufficient for critical disease or pest windows. Turbines create turbulence that makes flying unsafe, and without clear rules, the county could face long-term conflicts between farmers, pilots, and operators. Second, we need soil and road construction standards, our low soils are extremely fragile. Poorly engineered access roads can permanently erode hillsides and alter drainage. Without specific requirements, the county may later face remediation disputes or liability issues that could have been prevented. Third, emergency helicopter access must be guaranteed, a turbine placed in the wrong location can delay or prevent life-saving medical transport. This is both a safety issue and a liability concern. Aviation hazard assessments and turbine shutdown rules protect residents and the county alike. Fourth, firefighting water access is essential. Many turbine zones lack natural water sources. A single turbine fire in dry wheat county can it escalate rapidly with without on-site water storage or coordinated planning. Finally, setbacks for non-participating landowners must be non-waivable. Allowing private waivers creates unequal protections and increases enforcement burdens. Mandatory setbacks ensure fairness and give the county a more defensible ordinance. Plan commissioners, these additions don't hinder development, they simply strengthen the code, reduce long-term risk, and give Whitman County a stable, predictable policy for decades to come. You've already done the hard work. These final improvements ensure your decision stands strong and protects the whole community. Thank you for your time and your service.

**Dave Gibney:** Thank you.

**Kevin Owens:** And if they pass them around, there's, proposed amendments with language.

**Dave Gibney:** Thank you, make sure that the staff gets them. Charlotte Omoto.

**Charlotte Omoto:** My name is Charlotte Omoto, and I live in Palouse. If I understand this proposed ordinance, it would in effect stop all wind development in Whitman County. And we're not just talking about the Palouse. Everybody's been talking about impact on Palouse, but we're talking about whole of Whitman County. I am here because I know farmers who are for wind turbines but have been shunned by their friends and neighbors because of their support. A farmer said his neighbors don't wave to him anymore, and he is sad about it. When he heard that a farmer speaking in favor of wind turbines was assaulted at one of these meetings, he doesn't even want to show his face here. Thus, I'm speaking for the farmers who are intimidated about speaking against this ordinance. I'm not a farmer and cannot speak from direct experience but they face unpredictable weather. This year has been quite wild, and a very cold winter comes before there is enough snow cover, it will impact winter wheat. The uncertainty of future commodity prices, or even the ability to export their crops, add to further anxiety. Hosting wind turbines on their farms provides a secure revenue to make up for these uncertainties. I don't consider my farmer friends to be greedy. They are small family farms that are trying to make a living. Putting turbines on their farm actually allows them to survive and not have to sell their farm to developers like many felt they had to all around Pullman and for the Amazon warehouse. Those developments do not support our local farms or our beautiful Palouse. Even wind farms that have been operating for over a decade is in danger of being shut down because if they want to upgrade, according to this ordinance, it will not be grandfathered in and will require existing wind turbines to be removed. This would disrupt the Palouse more than letting them continue to upgrade and operate. It's like someone who has an old car and needs to replace their transmission. How would you feel if the government said if you do that, you can't drive on public roads? Actually it's worse than that. Since they have been generating electricity, if it can be upgraded, they will continue to provide electricity and paying taxes. If that is shut down, where is the electricity going to come from? I have lived on the Palouse for 40 years and have seen the region grow. Although we are much more efficient in using electricity as the area grows, electricity demand still grows. If supply doesn't keep up with that demand, prices will go up. Farmers and wind generators pay taxes, so if we pay places ordinance that effectively prohibits wind turbines, we will pay more for our electricity and pay more for tax.

**Dave Gibney:** Thank you.

**Charlotte Omoto:** Sorry I went over.

**Dave Gibney:** That's, we're not, you know, I'm not shooting anybody. Dan Lenson? I'm not armed, either.

**Dan Lenson:** Thank you, Dan Lenson, I live on Clear Creek Road. Thank you, PC guys, for all you've done. We know the work's not done, but I approve all of the changes that you have done and wish you continued success on working on that. Just a real quick note besides that is I keep hearing everything about property rights, property rights, I can do what I want. You're doing what you want with the county, with the public money that's tax-subsidized to help these things. You're doing what you want with everybody's money. That's unfair.

**Dave Gibney:** Thank you. Mr. Thompson.

**Tom Thompson:** Tom Thompson, Pullman, Washington. I've been a resident of Whitman County for going on 43 years. I want to say, first of all, thank you to the Planning Commission and the staff for all year long hours and work, answering all those emails, and so on and so forth. I believe the revised wind code being worked on by the Planning Commission is essential to protecting the way of life, the heritage, and the well-being of the environment and the people of Whitman County. I urge the Planning Commission and the County Commissioners to approve the revised wind ordinance, which incorporates greater protection for the county via increased setbacks and exclusion zones for Kamiak, Steptoe, and Palouse Falls, the very heart of the Palouse. This is the very heart of the Palouse. This is why you got so many people upset, Harvest Hills. This is the heart of the Palouse. If you would have put it out in another area that didn't have so many people, it wouldn't have been an issue. But this is the heart of the Palouse. The changes requiring the developer to install fire prevention and suppression and have to have a mitigation plan with surrounding fire districts is essential also, this was lacking in the old code. We've come a long ways thank you, Commission. I suggest additional changes to be made. The setbacks for property lines should extend out to 1.5 miles to accommodate aerial application and greater protection for health and viewshed. You've already heard about aerial application, that could make or break somebody's harvest. On the back of the form that I've submitted here to the planning staff, there's a studies with setbacks, a matrix. You can see for yourself that from 2009 going through 2025, what the setbacks are recommended by many varied studies, going out to 10 kilometers. These protections are essential to preserve the very heart of our Palouse region and its scenic beauty. And this is also called out in the County's Comprehensive plan. You, the Planning Commission, have the opportunity to protect Whitman County for the next generations. Do not listen to the outside voices, such as the letter from Steelhead Americas, which contains many half-truths, such as the new code prohibiting wind in Whitman County, or that it's a small vocal minority against the project. The truth of the matter is that Steelhead America has brought this on themselves by not understanding the area and not doing their due diligence to get the majority of the population's feedback. We are just basically a one-night stop for them, and then they're gone. They plan on selling the project before construction starts. And do not be persuaded by those in county government who take the position that we are simply hopeless, helpless, and hapless, just victims that are powerless before the EFSEC or the state. It is up to Whitman County to make the ordinances that benefit Whitman County, and then adapt, improvise, and overcome as needed. The truth of the matter is that Harvest Hills wants to

avoid EFSEC at all costs. Going to them may kill the project or reduce it. EFSEC has done that in the past. Thank you very much, Planning Commission.

**Dave Gibney:** Thank you, Mr. Thompson. Todd Imeson?

**Todd Imeson:** Todd Imeson, Colfax area farmer. I'm standing here tonight to strongly, hopefully, entice you guys to consider the new, ordinances, especially the setbacks. I believe strongly in private property rights, but when somebody else's private property rights infringes on yours, that's where you have to draw the line. Because of aerial applications, that could be an issue. Aerial applications are a timely issue that we need to make sure that the farmers aren't being penalized for that. Numerous aerial applicators charge more for smaller patches. If you put in these wind turbines, smaller patches. Farmers will pay more. If you put the wind turbines in, perhaps they will get charged more, because they'll charge more because of flying next to them. The farmers charge more. Why is it fair that a neighbor should be taxed or surcharged because of what the other neighbor wants to do. Thank you.

**Dave Gibney:** Thank you. Roger Guiney?

**Roger Guiney:** I am Roger Guiney. This is about food, water, soil, and our economy, and our economy, and how they relate to the Harvest Hills Wind farm location. Bear with me. The only time food irrigating Lake Mead and Lake Powell on the Colorado River were full was in the first years of their existence. Their high-water marks have been going down steadily ever since. Farmers in the Columbia Basin and elsewhere have had to take food-producing land out of production because of the lack of water. Land in the San Joaquin Valley, whose vegetables we depend on, is being taken out of production because the aquifer is drying up and it costs over a million dollars to drill and equip a deep enough well to allocate food crops. Are we really sitting here deciding whether we should plant food or plant concrete, plus the horrors of compaction from massive loads of roads impregnated with thousands of tons of rock and gravel on the most efficient and productive, non-irrigated, I repeat, non-irrigated land in the world. Because of the cooperation of weather and the terrific water-retaining Palouse soils, a remarkable variety of food crops have been harvested successfully there on this land for the past 140 years. Food from this non-irrigated, and once again, I repeat, non-irrigated yearly crop soil, feed, and will continue to feed people with the highest quality food. Human food crops such as peas, lentils, garbanzo beans, and others are shipped out of here throughout the year to hungry people, thousands of miles away. In the Whitman County land getting sufficient yearly rainfall to produce a crop every year is located east, is located east of the main road from Dusty to Colfax to Spangle. The remainder of the land produces for a food crop every 2 years because of insufficient water. Really perplexing is that with all the marginally productive and less human intrusive locations, and I mean less human intrusive locations, that a domestic subsidiary of a multi-billion dollar European conglomerate seems to dictate to us their conditions of operation in our county. This to the detriment of the health, safety, whether we can get property insurance. And even to the death made of our foreign trade balance. Why mar this

irreplaceable, long-range food-producing value of this landscape of unique beauty, and of worldwide geological significance?

**Dave Gibney:** Mmm.

**Roger Guiney:** When we can put this farm elsewhere. There is over 90% less human-intrusive square miles of Whitman County, where a massive commercial project of this stature can be put.

**Dave Gibney:** Thank you. Thank you

**Roger Guiney:** When we, this is completed, I hope we will not have permanently destroyed our small business Golden Goose Dollar Producer.

**Dave Gibney:** Thank you very much. Carol?

**Carol Black:** All right, my name is Carol Black, and I moved to Whitman 41 years ago, and I've stayed here because of what we have here the Palouse's unique beauty, the open landscapes, and the recreational opportunities that I enjoy so much. Today's 700-foot turbines are highly intrusive because of their height and motion. Whitman County's open hilly agricultural landscapes, their visual impact will extend much further because of this, because they're going to be placed along our ridgelines, where we can't even put houses. As a result, these turbines will become the dominant feature for at least 7 miles. For this reason, I strongly support the exclusion zones around the buttes and the falls. The visual impacts are driven by distance, setbacks, scale, skyline intrusion, contrast, and, again, motion. Setbacks, however, are based on noise and shadow flicker models, and do not protect views, property values, or my sleep, which I've been losing lots of over the last 9 months, especially in our rural areas. So, the setbacks must ensure that one landowner's use does not cause health or financial harm to our neighbors. I submitted the findings of fact evidence from real estate and appraisal professionals about homes located within 3 miles of wind turbines. It's one probably the biggest packet that's in that folder right there. And so that is one of my concerns is that the experience of reduced demand for real estate, lower sales prices, and greater uncertainty on whether we can even sell it and whether the person buying it could get financings. Again, our investments in our home is our nest egg for our long-term care. So, I do propose, and on the back of the sheet that I have here, I've given you quoted language, I propose changing the property line setbacks to 6X, from 6X to 10X, or one and a half miles, whichever is greater for all property lines. That would take care of all county, state, public, except for roads. It would take care of all property lines, agriculture and, personal. So, with that, I also have suggested a couple times to change the language in the purpose to include protecting agriculture and addressing our aesthetic values, in addition to health, safety, and welfare. And again, I think the other thing that's truly important is that our code must align with the comprehensive plan. The Rural Residence Use Code, the Rural Residence Community Code, and our Critical Areas

Ordinances that deal with aesthetic values and the preservation of our agriculture. Thank you.

**Dave Gibney:** Thank you. Is there, again, anybody who came in late, we're working from a list here, but when we get to the end of that, we'll ask for more. Is there, is there anybody, and the same people online, if you wish to speak with a, or testify, or whatever it is we're doing. Okay. Judy Muth?

**Unknown man:** She left.

**Dave Gibney:** She left, go ahead and cross that one off. Alright, Tresa Bannister.

**Tresa Bannister:** Tresa Bannister, I live in the proposed project area, and we have 3 houses out there. They're all shacks, so don't get excited. We pay an exorbitant amount of property taxes, and this is going to increase our cost, all our neighbors' costs, everyone. So, I would like to encourage you to continue with the plan that you're working on right now. I think that the sorry, I'm tired. Code revisions are great, but I'd like to see even stricter ones, you know, like one of the former speakers said, 2 miles. That would be welcome here, very welcome. These things are so huge, you're going to be able to see them for 60 miles away, at least 60 miles. The current ones, it's 30 miles on a clear day. You can see them when you're outside of Rosalia, you know, even closer to Spokane. So, with that, take a lot of that in mind. Remember, the tribes don't like this either. You'll be hearing from them when the permitting process happens. Until then, they can't speak much. Harvest Hills talked about the towers on top of Kamiak, and that I don't know if they said there wasn't putback, or pushback, or whatever, but the tribes fined one of the towers \$15,000, the last one that snuck up there. It's not okay to do this to such a beautiful area. So, I'm trying to think what else I was going to say. Wind technology is old and tired and it's not the new stuff that's happening. Google, Amazon, Microsoft all have the newer technologies that they're already putting in place. Nuclear is safer, cleaner. I'm sure you've all heard that. This is an old, tired industry. Harvest Hills is grasping here. We don't want them. You have over 3,000 people sitting here, I think it's 4 or 5 by now. There's a huge tsunami of us in support of this. You don't have a tsunami in support of the towers. It's the opposite. So, listen to the people that live here, that pay the taxes, that are barely making it. As a landowner, we would have never considered this project it would hurt the neighbors, and I considered them wildlife, cultural, of tribes, etc, before I thought of ourselves. So, I would hope that you guys all follow suit with that as well. Thank you. And happy holidays.

**Dave Gibney:** Thank you. I, I see a Adam Capaage?

**Adam Capaage:** Yes. Thank you. Can you hear me?

**Dave Gibney:** Yes, we can hear you, go ahead.

**Adam Capaage:** Great. My name's Adam Capaage, and I work at Renewable Northwest. We're a 501c3 nonprofit organization that advocates for affordable, reliable, and clean energy infrastructure across the region, Washington, Oregon, Idaho, and Montana. I want to just start by saying, like many others have said tonight, that the Planning Commission's clearly worked long and hard on this process. And that this work is difficult. I see it happening in counties across the region. It requires an open mind, a willingness to compromise, a desire to balance conflicting priorities that we're hearing here tonight. From beautiful vistas to agriculture to private property rights, new tax revenue, and strongly held personal opinions on all sides. We're hearing all of that here tonight. In the end, I, I don't, when I read these amendments coming at it from a position where I see county ordinances like this across the region, I don't think the amendments that we've, that we're looking at here end up with the kind of balanced guidance that's common or, frankly, needed in these situations. So, Renewable Northwest submitted a letter outlining, you know, the things that we see that are most concerning. They're all the things that people have pointed out tonight. With the exclusion zones and the excessive setbacks. People haven't mentioned how complicated the decommissioning rules are. I'd note that I've never seen decommissioning rules this long, and complex, and ultimately just appear to be set up to stop wind development. Here's the main point I want to make. I can't stress it enough. I really expect these guidelines to be overridden by EFSEC, not because they're a big, bad state power or someone that, you know, wants to trample on the locals, but because EFSEC's job is to balance statewide interests with local interests. Which is why, in Umatilla County, that 2-mile setback that was referred to a while ago was overridden by Oregon's EFSEC, and that decision went all the way to the state Supreme Court in Oregon, and it was upheld. I think a similar situation is gonna happen here. Thank you, and again, thank you for your work, and happy holidays.

**Dave Gibney:** Thank you. Alan Black? Our Alan Black?

**Alan Black:** I'm Alan Black, and I have been a long-time resident of Whitman County, and I have little to be added to what these people have said before, but one thing I want to add is that I want to compliment the Planning Commission, Commission for their efforts in doing this. In general, increasing the level of protection to the county, I feel it does not go far enough to deal with private land ownership. And so, rather than reiterate some of the things that have been said before, I'll let it go at that. But I want to also repeat that Harvest Hills is only here for the short term. We need to write a code that is going to protect the citizens of this county after they've already announced their planning on selling within 2 years. This is the same organization that approached me with a non-disclosure agreement for a trivial amount of money to keep my mouth shut. Thank you.

**Dave Gibney:** Thank you. Jamie Anderson?

**Jamie Anderson:** Hello, my name is Jamie Anderson. I have been a resident of Whitman County my whole life, going on 50 years. I live in my husband's 5th generation farm on Enos Road. I strongly support all of the revised changes that you guys have made. Thank you for

that, and especially, for fire mitigation. That hasn't been talked about a lot tonight. Fire mitigation and suppression and financial responsibility. As we all know, fire is a huge issue in our county. Putting up 700-foot matchsticks in the middle of dry, ripe wheat fields has disaster written all over it. What happens when we get a wind event like this week, in the middle of summer? What happens when one of those turbines throws a spark? Number one, those turbines need to have some sort of fire detection and suppression system. Number two, our county needs a clear emergency response plan, more than just watch it burn. They won't be able to fight a fire from the air, so what's the plan? Number 3, who's responsible if they burn down their neighbor's fields, crops, homes, and Kamiak Butte? There's a good chance that if these turbines get placed, our insurance companies will drop us. Then what? All of these issues need to be thoroughly addressed in our code. Thank you.

**Dave Gibney:** Thank you, that's, we are at the end of our list, Paul Kimmel.

**Paul Kimmel:** Good evening, Chairman and Commission members. Paul Kimmel, Business and Public Affairs Manager with Avista Utilities. It seems fitting that we talk about wind on a day like today where we had a little over 70,000 customers out this morning, and we're making good headway. I think we're down to about 40,000. So, again, we took some real impacts, and the Palouse was one of the harder-hit areas. So, I apologize, I'll need to leave right after this meeting, but as, in the past, I valued the dialogue we've had with the Commission. You've invited me here a number of times to talk about the role of Avista plays as the regional utility in renewable energy projects, as well as the development of future. And just to kind of remind you a bit about that you know, we are governed by the Clean Energy Transformation Act, which is a state law where we will be eliminating coal-fired electricity by the end of this year. Again, that was a good resource for us, baseload power. Achieving carbon neutral electricity by 2030, and then sourcing all of our energy generation, with renewable by 2045. It's not an easy lift for us again, thankfully, we're about 60% renewable already. And part of that is owned by the company, as well as some short- and long-term power purchase agreements, including one here in Whitman County, and that is Palouse Wind, where we have a long-term contract with Onward Energy for that Palouse Wind project we have been there from the start, we continue to be there. So, my comments tonight are mostly focused on just that relationship and ongoing, what might that look like in the future, and how an ordinance or proposed ordinance like this might impact that relationship, how that resource is impacted in the rates that our customers pay. Again, fair, reliable, and certainly we want to make sure that they're affordable. So again, the CETA requirements our integrated resource plan as we look for new resources, I shared with you earlier this year about our RFP, where we did solicit proposals for additional qualifying renewables like wind, like solar, battery storage, and so forth. And again, we got a number of proposals, and we are still kind of vetting those out, and what might fit our resource portfolio. Again, as we worked with Palouse Wind back in the day, First Wind at the time. We are truly sensitive about how these projects get sited, and the criteria, for those going forward. Again 135 years, 6 years as a utility, we live in the neighborhoods that you all live in as well. We are sensitive to that, and certainly our values should reflect the values of

Whitman County. So, with that, my comments are in the record. I really appreciate the work you have done and wish you well. Thank you.

**Dave Gibney:** Thank you. Looks like I've got another list. Ken?

**Bill Clark:** No, I'm Bill.

**Dave Gibney:** Okay

**Bill Clark:** I'm Bill Clark, I'm a lifetime resident of Whitman County. I support the revised wind code. I'm a fourth-generation farmer, currently operated by fifth generation farmers. I did not sign a lease because I value the long-term value of my family's land and its future use.

**Dave Gibney:** Okay is well, Ken, come on up. And if there are other people who signed other, or signed up on other sheets, or want to speak, maybe you could sort of line up on the edge over there, and we'll make sure we get them. Go ahead, Ken.

**Ken Duft:** Good evening, my name is Ken Duft. My wife and I have enjoyed living in Whitman County for 60 years. I must also add, at the beginning, that level of enjoyment has been diminished somewhat as a result of the recent occurrences. Some weeks ago, this commission approved the creation of a 9-mile protective area around the three noted natural features, Kamiak, Steptoe and Palouse Falls. A short time later pressures of an unknown source surfaced, and an attempt was made to reduce that protected area to just 3 miles. That effort failed. Then 5 miles, that effort failed. And the Commission finally agreed to reduce that protected area to just 7 miles. I'm here to appeal to you to re-establish that 9-mile business, that 9-mile distance as initially improved as your evidence of the scenic's destruction likely to result from the construction of a nearby cluster of 700-foot-high turbines. The Commission also agreed to establish a two-mile protection for those living in towns and villages. And a 6 times turbine height protection from rural citizens of this county who are not participants. Rural residents should be afforded the same 2-mile protection from the assorted impacts of these turbines as that which is being provided residents of urban communities. Thank you for your kind consideration. And have a very merry holiday. Thank you.

**Dave Gibney:** Thank you, Ken.

**Abby Sachs:** Hello, my name is Abby Sachs. I'll be quick, because I know we want to all get out of here. I'm 23 years old; I can speak for myself and a lot of other people our age, including students at WSU. We are not concerned about wind turbines we are really concerned about our future and what that'll look like if ordinances like this pass across the country, clean energy development is effectively prohibited, and we're not able to, and we're seeing more events like what we're seeing out on the west side. This is an effective ban on wind turbines here in Whitman County. The current status does not status quo does

not force wind turbines on private land, but this would effectively ban them on private land. And I believe, like a lot of other folks, in private, property rights, so I would just voice my opposition to this. But thank you all so much for your time and the opportunity of public comment.

**Dave Gibney:** Thank you. Kevin?

**Kevin Ackison:** Hi, I'm Kevin Ackison from Colfax, and thank you for your work. I think the, current amendments are a good start. I'm in favor of of the setback, I'm disturbed that the setbacks were decreased, even tonight. I would be in favor of an increase the setbacks, the one-mile setback from parks, I think, was justifiable, but I would encourage you to revisit that. Wind energy is expensive, it's unreliable, and it's intermittent. We had a high wind event just today and on my trip to Spokane on 195, the wind turbines were sitting idle. They are not available at times, they do not produce at times when energy is needed the most, it seems. We don't need them, they're too expensive, and we definitely don't need them in highly populated areas in our home here on the Palouse. Tax implications. The Washington Association of Counties is trying, attempting to address the tax implications. These projects are exempt from sales tax, they are, they are placed, they are located near disadvantaged communities, like Pullman to gain additional tax benefits. Yet, they are not required to pay sales tax, which affects the county's ability to provide services that are necessary for the company to operate. There's something wrong with that. Just something here from the Association of Counties, long-term fluctuations in the project's assessed value and the depreciation of personal property associated with a project may reduce the property taxes paid by the project to local communities over a time over time, a large portion of the property tax burden originally borne by the project that benefited the local community is often shifted to surrounding counties. The problem is further complicated by a lack of required community investment by energy companies, inconsistent property tax assessment process, and tax exemptions. Combined, the reductions and exemptions from tax obligations afforded to these projects result in foregone benefits, and in many cases, even more damaging permanent, significant property tax increases for residents in the communities hosting these projects. As these projects are developed the more and more of them develop, the more adverse will be the tax implications for the communities. And thank you for your consideration of the local concerns, and I'd encourage you to keep that, and and, pass that on to EFSEC when the project goes to EFSEC. Let EFSEC understand our concerns through our ordinance and through the local representative that will sit on that board. Thank you.

**Dave Gibney:** Thank you. So, the people standing against the wall are just standing against the wall? Okay.

**Rick McNanny:** I'm Rick McNanny from Colfax, I live in a soon the affected area, hopefully not going to be affected area. There's been a lot of information tossed out tonight, but one of the main things that I keyed on is the fact that we're here right now is because Harvest Hills and the wind company did not do the due diligence on selecting a site. They chose the

easiest site, the most convenient site for them, without taking into consideration. It's also one of the most heavily populated areas in the county. There's many other areas out in the county that would be far better suited for this. We're not anti-wind turbine we're anti-crappy location, and that's what this is, this is just a poor location. The other point I'd like to make to you guys is, I've sat here pretty much almost the entire time that you've been here, too. It's a tough job. But one of the things I have noticed is that people have made heartfelt suggestions. You've taken them to heart. You've kicked them back and forth. You've got the input from your attorney, who has told you that these codes are defensible, and you've stuck to that. So, what you have an obligation to do is to do what the majority of these people out here right now are people that are going to be directly affected by this. These are going to be in our front yards, in our backyards, in our side yards, everywhere. They're going to be right there. We have the only hope the only chance we have of getting a fair shake is through you. And you guys have already heard from us, you've already come up with setbacks that you feel are justified, and you've got the support of your attorney, saying that these are defensible. Your job is to look out for the people of Whitman County. That's all I have to say on it. Thank you.

**Dave Gibney:** Anybody else online? We, I have another gentleman here in the audience.

**Art Sager:** I wasn't born in this county, but...

**Dave Gibney:** Can you tell me who you are and your name, please?

**Art Sager:** Art Sager.

**Dave Gibney:** Thank you.

**Art Sager:** And I wasn't born in this county, but I've been here 73 years. And, I don't understand a few things here. Two things, anyway. Number one, why does this wind company in Portland, Oregon insist on building this big wind farm on the best farmland that we have in Whitman County. When most land farms are out in the desert someplace, on a hillside, and why didn't they choose some scab land out west part of the county? Number two, it seems like, when I look at this talk sheet we got here, and all the people that I've ever talked to well, the majority of this county's opposed to him. And so, is the minority gonna win here, or is the majority? And, last figures I saw, well, every time the wind blows, we pay 7 cents a kilowatt for the windmill electricity, and when the wind is not blowing, well, we pay 4 cents from the hydroelectric dams. And it's true that we need more electricity. In this, in this country but the Corps of Engineers has come out with some new turbines now, and they're gonna be replacing the turbines in the dams, which is way more efficient than the other ones, and so that's encouraging. Thank you.

**Dave Gibney:** Thank you. Anybody else?

**Mary Jean Inman:** Hello, I'm Mary Jean Inman. I live on Draper Brown Road just adjacent to this project. I just want to say thank you. I am in support of your amendments. I think you're off to a good start. I think that a lot of things that have been brought up tonight, could improve that. I just want to point out that no one in opposition to your proposed changes have made any suggestions or compromises to help protect my rights as a non-participating landowner, nor has our commissioner. What does keeping the project local accomplish if the safety needs and views of the county have not been protected? I'm not interested in the proposed version of local protection. I want your protection. If there is so much support of this project, where is the petition of those in support of industrial wind projects? We've provided our names I don't believe any other lists have been provided. It is the job of the Commission to make sure that all people are able to live here, protect our property values, protect our families and their health, and protect our insurability, which is a huge concern for me. If I can't insure my property, then I can't sell my property because the next person can't insure it where, where does that responsibility lie? I believe it lies right here in the codes that are in the ordinances that are created for our county. Those for the wind projects communicate as if this is a stagnant situation. The code amendments have a lifetime much longer than the terms of our commissioners, our governor, even wind industry. We've seen a decline and a lot of opposition against wind industry, and so I think that the pushing to get these things through when this code is going to outlive Bob Ferguson, this code is going to outlive Art Swannack. This code is going to outlive any of you sitting on this, this board. So just keep that in mind it's not a stagnant situation. We are working with a situation that's moving, has lots of moving pieces, and so I just want to encourage you to keep that in mind. It's for the long haul, and a lot of the opposition, I feel like, is bringing up very, like stagnant, situations. The work you are doing must be done to the best of your ability. That is your part, your responsibility. You can't do that with the fear of what anyone else might do. Not what EFSEC might do, not what the county commissioners might do, not what Harvest Hills might do. In my opinion, if it was going to be easier for Harvest Hills to go through EFSEC, why did they not already do it? Why have they gone through this process with us? Why are they still sitting in this room? I don't think it's as clear-cut as what they are saying it's going to be. Thank you so much. I really, I really appreciate all that you have done. I know that this is a voluntary, a voluntary role. Thank you for doing this your due diligence and this hard work.

**Dave Gibney:** Thank you. Okay is are no. Are there any other. Okay, everybody who wants to can applaud. Okay. I, we really do appreciate all of the people and the comments that we have received over this fairly long process. And so, last chance on Zoom? Public? Okay.

**Unknown man:** Speak the second time. Very shortly.

**Dave Gibney:** I, I think that, we've, I think we're not gonna do that. We do have an amount of work that we need to get done before we're, before we go. So, I'm going to close the public comment portion of this hearing, and again, thank everybody who provided comments. We have been at this one more hour, and, and actually we're ahead of where I

thought we might be tonight. Does the Commission want to take a quick break before we continue. Okay. Okay, so we'll, we'll come back at at 8.30.

## **5 MINUTE RECESS**

**Dave Gibney:** Let's please get ready to reconvene thank you. All right, again, I'd like to ask everybody to just sit down okay. So, just a little recap of where we're at I appreciate everybody's public comments and, and whatever. I'm gonna make the mistake again of asking the people on the commission if they have any general comments about things at this point. A minute or two, and then I'm gonna ask if there are any additional amendments that the people on the commission would like to make to the code. I'm gonna ask if there are any additional findings that we should formally enter one of which will be, in my, it was the tail end of Denis's, but its Whitman County Planning Commission held this hearing tonight where we accepted the public comment. We'll enter that as a final fact and then, we're gonna come up with our final motion. And then, as we vote, I'm gonna again ask each of the commission members to not only vote, but to state the reasoning behind their vote. And this is all of this, a lot of this is to preserve a record which is available to the commissioners when they decide on our recommendations. It's also available, when this ordinance goes forth and further, and the, you know, the companies who proposed wind farms, and for the people who may oppose them as we go forward, we want a good, solid record that at least shows our process is valid. You know, the, the, the terms arbitrary and capricious get thrown around a lot in some of these things, and I really just want to be sure that, that however we end up deciding that we are not subject, at least that we're not subject to that accusation, so. So, at this point, I'm gonna just, I'm gonna start with Brian and Weston, and then head on around, about where we're at, just some general, what you think.

**Brian Davies:** At this point, I feel that it, that we've got something we can deliver, and I've heard numbers of comments about how these, this is a living document. When we write ordinances for the county, they can always be amended, and it's something that continues, It's not a one-time, It's not a one-time fix. It's we write language, and then if we go through some time, and it's apparent that that language is not working, then we fix the language. So, at this point, I'm ready to say I don't want to spend any more time chewing the fat with you guys about this. I've heard a lot of evidence, and I've heard a lot of people saying if you're too restrictive, it's gonna send them to EFSEC. If you're not restrictive enough, it's gonna be terrible for the county, and I just I don't wanna prolong this painful process any more than it has to, unless we are not establishing some county protections. So, I feel like we've established some bigger county protections here, and at this point in time, I'm ready to send it to the commissioners. Because I don't see what we would gain from arm wrestling for another 6 months. We may still end up talking about this, in fact, I'm sure we will. This will still be on our on our docket to talk about, but we do have other stuff we need to work on, too, like the Critical Areas Ordinance. So, I am for forwarding this. And I yield.

**Dave Gibney:** Thanks Brian.

**Weston Kane:** I concur with Brian. I'm ready to push this forward to the county. I feel like we've kind of beat it to death in some ways. I think we've got a good compromise over all of between the making something that's workable and protecting the county, and when I say the county, I mean all the county, not just the area around Kamiak and Steptoe, because, I mean, this is a county-wide ordinance, and so all of us deserve those similar protections. So, but I think we've reached a point that we probably should push this on to the county commissioners and let them deal with it and get their input, see what happens. And if it comes back to us, we'll deal with it then, with their input.

**Dave Gibney:** Dave?

**Dave McKeirnan:** I'm gonna concur with the prior two, board members. I think it's time to move on. I'm not 100% happy with the code that we have. I think there's a lot of things that could be changed but have we made improvements to the code to protect other people that could be affected in the county, yes? And so, I mean, I don't want to say reluctantly, but reluctantly, I would have to agree that it's time to, to forward this on and and put it to the county commissioners.

**Dave Gibney:** Tami?

**Tami Southern:** Yeah, I would also concur. I mean, we've put a lot of time and effort into trying to make applicable changes to what's coming down the pipelines. I mean, obviously, we've all talked about how much bigger everything is going to get, it's not going to get any smaller, and so we need to have adequate protection within the county, just to protect its natural state, and allow everybody opportunity. So, I agree. I'm ready to move forward.

**Dave Gibney:** Dean?

**Dean Kinzer:** Our duties as Planning Commission is to protect the health, safety, and welfare of our citizens in this county. Everyone knows that I was on the side of larger setbacks. We've compromised. I think they'll work for now, unless we find out something and learn something in the future that that's not working, as Brian said. And, so, I'm I am in favor of, moving it to the commissioners let them look at it, and if they, if they decide that there's something they don't like, I'm certain they can change it. Some of the thing I, I did want to comment on one article that came out in the Capital Press, just let's look this week. It's re, it's titled, The Northwest Energy Supply is Falling Behind Demand, and that the reason for that is we're having so much of this green power built that we don't have firm energy for it to support our grid when we have real cold spell, or days like this when that wind was so high that they had to shut down the grid. So so, I think I think we've got a good compromise here, and let's just send it forward to the commissioners.

**Chris Melhus:** First of all, I'd like to appreciate or I really appreciate you know, the information presented on both sides. I've learned more about this in 6 months than I've

probably ever wanted to, but it is really appreciated. This is a living document, and there's going to be changes going forward. I think, again, it was a compromise, I think there's couple different viewpoints that you know have been addressed. Another thing we need to realize is this isn't designed as a not-in-my-backyard document. This protects all of Whitman County, the health, safety, welfare for everyone, so I don't think we want to lose sight of that. That said, I think what we have now is workable, and I'd suggest we move forward with it.

**Bill Myers:** We should send it to the commissioners. It's defensible. Our attorney says it's defensible. I would recommend a moratorium as well, so that if there are any surprises, anything comes up, that we can deal with them. I know we have other work to do, but that would give us an opportunity to fine-tune anything that, for some reason, if there's a rub. But, yes, I'm very much in favor of accepting the ordinances we've, we've amended it and sent it on to the commissioners. This is a big county. With the code as it is, there are opportunities to do this, regardless of what the applicant might say, well, he's not their applicants yet, but they're they're developers, and that's what they do. And it's our business to regulate them, not accommodate them.

**Julian Matthews:** I agree, go for it, give it to the commissioners. I was kidding Mr. Myers here, I said, they got paid for it. We don't. I'm just kidding.

**Dave Gibney:** Okay. I, I'm ready to send this to the commissioners also. I, I am in less agreement that it's a really good set of code. We were, we were asked to look at this and specifically improve the decommissioning language. And I believe we have done so, and I believe getting that in the code that would be in front of EFSEC is a good thing. I think we have overstepped quite a bit over onto the rights of private property line owners by making some of these setbacks to non-participating property lines, rather than places where there are already known biological entities to be harmed. I think we've overstepped I'm, you know, I'm not going to ask us to change anything at this time. Yeah, this is a living document. It was, of course, last revised 16 years ago. Well, that's not exactly a frequent revision of a living ordinance but at this point, yeah, we're ready to go ahead.

**Brian Davies:** I have a question.

**Dave Gibney:** Go ahead.

**Brian Davies:** I I'm sorry, Denis, are you, you got your ears on there, buddy? I've got a question for you.

**Denis Tracy:** Yes.

**Brian Davies:** Last Friday, we were talking, and I'd mentioned, can we get this on the ballot? And you'd said, well, no, that's only for the legislature, can do referendums, and but you did mention the possibility of a an advisory vote the commissioners could possibly ask

for an advisory vote on, say, the 2026 ballot. Is that a possibility, Denis? Could we do that? To try and get the feelings of what the property owners and the voting members of the public and the county feel.

**Denis Tracy:** I can answer that with a, the legal answer is, yes, it would be legal for the county commissioners, not the Planning Commission, but for the county commissioners, to place, before the voters a, an advisory vote would not be binding the county commissioner's actions.

**Brian Davies:** Right.

**Denis Tracy:** And, they, they could do that at some point. Yes?

**Brian Davies:** I'm just trying to think of a way to get the real you know, to get a a vote from people across the county. I just think we could get a better idea of whether the county supports it or does not support renewable energy. And that may not even be the way to frame it, but is that something to pursue? And if it is, I will, I'll pursue it. I'll go ask the questions, but if you think that's something we can pursue, Denis, I'll visit with you more about that.

**Denis Tracy:** Well, I, it's not something that the Planning Commission can pursue, but it is something that the Board of County Commissioners could do.

**Brian Davies:** Well, I know a few of them.

**Dave Gibney:** It is something that we as individual members individuals and Whitman County citizens can ask the Board of County Commissioners to do. Speaking of the board.

**Brian Davies:** Thank you, Denis.

**Julian Matthews:** Dave, let's focus on what we're doing here. So, do we need a motion?

**Dave Gibney:** We will get there. We will get there. So, speaking to the Board of County Commissioners, though on last Monday, they met, and they decided to set a public hearing on the extension of the moratorium for, I believe, their meeting of the 29th. When we're done tonight, our staff is gonna have a big job, including Mr. Tracy. Because they it is desirable that we get our end product to formally submitted to the county commissioners by the end of the day Friday. Because if they want to make a decision and schedule and talk about our work, they need to provide notice. And given that it's Christmas Friday afternoon would be the deadline to get a notice into the Gazette in time for them to actually schedule something for them on the 5th of January. So, I don't know where that's going, but that's where that process is. So, aside from, I'd like to ask the, County the Planning Commission here to add the, the I believe, actually, Denis probably had them as the last two findings that we didn't, we did not, adopt at that time 76 and 77. Well, actually, only one of them is

currently true, 76. 76. On December 17th, the Planning Commission held a duly noticed public hearing concerning the proposed draft ordinance. During the meeting, a blank number of people to be filled in by the staff spoke. During the meeting, some voiced opposition to the draft. Believing the ordinance imposed too many restrictions on new one terms. Others said they thought the draft ordinance did not go far enough. Such as larger setbacks. And it's true, but the overwhelming majority who spoke supported the draft ordinance. I am moved to to accept.

**Weston Kane:** So moved.

**Dave McKeirnan:** Second.

**Brian Davies:** Second.

**Dave Gibney:** All in favor?

**Planning Commission Members:** Aye.

#### **DRAFT ORDINANCE APPROVED**

**Dave Gibney:** Okay. Does anybody want to make any amendments before we go further?

**Denis Tracy:** Mr. Chairman?

**Dave Gibney:** Yes.

**Denis Tracy:** Yes, I am going to suggest two additional findings for the plan.

**Dave Gibney:** Okay.

**Denis Tracy:** As the hearing went on, I noticed that I left out a couple of topics in these findings, in the draft findings, and those are the additional setbacks that you have made for incorporated communities and the RCR, RCC1, and RCC2. So, and here are my proposed findings. Number, well number...

**Dave Gibney:** Go ahead and speak them, and I am certain you'll be able to get them to the staff in writing.

**Alan Thomson:** Yeah, Denis, if you have that in writing, please send that to me tomorrow.

**Denis Tracy:** Yes, and so number 78 would be, the incorporated communities in the county need to have a setback area of 2 miles to allow for future growth. And then and that would be number 78. And then number 79 would say the RCR, comma, RCC-1, comma, and RCC-2 areas in the county need to have a setback area of 2 miles to allow for future growth. I

welcome any other ideas of, of findings. I'm but those two, I'm asking that the Commission adopt.

**Dave Gibney:** And thank you, Mr. Tracy, I had jumped ahead. So, is there a motion to adopt Mr. Tracy's two additional findings?

**Brian Davies:** So moved.

**Dave Gibney:** I got moved from Brian.

**Bill Myers:** Second.

**Dave Gibney:** A second from we'll go with Bill there. All in favor?

**Planning Commission Members:** Aye.

**Dave Gibney:** Opposed?

**Planning Commission approves Mr. Tracys amendments.**

**Dave Gibney:** Are there additional findings from the members of the Commission or the staff? Okay. And there are no proposed additional amendments to our draft code. Okay. Then, we will have a final motion. And I know that, there's a standard form that I don't have in front of me that Alan has got in our draft documents. It is basically going to be forward with a recommendation to adopt as amended, because we have amended it. I see no sign that we're going to vote to reject it, or forward it without a recommendation, or decline to forward it. So, before we go to the vote so, our vote is going to be on a recommendation that the Planning Commission forwards our draft amendments as amended tonight to the Board of County Commissioners with a recommendation that they adopt them.

**Dean Kinzer:** So moved.

**Dave Gibney:** Okay. Before we and go ahead, are you gonna second?

**Chris Melhus:** Second.

**Dave Gibney:** Okay, so again, before we vote, I'm gonna ask and and this is from this is, again, for the record, and it's from the the instruction manual for planning commissions, the short course and whatever, that we state our reasonings for the record for our vote before we vote. So, let's start over there with Julian.

**Julian Matthews:** Well, I think we pretty much hashed out most of the issues that were even brought up to. So, I think we pretty much hashed out most of the issues that people brought up, and that we were brought up when I first started here, so I think it looks good.

**Dave Gibney:** Okay.

**Bill Myers:** It's fair. If it's nothing. If, if it's nothing, it's fair. We, we have, actually taken pains to consider, the needs of, of these kinds of developments, actually in my opinion, more than we needed to. But, overall, I think it's a it's a good compromise. It does not exclude development. it does protect, major portion of our viewsheds, and it protects our residents. I think I think we, I'm happy with it.

**Chris Mehus:** I think the evidence shows that we've done our due diligence, and that the setbacks and the amendments we've made are defensible. They, they address a lot of concerns, and it protects some of the most vulnerable areas of our county, while still allowing for development in areas that are, I guess considered less critical, and possibly more amenable to this type of development, so that's why I support it.

**Dean Kinzer:** I support it because we have worked hard on it and got her done. It needs to be turned over to the commissioners for them to work it over and see if they approve or disapprove. It's going to be interesting to see how that turns out. And as I said previously, I think we've considered all the issues of health, safety, and welfare, and gotta realize that welfare also involves the cost of energy in the future, and how it affects different households, and whether they can pay their bills, or they have money to eat with, and if we keep going down the road where we've been going and not put some sidewalks on it, then we're going to be in trouble anyway. But that's the reason I approve it right now, and if they want to kick it back to us, we'll deal with it.

**Tami Southern:** Yeah, I agree. I mean, we've worked to try to make recommendations that are defensible and appropriate in regards to health, safety, and wellness of citizens across Whitman County, and also looking to protect critical areas that need to be protected. I feel like we've spent a lot of time listening to a lot of recommendations and as a board have tried to make appropriate steps and actions into making sure that what we have is as defensible as possible in protecting and allowing for growth within Whitman County.

**Dave McKeirnan:** As I stated earlier, I'm not 100% happy with the code that we've come up with. I do support it, because as a board, I think we all came to a compromise on a lot of different things, whether it was protecting agriculture, property rights, I think there's been a lot of stuff that's been taken into consideration in this, and I think that, I think it's something we can move forward with and be supportive of.

**Brian Davies:** I'm gonna agree with everybody. But maybe I support this. I support sending it to the commissioners. We've spent a lot of time on it. I don't, I'm not personally happy with the way some of it turned out, but what I am happy with is the fact that we were able to come together and compromise on some things with way polar, different feelings and you know I'm not putting the right words in here, but I'm encouraged by the cooperation that I have seen. And going forward, I think that's a good reason to still continue to put a lot of

energy into this, because we can compromise on things. We may not all get exactly what we want, but let's keep working on it.

**Dave Gibney:** Weston?

**Weston Kane:** I don't I mean being the last one, it's always, what do you say? But, so, I do agree with everybody, it's not I mean, there are parts of it that I don't like, there are parts of it I wish I could have differently, but I feel overall, as a we have to meet the requirements of the board and the public, and we're never going to have a code that 100% everybody's happy with, but we have to have a good compromise, and I think that's where we're at, is we have that good compromise. Could there be spots that could be improved? Yes, we might be improving it in the future. We might not, but I think it's time we need to send this to the board and get their input and see where they go with it.

**Dave Gibney:** Okay. I'm gonna depart from everyone, and I'm also gonna, in the end, depart I'm going to vote first, and my vote will be against this. I agree it's time to go forward with it. I would have rather tried to work out a way so that we could send it in separate recommendations, such that the county commissioner had a greater flexibility to up or down it. Because at the where we're at right now in the procedural is they can accept everything or they cannot, or they can extend this period of whatever it is for a greater length of time, while they go through their own version of some of what we're done. So, while I agree that it is definitely time that we pass this on. I am going to be making my vote against doing so. And then we're gonna go with a roll call for the rest of us. And it's gonna be in the order that they came onto this commission, which means Brian gets his vote.

**Brian Davies:** Brian Davies votes yes.

**Dave Gibney:** Weston?

**Weston Kane:** Weston Kane, yes.

**Dave Gibney:** Actually, Tami?

**Tami Southern:** Tami Southern, yes.

**Dave Gibney:** David?

**Dave McKeirnan:** David McKeirnan, yes.

**Dave Gibney:** Bill?

**Bill Myers:** Bill Myers votes yes.

**Dave Gibney:** Chris?

**Chris Melhus:** Chris Melhus votes yes.

**Dave Gibney:** Dean?

**Dean Kinzer:** Dean Kinzer votes yes.

**Dave Gibney:** Julian?

**Julian Matthews:** Julian votes yes.

**Dave Gibney:** Okay. So, I'll let the record show that it is a vote of 8 to 1 to recommend that this go forward to the Board of County Commissioners with a recommendation to for it to be adopted. Making sure everybody knows that the transcript of this hearing will be also considered a part of the record. And I would entertain a motion to adjourn.

**Planning Commission ordinance approved to be sent to County Commissioners office.**

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

**Brandon Johnson:** Just a second. There was a correction made online that this this doesn't go to the Gazette. It's just regular meeting forum. Tom Handy put that on.

**Dave Gibney:** What a the agenda of their meeting goes it does. Okay, just a minute, we didn't actually we didn't actually there was a comment going on, so I didn't actually make a vote to, adjourned yet. A commissioner somebody has made a question as to whether I was correct about this having to get to the Gazette or not. I believe I'm correct, but I may well be wrong, because I have been known to be wrong on many occasions over my lifetime, so thank you. All in favor of adjournment?

**Planning Commission Members:** Aye.

**Dave Gibney:** Opposed? Any fool? Okay, we're adjourned.

**HEARING ADJOURNED 8:59PM**

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