

May 7, 2025

To: Whitman County Planner, Planning Commission, and the County Commissioners
From: Carol Black

General comments:

1. A 681-foot tower/blade height is a 64-story building. The WSU Physical Sciences building is only 16 stories tall. Thus, the publicly discussed turbines are FOUR times as tall as WSU's tallest building. In Germany, they are now installing 1,000-foot turbines.
2. The "recent" conclusions by an article published in the Proceedings of the National Academy of Sciences estimate a reduction in nearby property value of 11% for residences located **within one mile**; *and in my professional opinion of reviewing scientific literature, these findings are based on turbine heights under 500 feet, which were more common at the time of data collection.* I have property rights, too. Any reduced value of private property is a government taking and must be compensated by the County or the turbine company. This peer-reviewed article was provided to the Planning Division and has not been posted on their reference page. Older publications address the effects of shorter turbines. Again, I suggest the "precautionary principle" be applied to setbacks.
3. The publicly disclosed location for the Harvest Hills "corridor" is a huge concern for community-wide impact. The community's reaction may be much less if an alternative "corridor" is identified.
4. By signing leases and the current Whitman County code, once a proposal for a CUP is approved, the turbine company can modify locations of anything related to their facility on the leased ground within the corridor. This is true even if verbal statements were made by the turbine company, such as, "we would not locate a turbine, structure, gravel pit, etc., at that location on your property."

Submitted edits and comments for 19.61 – "F" starts my May 7 comments

Section 19.61.010 - Declaration of Intent

1. To provide requirements for permitting of wind energy facilities based upon locations where wind energy **turbines and substations** can meet the standards and criteria set forth herein and/or can be mitigated **by rezoning as Heavy Industrial (as noted in 19.31.020 N and 19.31.020 O.**
2. To provide site criteria for the utilization of the County's wind energy resources. Each wind energy **turbine and substation** will be subjected to individualized review and the imposition of conditions based on site-specific information that will be tailored to address project impacts in accordance with the adopted site criteria and criteria **and Critical Areas 9.05.030.** The ultimate goal is to achieve a predictable but sensitive siting process **for each turbine and substation** that effectively addresses project impacts.

Section 19.61.020 – Application of Standards and Criteria

Due to the unique nature of each wind energy project site, this section sets forth the requirements and standards for the review and granting of a conditional use permit for a commercial wind energy facility, **its turbines, and substations, including rezoning both as Heavy Industrial.**

- A. Purpose.** The following standards and regulations are necessary for the health, safety, general welfare and convenience of the inhabitants of the County.
- B. Permits.** No person or applicant shall establish a commercial wind energy facility without first complying with the provisions and standards of this ordinance and obtaining all necessary state and local permits and approvals.
- C. Pre Conditional Use Meeting.** The project applicant will hold a minimum of one informal community meeting within the County to inform the public about the proposed facility. Planning staff will take responsibility for arranging these meetings.
- D. Permits Required.** Before any person shall commence construction, a valid conditional use permit shall be approved. Prior to road construction on county roads and/or new intersections with a county road, county road use and right-of- way permits shall be obtained. Building permits must be obtained before foundations are prepared.
- E. Permit Application.** Application for a conditional use permit to create a commercial wind energy facility shall be filed with the Planning Office. The application for a conditional use permit shall be in writing, signed by the applicant, and shall include the following:
 - 1. The name and address of the applicant;
 - 2. The project site location and a listing of the tax parcels and parcel ownerships of the proposed proposed facility **that requires rezoning to Heavy Industrial;**
 - 3. Twelve copies of the complete layout plan for persons reviewing the application. These plans shall contain the following information:
 - i. Area and dimensions of the the **overall** project site **and the area and dimension of each wind turbine and substation;**
 - ii. Corridor(s) or area(s) within which proposed wind tower turbines and facilities will be located. This includes the study area where micro siting for the final project layout occurs;
 - iii. Number, dimensions and preliminary footprint of all turbines including the size of the monopoles;
 - iv. Preliminary location and dimensions of all roads and connections to county roads;
 - v. Preliminary location of underground and overhead transmission line corridors;
 - vi. **Rezoning and location** of any proposed buildings or facilities, such as operations and maintenance buildings or substations;
 - vii. Location of any existing buildings;
 - viii. Location of existing water, sewer or any existing gas lines;
 - ix. A map or maps of the existing and proposed site topography including conceptual grading and drainage plans;
 - x. All existing occupied buildings within one mile of turbine "micro siting"

- corridors or areas and/or proposed turbine locations;
- xi. Any other applicable information as might be necessary to interpret the compliance of the plans to the regulation of this ordinance.
 - xii. Document the elevation of the base of each turbine and the elevation of any residence within 1.5 miles.
 - xiii. Describe how the proposed location of each turbine does not negatively affect the Aesthetic Value Protection in County Code 9.05.
 - xiv. Document the overall height of the turbine and provide the height of the hub and length of each rotor. Include the ice-throw distance.
 - xv. Time of year of installation.
4. Such further information as may be requested by the County Planner to enable him/her to determine if the proposed facility will comply with all the requirements of this Ordinance and other applicable state and local regulations.

This was the stopping point for the review during the **April 16 meeting**.

- F. Review Procedure.** Upon receipt of the application and plans, the County Planner shall distribute for review and comment the plans to the following: the County Engineer, the Director of Public Works, the County Environmental Health Officer, the County Building Inspector, **the affected utilities, and a designee from a concerned citizen group**. These **persons** shall review the application and submit written comments **and recommendations** to the County Planner **and Planning Commission** within **60 (sixty) days** of the date of distribution of the application.

The County Planner shall review the application for compliance with the provisions of this ordinance and other applicable laws and regulations, shall review the comments received from the review sources, and shall submit a written staff report to the Board of Adjustment or Hearing Examiner regarding whether the proposed use serves and makes appropriate provisions for the public health, safety, **general welfare, community impacts, aesthetic value protection, and the community-centric values of the inhabitants of the county.***

*The above edits stem from Whitman County's Comprehensive Plan: a) community-centric values, b) impacts on residences, c) preserving large open spaces and sweeping views; d) minimize visual, noise, light impacts, and e) select best suitable locations. These characteristics from the Plan are noted below and highlighted in red.

Source: Comprehensive Plan

- The **Comprehensive Plan** serves a wide variety of functions, including:
 - Formalized goals and policies.
 - **Identification of countywide and community-centric values.**
 - Promotion of **public health, safety, and welfare.**
 - Encouragement of regional and local agencies and organizations.
 - Coordinated implementation of governmental policies; and
 - Protection and conservation of **critical environmental areas and natural resources and mitigation of adverse impacts.**

- Page 9 – **Plan Characteristics:** The Plan shall respond to changing conditions **as well**

as residents' needs, values, concerns, and preferences.

- Page 10 – **FRAMEWORK GOAL** – PRESERVE FARMS AND AGRICULTURAL CHARACTER. Preserve and protect the County's rural character, which includes productive agricultural lands, large open spaces, and sweeping views of the Palouse hills.
- Page 20 -- Areas can be classified as mineral resource lands based on site geology, commercial quality and volume of the resource, site topography, visual aesthetics, economic factors, compatibility with existing land uses, and land ownership patterns.
- Page 25 -- **Goal LU-9**: Smaller local public facilities constructed to serve local energy needs should be located to minimize impacts on adjacent uses, including agriculture and residences.
- Policy LU-9.1 – _The County should ensure that local facilities, including static transformers, storage facilities, and elements of the gas, power, and broadband transmission system, incorporate measures to minimize visual, noise, light, and traffic impacts when adjacent to residential uses.
- Pages 77 & 78 -- **GOAL F-5** –FACILITIES CONSTRUCTED TO SERVE ENERGY NEEDS SHOULD BE LOCATED SO AS TO MINIMIZE IMPACTS ON ADJACENT LAND USES, INCLUDING AGRICULTURAL AND RESIDENTIAL LAND USE
 - Policy F-5.1 – _Design of facilities near residential land use should incorporate measures to minimize visual, noise, light, and traffic impacts.
 - Policy F-5.2 – _Facilities proposed next to agricultural croplands should incorporate measures to minimize impacts on farm access and practices.
 - Policy F-5.3 – _Sites proposed for facilities should represent the best feasible location to minimize impacts on other land use, given constraints of land availability and costs.
 - Policy F- 5.4 – _Require consolidation of antenna and other transmission equipment where feasible (i.e., utility poles, cables, trenching placement) to minimize adverse aesthetic and environmental impacts.

A public hearing shall be held before the Board of Adjustment or Hearing Examiner as set out in Chapter 19.06 under Section 19.06.040.

- G. SEPA Appeal.** In the event of an appeal of the County's SEPA determination, the appeal hearing shall be conducted by the Board of Adjustment or Hearing Examiner as required by Section 19.06.050 – SEPA Appeals. The Board of Adjustment or Hearing Examiner shall hold one consolidated hearing at which it will hear and decide both the underlying governmental action (CUP) and the SEPA administrative appeal.

H. Amendment of a Corridor/Area Site Plan. A corridor/area site plan as approved by the Board of Adjustment or Hearing Examiner shall not be altered in a substantial way, such as an increase in the number of towers, **a change in the project boundaries, a relocation of an identified tower by more than ¼ mile, the height of a turbine is greater than stipulated in the application,** unless approved by the Board of Adjustment or Hearing Examiner. If the **alteration is felt to be of a substantial nature**, the Board of Adjustment or Hearing Examiner shall require that the plan be submitted in compliance with these regulations. ~~In the case of micrositing wind turbines or facilities, because of changing generator sizing, topographical features and other conditions, latitude is given, provided the wind turbine location is within the corridors/areas approved by the Board of Adjustment or Hearing Examiner.~~ In the event of micrositing of turbines or facilities within the approved boundaries of the project area, micrositing will not be considered to be a substantial change to the site plan. Prior to any micrositing changes, County Planning staff must be notified.

This is the most wishy-washy language: “If the alteration is felt to be of a substantial nature“. Whose “feelings” are we talking about – and what is “substantial”?

I have significant concerns with the “latitude” given to the applicant. It provides them with too much leniency and takes any control out of the hands of a landowner with a signed lease or the neighboring property owner. When the application is submitted, the wind turbine industrial complex can locate turbines in areas that may not garner much concern from the landowner or the neighbor, but upon approval, the turbine company can move the turbines to locations that the landowner does not approve of and has no say.

The same would be for any substation, concrete or asphalt batch plant, on-site gravel mining and utilization that the turbine company decides to put on a leaseholder’s property that was not specified in the original application.

Any location change after initial approval of a microsite by more than ¼ mile must be resubmitted and approved by the County.

Section 19.61.030 – Other Applicable Requirements

1. Project applicants will need to comply with other applicable County requirements, such as **critical area ordinances**, environmental review regulations, and building code requirements.

Carol Black still believes the County is not correctly reading and interpreting the Critical Area Ordinance. Aesthetic value protection was written into the code for a reason, and the code does pertain beyond the listed regulated sections.

2. Uses Permitted Outright. The following uses are permitted outright, without the need for a conditional use permit, subject to compliance with the provisions stated in 19.61.040 and other applicable code requirements:
 - a. Temporary uses associated with investigatory work to determine the suitability of the site for energy development, such as meteorological towers. The placement of meteorological towers and other such equipment need not obtain a permit through this chapter. However, all other applicable code requirements apply.

Carol Black – see my comments above under “H”

3. All accessory buildings, uses, and structures related to and supporting the operation of commercial wind energy facilities, including utilities and utility infrastructure needed for the principal use, shall be considered part of the facility. For purposes of this chapter, accessory uses include any temporary (construction phase) concrete or asphalt batch plant and the mining and utilization of on-site gravel for on-site use only, as necessary for the wind energy facility development, such as for the construction of internal roads.

19.61.040 – Conditions for Meteorological Towers

1. There is no height restriction on meteorological towers in Whitman County. Towers over 200 feet are subject to conditions applied by the Federal Aviation Authority (FAA) regarding lighting and markings. The towers will have four FAA red marker balls installed at the uppermost portion of the guy wires to serve as a visual aid for low-flying planes and helicopters.
2. For meteorological towers and associated accessory structures the ~~front~~ setback shall be the height of the tower plus 35 feet from the right-of-way of any state or county road and all adjacent landowner's property lines ~~side or rear setbacks shall be 20 feet. The setback from parcel or lease lines shall be 20 feet for meteorological towers and five feet for accessory structures.~~
3. The meteorological towers and guy wires shall be fenced sufficient to prevent unauthorized access. ~~The tower shall be setback at least 20 feet from the fence and accessory structures at least five feet from the fence.~~ The fence shall be at a minimum six feet high.
4. If a meteorological tower is no longer in use it is to be removed at the time of decommissioning of a wind energy facility. In the case of a meteorological tower that is not a part of the facility, it is to be removed at the end of its use.

19.61.050 – SEPA Requirements

Expanded SEPA Checklist

1. An Expanded SEPA Checklist shall be submitted to the Planning Office for each application for a commercial In. The Expanded Checklist shall be submitted simultaneously with any other permit application(s) that may be required by the County; ~~provided that if the County determines that an Environmental Impact Statement (EIS) will be required, an Expanded Checklist will not be required.~~
2. The Expanded Checklist shall (in addition to being consistent with the SEPA Checklist required in this chapter) provide analysis of impacts to elements of the environment as noted in the SEPA Checklist required in this chapter and Chapter 197-11 WAC, and explain the measures proposed to avoid, minimize or mitigate those impacts.
3. Site specific studies for impacts to habitat/wildlife (including avian species), cultural resources, ~~viewshed impacts~~, and a grading and stormwater management plan complying

with applicable local or state best management practices and stormwater quality standards, shall be submitted with the Expanded Checklist.

4. Because additional studies may be required by the Planning Office for effective review and siting, a pre-application meeting with a representative from the Planning Office is strongly recommended. The level of detail and analysis necessary is dependent on the type of project proposed, its location, and the currently available environmental information and review relevant to the proposal.
5. The Expanded Checklist shall include sufficient information to adequately describe the proposal and its impacts, including but not limited to, information regarding the total square footage of buildings to be constructed, the **maximum** height and number of wind turbines, expected noise generation **levels throughout the life of a turbine**, the location of occupied structures in proximity to the proposed project, the locations and length of new roads and **the location and heights of** above-ground and below-ground electrical cables and power lines, and transportation impacts.

Carol Black – the publicly discussed corridor has many low-lying powerlines that cross state, county, and rural roadways that need to be assessed.

- ~~6. An application for review under this Chapter shall not be deemed complete until the information required under number five (5) above is provided. **Except for site-specific studies for impacts to habitat/wildlife and avian species, upon a clear showing by the applicant that the study is not applicable or is unnecessary, the Planning Office may, within its discretion, waive specific application requirements. Such a determination shall be documented in writing in the project file. Should the applicant prepare an EIS, the Planning Office may waive all requirements for the submittal of individual studies at the time of application and deem the application complete upon submitting the information required in Section 19.61.020(5) above.**~~

19.61.055 - Micrositing Corridors/Areas

1. All terrestrial habitat, critical area assessments, and cultural resource studies required shall be conducted within identified study corridors/areas of sufficient width and dimension to enable comprehensive environmental **and critical area** assessment while allowing **some** flexibility in the final layout. In order to encourage the maximum sufficiency of studies and to enable the maximum flexibility of final layout based upon site-specific attributes, the County shall review and provide written approval of **corridors/areas, new/modified road locations, wind turbine microsite locations, substations, all permanent structures,** and above- and below-ground electrical transmission locations. This micrositing review occurs at the time of the final layout approval of the project after the conditional use permit has been issued.

The final location of wind turbines and all buildings associated with the wind energy facility shall be recorded by GPS coordinates.

2. Actual ~~final~~ locations of wind turbine generators, **substations, permanent structures,** below-ground electrical cables, and above-ground electrical transmission towers will be **clearly identified and delineated** during the micrositing process, occurring after permit review and

prior to actual construction; provided that all such facilities must be sited within the study corridors/areas reviewed and approved by the County. During the micrositing process (when the final, exact locations of the turbines and other project elements and equipment are determined), the applicant will typically balance a number of technical and engineering factors, including limitations posed by the terrain, wind data (speed, wind shear, etc.), wake effects of turbines on others, feasibility of access, setbacks (internally established or based on permit requirements), geotechnical considerations (subsurface conditions), environmental restrictions (avoidance of sensitive habitat), cultural/archeological restrictions (avoidance of cultural resource sites), telecommunications constraints (line of sight microwave paths), FAA requirements, and other site-specific criteria that are not fully resolved until final engineering is completed.

Carol Black – Again, I have significant concerns with the “latitude” given to the applicant to alter their original submission and changing locations of the above-noted construction items. It provides too much leniency and removes any control from the landowner with a signed lease or the neighboring property owner.

Carol is stopping editing here for the May 7 meeting.