

WHITMAN COUNTY  
Department of Public Works

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Administration/Engineering  
Road Maintenance  
Equipment Rental & Revolving  
Solid Waste Division  
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February 5, 2026

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Colfax, WA 99111

Environmental Review Section  
Department Of Ecology  
P.O. Box 47703  
Olympia, WA 98504-7703

RE: Whitman County SEPA file 26-03

Dear Reviewer,

Enclosed please find an environmental checklist for amendments to Whitman County development regulation Chapter 19.61 – Commercial Wind Energy Facilities. New language is underlined and in red and language being replaced is in red and struckout.

Also enclosed is the DNS-with-comment for this non-project action. Any comments must reach us by 5:00 PM on Thursday, February 19, 2026. Unless modified, this determination will become final following the comment deadline.

Sincerely,



Alan L. Thomson  
County Planner

copy: Mark Storey, Director of Public Works (*letter and M-DNS only*)  
Washington State Department of Ecology: [JMAD461@ECY.WA.GOV](mailto:JMAD461@ECY.WA.GOV)  
PBAC: [pbac@uidaho.edu](mailto:pbac@uidaho.edu)  
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Colton/Uniontown Fire District #14: Nick Bell, [nbell@wilburellis.com](mailto:nbell@wilburellis.com)

[Airport Fire District, Pullman](#): Alex Aegerter

City of Pullman Fire Department: Ryan Scharnhorst, [ryan.scharnhorst@pullman-wa.gov](mailto:ryan.scharnhorst@pullman-wa.gov)

#### Addresses of the Tribes:

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St. John Fire District #2: Steven Engles

Garfield Fire District #3: Chris McCully

Palouse Fire District #4: Wil Edwards

Lamont Fire District #5: Andrew Shields

Endicott Fire District #6: Keith Luft

Rosalia Fire District #7: Laura Latenslager

LaCrosse Fire District #8: Caleb Hannas

Farmington/Oakesdale Fire District #10: Brian Oliver and Tom Hodges

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Pullman Fire District #12: Lester Erwin

Dusty/Wilcox/Onecho Fire District #13: Pete Appel

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[Airport Fire District, Pullman](#): Alex Aegerter

City of Pullman Fire Department: Ryan Scharnhorst, [ryan.scharnhorst@pullman-wa.gov](mailto:ryan.scharnhorst@pullman-wa.gov)

file: SEPA 26-03

# SEPA ENVIRONMENTAL CHECKLIST

## *Purpose of checklist:*

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## *Instructions for applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## *Instructions for Lead Agencies:*

Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## *Use of checklist for nonproject proposals:*

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

### A. BACKGROUND

1. Name of proposed project, if applicable:  
**Update to Chapter 19.61 – Commercial Wind Energy Facilities.**
2. Name of applicant:  
**Whitman County Public Works.**
3. Address and phone number of applicant and contact person:  
**P.O. Box 430, Colfax, WA 99111. Alan L. Thomson, County Planner, 509-397-5211.**
4. Date checklist prepared:  
**February 5, 2026.**

5. Agency requesting checklist:

**Whitman County Public Works.**

6. Proposed timing or schedule (including phasing, if applicable):

**A decision by the Board of County Commissioners on the proposed amendments is scheduled for March 2, 2026.**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

**No. There are no specific plans for future revisions to Ch. 19.61 of the Whitman County Code. But the Planning Commission may consider revisions in future.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

**In development and preparation of the proposed amendments the Whitman County Planning Commission investigated and received much environmental information about potential impacts of commercial wind turbines on the environment and public health. The materials considered by the Planning Commission were also reviewed by the undersigned in the preparation of this checklist.**

**Furthermore, while not directly related to these proposed code amendments, Whitman County is aware that in response to 2023 legislation codified at RCW 43.21C.535, the Washington Department of Ecology published a State Environmental Policy Act Final Programmatic Environmental Impact Statement for Utility-Scale Onshore Wind Energy Facilities in Washington State Programmatic Environmental Impact State in June of 2025. This PEIS considers multiple utility-scale wind plus battery energy storage scenarios, one of which includes utility-scale wind in areas with agricultural uses. A link to the document is found here: <chrome-extension://efaidnbnmnibpcajpcglclefindmkaj/https://apps.ecology.wa.gov/publications/documents/2506003.pdf>**

**This PEIS must be considered during project review should Whitman County ever receive an application for a commercial wind energy facility per RCW 43.21C.535(1), and it must be used at that time by utilizing one of the four methods set forth in RCW 43.21C.535(2)(b)(i) through (iv).**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

**No, none have been filed to our knowledge.**

10. List any government approvals or permits that will be needed for your proposal, if known.  
**A decision by the Board of County Commissioners for their approval, rejection, or amending this proposal.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

**The County is conducting a review of the current commercial wind ordinance to see if it is necessary to update this code. The updates cover the entirety of the County's Agricultural District. Wind energy facilities are already conditionally allowed in Whitman County's Agricultural District zone under Chapter 19.61 Whitman County Code (WCC). SEPA review was performed on Ch. 19.61 WCC prior to its initial adoption in November 2009. Amending WCC Ch. 19.61 is a non-project action. A non-project action includes "[t]he adoption or amendment of comprehensive land use plans or zoning ordinances [ ]". WAC 197-11-704(2)(b). Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. No development will be automatically approved by passage of the amended ordinance. The effect of the proposed amendments will be the application of more rigorous development standards on commercial wind energy facilities in Whitman County than exist today. The revisions would not add or eliminate any land use districts (zones) in Whitman County where commercial wind energy facilities are conditionally allowed – they remain allowed with a CUP only in the Agricultural District zone.**

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.  
**All of the County's Agricultural District.**

**B. ENVIRONMENTAL ELEMENTS**

1. Earth: **The proposed revised code is a non-project action. A non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time and will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #1 are not applicable (N/A) for this particular request.**

- a. General description of the site  
(circle one): Flat, rolling, hilly, steep slopes, mountainous,  
other \_\_\_\_\_
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

**2. Air: The proposed revised code is a non-project action. A non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #2 are N/A for this particular request.**

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

**3. Water: The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No**

**development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #3 are N/A for this particular request.**

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
- 2) Could waste materials enter ground or surface waters? If so, generally describe.
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

4. **Plants: The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #4 are N/A for this particular request.**

- a. Check the types of vegetation found on the site:
- deciduous tree: alder, maple, aspen, other
  - evergreen tree: fir, cedar, pine, other
  - shrubs
  - grass
  - pasture
  - crop or grain
  - Orchards, vineyards or other permanent crops.
  - wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
  - water plants: water lily, eelgrass, milfoil, other
  - other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened and endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

e. List all noxious weeds and invasive species known to be on or near the site.

5. **Animals: The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #5 are N/A for this particular request.**

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

- b. List any threatened and endangered species known to be on or near the site.

- c. Is the site part of a migration route? If so, explain.

- d. Proposed measures to preserve or enhance wildlife, if any:

- e. List any invasive animal species known to be on or near the site.

6. Energy and natural resources: **The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #6 are N/A for this particular request.**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health: **The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #7 are N/A for this particular request.**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
- 1) Describe any known or possible contamination at the site from present or past uses.
  - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
  - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
  - 4) Describe special emergency services that might be required.
  - 5) Proposed measures to reduce or control environmental health hazards, if any:
- b. Noise:
- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
  - 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
  - 3) Proposed measures to reduce or control noise impacts, if any:
8. Land and shoreline use: **The proposed revised code is a non-project action to amend the development regulations contained in Chapter 19.61 WCC. Commercial wind energy facilities are already allowed in the Agricultural District zone under Ch. 19.61 WCC. Specifically, the proposed amendments do not propose any new land or shoreline uses for this zone, and they also do not propose to remove any categories of land or shoreline uses that are already allowed in this zone. Because this is a non-project action, the activity subject to SEPA review is not a proposal for a development permit or approval. No development will be automatically approved by passage of the amended ordinance.**
- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?
- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

- c. Describe any structures on the site.
  - d. Will any structures be demolished? If so, what?
  - e. What is the current zoning classification of the site?
  - f. What is the current comprehensive plan designation of the site?
  - g. If applicable, what is the current shoreline master program designation of the site?
  - h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
  - i. Approximately how many people would reside or work in the completed project?
  - j. Approximately how many people would the completed project displace?
  - k. Proposed measures to avoid or reduce displacement impacts, if any:
  - l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
  - m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:
9. **Housing: The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #9 are N/A for this particular request.**
- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
  - b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
  - c. Proposed measures to reduce or control housing impacts, if any:
10. **Aesthetics: The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the**

**requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #10 are N/A for this particular request.**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

**11. Light and glare: The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #11 are N/A for this particular request.**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

**12. Recreation: The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #12 are N/A for this particular request.**

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
13. Historic and cultural preservation: **The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. No development will be automatically approved by passage of the amended ordinance. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #13 are N/A for this particular request.**
- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.
14. Transportation: **The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #14 are N/A for this particular request.**
- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- h. Proposed measures to reduce or control transportation impacts, if any:

15. Public services: **The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #15 are N/A for this particular request.**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities: **The proposed revised code is a non-project action. Non-project means that the activity subject to SEPA review is not a proposal for a development permit or approval. Specifically, commercial wind energy facilities are already allowed in the Agricultural District zone. The proposed amendments do not add or remove any uses in the Agricultural District zone. No development will be automatically approved by passage of the amended ordinance. Any future development to which this revised code would apply will undergo a separate SEPA review at that time, and the County will adhere to the requirements of RCW 43.21C.535 regarding the consideration and application of the Washington Department of Ecology Final Programmatic Environmental Impact Statement described above at Section A.8. Based on the foregoing, the answers under #16 are N/A for this particular request.**

- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,  
other \_\_\_\_\_
  
- b. Describe the utilities that are proposed for the project, the utility providing the service,  
and the general construction activities on the site or in the immediate vicinity which might  
be needed.

**C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Alan L. Thomson

Name of signee ALAN L. THOMSON

Position and Agency/Organization COUNTY PLANNER, WHITMAN COUNTY

Date Submitted: 2/5/26

#### D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

**The proposed changes to the code would not affect them. Commercial wind energy facilities are already an allowed use with a conditional use permit in the Agricultural District zone. The proposed amendments to the Whitman County Code would improve upon the development regulations applicable to such facilities through increased rigor and protective measures. If in the future an application to build a commercial wind farm is received by the County it will undergo a conditional use process and SEPA environmental review, as discussed in further detail in A.8, above.**

Proposed measures to avoid or reduce such increases are:

**If there is a project-specific permit that is applied for in the future, these areas will be part of that SEPA review before any permit could be issued.**

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

**The proposed changes to the code would not have any effect on this. Commercial wind energy facilities are already an allowed use with a conditional use permit in the Agricultural District zone. The proposed amendments to the Whitman County Code improve upon the development regulations applicable to such facilities through increased rigor and protective measures. If in the future an application to build a commercial wind farm is received by the county, its effects will be evaluated under SEPA, as described in A.8 above, during the CUP review process.**

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

**If there is a project-specific permit that is applied for in the future, these areas will be part of that SEPA review before any permit could be issued.**

3. How would the proposal be likely to deplete energy or natural resources?

**The proposed changes to the code will not deplete energy resources. Commercial wind energy facilities are already an allowed use with a conditional use permit in the Agricultural District zone. Whenever a commercial wind energy facility is permitted and operates, more electrons are generated through the capture of kinetic energy (motion) and add to energy resources. Impacts of**

**this already-allowed use on natural resources would be specifically evaluated at the project level if, in the future, an application to build a commercial wind farm is received by the county. In that case, the project-level effects of a proposal will be evaluated under SEPA, as described in A.8 above, during the CUP review process. i.**

Proposed measures to protect or conserve energy and natural resources are:

**Should the county ever receive an application for a commercial wind energy facility, it would be evaluated as a proposed conditional use under WCC 19.61 and would be subject to SEPA review as further described in A.8, above. The applicant would further be required to comply with all other applicable county code provisions, including without limit the county's Critical Areas Ordinance.**

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

**Commercial wind energy facilities are already an allowed use with a conditional use permit in the Agricultural District zone. The proposed amendments to WCC Chapter 19.61 improve upon the protection of these resources because the development regulations applicable to such facilities would contain more rigorous standards following adoption of the proposed amendments. The applicant would further be required to comply with all other applicable county code provisions, including without limit the county's Critical Areas Ordinance.**

Proposed measures to protect such resources or to avoid or reduce impacts are:

**Impacts of this already-allowed use would be specifically evaluated at the project level if, in the future, an application to build a commercial wind farm is received by the county. In that case, the project-level effects of a proposal will be evaluated under SEPA, as described in A.8 above, during the CUP review process. The amended provisions of WCC 19.61 would be applied, and the applicant would further be required to comply with all other applicable county code provisions, including without limit the county's Critical Areas Ordinance.**

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

**No changes to categories of allowed land or shoreline uses will occur as a result of the proposed action. Commercial wind energy facilities are already an allowed-use with a conditional use permit in the Agricultural District zone. The proposed amendments do not change that – no new use is added, and no existing use is removed. In addition to having to comply with WCC 19.61 (including as revised if the amendments proposed by this action to increase the rigor of the development standards are adopted), any future proposed wind facility would have to comply with the county's Shoreline Management Plan, and all other Whitman County Code zoning code requirements, applicable development regulations and other pertinent county codes.**

Proposed measures to avoid or reduce shoreline and land use impacts are:

**See responses to D.1 through D.4 immediately above.**

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

**It will not have any increased demands. Commercial wind energy facilities are already an allowed use with a conditional use permit in the Agricultural District zone.**

Proposed measures to reduce or respond to such demand(s) are:

**See responses to D.1 through D.5 immediately above.**

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

**None known. Furthermore, any future wind farms in Whitman County must comply with all applicable local, state, and federal laws.**

WHITMAN COUNTY  
*Department of Public Works*

Mailing Address:  
P.O. Box 430  
Colfax, WA 99111-0430

Administration/Engineering  
Road Maintenance  
Equipment Rental & Revolving  
Solid Waste Division  
Planning Division  
Building & Development

PHONE: (509) 397-4622  
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N. 310 Main  
2nd Floor Public Service Bldg.  
Colfax, WA 99111

DETERMINATION OF NONSIGNIFICANCE (DNS)

Description of proposal: **Whitman County proposes to amend development regulations in Whitman County Code Chapter 19.61 pertaining to the development of Commercial Wind Energy Facilities in the Agricultural District. Commercial wind energy facilities are already conditionally allowed in the district. The effect of the proposed amendments will be the application of more rigorous development standards on commercial wind energy facilities in Whitman County than exist today. The amendments would not add or eliminate any land use districts (zones) in Whitman County where commercial wind energy facilities are conditionally allowed.**

Proponent: **Whitman County.**

Location of proposal, including street address, if any: **All of the Agricultural District of Whitman County.**

Lead agency: **Whitman County.**

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement [EIS] is not required under RCW 43.21C.030[2][c]. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. **Copies of the DNS are available at no charge from the County Planning Office, Whitman County Public Service Building (2nd Floor), N. 310 Main St., Colfax, WA 99111. The DNS is also posted on the County website at [www.whitmancounty.gov](http://www.whitmancounty.gov).**

**Further information regarding this decision is available through the Whitman County Planning Office, Whitman County Public Service Building (2nd Floor), Colfax, WA, between the hours of 8:00 a.m. and 4:30 PM Monday through Friday.**

X This DNS is issued under WAC 197-11-340 (2); the lead agency will not act on this proposal for 14 days from the date below. (14 days from February 5, 2026) **Comments must be submitted by 5:00 PM on Thursday, February 19, 2026. Unless modified, this determination will become final following the comment deadline.**

Responsible official: **Alan L. Thomson**  
Position/title: **County Planner, Phone: (509) 397-5211**  
Address: **P.O. Box 430, Colfax, WA, 99111-0430**  
Date: **February 5, 2026.**



Signature Alan H. Hansen  
file: SEPA 26-03



Section 19.61.010 - Declaration of Intent Purpose

- ~~A. To provide requirements for permitting of wind energy facilities based upon locations where wind energy facilities can meet the standards and criteria set forth herein and/or can be mitigated in relation to the County's Agricultural District.~~
- A. To provide requirements for permitting, operating, and decommissioning of commercial wind energy. With safeguards that the impacts of such facilities on the health, safety, and welfare to people in the County are avoided, minimized, and/or mitigated accordingly
- B. To provide site criteria for the utilization of the County's wind energy resources. Each commercial wind energy facility 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. The ultimate goal is to achieve a predictable but sensitive siting process that effectively addresses project impacts.

Section 19.61.015 Definitions

- A. Applicant  
The entity responsible for the application of this project; and any subsequent parties to whom ownership is transferred through the life of the project up until decommissioning is complete.
- B. Commercial Operations  
The phase of facility operation that begins after construction and testing are complete and the facility is approved for operation, during which the energy facility generates electricity for commercial sale or on-site use. For purposes of this ordinance, the commencement of commercial operations shall mark the start of the operational phase for compliance and decommissioning timelines.
- C. Commercial Wind Energy Facilities  
An electricity-generating facility under common ownership or operating control consisting of one or more wind turbines of generating capacity exceeding 1 Megawatt (MW) including substations, meteorological towers, cables/wires and ancillary buildings or structures.
- D. Decommissioning  
The process of permanently ceasing operations and dismantling a wind energy facility, including removal of turbines, towers, foundations, transmission lines, and ancillary structures; proper disposal or recycling of materials in accordance with applicable laws; and restoration of the project site in accordance with approved decommissioning and site restoration plans.
- E. Decommissioning and Site Restoration Plan  
The written plan submitted by the applicant and approved by Whitman County, describing the methods, schedule, and financial assurances for decommissioning and site restoration of a wind energy facility. The plan shall include provisions for removal of equipment, disposal or recycling of materials, restoration of the project

site, and demonstration of adequate financial assurance to guarantee completion of decommissioning and site restoration obligations.

F. Irrevocable Standby Trust Fund

A trust established by the applicant and approved by Whitman County to receive and hold funds transferred from a surety bond or other financial assurance instrument, for the sole purpose of completing decommissioning and site restoration obligations in accordance with the approved decommissioning and site restoration plan. The trust shall be irrevocable and remain in effect until Whitman County determines that all decommissioning and site restoration requirements have been satisfactorily completed. The irrevocable standby trust fund shall serve as the repository for any funds drawn upon by Whitman County to ensure continuous financial assurance coverage if the applicant or surety fails to perform.

G. Meteorological Tower

A tower or mast equipped with instruments to measure meteorological conditions, including, but not limited to, wind speed, wind direction, and temperature, for the purpose of evaluating or monitoring wind energy resources. Anemometers and similar devices are considered accessories to a meteorological tower.

H. Micrositing

The process of determining the precise placement of wind turbines, associated facility structures, and internal access roads within the boundaries of the approved project area or corridors, based on site-specific engineering, environmental, and regulatory constraints.

I. Non-consenting landowner

Any landowner who has not granted contractual consent for the siting of turbines or associated infrastructure on or near their property.

J. Non-participating landowner

Any landowner who does not have a contractual agreement with the wind energy facility owner or operator for the siting of turbines or associated infrastructure on or near their property

K. Notice of Intent to Terminate Commercial Operations

The written notice submitted by the facility owner or operator to Whitman County declaring the intent to permanently cease commercial operations of a wind energy facility. Such notice shall initiate the decommissioning and site restoration process in accordance with the approved decommissioning and site restoration Plan and applicable financial assurance requirements.

L. Occupied Building

A residence (occupied or unoccupied), dwelling, school, hospital, church, public library, or other structure regularly used for public assembly, as well as barns, stables, or other agricultural buildings used for housing or sheltering livestock, that are occupied or in use at the time of permit application.

M. Operator

The entity responsible for the day-to-day operation and maintenance of the commercial wind energy facility.

N. Project corridor/area

The approved boundaries within which wind turbines, internal access roads, electrical transmission lines (above and below ground), meteorological towers, and ancillary buildings or structures of a wind energy facility are located.

O. Project Site

The land area subject to County approval for a wind energy facility, including all lands within the permit boundary that are reviewed for environmental impacts, mitigation, and compliance, whether or not turbines or facility structures are ultimately constructed on those lands.

P. Site Preparation

The stage of development prior to construction of a wind energy facility, including activities such as clearing, grading, excavation, installation of erosion and sediment controls, and establishment of access roads or temporary work areas, undertaken for the purpose of preparing the project site for construction in accordance with approved permits and plans. Site preparation should also include measures to protect adjacent agricultural uses, livestock facilities, and natural resources during pre-construction activities.

Q. Site Restoration

The process of returning the project site to a condition consistent with surrounding land uses, including regrading, re-vegetation, and removal of access roads or other infrastructure, in accordance with approved plans and applicable County standards. The process of permanently ceasing operations and dismantling a wind energy facility, including removal of turbines, towers, foundations, transmission lines, and ancillary structures; proper disposal or recycling of materials in accordance with applicable laws; and restoration of the project site in accordance with approved plans.

R. Shadow Flicker

The alternating pattern of light and shadow cast on the ground, residences, or other structures when rotating wind turbine blades periodically obstruct direct sunlight.

S. Surety Bond.

A financial guarantee instrument issued by a surety company listed as acceptable in Circular 570 of the U.S. Department of the Treasury and authorized to do business in the State of Washington, posted by the wind energy facility owner or operator, and payable to Whitman County, to ensure performance of decommissioning and site restoration obligations in accordance with county the approved decommissioning and site restoration plan and applicable requirements.

T. Turbine Height

the vertical distance measured from the finished grade at the base of the tower foundation to the tip of the rotor blade at its highest vertical extension.

U. Wind turbine

A wind energy conversion device consisting of a tower, rotor, and nacelle that converts kinetic energy from wind into electrical power.

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.

- 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 Application Public Meeting~~. The Prior to submitting an application, the project applicant will hold a minimum of ~~one-two~~ informal community meetings. within the County to One of which will be held within twenty nautical miles of the proposed project site and the other shall be held in the County Seat of Whitman County, to inform the public about the proposed facility and provide opportunity for public comment. 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 facility;
  3. Twelve copies of the complete layout plan for persons reviewing the application. These plans shall contain the following information:
    - a. Area and dimensions of the project site;
    - b. 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;

- c. Number, dimensions and preliminary footprint of all turbines including the size of the monopoles;
  - d. Preliminary location and dimensions of all roads and connections to county roads;
  - e. Preliminary location of underground and overhead transmission electrical line corridors;
  - f. Location of any proposed buildings or facilities, such as operations and maintenance buildings or substations;
  - g. Location of any existing buildings;
  - h. Location of existing water, sewer or any existing gas lines;
  - i. A map or maps of the existing and proposed site topography including conceptual grading and drainage plans;
  - j. All existing occupied buildings within one mile of turbine "micrositing" corridors or areas and/or proposed turbine locations;
  - k. Any other applicable information as might be necessary to interpret the compliance of the plans to the regulation of this ordinance.
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.
- 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 and the affected utilities. These personnel shall review the application and submit written comments to the County Planner within 20 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 and general welfare.
- 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 or a change in the project boundaries, 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.

Section 19.61.030 – Other Applicable Requirements

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

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.

- C. 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.
- D. All transmission lines from and to the wind energy facilities shall be required to be placed underground.

19.61.040– Conditions for Meteorological Towers

- A. 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.
- B. For meteorological towers and associated accessory structures the front setback shall be 35 feet from the right-of-way of any state or county road and 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.
- C. The meteorological towers and guy wires shall be fenced sufficient to prevent unauthorized access. The fence shall be at a minimum six feet high.
- D. 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

- A. An Expanded SEPA Checklist shall be submitted to the Planning Office for each application for a commercial wind energy generating facility. 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.
- B. 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.
- C. Site specific studies for impacts to habitat/wildlife (including avian species), cultural resources, 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.
- D. 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.
- E. 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, the location of occupied structures in proximity to the proposed project, the locations and length of new roads and above-ground and below-ground electrical cables and power lines, and transportation impacts.
- F. An application for review under this Chapter shall not be deemed complete until the information required under letter E 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 above.

19.61.053 – Commercial Wind Energy Facilities Exclusion Areas

All distances or setback established in this section shall be measured from the official boundary of the area named. This should be measured by a straight line unhindered by roads or terrain, in other words, measured as the crow flies.

- A. Wind energy turbine towers are not permitted within 2 miles of the boundaries of incorporated communities.
- B. Wind energy turbine towers are not permitted within 2 miles of the areas zoned
  - 1. RURAL COMMUNITY RESIDENTIAL DISTRICT (RCR).

2. RURAL COMMUNITY CENTER DISTRICT (RCC-1), or
  3. RURAL COMMUNITY COMMERCIAL DISTRICT (RCC-2)
- C. Wind energy turbine towers are not permitted within 7 miles of the following areas of National, State and local significance.
1. Kamiak Butte County Park
    - a. Measured from the park boundaries.
  2. Steptoe State Park
    - a. Measured from the park boundaries.
  3. Palouse Falls State Park
    - a. Measured from the point on the line between Whitman and Franklin County at the crest of the falls.
- D. Wind Energy Facility Setback from Sensitive Public Areas  
Wind energy facilities shall be prohibited within six times the height of a turbine (measured from the ground to the tip of the blade at its fullest vertical position) of the following Sensitive Public Areas:
1. Palouse to Cascades Trail State Park Trail, The Columbia Plateau Trail State Park Trail;
  2. Klemgaard County Park, Elberton County Park, Colfax Trail County Park, Wawawai County Park;
  3. Rock Lake;
  4. The Escure Ranch,

19.61.055 - Micrositing Corridors/Areas

- A. 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 assessment while allowing 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 "micrositing" corridors/areas for all roads, wind turbine locations, 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.
- B. Actual final locations of wind turbine generators, below-ground electrical cables, and above-ground electrical transmission towers will be established 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.

19.61.060 - Development Standards and Criteria

A. Setbacks.

The setbacks established in this section are intended to protect the safety, health and welfare of people and the integrity of property in Whitman County from potential adverse effects of commercial wind energy facilities, including but not only towers, turbines and generators. And to mitigate potential impacts from these facilities. All setback distances established in this section shall be measured from the closest point of the tower to the closest point of the thing from which the tower is set back, for example, an occupied building or property line This should be measured by a straight line connecting the two points unhindered by roads or terrain, in other words, measured as the crow flies.

1. Physical safety and damage

a. Minimum, non-waivable building setbacks:

Wind energy turbine towers shall be sited a minimum of one and a half-times (1.5X) the height of the wind turbine generator away from all existing building structures, regardless of whether the building structure owner consents to the location.

b. Non-consenting parcels:

Wind energy turbine towers shall be a minimum distance of four times (4X) the height of the wind turbine generator from the property line of any non-consenting, non-participating adjacent parcels, including state and improved county rights-of-way.

2. Setbacks from non-consenting buildings.

a. Wind energy turbine towers shall be a minimum distance of six-times (6X) the height of the wind turbine generator from any non-consenting, non-participating landowner's building structures.

3. Setbacks from non-consenting property lines.

a. Wind energy turbine towers shall be a minimum distance of six-times (6X) the height of the wind turbine generator from the property line of any non-consenting, non-participating adjacent parcels, including state and improved county rights-of-way.

4. Waivers

Any allowable consents to setback distances less than stated in this section, except for the non-waivable setbacks in subsection 1(a) shall be documented by a fully executed, notarized agreement by the fee title owner, in a format that can be recorded on the affected real property title.

19.61.060 – Development Standards and Criteria

A. Setbacks. All setback distances established in this section shall be measured from the closest point of the tower to the closest point of the thing from which the tower is set back, for example, an occupied building or property line.

1. Minimum, non-waivable occupied building setbacks: Wind energy turbine towers shall be sited a minimum of one-times (1X) the height of the wind turbine generator plus 100 feet away from existing occupied building

~~structures, measured from the ground to the maximum extent of the turbine blade, regardless of whether the occupied building structure owner consents to the location.~~

- ~~2. Occupied building visual, shadow flicker, and aesthetic setbacks: Visual, including but not limited to shadow flicker, and aesthetic setbacks are imposed to address wholly local concerns regarding the visual and aesthetic impacts of wind turbine generators. For all non-consenting, non-participating landowners, commercial wind energy turbine towers shall be setback a minimum distance of four times (4X) the maximum height of the turbine, measured to the blade tip at~~

~~its maximum elevation, from the non-participating landowner's occupied building. In view of the low density, rural/agricultural nature of the zoning districts deemed to be suitable for commercial wind energy facilities, the minimum occupied building structure visual and aesthetic standard shall be considered sufficient to address any visual and aesthetic impacts.~~

- ~~3. There shall be a minimum setback distance of four times (4X) the maximum height of a turbine, measured to the blade tip at its maximum elevation, from the boundaries of incorporated communities.~~

- ~~4. Setbacks from non-participating adjacent landowner's property lines: There shall be a minimum distance of one times (1X) the height of the wind turbine generator plus 100 feet away from the property line of any non-participating adjacent landowners, including state and improved county right-of-ways, measured from the ground to the maximum extent of the turbine blade.~~

- ~~5. For purpose of this section, any consents to visual setback distances of less than 4X turbine height from a non-participating adjacent landowner's occupied buildings and less than the minimum setbacks from a nonparticipating adjacent landowner's property lines shall be documented by a fully executed, notarized agreement by the fee title owner, in a format that can be recorded on the affected real property title.~~

#### B. Height Limits

1. Subject to standards imposed by the FAA, height limits are not established for wind turbines, transmission towers, and wind data collecting devices such as anemometers.
2. Building structure height limitations shall be in accordance with the standards established for the applicable zoning district.

#### C. Site Access and Traffic Management: Prior to commencement of construction, the applicant shall provide the Public Works Department with a traffic management plan. All elements of the traffic management plan shall be reviewed by the County Engineer, who has discretion for determining whether or not the materials are complete or acceptable to the Public Works Department based on state law and prevailing rigorous industry standards. Required elements of the plan shall include:

1. Public roads to be utilized by the applicant shall be identified in the application.
2. A qualified third party engineer shall document road conditions prior to construction and again within thirty (30) days after construction is complete or as

- weather permits. The applicant shall enter into a county road use agreement for the repair of damage to public roads resulting from project activities.
3. Ingress and egress points shall be located and improved (if needed) in order to assure adequate structural and operational capacity for existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic and projected construction traffic.
  4. All applicable governmental permits or approvals shall have been obtained, including: permits to access state or county roads (if needed), construction within state or county right-of-ways, overweight and oversize loads, weight restricted bridges and structures, haul route agreements, etc.
  5. A franchise agreement pertaining to the long term use of public right-of-ways for underground utilities, above ground utilities, private facility features, and private infrastructure.
  6. All weather access roads (including graveled roads) suitable to accommodate year-round emergency response vehicles and equipment, shall be provided to within 150 feet of any built structure or surface activity area.
  7. Engineering studies, plans, reports necessary to substantiate any engineering related elements of the plan.
  8. Planned phasing requirements of the traffic management plan (if required) to accommodate multi-phase or multi-year construction plans.
- D. Noise: State noise standard compliance: During construction and operations, the project shall comply with applicable state noise standards.
- E. Air quality: All applicable air emission permits shall be obtained and all conditions complied with. The applicant shall re-vegetate any disturbed areas that are not permanently occupied by the project features. The applicant shall comply with county road standards for dust control and erosion. The applicant shall maintain a water truck on-site during construction for dust-suppression.
- F. Vegetation and wildlife construction limitations: Based upon the information provided in the Expanded SEPA Checklist, the applicant shall limit construction disturbance by flagging sensitive areas and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided. The applicant shall develop a reseeding/restoration and weed management plan in consultation with the Whitman County Weed Control Board.
- G. Overhead electrical transmission and collector lines: Overhead electrical transmission and collector lines should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor protection on power lines and such other commonly accepted industry or regulatory standards.
- H. Avian and bat studies and requirements: The County shall consider recommended conditions listed in the current, and as amended, Washington State Department of Fish and Wildlife Wind Power Guidelines. However, any recommended conditions taken from the Guidelines or recommended by the Department of Fish and Wildlife must be reasonable and objective and address project impacts. The following conditions and requirements shall be mandatory:

1. The applicant shall conduct project pre-assessment studies consistent with the Washington Department of Fish and Wildlife Wind Power Guidelines effective on the date of submitting a complete permit application. Project applicants are further advised to consult with WDFW and local habitat/wildlife experts regarding turbine siting before making final site decisions.
  2. The facility shall use bird flight deflectors on guy supported permanent meteorological towers or use un-guyed permanent meteorological towers.
  3. The applicant shall assess and monitor raptor nests on the project site for activity prior to construction and modify construction timing and activities to avoid impacts to nesting raptors. At a minimum, one raptor nest survey during breeding season within 1-mile of the project site should be conducted to determine the location and species of active nests potentially disturbed by construction activities, and to identify active and potentially active nest sites with the highest likelihood of impacts from the operation of the wind plant. A larger survey area (e.g., a 2-mile buffer) is recommended if there is some likelihood of nesting occurrence of state and/or federally threatened and endangered raptor species (e.g., ferruginous hawk, bald eagle, golden eagle), or if empirical data on displacement impacts may be monitored after construction.
  4. A minimum of one full season of avian use surveys is recommended following current state-of-the-art protocols to estimate the use of the project site by avian species/groups of interest during the season of most concern (usually spring/early summer). Additional seasonal data (e.g. fall or winter) is recommended in the following cases: 1) use of the project site for the avian groups of concern is estimated to be high relative to other projects, and 2) there is very little existing data regarding seasonal use of the project site. This additional avian use data should be collected to refine impact predictions and make decisions on project layout.
  5. The County shall require the applicant to identify and remove all carcasses of livestock, big game, etc. from within the project that may attract foraging bald eagles or other raptors.
  6. The CUP shall require the applicant to monitor the project for a minimum of one year following project start-up to estimate bird and bat fatality rates using standard protocol. The applicant shall report bird fatalities observed for the life of the project to WDFW and USFWS on a quarterly basis, unless and until these wildlife agencies waive or reduce this reporting requirement.
- I. Stormwater: Design and implement stormwater drainage systems in consultation with a professional engineer to ensure that minimal erosion will occur. After construction, monitor the site for erosion on a regular schedule as approved by the Department of Ecology or Whitman County, and after large rainfall or snowmelt events, and take corrective action as necessary.
  - J. Geologic and Flood Hazards: The applicant shall design structural foundations and buildings in accordance with applicable International Building Code requirements for the relevant seismic zone. Compliance with all applicable local requirements is required.

- K. Water Resources: Water required for onsite use (construction phase work, restroom facilities and general maintenance) shall be obtained in accordance with state and local requirements.
- L. Cultural Resources: The applicant shall complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. During construction, the applicant shall flag and avoid cultural resources, and monitor construction activities to ensure that flagged cultural properties are avoided. The applicant shall train construction workers on the need to avoid cultural properties and procedures to follow if previously unidentified cultural properties, including Indian graves, are encountered during construction. If any previously unidentified cultural resource properties are encountered during construction, the applicant shall cease construction activities in the immediate vicinity of the site pending evaluation by a qualified archeologist and consultation with the Department of Archaeology and Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery.
- M. Visual Resources:
1. The applicant shall prepare visual simulations of wind turbines from key view points, chosen in consultation with the Planning Office.
  2. Lighting for security shall be minimized. Lighting fixtures, except those required by the FAA for safety purposes, must be shielded, hooded, and oriented towards the ground so that direct rays of light don't shine onto neighboring properties or serve as a source of light pollution. FAA lights shall be minimized to the extent practicable in consultation with the FAA.
  3. The applicant shall provide a clean looking facility free of debris and unused or non-functioning equipment by: storing equipment and supplies off-site (post-construction), and removing damaged or unusable equipment from the site.
  4. To the extent practicable, and subject to industry standards and requirements to meet the FAA's daytime lighting and marking standards, the applicant shall chose paint colors that are a non-obtrusive color such as white, off-white or gray.
  5. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with any wind energy system visible from any public road are prohibited.

N. Decommissioning:

1. The applicant is responsible for decommissioning and site restoration. The applicant shall develop a decommissioning and site restoration plan in consultation and active participation with Whitman County. The decommissioning and site restoration plan shall be delivered to the Whitman County Planner for review and approval at least ninety (90) days prior to the beginning of site preparation. Within ninety (90) days of receipt of the decommissioning and site restoration plan, the Whitman County Planner shall consult with a qualified soil scientist and a qualified biologist to review and either request the applicant make specific revisions in accordance with the commercial wind turbine siting criteria in the Whitman County Code or approve the plan, which approval shall not be

unreasonably withheld. The applicant shall not begin site preparation prior to obtaining approval of the decommissioning and site restoration plan from the Board of Whitman County Commissioners.

- a. The applicant, at its sole expense, shall commence work on the decommissioning elements of the plan within sixty (60) days of the termination of commercial operations of the project. The applicant must fully complete the decommissioning elements of the decommissioning and site restoration plan within twelve (12) months after the termination of commercial operations of the facility. The decommissioning elements that shall be addressed are at a minimum:
  - i. Removal of all above-ground and below-ground project facilities, material, and infrastructure to a depth of 10 feet;
  - ii. Safe disposal, recycling or salvage of removed project facilities, materials, and infrastructure;
  - iii. Removal of project access roads;
  - iv. Appropriate worker safety precautions to be observed during decommissioning activities;
  - v. A detailed engineering estimate, prepared by a licensed professional engineer, of the costs to fully implement the decommissioning and site restoration plan.
    - a) The estimate must be based on the costs of Whitman County hiring a third party to fully implement the decommissioning and site restoration plan.
    - b) The estimate may not be reduced for “net present value.
    - c) The estimate may not include any credit for salvage value that may be realized from the sale of facility structures or equipment, property interests, or other assets associated with the facility at the time the decommissioning and site restoration plan is implemented.
  - vi. Any agreements with any underlying landowner(s) regarding project facilities, materials, infrastructure and roads that landowner wishes to retain. Removal of the wind turbine and concrete pad may not be waived.
- b. The applicant shall, at its sole expense, fully implement and complete the site restoration elements of the decommissioning and site restoration plan within twelve (12) Months after the end of all decommissioning activities. The site restoration elements of the Plan shall include, at a minimum,
  - i. The evaluation and documentation, by a qualified soil scientist, of the soil conditions of the project site prior to commencement of site preparation;
  - ii. The evaluation and documentation, by a qualified biologist, of the presence, types, extent, and conditions of all vegetation existing on Project site prior to commencement of site preparation;
  - iii. Measures for the identification and remediation of any hazardous waste materials adversely affecting the project site as a result of the project’s

- site preparation, construction, commercial operations, and/or decommissioning;
- iv. Detailed plans for restoration of project site soil and vegetation as near as possible to their documented conditions prior to commencement of site preparation;
  - v. The duration and metrics for measuring and monitoring the success of soil and vegetation restoration, including how the metrics will be informed by periodic soil and vegetation assessments (including re-vegetation success) during commercial operations of the project; and
  - vi. Within sixty (60) days of completion of all restoration activities, applicant shall provide a proposed final report to the Whitman County Planner documenting all restoration activities and results. Within sixty (60) days of receipt of the final report, the Whitman County Planner shall consult with a qualified soil scientist and a qualified biologist to review and either provide detailed directions to applicant for further restoration in accordance with the decommissioning and site restoration plan or approve the final report, which approval shall not be unreasonably withheld. Upon approval of the final report on restoration, the Conditional Use Permit and all other County-issued project permits shall terminate and be of no further effect.
- c. The applicant shall provide the Whitman County Planner with a notice of intent to terminate commercial operations of the facility not later than six (6) months before commercial operations cease. Absent delivery of a notice of intent to terminate commercial operations, the facility will be presumed to be at the end of its useful life, and commercial operations will be deemed to have terminated without further action by the applicant, if the facility generates no electricity for commercial use for the continuous period of twelve (12) months.
- d. The applicant shall deliver to the Whitman County Planner an updated decommissioning and site restoration plan every five years on the anniversary date of issuance of the facility's conditional use permit. The updated decommissioning Plan shall account for new technologies and processes for decommissioning, salvaging, or repowering the facility.
- e. The decommissioning and site restoration plan and the responsibilities thereunder shall transfer to and be fully binding upon any successor of the applicant, including the owner and operator at the time of decommissioning.
- f. If the Project site owner(s) waives the implementation of any part of the decommissioning and site restoration plan they must also demonstrate, to the satisfaction of the Board of Whitman County Commissioners, their financial ability and agreement to assume responsibility for maintaining any remaining permitted facilities, where applicable, with the appropriate regulatory agency.



amount in an amount established in accordance with WCC 19.61.060.N.1 above is provided as follows:

- i. Surety Bond. The applicant shall provide financial security for the performance of its decommissioning and site restoration obligations through a Surety Bond issued by a surety listed as acceptable in Circular 570 of the U.S. Department of the Treasury, as may be amended from time to time. Each bond must remain in place for a period of at least one year and shall be renewed annually until acceptance by Whitman County of the final report on the decommissioning and site restoration as provided at WCC 19.61.N. above.
  - a) An irrevocable standby trust fund for decommissioning and site restoration shall also be established concurrently with the Surety Bond to receive any funds that may be paid by the surety to be used to complete all obligations in the decommissioning and site restoration plan.
  - b) The surety entity shall become liable for the bond obligation if the applicant fails to perform as guaranteed by the bond.
  - c) The surety entity may not cancel or decline to renew the bond until mailing, at least one hundred twenty days (120) before the current bond expiration date, written notice of its intent to cancel or decline to renew via certified, return receipt request mail to applicant and the Whitman County Planner
  - d) If within ninety days (90) of the mailing of the written notice of cancellation as provided above, the applicant has commenced but not fully performed its decommissioning and site restoration plan obligations, then the surety shall transfer so much of the surety amount as is necessary for the obligee/beneficiary Whitman County to perform the remaining work, including additional costs to be incurred by Whitman County including without limit legal fees and other costs to enforce funding of the Standby Trust, compliance with applicable public bid laws, remobilization costs and price increases due to market changes or delay.
  - e) If within ninety (90) days of the mailing of the written notice of cancellation as provided above, the applicant has not commenced its Decommissioning and Site Restoration Plan obligations and has not provided alternate financial assurance adequate under the Whitman County Code, then the surety entity shall transfer the amount of the bond into the Irrevocable standby trust fund as directed by Whitman County.
  - f) The surety entity's chief financial officer shall provide a corporate guaranty that the entity passes the financial test concurrent with delivery of the bond as specified in this section. This corporate guaranty shall be reconfirmed annually ninety days after the end of

- the entity's fiscal year by submitting to the Whitman County Planner a letter signed by the guarantor entity's chief financial officer that:
- i. Provides the information necessary to document that the surety entity passes the following financial test:
    - a. The surety entity is in good standing and meet the requirements pursuant to Circular 570 of the U.S. Department of the Treasury.
    - ii. Guarantees that the funds to finance the required decommissioning and site restoration activities are available.
    - iii. Guarantees that the required decommissioning and site restoration assurances will be available until decommissioning and site restoration is completed.
    - iv. Guarantees that the surety entity's chief financial officer will notify in writing, via certified, return receipt requested mail, the applicant and the Whitman County Planner within ten days any time that the entity no longer passes the financial test or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy. Such a proceeding under Title 11 will cause the entity to fail the financial test.
    - v. Guarantees that after written notification is delivered to the applicant and the Whitman County Planner that the surety entity no longer passes the financial test the surety entity shall deposit the restoration funds into the standby trust fund if so directed by Whitman County.
  - c. If the surety entity should not pass the required tests, the applicant must obtain an alternate financial assurance method as described in this section within 15 days of notification from the guarantor in order to provide continuous financial assurance coverage.
  - d. If the financial assurance agreement is transferred after its effective date, Whitman County has the right to require, consider, and approve an alternate financial security assurance device as described in the Whitman County Code that assures the applicant's performance of its decommissioning and site restoration obligations.
  - e. If the standby trust fund is funded for any reason above, the Whitman County Treasurer shall be named the Trustee and Whitman County shall be the sole beneficiary.
3. If the project is owned and operated by an investor-owned electric utility regulated by the Washington Utility and Transportation Commission, such financial assurance requirements as described in this section may be waived and the decommissioning and site restoration obligations hereunder shall be a

general obligation of the investor-owned utility as defined in a contractual agreement with Whitman County.

4. The Applicant must provide pollution legal liability insurance coverage in an amount demonstrated to the satisfaction of the Board of Whitman County Commissioners to be sufficient to protect applicant, the project site, and its owners against:
  - a. unexpected pollution exposures and environmental accidents; and
  - b. cleanup and remediation costs, property damage, and legal expenses.
5. All applicable local and state regulatory requirements shall be complied with, including obtaining demolition permits and complying with permit conditions for removal of existing turbines and structures from the site.

~~N. Decommissioning:~~

- ~~1. Prior to commencing construction of the project, the applicant shall prepare a decommissioning plan in a form acceptable to the County. A bond, letter of credit, or other security acceptable to the County is required to ensure proper decommissioning of each turbine and other equipment. The amount of the security shall be determined on the basis of the site-specific conditions affecting the costs of decommissioning, access, depth of foundation, terrain, etc., to include credit for salvage value of the equipment. The timing for supplying the security shall be determined in consultation with the County. If, however, the project is owned and operated by an investor-owned electric utility regulated by the Washington Utility and Transportation Commission, such security device as described in this condition may be waived and the removal and restoration obligations hereunder shall be a general obligation of the investor-owned utility.~~
- ~~2. Upon termination of operations, or if the project is abandoned, or ceases operation for more than 270 consecutive days (except in the event of man-made or natural disaster not in the control of the applicant), the applicant, or the then current owner shall, at their sole cost and expense, dismantle and remove above ground improvements including wind turbines, step-up transformers, substations, overhead transmission lines and support structures, control hardware, and meteorological towers. Foundations will be removed to a level of three (3) feet below the surface of the ground unless requested to be maintained by the landowner. At the request of the landowner, they shall also remove operations and maintenance buildings. The applicant shall repair any damage as a result of such removal, restore the property to grade, and implement erosion and control devices and procedures, restoring the site as reasonably as possible to its pre-project condition. In the event that the applicant or the then current owner does not fulfill their obligations under this section, the County may, at its sole election, dismantle and remove any wind tower or related facility. In such case, the applicant and the then current owner shall pay and be liable to the County for all costs incurred by the County to complete the decommissioning.~~

- ~~3. All applicable local and state regulatory requirements shall be complied with, including obtaining demolition permits and complying with permit conditions for removal of existing turbines and structures from the site.~~

O. Public Safety, Inquiries and Complaints:

1. The applicant shall comply with state occupational health and safety standards.
2. During project construction and all project welding operations, the applicant shall have a readily accessible water truck and chemical fire suppression materials available on site to allow immediate fire response.
3. The applicant shall provide project staff with cellular or on-site phones to enable timely communication with the Fire Department and other emergency services.
4. The applicant shall fence site entrances as appropriate and post signs warning of electrical dangers with emergency contact numbers e.g. phone numbers of emergency responders. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
5. The applicant shall monitor the site for evidence of unauthorized use and provide additional security as appropriate.

P. Fire Mitigation Requirements

1. Each nacelle/turbine to have a comprehensive fire detection system within the nacelle to detect and monitor for "rate of rise", heat, sparks, arc flash, and combustible gases. These systems will be capable of automatic shutdown of the turbine upon alarm. The detection system will be linked to a central alarm that will remotely notify operators and first responders.
2. Each nacelle/turbine will have an automated fire suppression system.
3. The developer/owner is required to annually submit emergency response plans with the initial application that have been coordinated with all fire departments/districts within 20 miles of the project boundaries. The plan will include water sources, fuel break locations and turbine shut down procedures. These plans shall be filed with the Whitman County Planning Department and all appropriate fire departments/districts. Plans shall resubmitted annually during the life of the project.
4. The project owners shall bear full financial responsibility for suppression costs and third-party damages from fires determined to originate from facility equipment or operations.

19.61.070 - Compliance with Project Conditions

- A. Upon proving reasonable notice to the project owner or operator, County officials shall have the right to enter the project site to verify compliance with project conditions.
- B. Compliance with project conditions and code requirements is required. In addition to such other remedies available under law, any County department or other decision maker issuing any decision, environmental determination (such as a mitigated determination of non-significance), approval, authorization, or other determination, including a determination on the conditions to apply to a particular project under this chapter ("authorization"), may conduct enforcement activities in accordance with County code and Washington law.

19.61.080 – Severability

Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence clause or phrase of the ordinance.

Adopted 11/16/09, Ordinance # 070081. (Revised 7/19/10, Ordinance # 070974).

