L. PC Minutes (April 2, 2025- December 3, 2025)

1. Planning Commission Workshop: April 2, 2025
2. Planning Commission Workshop: April 16. 2025
3. Planning Commission Workshop: May 7, 2025
4. Planning Commission Workshop: May 21, 2025
5. Planning Commission Workshop: June 4, 2025
6. Planning Commission Workshop: June 18, 2025
7. Planning Commission Workshop: July 2, 2025
8. Planning Commission Workshop: July 16, 2025
9. Planning Commission Workshop: October 1, 2025
10. Planning Commission Workshop: October 15, 2025
11. Planning Commission Workshop: October 29, 2025
12. Planning Commission Workshop: November 5, 2025
13. Planning Commission Workshop: November 12, 2025
14. Planning Commission Workshop: November 19, 2025
15. Planning Commission Workshop: December 3, 2025

WHITMAN COUNTY
PLANNING COMMISSION
Workshop
April 2, 2025
Public Service Building
Auditorium
7:00 p.m.

MEMBERS:

Brian Davies – Uniontown -Vice-Chair
Tami Southern - Garfield
Weston Kane - Lacrosse
David McKeirnan - Pullman
Dave Gibney - Pullman
Bill Myers - Colfax
Chris Melhus - Malden

Staff: Alan Thomson, WC Planner; Grace Di Biase, WC Assistant Planner; Brandon Johnson, Public Works; Elinor Huber, Clerk.

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

Zoom: Denis Tracy, WC Prosecutor, Tom Lamar.

7:03 p.m. – Brian Davies opened the workshop. Unfinished business. Would our other business come in at this point?

Alan Thomson - Yes, I recommend that you start with the Planning Commission and the open seat for the Chair. You have the ability to choose a new chair and vice-chair. That would be amongst yourselves. You can open that up and see where that goes.

Brian Davies – Does everybody know what is going on with Chad taking the appointment. That leaves it open, and our By-Laws say that we can take care of it right now. Dave?

Dave Gibney – I'm willing to do it. I've been the chairman of the Pullman Planning Commission and this commission since 2009. I don't want to do it as much as I'm willing. I'm not going to have any heartburn if it is somebody else. I do fairly well at running meetings, and I have a fairly good understanding of open public meetings. I've been in the planning arena since around 2000.

Brian Davies – I'll just speak a little bit about the fact that Dave and I probably have been involved in land use planning in one way or another, the longest probably since 2000. Weston, have you,

Weston Kane – I've been on this since 2020, and I also serve on the Whitman Conservation District Board.

Brian Davies – I feel the same way that Dave feels, is that I don't necessarily want the position, but I would be more than happy to step into that position. Being the vice-chairman, we do have provisions that that is just not, it can be handled a different way by a vote. So, Bill or the rest of you gentlemen want to say anything about how you think we should proceed?

Bill Myers – This is a learning process for me at this moment. I can't comment.

Brian Davies – We don't want to put you in an uncomfortable position where you need to try and come up with an answer. Dave and I are probably the most experienced and should we flip a coin or, I guess we need a vote.

Chris Melhus – I think probably at this point with the situation we have right now, we need people with experience would make the most sense. I wouldn't be comfortable with that position right now.

Dave McKeirnan – I think the most important point right now is to have guidance in the right direction.

Brian Davies – I think that shares everybody's feelings.

Alan Thomson – It's a horse race. Which one is going to go?

Brian Davies – If you want to do it, Dave, I will support you as the Vice-Chairman.

Dave Gibney – Like I said, I appear to speak quietly, and I don't really know that. I'm willing to do it.

Brian Davies – Would the term be for 2 years starting from tonight?

Dave Gibney – No, the term would be for the remainder of 2025.

Alan Thomson – We get to do it all again in December.

Dave Gibney – The BOCC can decide if they want me to come back or not because my term is up in December. I will nominate myself for chair.

Alan Thomson – Make a motion and take a vote.

MOTION by Dave McKeirnan and seconded by Tami Southern to appoint Dave Gibney as the Chair. Motion carried.

MOTION by Dave Gibney and seconded by Weston Kane to appoint Brian Davies as Vice-Chair. Motion carried.

Brian Davies – Dave, come and move into the Chair position.

Dave Gibney – Thank you, everyone. I believe we have one other item of business to deal with before we get into the unfinished business.

Alan Thomson – Yes, to amend the by-laws.

Dave Gibney – So, there has been a proposal by Alan to amend the by-laws. The BOCC and Denis Tracy have talked about this. Go ahead, Alan.

Alan Thomson – Thank you to the three new people. Because we have been having problems with getting a quorum, this is a 9-member body, and we have seven members now. We were having trouble getting a quorum prior to that.

Denis Tracy and Commissioner Handy came up with a suggestion as to how to get past that issue if we don't have a quorum again. In the By-Laws, under Article V Meetings, C. Voting Procedures, you'll see some proposed changes there. Look those over and make a decision as to whether or not you want to do that.

The first on #1 is the word "five" to be struck out. That means we have to have five right now in order to do business.

Brian Davies – And three would be a quorum?

Alan Thomson – Well, if we have five people only, it is the majority of the five. If we have six people, it is the majority of the six and so on.

Dave Gibney – I think I would like to hear what Commissioner Handy has to say. I am aware of RCWs that state that official actions and controls voted on by a body such as this require a majority of the total members, not a majority of the current members. It also says that vacancies need to be filled quickly.

I think that taking these numbers out of here is probably a good thing, but I don't think it changes the need for a vote of five for some official ordinance recommendation or a comp plan recommendation. I think it is fine with the minutes and things like that. But I know there are other arguments to be made.

Alan Thomson – We have Denis Tracy, our Prosecuting Attorney on board tonight by zoom. I don't know if Denis would like to tackle that question or Commissioner Handy. Both of you seem to have the same opinion about this change. Denis, do you have something to add to this?

Denis Tracy – I don't have the language in front of me but, the question is what the definition of member is, essentially, that I think Chair Gibney is referring to. Does the majority of members need to vote on something in order to take action?

Your Planning Commission is designed to have nine members, but if some have resigned and their seats have not been filled, then instead of having nine members you have seven members. There are two unfilled seats on the Planning Commission.

The changes that are before you are meant to allow the Planning Commission to take action if the Planning Commission gets backed into a situation where they have a number of open seats. That is as far as I am prepared to discuss it tonight.

Alan Thomson – Does that add clarity to it? Right now, we have seven members. Two unfilled seats, so the quorum would be half of seven.

Dave Gibney – A quorum would be four. I'm okay with the changes but I do think they need to be looked at more closely. Because I've encountered on more than one occasion in the City of Pullman Planning Commission where litigation occurred, and won basically, because less than a quorum, a majority of the total possible members took that vote. It has been a long time, and I wasn't actually on the commission at that time.

But the RCW is clear that to do something substantial like an ordinance or comp plan or a quasi-judicial takes a majority vote of the total members of the commission, and it also says that the vacancies shall be filled. It doesn't allow time for vacancy. I don't want to be pounding my fist as my first event of power.

Tom Handy – My experience on State level boards, the State Building Code Council being one of them. Our advice comes from the State Attorney General's Office, and we had similar situations come up, and the advice we got was that vacancies on member's seats do not count towards the total amount needed for a quorum. That is kind of what I thought.

I can tell you for sure that we got down to a real small number here and that was our fault, and we are not going to let that happen again. We worked pretty hard to get the word out that we needed more members, and we succeeded.

I think we will pay a lot more attention to when it gets small again, especially during times like this, it is hard to function. We have a big thing going on right now and if we could, and if we didn't have enough members and just said, "Sorry folks," I think that would be tough too.

Bill Myers – It is my understanding that the membership is two people from each district or three.

Dave Gibney – The current by-laws state, two to four from a district. We changed that a while back. It used to say three from each. It is true, we have always had difficulty keeping this Board filled. So, we changed that to allow from two to four from any given district.

Bill Myers – What districts are lacking representation at the moment?

Alan Thomson – Commissioner Swannack's is full and the other two need one each.

Bill Myers – Anyway, it seems the reason for nine is to have a broad cross-section of opinions. It seems, in regards to the business that we do have ahead of us it would be nice if, or somewhat imperative, that we need full representation. I know we are merely an advisory board to the BOCC but that is one of the purposes is to,

Dave Gibney – I would like to hope that when we get done with this, we are not going to have a close vote on our final results. Do you want to come up, Ken? I don't want this to go to everybody in the room.

Ken Duft – I am a 60-year resident of Whitman County. I want it to be known at the onset that I understand fully the need to make the changes in the By-laws that you have before you. I also think that changes in the by-laws, it is not a simplistic matter or to be taken lightly.

And yet, you are about to take action on such a change when not a single member of the audience assembled here this evening has a physical copy or has an ability to read the current and the proposed by-law. So therefore, I would only issue a complaint that that oversite has been taken.

Dave Gibney – Ken, I appreciate that, but this is an internal matter of the Planning Commission. The By-laws are what we decide when we vote on them. It is not the same as a county ordinance or anything like what we are hoping to get to in a little bit.

On the other side of that, I am very sure the By-laws are available on the website, and this is really a small change of taking out a specific number of five. I would not say that we would not do the business of continuing to discuss the ordinance, the wind and solar and battery and other ordinances during any time and we certainly have a full quorum. We shouldn't be having trouble keeping a quorum for the foreseeable future.

MOTION by Brian Davies and seconded by Weston Kane to amend the by-laws as noted in this copy. Motion passed with a vote of 5-2.

Bill Myers – I'd like to say we have a quorum tonight. We are likely to have a quorum at any given time. I think my experience is limited so I am almost talking out of turn here with my own perception, but I think we ought to stick with nine and do our business and continue to search for two more members and keep the,

Dave Gibney - We are not proposing to reduce the number of members on this commission. That is not a part of this By-law change. The part of the By-law change is to state that if what it does, according to the Prosecuting Attorney and Commissioner Handy and Alan, is if we get to the time when we are going to make a recommendation to the BOCC, which is what has been pointed out, that a vote of a majority of the then number of members, which would be four tonight, would be sufficient to pass that on.

Again, we haven't done our job if we get to that point, and we are at a four-three vote. I hope that we won't be there. We have a motion on the floor, and it is time to call for a vote. All in favorer of changing the by-laws as presented, say aye. Opposed?

Bill Myers – Nay.

Chris Melhus – Since we already moved on to vote, I'll just say, "nay," since I had further questions. Sorry about that. Trying to read up and get more clarification.

Dave Gibney – Well the ayes have it. So,

Brian Davies – Again, we are not changing the number of members. We are just changing how we get to a quorum.

Dave Gibney – I'm going to encourage the prosecuting attorney and BOCC to check the laws that are sited, because as I don't think we can proceed at the end with a vote of four.

Denis Tracy – I have a question, Mr. Chair. Was the vote 5-2?

Dave Gibney – Yes, it was.

Denis Tracy – Thank you.

Dave Gibney – Okay, that is all of our extracurricular business.

Alan Thomson – So, on to the solar. So, Commissioner Handy is here to help us understand the decommissioning language.

Dave Gibney – For the benefit of our new folks, we have been discussing this particular section for a while and we are in fairly close agreement on much of it. But as is known we have found that the decommissioning aspects of the current ordinance for wind, which is the basis for this, is a little insufficient so we have been working on the decommissioning too, and we have had a lot of assistance from Commissioner Handy. Thank you.

Tom Handy – Where do you want to start?

Dave Gibney – That is on page 11, the highlights.

Tom Handy – Okay, page 11, Item #5. I do have one other comment that, on page 9, Item #1 on that last part about the utility.

Tom Handy – On the utility if they are owned, they have a little bit of an exclusion there. One thing that wasn't part of the language that EFSEC had was, that they indicated if they were going to be kind of self-assured, provide their own guarantee, that they needed to be an American company.

I think in decommissioning if it were Avista, Avista was approached by a Canadian company a few years back for purchase, I think that if we didn't have something in there trying to have a course of action across into a foreign country might be difficult. Maybe that is something you would like to think about.

Alan Thomson – Do you have some suggested language there, Tom?

Tom Handy – I haven't really thought it through as far as exact language, but I would suggest that they deliberate on that this exemption not apply to a foreign company or something like that, even if they are investor-owned. Even if they are operating under the WUTC as a power company we wouldn't have a grip on it as far as other types of action.

Brian Davies- I think there probably are a lot of investor-owner utilities that are owned by foreign entities. Red Electra owns a bunch of stuff in America. That sort of stuff happens a lot.

Dave Gibney – The specific new language you are talking about is more to do with the fact of it being a public utility regulated by the Washington Utilities And Transportation Commission verses,

Alan Thomson – So, would that apply to a foreign company that is licensed under the WUTC?

Brian Davies – Yes, they would have to be licensed to operate in Washington. So, they would have had to have done their due diligence or whatever, or they would have had to have met some standard to be able to operate in Washington State. That may cover us right there.

Alan Thomson – That's what I'm thinking. Does that cover us now because they have to be regulated by Washington, even though they may be a foreign owned company? Tom?

Tom Handy – I'm not sure. I mean for a power regulation that is all they are regulating. We are trying to do decommissioning, so it might be different in that case.

Dave Gibney – Does everybody know we moved back to page 9? Which right now reads,

1. *The applicant is required to enter into a Site Restoration Financial Assurance agreement with the County (as stated in Section 19.65.070(O)(5). The Site Restoration Financial Assurance shall be transferred to any future owner of the facility or project site. The applicant or any future facility owner shall, at their expense, complete decommissioning of the commercial solar energy facility within twelve (12) months after the end of the useful life of the facility. The commercial solar energy facility will presume to be at the end of its useful life if no electricity is generated for commercial production and distribution for a continuous period of twelve (12) months.*

That is how we know that it is not working anymore and that they are responsible for it. Then there is this additional language that has been proposed based, I believe, on something found in the EFSEC rules.

> *If, however, 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 removal and restoration obligations hereunder shall be a general obligation of the investor-owned utility, as defined in a contractual agreement with the County.*

Which to me means the County will still have the company on the hook for the restoration.

Brian Davies – Does that mean we will need to write another contract? I think it does.

Dave Gibney – I think there may be differences in the contract. I'm not at all sure that investor-owned company be an American company is a viable requirement to put into an ordinance.

I understood that there was a possible proposal that we need to consider requiring any investor-owned electric utility, actually that would go to the whole. whatever the company is that is applying for it. It is going to be a requirement on the application when they are doing their conditional use permit. It is not going to be a part of what we are doing right now.

Alan Thomson – Sorry, I was distracted. What is your issue?

Brian Davies – We are struggling over the idea of having potentially a foreign company owning the solar farm. Are we going down a rabbit hole?

Alan Thomson – I think we can just go over that right now, pass by it and then we will get legal opinion on it.

Dave Gibney- Go ahead, Mr. Handy.

Tom Handy – I didn't mean to totally derail it. I just wanted to throw it out for you guys to discuss. So, we are back on item #5 page 11. That is the financial assurance mechanism that we want to try and build into this ordinance. I think you have read it many times, if you want me to read it again, I can do that, otherwise I can explain how it works.

Dave Gibney – Go ahead and explain.

Tom Handy – Okay, it starts out by saying that they have to provide financial assurance to guarantee there is enough money available for decommissioning at any time that decommissioning may need to be. That is the premise behind it all.

So, there are three ways that financial assurance can happen. One of them is a surety bond that the permit holder company that owns it, or applies for it at that time, has to take out. It is just a bond that they buy from a surety company. Those bonds are typically renewed annually or by-annually.

Also, they have to set up a stand-by site restoration trust fund. That trust fund as it is set up, all the legal language of it and the parameters of it are all set in place. It is a real document, but it doesn't have any money in it yet. What this goes on to say is if the company that has the permit either is going out of business or cannot complete the restoration on their own, or they cannot have a financial assurance mechanism renewed, that that trust fund then gets funded with the total amount of the bond.

The next one is an irrevocable line of credit. Letters are given by banks. And so, they might not need to put any money into it. Like you might buy a bond every year, but they would have to put some equity down as the assurance. So, that acts in the same manner. There is a trust fund that is set up that gets funded by the irrevocable line of credit, should stuff start getting bad. So, are there any questions about that so far? That is essentially what it means.

The third mechanism is the guarantee. The guarantee just states that if that company itself can't get a bond or a line of credit, they can have a third party do it on their behalf. But the fact of the matter is that there is still a bond or a line of credit that could fund the trust fund if things get wacky.

The next section if you go into #6, that's when we talk about making sure that, just goes through and spells that out again. It just says that if the applicant can't get a bond, they will have to get another bond from somebody else or have to get a line of credit. If they can't do either of those things then they have to fund the trust fund, the bank or the surety has to fund the trust fund.

Number 7, then talks about the surety company and the bank. Each year at the time that either the irrevocable line of credit or the bond needs to be renewed, the bank or the surety company needs to prove that they are still viable. A bank, if they are still registered by the FDIC, and they are an investment grade entity, then that would satisfy that.

The surety company, if they are listed in Circular 570 in the US Department of the Treasury, which is where they list all the sureties that the government and other entities deal with, if they are listed there still, then we can probably pretty well be assured that they are in good shape too. Each year, they keep track of the permit holder, and we keep track of the, by making sure they are still viable through the regulators. If not, then they have to fund the trust fund.

Dave Gibney – I believe the commission in the past has been uncomfortable with the guarantee and its pieces. Less questions about a surety bond or an irrevocable letter of trust. My understanding is that any time that has come up for renewal if they can't renew it, we call the bond that exists.

Nobody is going to get a conditional use permit to build any one of these facilities without already having the funding to do the decommissioning through a bond or something like that. Among other things to answer the question, the bank failure is ahead of the game and not at the point of where we are trying to decommission an energy facility. Is that correct?

Tom Handy – I'm not sure I understand what you are saying, as far as the bank failure being ahead of the game.

Bill Myers – In the event of an institutional failure, the land is still there. Like nonperformance or taxes or anything like that, the land is seized, sold and the obligation met. That may be a little bit too creative, and it may not even be legal. I don't know. But the land itself, that is not the lessor's intention, I'm sure of that. But he is somewhat engaged, as well and the lessee.

Dave Gibney– What I was trying to say is that in the case of the surety bond or the irrevocable letter of trust, those funds are there at any given time and if the holder of the surety bond were to be the failing entity the company would be required to find someone else. That is what it basically says.

Tom Handy – The company is responsible to maintain the assurance.

Dave Gibney – And we are responsible to maintain the assurances that they are doing that.

Tom Handy – Right, we just have to have the oversite that it is all happening.

Weston Kane – If they don't maintain it, then what?

Tom Handy – Then it funds the trust fund, and they are not viable as a company, so they are probably not operating.

Dave Gibney – At that point our legal action would be to take the surety fund and put it into the irrevocable trust fund so that the County at that point has that money,

Tom Handy – To hire somebody to do the work. This language all comes from DNR stuff. It is all based on stuff that the DNR at the federal level uses for mines, environmentally sensitive projects, as a way to make sure, it doesn't always work, to try and make sure that things get cleaned up and that there is some mechanism. There can be catastrophic things that happen, and we all know of, but it is about the safest way that legally this can be done. I'm not a lawyer, I'm just taking their word for that.

Dave Gibney – Earlier in this ordinance, we placed the first responsibility on the company itself, and they are given an amount of time, from the time that it is determined that the facility is no longer viable. If they do not do that, then this bond money becomes available to the landowner to do that decommissioning. If they do not do that that same money becomes available to the County to hire the decommissioning.

Tom Handy – I didn't read it that way that the landowner would have the responsibility to do the decommissioning. The part that I'm discussing here is written as such as the County would hire somebody to do the decommissioning.

Dave Gibney – Okay, I thought that was the third.

Chris Melhus – So just to be clear, the County would be responsible and not the landowner. I'd be uncomfortable with the landowner having anything to,

Brian Davies – You would have too many things going on. You'd have 15 landowners doing stuff.

Dave Gibney – The whole point of this is the funds for the decommissioning will be available with no burden on the taxpayers to do hire the work. Does anybody have questions for Tom Handy?

Bill Myers – Getting back to the matter of institutions, a complete total breakdown of the process the bond isn't actually provided, somewhere along the line, I think the land comes into play as the final, I know ideally. In the worst-case scenario solar company can't perform, the bond isn't there for some reason, things fail. Ultimately it is sitting on a piece of land that they leased. There is a lessor to stay in business.

Brian Davies – Are you saying that maybe the property that the landowner should have some responsibility.

Bill Myers - The landowner should have some responsibility.

Dave Gibney - That has been a suggestion to put into these ordinances. At this time, I don't believe the landowner has an obligation.

Tom Handy – The only way the landowner has an obligation is if he chose to keep some of this stuff there that was nonconforming. Then they would have to perform in the matter to get another CUP. And apply it in the same way, except they wouldn't be a commercial entity. It would have to be private unless they were selling the power.

Dave McKeirnan – Just a quick question. Some of us are new here tonight and we have read through it. With the timelines are 15 days, 30 days, 120 days notification, who in the County is willing to monitor those timelines to make sure the notifications, if this was to fail, who is going to monitor to make sure those timelines are taken care of?

Tom Handy – The Planning Department. Alan Thomson.

Dave McKeirnan – So every year he is going to make sure those bonds are taken care of on all these projects. I'm just asking,

Tom Handy – One of those calendar items. Right now they do the same thing but on a much longer frequency. They do it every five years now.

Dave McKeirnan - It had been 120 days and then all of a sudden, the County misses it and now it is on the taxpayers. Do we have to hire somebody else to monitor that timeline on these different projects, whether it's solar, wind, I was just making sure in these projects we aren't looking at hiring more overhead for the County.

Alan Thomson – The simple answer is, "no." We will be monitoring it.

Tom Handy - It will become routine, once its,

Brian Davies – I'm not so sure that I like "C" on page 12. We talked about this, and I like "a" and "b."

> *c. Guaranty. Applicant or any Transferee, as the case may be, shall provide financial assurance from a third-party entity for the performance of its Site Restoration obligations by delivering a guaranty by either a. or b., above to fund the applicant or transferee's Site Restoration obligations hereunder.*

Tom Handy – It is just a different entity that is providing it on the operators' behalf. They still have to get a third-party guarantor, still has to get a surety bond or an irrevocable line of credit to handle the decommissioning of that project. It might be parent company that provides that assurance. The assurance is the same, it is just who is providing it.

Dave Gibney – Maybe we should look at renumbering things to make that a little more obvious. In all the discussions we've had so far, it's been these three ways, not these two ways and possibly these two implemented by a different party.

Tom Handy – It is a lot clearer when all the strikeouts are gone. It makes it difficult to follow.

Brian Davies - I'd be comfortable of approving this now that I know a little more about "c" and if Commissioner Handy thinks that we are covered, and he has certainly done a lot of work on this language. So, what say you?

Dave Gibney – We will take the public comment, but at the end of the day I think we are probably ready for Alan to finalize all this and give us a draft to start our review again.

Brian Davies – Have we covered everything about decommissioning?

Alan Thomson - I want to read into the record, you've already gotten Commissioner Swannack's comments from March 4, 2025, talking about having the landowner have some responsibility for decommissioning. I'm going to read this. This is Commissioner Swannack's opinion.

> *I do not support requirements to have both the Landowner and the Business renting the land to build/operate a commercial wind /solar farm upon to both put up decommissioning bonds for full decommissioning costs. It is duplicative, redundant and likely not supportable as a condition if challenged in court. I suspect most landowners, because of not having ownership of the wind/solar/battery storage facility wouldn't be able to obtain a bond, as they don't own the facility. Even if they did obtain a bond, they would have the developer/owner pay for it. As bonds don't last more than 5 years, and often less, it provides no additional protection. I also don't know of a situation where such bonding methodology is used.*

Dave Gibney – To be clear, the language we have so far does not have such a requirement in it. It has just been a proposal. But then if they keep it, they are not obligated to decommission it because they decided they wanted to keep it.

Tom Handy – They have to go through a CUP to do whatever that requires.

Alan Thomson – They couldn't operate a facility like that unless they had a permit to do so.

Tom Handy – If they want to keep the roads across the property or something, okay.

Dave Gibney – Are we in agreement that we can reset this document, and we will take a look at it next time.

Bill Myers – I've already stated this, the land itself in the ultimate failure of all else could be that bond if, maybe I'm not making myself clear,

Dave Gibney – You are making yourself quite clear that that is a possibility, that is not currently in here now.

Bill Myers – It is a possibility, it is a, we don't want the County getting stuck with the expenses, because if all else fails, who else is left? The land itself, just like nonpayment of taxes or any other, it always comes back to them. My experience in agriculture if you don't dot your "I's" and cross your "t's."

Brian Davies – Maybe there could be language if it all fails that if nobody has money to put up to pay for the decommissioning, then possibly a lien on the land? I think we need some legal advice on that.

Chris Melhus – That can get pretty messy when you are talking about pulling private land like this especially with a lease,

Dave Gibney – The proposal that was suggested by one of the groups last time was as Commissioner Swannack mentioned requiring two bonds. One from the landowner and from the company. That is not viable. It is duplicate. Some potential for a lien on the property is something to look at. Do you have anything for us on battery or wind?

Alan Thomson - We are not going to deal with battery energy storage tonight. That is a work in progress and since we have, we can start the wind ordinance conversation. Is Denis still here?

Denis Tracy - Yes, I'm still here.

Alan Thomson – Denis, we are about to start a discussion on the wind ordinance. And would this be an opportune moment for you to talk about private property rights, legal aspects?

Denis Tracy – There have been a couple of legal questions and what I've heard the commission members saying that is a question and let's find an answer for that. I applaud you. That is the way that I recommend.

As you launch into your review of the wind ordinance for the County. I'm sorry I'm not there in person tonight. My schedule doesn't allow it. I'll try to be there, if not in person but by zoom to the majority of your meetings.

I suggest that as legal questions come up, this is going to be a lengthy process. I'm speaking not so much to the commission members as to those in the audience, this will

be a lengthy process and months' worth of meetings. Perhaps not, but as legal questions come up, please note them and after every PC meeting try to formulate the questions and submit them to me. I'll try to have an answer before the next meeting. I can't guarantee that, but I will try. So that is just housekeeping.

I want to again as you launch into this as a start, I will ask Alan to forward to you all if you don't already have it, a handout a summary done by the state Attorney General's office just recently. Sort of a basic primer on local government and regulations and how to create regulations that don't violate the constitution and don't cause takings of private property without just compensation, or that don't violate a property owner's fundamental right to due process. So, I commend that primer to you and ask you to review that.

In general, I ask the commission, I know I'm preaching to the choir to an extent, but I think at this juncture well worth reviewing and reminding everyone, including myself, that reminding us all in this country in our constitution both our federal constitution, the 14th-15th amendment, there is a fundamental right to possess private property. With that fundamental right to do with your own private property what you will. That is a fundamental constitutional right. The government, including the government of WC through its zoning ordinances,

Dave Gibney – We just lost him. Do you have the document that Denis referred to?

Alan Thomson – I emailed it to everyone just minutes before this meeting. It is a lengthy document.

Dave Gibney – It will be available to the public also?

Alan Thomson – Yes.

Dave Gibney – So, we will wait for Denis to come back? I want to get to the comments while the evening is not over.

Alan Thomson – What I was thinking, the two public comments that we got at the last meeting, I'm handing them out to you right now. I suggest that we start at the beginning and go through it, line by line. Keeping in mind that we start with comments that you are receiving right now. So, when you get to those particular spots in the ordinance we can have a discussion. Just like we did with the solar ordinance, we start at the beginning and work our way through.

Dave Gibney – I want to leave it up to the Commission, do you want to start right in on this, or do you want to let the people have a chance to talk to us and we can pick up in going through it.

Alan Thomson – All the concerns that the public has will be covered when you get to that line. So, if you start and work your way down, we will come to those points where there is concern and then the conversation can happen right there. But we will have to progress all the way through the ordinance so we may as well start at the beginning and go through it. The public can chip in at any given time.

Denis Tracy – I'll chip in too. I lost you there. Technology is great when it works. I wanted to finish out my speech which is that the County, the Planning Commission and the BOCC can, and obviously in the past, institute regulations and zoning ordinances restricting people's ability to do with their land what they want. The County can do that if it is acting to protect the public's health, safety and welfare. Any regulation has to be geared towards that, and it has to be tailored to meet that goal. That is the end of my speech.

Alan Thomson – Denis, I did send that document to the PC just before the meeting tonight. They haven't had a chance to look at it, but they have it.

Denis Tracy – Very good. It is just general information.

Dave Gibney – So, we will now start talking about Chapter 19.61 Commercial Wind Energy Facilities. We have been asked by the BOCC to review and update and suggest updates to this ordinance to them. It has been brought to the attention of everyone that the decommissioning portion of this, which is significantly into the document, is probably insufficient for today's needs. With that, I'll start right out with,

Alan Thomson – Does everyone have a copy?

Dave Gibney – I was ready to start with somebody's comments which was nicely formatted to make me think it was the real thing.

> *Section 19.61.010 – Declaration of Intent*
> *1 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.*

Dave Gibney - When you are at the microphone, please state your name and we are going to try and limit the comments to about 3-5 minutes.

Carol Black – While with that first provision, #1, I think it is a fundamental issue that needs to be addressed. In the document that I passed around and emailed to the BOCC and to the PC yesterday, you should be getting a copy of this. It would be my #2 bullet on page 1. In that particular #1 above the last line says, "In relation to the County's Agricultural District."

If you look at heavy industrial zoning, the heavy industrial zoning which is 19.31.020, which is bullet b., and then also zero for o, that is nonagricultural. That is heavy industrial and that is where energy is seated. Avista Inland and substations. So, I think the premise of having this in relation to agriculture is incorrect and that all of the wind turbine industrial complex, all of those lands need to be re-zoned as heavy industrial and not as agricultural. Because you are on #1, I'll stop there and wait for my other three bullets until you get to those points. Thank you very much.

Dave Gibney – Alan, can you respond to that?

Alan Thomson – Most of WC is one zone. The agricultural district covers about 95-96% of the entire county, including all the ag land. To rezone massive amounts of area to industrial would not be a good idea. We have lots of industrial activities embedded in the Agricultural District code. This is not something that doesn't fit in the Ag zone and you need wide open spaces for a wind farm.

It is not practical to re-zone big chunks of land where agriculture would have to be a conditional use. We went over this when we first created this ordinance back in 2008-9 for that reason alone. It is open to the ag district, and I don't see why it should be changed.

Carol Black – It doesn't make sense to me that a substation is documented as heavy industrial and has to be rezoned. Avista and Inland which are power lines, has to be zoned. Why is that in heavy industrial and this is not? This is a wind turbine industrial complex. This is not a farm. Even though they call it a wind farm it is a wind turbine industrial complex, and it is an industry, not agriculture.

Dave Gibney – Anybody on the Commission?

Brian Davies – Is it true that Avista, that we had to rezone all their substations?

Alan Thomson – No.

Brian Davies – Have we had to rezone any transmission lines or towers as industrial?

Alan Thomson – No. they are allowed throughout the ag district.

Brian Davies – Is that supported by any state law?

Alan Thomson – Individual jurisdictions can create their own ordinances, their own zoning and it may differ in other places but in this County all of that activity is covered under the Agricultural District code. It should remain there.

Dave Gibney – The other point that I heard you make is that if we were to rezone a large chunk of WC for wind purposes, then the existing agricultural would require a conditional use to continue?

Alan Thomson – With heavy industrial districts and commercial districts, that is the case. You can have industrial activities in the agricultural zone or the agricultural area, but the code right now states that if you are going to be farming it you need a conditional use permit.

Brian Davies – Can we change that?

Alan Thomson – I wouldn't recommend it. The Agricultural District code allows for these types of developments. They allow for other types of industrial development. That is just WC's way of doing zoning.

Dave McKeirnan – This is new ground.

Dave Gibney – We have four brand new members, three brand new and one pretty new and this is all new to some on this committee. I was not here when the original wind ordnance was adopted. I know the person who moved to the Board of Adjustment at that time, and he felt very grateful to have a chance to move. Are there other comments?

Denise McCardle – So this is extremely important. I've been in real estate and in mortgage, so I do financing so I'm concerned about the bond, and really that property that is kind like a foreclosed house is worth a lot less than the farming it is now. It is like $3,000 an acre after it has a torn up solar place on it.

So, anyway, about the desecration of the zoning. I happen to have sold a house on Trestle Creek Road right before the wind turbines came on, sold it for $400,000, had two offers on it, no idea that there was going to be seven wind turbines from their back yard showing up. I didn't even find that out until last month and I'm pretty pissed off. I haven't even talked to the buyers about it. I was the listing and the selling agent.

The selling agent, the sellers, just told me two months ago, that Denise, Alan Thomson, has a warning from the wind turbine people that my house would be a potential problem. Alan never told Denise at Kincaid Real Estate that I was selling a place that is going to be unsaleable right now. I sold it for $400,000 and right now as I am driving by, I don't know how my buyers feel about it, but I feel pretty pissed off. I know it is probably worth nothing right now with those turbines back there, in my real estate opinion, and I know what I'm doing because I've been doing it for a really long time.

People need to know that those houses that are on the market right now, right next to the farms, they need to know if they are going to buy them that they could possibly have a 700-foot wind turbine within 800 feet from their lawn.

Dave Gibney – At this point in time, the BOCC has placed a moratorium on any new wind energy construction.

Denise McCardle – I'm telling you this is what happened to those people, and I think,

Dave Gibney – The point is it has not happened to those people yet,

Denise McCardle - It happened to my people on Trestle Creek, didn't it, Alan? How many do they have?

Dave Gibney – There are no new wind turbines,

Alan Thomson – To be honest with you, I have no idea what you are talking about. Which project are you talking about? Okay, you are talking about the Palouse Wind project?

Denise McCardle - I'm talking about the Oakesdale,

Alan Thomson – Okay, it is called the Palouse Wind project.

Denise McCardle – I'm talking about the Carolyn Keisz property on Trestle Creek Road. I sold it to, I can't remember the poor people's name, but I sold it to right now, but I sold it, and I knew there were wind turbines coming in, but I had no idea they were going to be right in their back yard.

Dave Gibney - Is there any proposal to add additional turbines to the Oakesdale Palouse wind?

Alan Thomson -No

Dave Gibney -So there are no additional turbines anywhere, a piece of property that you just sold.

Denise McCardle – I'm telling you that there are people that just bought property two years ago when these turbines were already to come in, the ones we are talking about right now, and they had no idea that they had no idea that they were buying piece of property, you cannot, you have a fiduciary obligation to the buyers that are putting their money on the line, if what is going to happen is going to change.

If what they are buying is going to change, into a nightmare that they will have to live with or move out. People have had to move out of their house, lose everything that they have and that is documented, if you guys just want to go a little bit on the internet. Just go on Facebook and this is what I am saying, you cannot do that.

Dave Gibney – Thank you, we have heard you. I'm unsure that there is anywhere in WC at this moment that is certain to have a new turbine visible from them. There are no new turbines,

Denise McCardle – Have you looked at the maps?

Dave Gibney – We are talking about addressing all of that as we do this ordinance. I appreciate your,

Denise McCardle - So, you are going to take that into account that people will be notified,

Dave Gibney - - We will take all public comments into account. We will take Mr. Tracy's stuff into account, we will listen to everyone, and we will do an ordinance to the best of our ability that is defensible and that helps everyone.

Denise McCardle - Then people need to know before they move into WC, before they ever buy a house out in the country. Right now, there is quite a bit being sold, if they are next to a farmer that they might be facing them. They need to be notified. It is your fiduciary obligation that the sellers tell them, "Hey by the way, I'm moving out because a wind turbine is moving in." That means everywhere. That means Almota, no matter where. They need to know.

Dave Gibney – Okay, thank you. We have heard you. We are still talking about section 1 of the Declaration of Intent. We have heard some discussion that the Agricultural District might not be the way to go about it. We have some other discussions. Are there any comments, anybody else that wants to talk about the County's Agricultural District and permitting the wind farm?

Dennis Raugust – I would like to tell you some positive news about wind turbines. I know everybody in the crowd here is all against them. I don't know how many farmers are in the area. I am a farmer.

I have three wind turbines on my property over by the Rosalia rest stop. They have been nothing but positive for me. They have been there for over ten years. They have not any land in that area has not lost its land value. I make more on those three wind turbines, than the whole two hundred acres that I bought there before the wind turbines came in. It is better than my social security payment since I have retired. You know how that is, they are cutting it shorter every day.

So, the things I want to tell you about is, in that area, the wheat that I plant, the wheat is about 5-10 bushels better per acre because of those wind turbines. They think it is funny, but the reason why is that when it frosts in that area, it's like an orchard. The wind has moved through the wind turbines. We don't have as much frost when the wheat tends to

set how much wheat can be in the heads. We can tell it by our grain monitors on our combines.

The next thing is, we have yet to find a dead bird in ten years. Now those three windmills, I shouldn't say what the amount of money they produce for me, but it gives me $50,000 a year. Triple net to me. Basically, there is a lot of tax revenue for the County for those three wind mills there.

The next thing is the animals like deer, and geese, all those kinds of animals, there must be some attraction to it because they love the land in the area there and love to lay underneath the wind turbines. It must be warmer there for some reason. Don't really know why. But I don't know why people are so against them, they are actually quite nice to be underneath and have a glass of wine. There are, they swish in the breeze, and I don't know why people don't realize back in the 1900's there used to be a wind mill on every corner of ground because you had to have water. They were probably 30 feet tall.

(Comments from the audience.)

Dave Gibney – Let's not have the comments from the audience, please.

Dennis Raugust – It's okay,

Dave Gibney – We don't know who is making a comment and we can't get it on the record.

Denis Raugust – I would like the wind mill company to invite all these people to the wind turbines where they are at the rest stop and see for themselves. Maybe they should throw a picnic for them. Maybe they would get used to the idea. I have seen way more animals killed on 195 like elk, deer, owls, hawks, whatever.

(Comments from audience.)

Denis Raugust – I wouldn't mind building a house there but within 500 feet. I really wouldn't because they are actually beautiful. Are there any questions you would like to ask me on the windmill?

Brian Davies – I just want to thank you for coming and giving the other perspective. The perspective of a landowner that has got this and has had these on your property for over ten years and just how it has affected your life.

Dennis Raugust – Another thing they have done for me is the road they put in there, we typically have six combines come in and harvest. You probably have seen us on the road, we used to have to park them along the highway, all our trucks. We have 15 semis when they come in because they can't haul the grain off fast enough.

Well, that wind mill road, we bring in all the trucks, tractors, whatever and it is on the type of a slope, the ground isn't that great there anyway. It's got a lot of clay in it and well, whatever we do for compaction there, it will be like that forever and we probably get a 20-40 bushel crop right there where the wind mills are at, but so what? They've been,

Dave Gibney – Thank you, your five minutes are up. Are there other people who have not yet had an opportunity to speak?

Tom Thompson – Since it has turned into an open forum, just a couple quick comments. I appreciated Mr. Tracy's comments. It's going to take time. I hope that is really what the BOCC and what he intends. We have a 6-month moratorium, and I know it is about down to 3.5 months. I think we are going to need more than 3.5 months to adequately address this topic. We can't just rush through it.

The same with the wind or solar and BESS. Ideally, all three of them should be a moratorium, because we need to adequately go through and research and make sure we do our due diligence. These decisions are going to affect WC for generations to come. We've already seen, it's been sixteen years since this was last examined and now, well here is a quick anecdote.

Harvest Hills put on a little show here in February, Dave Phillps one of their CEOs from Steelhead Americas was there and I asked them, "Why do you have to build it at Kamiak Butte? Why?" Well, "It is close to the grid," so that was his first priority.

Second priority, well, "WC wind codes are favorable to us." The third was, they were welcomed by WC. I don't know if that means officials, or if that means individuals but they were welcomed.

But if you look at #2, that is a key indicator that we really need to shore up our wind ordinance to protect all the people. Obviously, it looks like some people have benefited from this but there are a lot of people that don't feel benefitted from it, and it will change forever the viewshed and the topography of our area forever. This is unique.

You can go to Ritzville, and other different areas that are flat, okay, put a wind turbine there. People don't go out to photograph Ritzville. But they got to Steptoe Butte, Kamiak Butte, to photograph, to do recreational things. So, we need to do our due diligence and your legacy on the Planning Commission, Mr. Thomson, and the BOCC, your name and your legacy are going to be what is on, what happens or doesn't happen and how these ordinances are crafted for the future.

We need to be looking at the protection of the overall community and what is really best for the overall community. There are health concerns with wind and solar, that is a whole another topic, BESS, Moss Landing. Anybody here know what Moss Landing is? It was just

in the news here a couple of months ago. California, a huge fire, couldn't put it out for five days. My encouragement is to take our time and get it right. Thank you very much.

Kevin Akesson – I was going to speak on the zoning issue. You brought up the point that substations and transmission lines are not zoned industrial. But we are talking about energy generation facilities. If you go around the State, whether it be gas generation facilities in Spokane, wood fiber facilities in Kettle, gas on the coast in Bellingham, or coal down in Centralia.

These different types of energy generation facilities that have much smaller footprints are all zoned industrial or heavy industrial. These wind energy generators are large industrial machines that leak oil, they have native impacts on the land, they fail, and I think you should consider making it such that the zoning requirement for those is heavy industrial.

The other issue, since it is kind of an open forum here, that I have is I was going to speak to earlier, but was not allowed to, was the RCW that addresses commission configuration. Whether or not any action is taken by this Board is legitimate tonight or until it is properly comprised with equal representation from all Commissioner districts.

As far as I can tell, that is required by the RCW so that is something you might have Denis Tracy look into. But as the RCW states, "As nearly as mathematically possible, each commissioner district shall be equally represented on the Commission." That being the Planning Commission, so mathematical possibility, three from each district is mathematically possible and that is how it should be comprised in order to comply with the RCW. I would just call that into question.

Dave Gibney – To be clear, we are not taking any actions tonight.

Kevin Akesson – If you make recommendations or anything.

Dave Gibney – We are not anywhere near making any recommendations tonight. And yes, we will continue to free form for a while and then try to get back to business. And it has been stated this is not going to happen tonight. It is not going to happen at our next meeting. I cannot make any predictions as to when it is actually going to happen.

Tresa Bannister – Wouldn't we all agree this includes one of the most unique places in the world. Wouldn't we all agree to that? It is the most beautiful place.

Dave Gibney – Please address your remarks to the panel.

Tresa Bannister – (microphone is not on) I am talking to everyone here. I have people from all over the world stopping at my place to take pictures. I show them where to go for a beautiful view, give them great locations, and a view of Steptoe Butte. My back yard is

Kamiak Butte. I do not believe that we have to debate this because they are coming from the Oakesdale project and talking to Steelhead back there, it is insane to me.

What are we doing here? Fix this! Protect us! We don't want this here. Our economy depends on not having turbines around Kamiak Butte and national natural landmarks. I cannot even believe this. Shame on everybody who is a part of this and wants to support and work for them. Shame.

Mary Jean Inman – I live out on 272, I am one of those people who bought purchased land about 2.5 years ago only to find out that my neighbors have leased their land for wind farms. I have to get my children home to bed so I'm going to say what I have to say and then hopefully hear what you guys worked through. I would like to plead with this commission to please look into the health concerns about wind farms. There are more and more studies coming out. Honestly, that is what is keeping me up at night.

We moved our family out there to grow our own food, raise our livestock and I'm very, very concerned about the health situation. We cannot change our environment to the extent that this will change our environment without impacting our health. We've seen that through all of technology in the last year. So , please do your homework, due diligence and then come back to us and talk to us about what you have found out. I have not heard a single person address that concern.

The other concern that I have is, I feel like you are backing me into a corner. I bought a piece of property that is a lifelong dream and now, I mean, like she said, how could I in good conscience try to sell right now? How could I in good conscience sell right now and then my property values, you cannot sit here and tell me my property value will not go down with those things surrounding my house.

So, I am backed in a corner and our family's health and our financial situation and I just plead with you, please. He talked about benefits only for him. Nothing that he brought up with a benefit for anyone else but him. And there are a lot of people here. You have a responsibility to be there for all of us, not just those landowners.
I have the right to use my property also, how I want to use my property and if my neighbor affects how I want to use my property, we all say that is not okay. We can't build a house on the hilltop because they can't ruin my viewshed, but you can put a 700 foot wind tower in my view shed? You can't shine lights out because it might distract from my view at night? What about those red lights that I see from my house in Oakesdale, 20 miles away that will be right there? Please, don't make any decisions until due diligence has been done and the proper research has been done for all your people.

Travis Frei – I'm her neighbor, by the way and I got a wife and four daughters, and they are trying to convince me to move. I've talked to other landowners, my neighbors I've trying to say to them, "Please don't do it." They acknowledge my (inaudible) my view of knowledge.

Ninety-five percent of the community is against it. Well, then don't do it for your neighbors. No to windmills is being a good neighbor. You don't need the money. The people who signed up, we know who they are. They don't need the money. So, I got a beautiful house, too. My wife was born and raised here; I wasn't. They are trying to convince me to move. They are over 700 feet, it is not,

Dave Gibney – Again, please you are here to talk to the Commission.

Travis Frei- I'm talking to you, you can hear me.

Dave Gibney – I can hear you, but you are addressing the audience.

Travis Frei – They get my respect, too. So, the windmills of the old days, the short ones, they were kind of pretty, just sell those kind. But these are a whole different ball game. You can't compare that to that. What kind of comparison are you making?

I have a cousin that farms amongst the Oakesdale windmills. I asked the question, "Have you gotten use to them?" No, they haven't gotten used to them. They hate them still. They hate farming around them, they hate how the hill is broken up. It doesn't benefit their wheat. Okay, that's enough. I can say the same that Mary Jane did. I have four daughters, and rich people want to ruin their lives.

Dave Gibney – Thank you, and it really doesn't help the proceedings going if we continue to applaud. We all understand but please let the people talk.

Carol Black – I'll be short.

Dave Gibney – You spoke already.

Carol Black – I did but it is because I stayed to one point and so I have four points, I'll be very quick because you have my document. I'm not going to read the document. But to the point that most have been talking about, in WC code, 9.05.030, Critical Areas Ordinance, it says that we will protect the area of the Palouse within that ordinance, because of aesthetic value protection. So, I urge you to read that and consider what has been spoken about tonight because it is not that WC itself may not be appropriate for windmills, it may be a good place but there are other places.

The area that right now is vocally being discussed, the permit has not been applied is an area that has extremely aesthetic value to our entire community and the people that visit here. I think that has been stated, but there is a provision that you need to respect that is in our current ordinances and that is in 9.05.030.

The other thing that has been mentioned is the real estate values. If you look at the current data, I've supplied you with two recent scientific studies on the impact of that. Both my

husband and myself, when this happened, we've already started looking at real estate and figuring out what is going to happen, because our long-term care is going to be dependent on the income when we sell our home, and we have to move to an assisted living facility.

Then, lastly, I would urge you to really pay attention to within the code on the roadways, the improvements and damage, because there are many times of the year that we with heavy trucks and equipment cannot drive in our county. There is currently nothing in this ordinance that says that they cannot operate during that time period, and what about closing roads for them to be working when harvest is going on? So, I'll leave that with you and thank you for allowing me to talk.

Dave Gibney – Thank you. Anyone else?

Vanessa McCarron – I have been a resident here for four years, I'm a PhD student at WSU. I will never be a homeowner because I have been too poor my entire life and I'm pretty sure it is going to stay that way. So, I really don't have any stake in this, I just wanted to give a non-bias perspective. I also don't want to make anyone angry in this audience but I very much value public health. I value ethics, I was a practicing archeologist before I went into political science, and so the benefit and well-being of my community has become extremely important to me. I sat next to you, or pretty much adjacent to you when you described what could be done about climate mitigation.

Dave Gibney – What's going on out there? (Commotion in the hallway) I would hope that we don't actually have to send for authorities. Please continue.

Vanessa McCarron – I've also been a practicing archeologist for a few years now. It has been my dream. I love to look out onto Kamiak Butte and see the beauty there. I'm also the last person who would advocate to have the ground dug up knowing what I have seen. I've worked on digs where human remains were a factor, for substations, and it is probably one of the most upsetting and difficult things I've had to deal with in my life, knowing that I'm holding the remains of someone's child and the ground is being dug up for that.

Now I did want to make a note, rezoning for industrial has a lot of dangerous implications, especially when it is adjacent to agricultural land. I also have a difficult time promoting aesthetics over renewable energy. I know we are all in a difficult position, so this is purely going to be a non-biased perspective because I want to do my research on it.

As far as what I have seen, wind energy is probably where we are right now and here is why. I've seen the aftereffects of PG&E in California. I spent a lot of years in California, I also spent some of my daughter's early years in San Juan Island, so I've got a little bit of both. When we rely on a single energy source, things can become very dangerous, especially with the way this world is heating up. When fires get out of control, as a result of relying on purely electric and natural gas, you can't control that. People do die, they lose the homes they paid thousands of dollars for.

You worked your whole life to achieve and that is something that nobody should have to think of. Which is why it is incredibly important that we do our due diligence and make sure we have the research available out there that tells us whether or not it is a good job to diversify the kind of energy we rely on.

If that means all the, a few hydraulic dams, a few wind generators, natural gas and, which absolutely terrifies me as well, but I also recognize that there is a value behind a lot of these things. As long as it is in moderation, I think we should all be open to the idea of what it might look like just because of how things are changing in the landscape.

I don't want my people's land dug up. My family is from the Philippines. But it is happening all the time for mining operations. It is greatly affecting the climate. Right now, the pictorial regions are hitting the temperatures that essentially makes it so you can suffocate in the outside because of the humidity in the air.

I wanted to provide a perspective. I will continue to do my research, but this is something you should consider very carefully. I want to be able to hike up in these mountains and look over a landscape that doesn't have wind generators, I also recognize that at this point with the way we have been relying so significantly on natural gas and other energies, it might be our only option. May be not to the extent that is being proposed right now, but it should be considered so that you can maintain the values of your home while they are still in one piece.

We have had fires here in Washington. We should be considering other options. Public health is my dearest love. I was pre-med for a little while. I do a lot of food security work in the area. I'm completely dedicated to my community in all sorts of ways. I will never demean any one site because all of our areas are extremely unique and we all deserve some sort of recognition as to how we grew up and what our generations brought us to, but that doesn't mean we should completely devalue all these very valuable options. That's all I have to say. I care about you very much. I don't know any of you except maybe you and several people over there, but I have children, and I just want to see this area thrive. I love the Palouse.

Dave Gibney –Thank you. Anybody else?

Kaitlynn Ward – I do not live in the area that is threatened by the wind turbine, but if this current project goes through what's to say that it won't spread to everywhere that is, "good for the wind turbines." If this project goes through, then there is nothing stopping the entirety of the Palouse to be overcome with wind turbines and I don't want that.

I have lived in Colfax my entire life. I am fourteen years old, and I have spent my entire life surrounded by a beautiful landscape that formed my ideas of everything that I think of. When I go out into my back yard, I have a hill in my back yard, and it is beautiful. I cannot

imagine what it would look like if there were wind turbines that are 700 feet tall that in the entire area of the farm that surrounds my property, that I would be able to see from looking out my back door. I cannot imagine that.

I'm sure there are so many people who think that exact same way. There are so many people who appreciate the beauty of the Palouse area that they can imagine and because of that they are against it. I am against this because of more reasons than just the rolling hills that aren't made to be overcome with wind turbines. They are not windmills. They are wind turbines. That gets confused too much but the public of Palouse appreciates and knows how to appreciate the beauty of the wild, not the wild, the country life and the countryside.

I have hiked Kamiak Butte as well, and when I was, can't remember how old I was, seven or eight, when I was that young, I learned everything about Kamiak Butte. About the wildlife that lives there, about the hills that are around it, and thinking about all the people who won't be able to do that because of the wind turbines, it is horrible.

It is a horrible thought that people who are going to grow up with wind turbines aren't going to be able to appreciate the rolling hills of the Palouse in person and I think you should take that into account. Because this is a beautiful place, truly and if it is infected by wind turbines, you are taking a part of a beautiful and you are destroying it. I want you to take that into account and I want you to think about that before you make any permanent decisions. Thank you.

Dave Gibney – Okay, we have someone online that wants to speak.

Tom Lamar – I'm the executive director of the Palouse Clearwater Environmental Institute. We own the 22 acres of Rose Creek Nature Preserve at 6702 Shawnee Road, in Pullman, but north of Albion. I am also a Latah County Commissioner but I'm not speaking on behalf of Latah County and I am here to present the perspective from PCEI.

Our mission is to increase citizen involvement and decisions that affect the regions environment and to that end we are greatly interested in the current discussion about the permitting of wind turbines in WC near our Rose Creek Nature Preserve. In general, PCEI is very supportive of the development of wind power as one important piece for improving the available sources of renewable energy in this nation. The demand for electricity continues to rise in the US and the variety of renewable energy sources is increasingly important to meet this demand. All regions of our country need to participate in making this transition possible.

On the Palouse as we all know, from living here, we have some very favorable conditions for contributing wind power to the energy grid. PCEI staff and board members have attended multiple public informational meetings about the proposed wind farm, and we feel confident the environmental review process outlined by WC Planner, Alan Thomson on

April 29th, of last year would be very suitable for identifying and mitigating local environmental wind impacts of the wind turbine network.

The proposal we expected to see earlier this year would have been submitted under the current WC Chapter 19.61 Commercial Wind Energy Facilities. The current code contained within those nine pages is well written and suitable for protecting WC and its residents. The following sections, for example, Subsection .050 SEPA requirements, .055 Micrositing Corridors/Areas and .060 Development Standards and Criteria are all designated to trigger the requirements of a rigorous environmental impact statement to be produced and available for all residents to review and discuss in detail.

The handling of siting setbacks, environmental impacts, private property rights, all well covered in the existing code. We encourage WC to retain the current writings of Chapter 19.61, and that code we will all have an opportunity to see, to soon see the proposal and make comments on the subsequent draft environmental impact statement.

The question before the County tonight is not yes or no to wind energy but rather how can we get the best possible wind project on private land in WC. PCEI looks forward to learning more about the actual and factual proposal. We are hopeful that we will, it will result in a project that will be beneficial to our Palouse economy and environment. Thank you.

Dave Gibney - Thank you. Is there anyone else in the online world? Not right now. Okay.

Nicole Frazier – For those of you in the audience and on the planning committee who don't know me, I am at the corporate level of crop risk management. I have been writing and insuring farms and crops for over a decade. Not just here in WC but also nine counties surrounding Walla Walla County. My biggest trigger out of all of this project talk that no one ever brings up, I want to thank the young lady who spoke about wildfires, thank you for bringing that up. Something that I feel like the planning committee really needs to take a minute and think about is the impact that possible wind turbine fires. The fires that can be caused on the fields of standing grain here in the Palouse.

I noticed we have a new gentleman here who is from the Malden-Pine City Area. He probably saw firsthand what fire plus grain plus wind can happen and what can happen is complete devastation. Right now, the three top insurance carriers that insure farms here in WC absolutely will not insure farms that choose to put wind turbines on them, due to the massive increase in liability. They also have refused to insure farms in Garfield County as well, threatening cancellations and non-renewal.

This project may also jeopardize the neighbor's farms that choose to not put wind turbines up due to the proximity of extreme increase in liability. Should there be a fire, the farmer is the liable party, not Vestas, or Harvest Hills or any other wind turbine company. Should these wind turbines go up and there are injuries due to trespassers that climb up or attempt to have a fun night in the middle of the farm, which teenagers will be teenagers.

Right, for this is a normal conversation that we have about trespassing with our farmers as we are renewing their ag policies. Should anyone climb up and fall, the farmer is liable, not Harvest Hills, or Vestas.

In order to write crop insurance policies, and on every single ag farm policy the proximity to a non-rural fire department matters when underwriting the farm. Coverages have begun to be denied, and premiums have over quadrupled in the past two years due to the rural nature and problematic times of the rural fires during summer. All of these examples will not compare to the devastation of a wind turbine fire can cause in the middle of August with hundreds of acres of standing grain and an average wind speed of 45 miles per hour.

Harvest Hills, Shane, specifically, had openly admitted in their open meeting a couple of months ago, that they are not aware nor have ever thought of the insurance or liability portion of the proposed wind project. This, to me, can only be interpreted by you, the Commissioners and the Planning Commission.

Also Harvest Hills is a monetary project without a thought of the safety and mitigated risk associated with massive wind turbines sitting in the middle of standing grain. Should these fires get started, I promise you the fire is 100% the farmer's responsibility. Should that fire track another combine, a neighbor's bank out wagon on a ridge and cause fatality, that is also on the farmer. Should the fire destroy the neighbor's property, or cause any sort of loss of life, or any income the farmer is also responsible for that. They also are probably never going to be able to find insurance again. Farmers rely on insurance because farming is extremely dangerous, the markets are extremely volatile and there has to be an underlining safety net. This project completely puts that in jeopardy.

Dave Gibney – We are close to five minutes.

Nicole Frazier – I'll talk really quick. Our insurance carriers are ratcheting down on strict underwriting rules and regulations in order to continue insuring existing policies. If you live within a certain land location or lands legal of a fire, just like you saw on the Palisades, those people would definitely be at risk for increased premiums and/or non-renewable, due to the fires.

We see this a lot in Oregon, so I just want to thank everyone for their time. I will end on this. The health, safety, and welfare is supposed to be at the BOCC's top of mind, but farmers right now are three times, 3.5 more times likely to commit suicide due to increase stresses. Please think of our neighbors. Think about the generational people who have built this county. Again, my name is Nicole Frazier. If you have any more questions about insurance and what that might look like, please reach out to me. Thank you.

Tom Thompson – A follow up to Mr. Lamar. Mr. Lamar is associated with the Rose Creek Nature Preserve. Now bear in mind, they did get a donation from Harvest Hills. That is from Harvest Hills website as well as WC rodeo. But, I importantly, Rose Creek Nature Preserve

financially benefitted from Harvest Hills. So that is something to keep in mind. We have someone from Latah County coming over here and commenting on our County's business.

Dave Gibney – Who is next. We are getting, it is a little bit after nine o'clock and we don't want to go a whole lot past ten this evening.

Sherry Johnson - I am a long time, I was born and raised here. I had to move away because I was serving my country in the Army, and I came back to it. I came back because it is beautiful, and I would like to preserve it. I've been reading a lot of articles, seeing a lot of destruction by these windmills that just, you don't expect them to just blow up and beat a wind farm out, but I've seen areas where the disruption of the fiber glass pollutes the land, and that land has to be cleaned up and everything. It takes away from the farmer.

I don't want to see that happen here. Fires, thank you for addressing that. Fires are a big problem. These things spit oil everywhere. It's not clean energy. I don't know why anyone thinks it's clean. It is not clean energy. It uses a lot of oil and spills a lot of oil. If you drive through the gorge, and you see all those wind mills they are all covered in black oil. I don't want to see that here in the Palouse. Thank you.

Ken Duft – I am a six-decade long resident of WC. For some time, I sat in one of those seats that you are now sitting in. I know a little bit about the complex situation that you now face. I know something about the weight of the decision that you will eventually be asked to make. I know that you take this matter seriously. I advise only a couple of items. Don't be arbitrary or capricious in your actions because there will be individuals who will find gaps. Secondly, whatever restrictions or constraints you place, make sure they are measurable. In the absence of measurability, you will find very bright attorneys who will find holes in everything that you try to do. If you take a close look, you will see that as I approach the mid-80's I will probably never again climb to the top of Kamiak Butte. My children, my grandchildren, and yes, even three great-grandchildren, I hope will someday be able to do that and from the pinnacle of Kamiak Butte as they look to the west towards the setting sun. I hope they will not, I hope they will not see a forest of 700-foot-tall wind generators.

That doesn't necessarily mean that I oppose wind generators because that is not the case. The future may mean that we may someday be reliant on a supplemental source of electricity and neither do I want my great-grandchildren to be subject to brown outs as a result of our failure to supplement the electrical grid. But at the same time, I have this deep appreciation for what nature has afforded us and I come down to the decision of location, location, location.

So, take the setback seriously and find a way, if necessary, that when generators are placed in a position as to be the least objective able. I stand before you not as a landowner, as I once was, so I can't speak on behalf of them. I am not a farmer, so therefore I do not speak on behalf of farmers, and I do not have a home that is likely to be located at the base of one

of those generators. I speak to you only as a six-generation long resident of WC and I wish you the very best. Thank you.

Dave Gibney – Thanks, Ken.

Roy Senter – I am a poor speaker so forgive me. I really wasn't planning on being up here tonight. So, I've actually worked in the energy sector and one of the things, and I've worked in engineering, and as you can see, there are health impacts here and even the emotional portion of this gives you some very good feedback. You should be paying attention to that.

So, when people are concerned, when they are frustrated. There are people being concerned about being hurt economically, and that somebody being located next to these things is not the only economic impact of this type of equipment. So, they are generally subsidized in some way.

In particular, wind turbines have actually been known as a poor investment. Other than being subsidized, they have a very poor rate of return. Our grandchildren, just as the last gentleman was speaking about, are going to end up picking up the can that is being kicked down the road. So, that is a consideration.

Every time you go in and I'm not seeing of course, I haven't really looked at everything you have written, forgive me if I'm missing something that you have in your documents. I'm not really seeing how you're addressing what you are doing with the utility companies. They have a cost every time they make up for this stuff. So, this is very highly detailed work. We have a tendency in government to talk about all the things that other people should have to put up with, things that people need to do. We had a young lady that is very concerned about diversity, but we go into these buildings, and I've got to tell you they are operated in a very wasteful manner, in fact state universities are incredibly poor. I just did some consultation for a large school district in a larger city and there is a lot of ground to be picked up in those areas.

Just under conservation, and I've got to say the government actually needs to be interested in doing some things themselves to make reductions to their grid and stop actually putting the burden on our children. I'm not really sure how you folks are securing bonds, or all of these other monies. You are talking about how somebody can be secure in the properties, but we are not really talking about how children are going to be secure down the line. We do have an impact on that. When we allow this stuff to come in, we have an impact on those costs.

The other thing I want to bring up is that there are other technologies that are actually starting to overtake wind. They are starting to overtake solar. I'm not seeing but we are saying in this stuff what is the life cycle cost to this? So, you have got to understand that after those things wear out, you're going to have to replace them or have to do something

else. There are smaller footprint technologies that you can use, people are working on. That's about all I have to say tonight.

Dave Gibney – Thank you. I am going to listen to everyone, but we are not going to be able to do a large scale, everybody gets to stand up and speak as we continue to our future meetings. We will try to keep people more on topic at our future meetings, so please consider that. We are talking about wind today, with some talk about the solar and the battery.

Ryan Barber – I live in Colfax. I've been a commercial industrial electrician for over 20 years. It is my understanding that we currently produce more electricity than we can even use in the state. It is also my understanding that as the dams dump, we actually have to stop the wind turbines because they are producing too much energy and there is no place for them to go without any storage for that energy.

So, with more wind turbines, where is this energy going to go? Also, if we are producing more energy, what is the need for them? Where is this energy going? Where is the money going to? And as other people pointed out, wind turbines are not effective. There is more pollution made in producing them and installing them, maintaining them than they ever could possibly make up for. I just wanted to point those things out. Thank you.

Asley Barber – My husband, have very opposing views. Our families only moved here on our farm in WC for the past four years, but I went to Pullman High, I grew up here. I spent a lot of time at Kamiak, hiking it. It is the most beautiful place I've ever been. It is just crowning and peaceful. I am not against renewable energy at all, actually. But there I think what maybe gets missed is that this is not the most, these particular massive mammoth wind turbines are not the most current technological advancement and now they are just trying to push them through and make money off of it, for something that everyone knows isn't, there is no point to it. I just hope that WC won't let them make that last money grab and do that to such a beautiful place.

Amy Soncarty – I grew up here, as well, as my parents and their parents, and their parents. I was left this land. This is the document that shows that my Great-Grandfather bought a piece of Glenwood property, 80 acres for $325 in 1896. I inherited that and I'm going to be giving that to my kids. I'm asking you to consider that before you allow the time to pass where we have a chance to change some things and make it so that these companies can't build these beasts on our, any of the Palouse Country where it would affect the beauty and the health and everything that we are inheriting. I am asking you to protect the legacy that I am going to give to my kids in the future. Thank you.

Rick McNanny – I will make this short and hopefully give you guys a segway to call it a night. One of the things, a couple of things I'd like you to take into consideration, is before you make decisions and before you start to go down the road of reviewing ordinances and code

and everything else, is to consider the fact that the majority of these were written in 2011 based on supreme court laws and rulings that were established in 2008.

It is time to review all of these ordinances with today's data. We have a lot of them available. We have a lot of it available in our own County. So, you guys have a tough job, I admire each one of you for taking it on. You are tasked with trying to make a decision that is going to be best for the entire county, not just a certain few.

That is pretty much all I have to say, with one thing. I will wrap this up with saying, please don't be discouraged from doing your job for fear that you are going to be overridden by a government agency. You have a responsibility to do your job and if somebody else down the road alters your decision or overrides it, that is on them. You can rest assured that you have done the best you could for the citizens of this County. Thank you.

Mike Dymkoski – I'm a landowner out on Parvin Road. I farm on Shawnee Road, I farm the Marler Property. They are one of the landowners that have signed up for wind turbines. If you have ever been out to their farm, it has got to be the most beautiful farm in WC on Four Mile Creek with Smoot Hill in the background, timbered. It is beautiful.

I've loved that place since I came to WC in the early 90's. There was no way I was going to stick around and farm that place around wind turbines. The increase in the liability insurance is one thing, but I just, it would break my heart. I loved that farm, and I don't want to see it destroyed.

So, I had sixteen years left on my lease and we, the landowners and I, made a deal and I'm not going to farm. This is my last year of farming it. If you haven't seen that place, I would encourage you to take a drive out there before it is ruined by wind turbines and just enjoy the view. It is beautiful. I live three miles away on Parvin Road at the intersection of Mic Parvin Road in a log home on 15 acres, Four Mile Creek runs through my property. I'm on the south side at the base of Kamiak Butte.

I don't want my property rights impacted and this community, this society needs to come to some sort of consensus on what private property rights really mean. I'll tell you private property rights don't extend hundreds of feet into the air. Private property rights do not allow you to torture your neighbor for financial gain. Private property rights do not allow you to negatively impact my private property rights. That is something that needs to be understood. How tall is too tall? Because before these wind towers were a few hundred feet, now they are 700 feet, and you know the way rights are lost is incrementally. So, they just keep getting taller. So, we need to appreciate, we need to understand that.

Two more thoughts. Professional credibility is important and there is one person on this panel that is paid and that is the County Planner. It is important for him to have professional credibility. I can remember years ago when hilltop building was the worst thing anybody could ever think to do in WC. And I remember the County Planner, this very

County Planner, his stamp on hilltop building, he was against it. Now fast forward all these years, and 700-foot wind towers are being promoted by this County Planner. There is a loss of professional creditability. I think it is incumbent upon all of you to enforce professional creditability.

Last thought, financial responsibility bonds versus these alternate methods of financial responsibility. Here is the litmus test for that. Do these alternate types of financial responsibility, does anytime the County gets a permit now for bridge construction, are we going to allow the contractors to not provide a surety bond? Does he get to provide these alternate, and I suspect substandard forms of financial responsibility?

Right now, they have to provide a bid bond, they have to provide a performance bond, a surety bond. All a letter of irrecoverable credit is, is a surety bond by a financial institution that doesn't qualify to issue surety bonds. That's all it is. So, we are just giving developers an avenue to pretend to have a surety bond when the financial institution that is providing this line of credit can't qualify to issue a surety bond. It is the same thing. Surety bonds are cash bonds, any other type of financial responsibility is no responsibility at all. Thank you.

David Gibney – So are we coming to the end of our public time. We really appreciate everybody who spoke, and I want again to say that we really do want to listen It has been said our job is to balance all of the issues to the best of our ability and come up with a recommendation to the BOCC. They are the ones who will be making the final adoption of these ordinances, and we are an advisory board. So, we want to take all the input that we can and come up with something that will to the best of our ability work. I worked with our Planner for a long time now. He is everything that I have seen, he is a professional and I have real confidence in him. But that's also, he doesn't work for us. He works for the County.

Denise McCardle – Is this looking, when you said that about the Butte and about the how many feet has to be between the neighbors, 1200, which make a 20-acre parcel, and I've talked to Alan about that. You don't remember, I was doing a mortgage at the time. I did call in. So, are you changing some of those? Are you planning on changing any of those, any of that stuff?

Dave Gibney – We are not, we don't have any concrete plans of any changing, but those are certainly part of the ordinance that would be something that we are reviewing.

Denise McCardle – To make it a little bit more fair so we don't have the light issues,

Dave Gibney – I'm not going to speculate to the final result of any details. But we have been asked to review and propose updates to the existing wind ordinance and that is a part of the existing wind ordinance. But we are not going to be talking about the residential ordinances or any other parts. We are focused on now is the various aspects of renewable energy in WC, which at this time is solar, battery, and wind. If anybody out there wants to

put a nuclear plant in, please let us know became we need time to come up with an ordinance for it.

Denise McCardle – So what you are saying is you're not going to change anything.

Dave Gibney – I am not saying that at all. It is all possible review. I'm not going to say what we will or not do.

Kevin Akesson – I would just thank you for listening to us tonight. We appreciate the opportunity to open forum and discuss this matter that is critical to the County. I would encourage you as others have to not act rashly and not feel compulsion to move quickly. King County does not have an ordinance to address these issues, neither does Pierce or Snohomish. So, I don't think WC should be under any kind of compulsion or forced effort to accommodate something that is such a critical venture.

Dave Gibney – For the record, our timeline is as we are requested by the BOCC and they are the ones who have currently put in a moratorium and it would be up to them to do any extensions of those moratoriums or an additional moratorium, we just do our job as to the best.

Brian Davies – Motion to adjourn?

Dave Gibney – I think we probably should discuss it amongst ourselves a little bit.

Brian Davies – Well, we didn't get past #1. It sounds like we have some work to do and some discussion on zoning. It seems to be something that,

Alan Thomson – My suggestion is that we meet twice a month from now on. Next meeting, on the 16th of this month. We can start again and see if we can get past #1.

Dave Gibney – As I said, we are going to be less liberal with comments from the audience.

Chris Melhus – Can we put a time limit on that for 30 minutes and that's it? I think putting in a 30-minute public comment would allow us to dig into our work and still get people an opportunity to talk, without totally blowing the meeting up.

Tami Southern – We need to make some progress.

Chris Melhus – We need to make progress otherwise the moratoriums is going to expire and then we're sitting here with bullet point #1.

Dave Gibney – I will work with Alan, and we will set out an agenda to have some specific time. I'm not sure we need motion.

Dave McKernan – So April 16th at 7p.m.?

Alan Thomson – Yes.

Dave Gibney – I should have remembered when I volunteered for this.

Alan Thomson – For a refresher, the Palouse Wind project took a year and a half, two meetings every month for a year and a half to create this ordinance in the first place from nothing. Hopefully we can do it in less time than that since we have the framework here. We need to go through everything one at a time and see if we can come to a conclusion, a consensus.

Dave Gibney – I know some people who served on that board, and they were no more arbitrary and capricious than I expect us to be.

Alan Thomson – It was done very thoroughly.

Dave Gibney – We are not going to do anything that is not a good job.

Brian Davies – Have we gotten more guidance from the BOCC as to what they would like to see us change?

Alan Thomson – No. Just the same as we had before. The decommissioning part will be in the wind ordinance as well. We are getting close to having done that and so we need to finish that one up and make sure you are satisfied with the language for the decommissioning. Then we can move beyond that.

Dave Gibney – I think we need direction from the BOCC, are we working towards a package of the three? Since we are nearly done with the solar, do you want that before,

Alan Thomson – No, my suggestion is that we do them all at once. We don't want to go through three different public hearings. Just to throw out something else, I'm going to mention this too, we have to deal with the flood plain ordinance. I mentioned that several weeks ago. Because of the flood plain development thing that is going on with the new flood plain maps.

Brian Davies – What new flood plain maps?

Alan Thomson – The new flood plain maps.

Brian Davies - The draft flood plain maps that have never,

Alan Thomson – They are not official. So, there is a process going on right now through FEMA and we need to change our flood plain ordinance. That is Ecology that is requiring that.

Brian Davies – Ecology is communicating with you on this?

Alan Thomson – They have re-written the flood plain ordinance for us. So, it is going to be pretty easy, because this is what the State requires us to do. It is what FEMA requires us to do. Otherwise, we don't get FEMA flood insurance if we don't do this.

Brian Davies – I just wanted to point out Alan, that FEMA is not really commenting on anything right now and so it is the Department of Ecology that is doing the commenting?

Alan Thomson - No, so let's separate things out. Ecology is wanting the flood plain ordinance updated. That is an Ecology's thing. FEMA is behind that saying that, "Ecology we need to start, and the County has to do that." We don't have an option. So, we are going to have a public meeting in a couple of weeks where FEMA is going to present the draft flood plain ordinance the draft language there.

Dave Gibney – And they have travel budget?

Alan Thomson – They do not. They are not actually coming, they are going to be on zoom. They cannot come here. They don't have the bucks. So, that will happen, I will let you know the date. We are just finalizing that right now. We were going to have this meeting a month ago and that didn't happen, for what was happening in the federal government. Now we will have it in a couple of weeks, and it will be here, and I will let everyone know.

Dave Gibney – It would be my preference that we do that at a regular meeting and not at one of these special meetings that are reoccurring.

Alan Thomson – So the solar ordinance is getting close. Battery storage I'm still working out some kinks on that. But we can focus on next time, maybe trying to finalize the solar one any time left over we can still talk about wind.

Dave Gibney – And we are ready to make a pass mostly from the top on that solar when you get it back to us with little or red in it.

Alan Thomson – I can take all the highlights out and just present it to you and then you have to figure out what you want to do with it. We will do that in two weeks. We will start off with that one.

Dave Gibney – Can you get that un-redlined to us?

Alan Thomson – Yes, I can probably do that tomorrow, soon.

Dave Gibney – Does anybody else on the commission want to say anything about our or tonight?

Dave McKiernan - Make sure the public knows we have two open positions.

Dave Gibney – Or impeach me.

Brian Davies – I'm not coming up with anything other than I think every week, or every meeting do our best to get as much public opinion taken as we have time and get as much business done as we have time. But it looks like there is going to be a lot of both. But we do have an ordinance in place so, a lot of that heavy lifting has already been done and I, in my opinion, I don't think there is a lot wrong with it. But let's make sure we do our due diligence and ask the right questions, especially with what Denis said about legal questions that we can refer back to him.

Alan Thomson – Yes read that document. The primer on private property rights. That is an important document to read and understand.

Dave Gibney – We are probably not realistically going to forbid wind turbines visible from the tops of any of our peaks.

Brian Davies – We can increase setbacks. Again, I see the problem of, they want to work with us and if they don't like what we are doing then they can go around our back and go to EFSEC or, I'm just not sure how this all juggles out.

Dave Gibney – As I thought about that, it, we need to take a look at what EFSEC has done, and we started that. We really need to try and come up with something that will help us protect WC and the view and somehow thread that line to make it less palatable for the energy company to go directly to EFSEC and that they would prefer to deal with the local government.

Brian Davies – I was at the meeting with Alan when Harvest had their open house and I believe that was what they said, they much would prefer to work with us than to go around.

Dave McKeirnan – When it comes down to EFSEC, are the Washington State County Commissioners working with the Legislature and stuff to try to regain some of this control to the local authority? I'm just curious because, like our elected officials also working because it is not just WC or Garfield County it is the whole eastern side of the State is dealing with the same issue and are they working on it too? We are trying to do what we can to protect our citizens.

Alan Thomson – It is the entire state. So, I sent you some information on EFSEC. You should look it up. Go online and look at when they came into being and what their job is, that is State law.

Dave McKeirnan – I read it. I'm asking, have they done now that this has become such a big hot topic issue in Eastern Washington, are the BOCC and different groups like that, are they talking to each other and going to the state level, Tom, can you answer that?

Tom Handy – There are guys in our district, they have bills brought up in the Legislature on several different avenues to limit EFSEC's powers and authority. None of them even get out of committee. So, they die early and there is such an overwhelming majority of people that want to see this happen and, I mean in the Legislature and most of them are impacted by it physically or visually or anything like that. So, it is a tough one because they just get overridden.

Dave Gibney – Visiting Olympia during the legislative session is an interesting and useful thing to do. It is not just our BOCC's job, it is all of our job to work and lobby our legislators. We have our legislators from this district who are good people and act in good faith for their constituents and that goes the same for the most if not all of our legislators. They are there to listen to us and do things for us.

Alan Thomson – What is important for all of us to consider, is that there is the evaluation council at the state level that the applicant could go to if we ban wind turbines in WC. If the BOCC decides to go that way or if we make the ordinance too onerous then the applicants can go to the State and the history is none of those projects have been denied by the State throughout the history. They may be altered, but they have never been denied. That is something to keep in mind while we are trying to review this ordinance.

Tom Handy – EFSEC has the ability to preempt any of our zoning codes. So, if they feel that our codes are too restrictive, they just say, "Well, we have considered that, but we think otherwise," and they do what they do. The preemption clause is something that has been in the legislature many times to try and eliminate but it has never,

Dave Gibney – I believe it has been in the courts and the courts have upheld it.

Tom Handy – Yes, they have upheld it, too, yes.

Alan Thomson – The Horse Heaven Hills one is in front of the Superior Court right now, I believe, in Benton County. Whatever decision they make.

Chris Melhus – Is there a timeline on that, Alan?

Alan Thomson – I don't know.

Dave Gibney – Our Washington State Supreme Court acts a little fast, (inaudible)

Brian Davies – Would it be helpful if we could get Paul Kimmel back to update us?
Because the bottom line is we need more electric power in the northwest and the population is growing.

Dave Gibney – The point of the grid not being able to handle it is valid. The answer to that that is going to come up is the grid needs upgrading.

Brian Davies – Like Paul mentioned to us, that Avista had to divest itself of that 15% of the ownership in coal strip which they are going to have to make that up somewhere else. Thankfully, I think they found some renewable energy in Wyoming that they can use that same power line that the power from coal strip came from by adding some mileage to it and get wind power.

But there is a need for electric power and the entire time I was working for SEL for 24 years, I heard Ed say constantly that, "There is not enough new generation being built in this country." That is the bottom line. There is not enough new generation being built in this country to satisfy our electrical energy demands.

Alan Thomson – I will get in touch with Paul.

MOTION by Brian Davies and seconded by Weston Kane to adjourn the workshop. Motion carried.
Adjourned – 9:50 p.m.

WHTIMAN COUNTY
PLANNING COMMISSION
Workshop
April 16, 2025
Public Service Building
Auditorium
7:00 p.m.

MEMBERS:

Dave Gibney – Chair
Bill Myers – Colfax
Chris Melhus – Malden
Brian Davies – Vice-Chair
Weston Kane – Lacrosse
David McKeirnan - Pullman

Staff: Alan Thomson, WC Planner; Grace Di Biase, WC Assistant Planner; Brandon Johnson, Public Works; Elinor Huber, Clerk.

Audience: A complete listing of those in the audience is available in the Planning Office.

Zoom: Noah Corrin, Ken Duft, Eric Slusher, Clark Rein, Sharon Hall, Evan Ellis, Shely Fox, Paul Fraizer, McKenzie Brunette, Denis Tracy, Ashley Hartman, Hayley Lewis, Luke Sorenson, Shane Roach, WDFW.

7:09 p.m. – Dave Gibney opened the workshop. Okay, we will have presentations from Avista, by Paul Kimmell and Shawn Elston from Palouse Wind. Which one of you will be first?

Paul Kimmell from Avista presented a power point. Thank you, Commissioners. It is a pleasure to be here tonight. Alan had invited me a couple of weeks ago to update you on Avista Utilities and our resource generation stack and how we serve the communities and a little background information. I know some of you are new members so we thought it would be beneficial to talk. Feel free to ask questions throughout the presentation.

Okay, so again, we are a 136-year-old investor-owned utility, formerly Washington Water Power, founded here on the banks of the Spokane River. That was a picture of the Monroe Street generation station that was built roughly in 1889, so we have been in operation for 136 years.

A little bit about us at a glance. Again, we operate in four different states, primarily regulated utility, electric and natural gas. We have 1800 employees around our service area as well. Our generation portfolio, and I will show you that in a second, is about 60% renewable. Much of that is our legacy hydro.

L-2

This slide shows our generation resources and where they are located. So, you can see, we have thermal plants that could be thermal coal or natural gas. Our contracted utilities are that we don't own but we have power purchase agreements, like the relationship we have with Palouse Wind and then our hydroelectric facilities as well. Our most recent power purchase agreement is over there on the far right and it is number 19 and that is our Clearwater Wind project, that is located outside of Miles City , MT. We take advantage of the fact that we have transmission from our coal strip thermal plant so that we can wheel that power over here to our customers.

So that just gives you a layout of where we are. So, four states, roughly 30,000 square miles and 1,700,000 population in our service area.

Just a little fact about 2800 miles of transmission lines in our service area and we are vertically integrated, so we have our own generation, our own transmission as well as distribution. Unlike Inland Power, that relies on the federal system BPA to buy their generation as well as transmission, we have transmission generation and distribution. So, you can see what that looks like. Lots of pipes and wires in the ground.

Here our resource mix in the pie chart on the left is based on the capability essentially, the name plate capacity of all of our generation resources. So, we are roughly 60% renewable and most of that is hydro with some wind. We have a small woody biomass plant up in Kettle Falls, but when you talk about based on actual generation, how we run the system, over on the right, it is hydro and mostly natural gas and a little bit of coal. I'll show you how we stack all those resources together.

We have had a long history of innovation. We have founded companies like Itron, Ecova, and Relion, which was an early hydrogen fuel cell company. We built the longest transmission line from downtown Spokane up to the Silver Valley to the mines up at Burke. That was in 1903, but again we have been very innovative and that is in our culture. More recently the largest commercial solar in the State of Washington. I think that has been surpassed since 2018.

Again, our mission is to enable vibrant communities safely responsibly and affordably. That is really our mantra. We live in the communities that we serve, so it is in our best interest as well. We talked about a heathy community equates into a healthy utility and it really is that simple. That is why we invest in things outside of our own utility, community efforts, projects, etc.

We have three bubbles that we work on. Affordability, reliability and clean generation. That has always been our culture. In each state it is a little different. In Washington I will tell you that all three are equally weighed. Whereas in Idaho, for instance, it is more about affordability and reliability and less about clean. But nevertheless, we operate in several states and some of those energy policies affect how we support all of the states we serve.

Again, for you, you just care about if that light switch works, but I want to show you a little bit about behind the light switch. We talked about energy is always equal to load. So, generation, we always got to have our resources running at certain levels. We have, it is a real time maybe a 5-minute interval we have to make sure the resources are there behind the light switch. You can see on this slide, I show you both a summer and a winter load profile. The summer is the orange and winter is blue. What do those load profiles look like. That is just a 24-hour period there so you can see our winter is a little higher, generally across that 24 hours, whereas in summer obviously it is an afternoon load mostly when people get home or later afternoon when temperatures get pretty hot. So, we need a really diverse energy mix to provide for that.

Just a little bit of our system and some of our resources. This is our largest hydro facility. This is in Noxon Rapids, on the Clarkfork River. This is almost a quarter of our total generation, so we have about 2,000 megawatts of company owned generation. Then we contract out for other generation, but again, this is our largest hydro facility on the Clarkfork. Just downriver we have our cabinet gorge facility which is another hydro project. Just a little factoid, from start to finish permitting and construction in the late 50's that took us just over 2 years start to finish to permit and build that. You don't see that happening now. It is not likely we would see hydro. We do make upgrades on our existing facilities.

This is our thermal plant, our natural gas plant. This is down at Boardman, OR. We partner with another utility on this but so we burn natural gas to generate electricity. You use natural gas, some of you as our customers for direct use. Stoves, heating etc., we use it to generate thermal electricity, so again, turn it into a combined cycle turbine and turn that into electricity. That is our largest thermal plant. We have a couple of other smaller ones.

We have an interest in Colstrip, MT, roughly 15% of those two taller stacks units 3 and 4, and that is some good reliable base load. However, it is a dirty emission so as a result of some clean energy policies in the State of Washington, we can no longer serve the Washington customers with coal-based generation by the end of this year. So, we made this decision to exist outside of Colstrip and made an arrangement with Northwest Energy out of Montana. They will take over that ownership. This is our last year using coal in our portfolio. This is pretty efficient as far as natural mine. The coal mine is literally just a few miles away and it is just conveyed into that property. It is one of the newer coal plants in the country so compared to many other coal plants it is one of the cleaner, but nevertheless it is about 50% more emissions than natural gas.

This is our woody biomass plant up in Kettle Falls, WA. This strictly burns wood chips. We source those from around the area lumber mills, more recently because we see less timber harvest processed in the states. We are going up to British Columbia to source some of that feed stock for that. What you see on the ground, that is almost about 3 years of wood chips to run. That is about 50 megawatts of generation. We use that as a base load. Very steady, we feed it, it produces steam, very clean, plus it solved a community

problem. As many of you know, if you are ever in a timber town with those old wigwam burners, lots of particulates, smoke and pollution. This really cleaned up Kettle Falls.

This is our Palouse Wind project. This is out of Oakesdale, between Oakesdale and Rosalia. We have a power purchase agreement with Palouse Wind, and it has worked out well for us in our portfolio. Much of this was driven by the Energy Independence Act as well as more recently some of the clean energy requirements that we have to comply with in the State of Washington. It has been a good resource for us and Palouse Wind is a great partner to work with.

This is our solar project, about 24 megawatts of solar, 81,000 panels on 200 acres, just north of Lind, WA. So, we also incorporate solar into our renewable portfolio, and we carved out a good program where our commercial industrial customers can buy a portion of that if they have some (inaudible) gas emission targets. So, we sell that to our commercial industrial customers. It has worked out really well.

How we balance a day. I look at those same two days on that December and that August day and how we stack those resources. So, you can see, the bottom, the black is our coal generation. We turn that on, we run it. It is called base load power. On top of that we fold in some of our contract purchases, so we have contracts with mid-Columbia hydro products, like Chelan PUD. Those are fixed contracts, so we use that as a baseload. It is always on. Part of our system. Then on top of that we stack in our natural gas and then above that then we add in our wind and solar and it is just a small sliver. Then on top of that we fold in our hydro power. Then depending on the season, as you can see, sometimes in the earlier part of the year we have more water behind our reservoirs, so we will use that.

Sometimes we over generate so you can see, on that December day, we have excess energy so we go out to the market and the market will purchase that. So, we make money on behalf of our customers. Then later in the summer, when we don't have as much hydro in our system, we will be a little more careful and then we will go out to the market sometimes and take advantage of cheaper energy. There are occasions actually, there are generation resources out there that need to offload and sometimes it is a negative market so they will actually pay us to take some of that generation. Unfortunately, that doesn't happen all the time but like California with so much solar, they have to send that places.

So, and we have recently been into western energy and balance market that gives us opportunity to purchase on a larger regional scale, so we can take advantage of some of that real time purchasing. We are pretty careful about that and if we can keep the water behind our dams and use it for our own purposes, it is a good thing. So that kind of shows you how we stack resources. Baseload, all the way, then hydro, and then the sliver of our renewable energy generation.

The way the laws were written in the State of Washington, we show you all that legacy hydro that we have, we were not allowed to include that as a qualifying resource in the Energy

Independence Act. Again, I think the intent there was to encourage more renewable energy generation and development. We had to go out to the market, and we found a great partnership with Palouse Wind to purchase, we needed that for our requirements to comply with renewable portfolio standards in WA State.

Lots of issues are swirling right now. We have a lot of inquiries from data centers. So, do we have resource adequacy to serve a data center? As you have seen in the media, the AI data centers are huge power users. They can be starting out at 50 megawatts going up to almost 500, so they could take all of the generation capacity off of that rapid hydro project, for one project. So, we are pretty careful. We get inquiries every week, okay, "Your rates are pretty cheap, Avista, could you serve us?" We have to be pretty careful. Does it make economic sense, does it benefit our customers, our community, what is the economic impact, etc. So, we are going to continue to see the data centers. Many of the developments of data centers are Virginia and I think they have the largest number of data centers. They have had to pivot away from renewable although they are still doing renewables offshore. But they are actually keeping some of their coal and natural gas open just to serve data centers.

So, what we are seeing out here is a data center might bring their own generation with them. As far as the relationship we would have with them, we have to figure out if we have the transmission capacity to allow them access to our system. You'll hear a little more about that and the relationship we have right now with Harvest Hills is one where we are required by federal law to provide fair, non-discriminatory access to our transmission system on behalf of a third-party producer.

So, that is a relationship, a process we call it. They get in our transmission queue that opens for about six weeks a year, and they say that they are interested in tying into your transmission system. We would like to wheel it to X or not even sure if they don't have an off-taker where that generation might go. So, we work with them, and we do cluster studies, we see if we can actually incorporate that additional generation onto our system, what that would look like. So, that so that is a process that is multiyear and very expensive for those third-party developers. That is really where we are with Harvest Hills.

We have about ten other wind and solar projects in our queue right now. I am not aware of any others in WC, but we have some in Lincoln County, Adams County, so again, there are lots of speculative renewable projects out there but if we can't serve them, if it doesn't work in our transmission queue then they sort of go away. You saw that in the solar project by Thornton a few years ago. They never got real formal in our queue, but they were certainly kicking tires that way.

We have lots of wildfire resiliency that we are working on. How do we protect our communities and prevent wildfires? So, it is more proactive where we would proactively be energized by a feeder on our system with certain conditions. Wind conditions, dry vegetation all kinds of things, and then we make a decision to de-energize part of our

system to prevent a wildfire. We spend tens of millions of dollars on vegetation management across our system every year to prevent that because we don't want to be the cause of a wildfire. That is a real thing. One of our biggest concerns right now.
More electrification, we are seeing more electric transportation now as well as we anticipate in the next decade, at least a 30% low growth on electric demand. That's a pretty conservative estimate but when you talk about data centers, talk about electric vehicles, when you talk about people just having more things plugged in the walls, so we are continuing to see electric load growth. We have to have resources to serve those customers. How do we participate with our customers? Are they engaged, do they care?

We did this smart great demonstration project some years ago, probably 12 years ago in Pullman. We thought this is a way to engage customers. They can participate, we can remotely manipulate their thermostat to the water heater by two degrees. We just didn't get a lot of interest in that. It just didn't resonate with the customers. Most of our customers have about a 15-second relationship with us and it is not a good relationship. They look at their bill and they are not happy. We have to change that. We have some great programs around. Energy efficiency and help customers understand what their needs are too.

Energy equity, this is driven by State policy. Much of how we operate as a utility in Washington is driven by the State Clean Energy Policy. Whether it is the Energy Independence Act, the Climate Commitment Act to Clean Energy Transformation Act, we have to serve our customers more equitably and how do we get that lower 40% of our customers to participate in the clean energy economy? What does that look like?

So, we set up a community investment fund where we provide 5 million dollars a year on community projects. We provided some mini-split equipment on top of Gladdish. We provided solar arrays on the Malden Community Center and City Hall. We are trying to benefit those energy burden customers through that. Still a work in progress. We try to leverage some of the State commerce programs around solar plus storage. We are going to have a project in Washtucna with solar and batteries to provide back-up support for their water wastewater system. Agan, climate policy will continue to drive much of how we do our business. Right now, it is very different between our states, WA and ID. It just continues to get more challenging for us as a utility to serve both states with very different policies in place. Idaho just says, service, affordably, reliably. Washington says, service, affordably, reliably, and make sure it's clean.

What does that look like for us? Clean energy, future affordably, reliably? We are essentially complementing the State's goals here because we have to comply as an investor and utility.

Again, 100% clean by 2045, so when we move all of our carbon emissions by then and then be carbon -neutral by 2027. I think we can get there pretty easily.

Again, continue to focus on reliability and affordability so that makes sense. Natural gas will continue to be an important part of our baseload generation. We're not walking away from natural gas in spite of what you might see happening in Olympia. It is getting more challenging. We see some of the building code and some of the requirements to ban natural gas in new development, etc., but we think we want our customers to have a choice, and we think natural gas is an economical choice. Again, think about the winter, we need a base load generation. You use it directly for your stoves, cooking, showers, etc.

We are hoping technologies will continue to evolve, whether that is small modular reactors, we think, we hope there is a future there. We need to have more baseload generation that is clean, no emissions, etc. It isn't just about generations, it is about some other programs and projects.

For us, our path forward, part of it is, in the next 2030, we will continue to work. We were one of the largest utilities to implement an energy efficiency program nationwide, so it has always been in our DNA to provide energy efficient programs. By the end of this decade, we anticipate that we will be out of our coal generation. We will be looking to for additional wind, solar battery storage, just to comply with some State regulations, and add existing upgrades to our generations. For instance, Post Falls, we are doing some investment in that hydro project that was in1910s generation. But those are very incremental. Three to five megawatts of improvement. But nevertheless, we can make improvements. Those will qualify by States' standards. Then working with customers more on demand response and incentivizing that. So, Mr. Gibney, if I could reduce your thermostat by 2 degrees in the summer and the winter and turn your hot water heater down, those are the kind of things, but we would incentivize you. Trust me, or not. We don't want to be in your (inaudible) for anything.

Okay, in the next decade we will look at some additional upgrades, as well, some new storage. We played around with (inaudible) flow batteries. We thought this was an alternative to a lithium storage. It had some promise. It was a seven-million-dollar project where we had about half of that funding from the State Clean Energy Fund, but it was technology that wasn't quite ready. We will partner, we will try things but, utility scale battery storage is still evolving. We also need to have, make sure we can actually provide minerals, everything else. We rely on other countries for much of our lithium production so what does that look like going forward. Lots of politics involved there.

We hope by 2040ish that we have cracked a nut on storage. Again, we think the best way for these renewable energy projects work, whether it is wind or solar is, can we have some complimentary battery storage with that, so when the wind is blowing and the customers don't need that generation, we can park it and then dispatch it when we need it. But it is not quite there, yet. At least not to our liking.

Then natural gas, we are working on some renewable natural gas technologies where we can actually process biofuels and then look at those and incorporate into our natural gas

system. As you saw we have miles and miles of natural gas pipeline. We are not going to walk away from that system. If we can support a bio-digestor with, for instance, over in Warden where there is potato processing, work with them on that wastewater, its horrible odor but there is a lot of methane. If we can convert that into renewable natural gas and then we can incorporate that in our system. So, we are working on that, it's not cheap but it will be part of our future as we continue to clean up our emissions.

Affordability will always drive us. So, what you will see in the future is more clean generation, more controllable generation. We are working on more dispatchable power and more central heating in buildings. This is our catalyst building in Spokane. If you ever want to tour that I'd be happy to show you how we do that. We have a central plant in the basement of that building to the right where we heat water using solar and other sources and then we use that to offload during the day. The catalyst building helps us, Eastern Washington and some other university programs. That is all a cross-limited facility, very energy neutral. Again, everything that provided power to both of those buildings is generated on that site. We will continue to provide some electric vehicle charging. This is our first big install in Rosalia.

Our forecast says we are going to continue to grow. So, we have to provide resources. How we do that and plan that is through our integrated resource plan. That is a document that, not unlike your comp plan, but we do it every two years. It's not quite as painful as your comp plan. That is a 20- year forecast for the future. That is a requirement by our utility commissions. We have to project what that load growth looks like and how we can serve affordably, reliably and clean. So, we see local obviously for the next foreseeable future.

Right now, we are still waiting for permission for approval from the utility commission in Washington, but we will go out for our request for proposals. Essentially based on our ILP projections, we are going to need additional load and that is roughly about 300 megawatts by the end of the decade. What does that look like? Again, how we will measure its impact on future customers, reliability can we offset for the market purchases, and does it fit into our clean energy goals as well as provide some energy equity.

That is sort of what our RFP will look like. So, conceivably we could get wind proposals, we could get solar and some hydro, we could get battery storage, etc. We are not sure until we get approval from the Commission. That will likely happen next month, and we will open that up and see who makes a bid on that. That is essentially how we first partnered with Palouse Wind. That we have an RFP, and we looked at same kinds of criteria. Is it affordable, does it provide some reliability, etc. Is it consistent with our clean energy goals? It worked. So, we entered into a long-term power purchase agreement. We don't own those facilities, Shawn and his crew manage, operate, we just buy all that generation.

Thanks for the opportunity. I'll stay for questions. It is an interesting time in the utility business. Tariffs, how are they impacting us? But you know, we buy a lot of natural gas out of Alberta, so we might see some impact on natural gas, wholesale cost as well as wood

chips. We resource a lot of woody biomass out of BC where they are still doing a fair bit of logging. Then the supply chain challenges right now to build a new substation, it used to be 2-3 years now we are 3-5 years, if materials are available. Again, everything's extended, its challenged. Ideally, we would like to spend more money on the local economy resourcing equipment, consultants expertise, etc., so we are working on some strategies to keep more of our roughly one billion dollars we spend every year, keep more of that local.

Dave Gibney – Thank you, Paul. Does anybody on the Commission have any questions? While we are at this spot, welcome to Julian Matthews. He is our newest member on the Commission. We appreciate it, there are only three of us who were present the last time you presented this information.

Paul Kimmell – Thank you for the opportunity to come and present.

Dave Gibney – Okay, now we have Shawn Elston from Palouse Wind to present.

Shawn Elston – I was asked to come here and answer questions with regard to wind farm operations, and so I understand there are some questions you might have. One of which is related to potential oil leaks on turbines. We have a program that we had developed by a geo engineering firm that is called SPCC, Spill Prevention Control and Counter Measures. That lays out all the requirements that we are tasked with to try to prevent spills from occurring and what we were to do if there was one.

Part of the SPCC is every month, we drive around, and we look at every single turbine and every single source of oil that we might have in storage on our site, our main power transformers, etc., and we will inspect for any leaks and address them then and there. In addition to that we have multiple technician work crews that are out on site every day. As they are driving the site, they are also looking at turbines and looking for issues. The site is constantly being inspected as far as any anomalies, or any potential leaks would occur. I can tell you that the wind turbine design, specifically the ones we operate, are designed to contain leakage should there be any that occurs. So, the main gear box holds about 100 gallons of oil and that is directly situated over the center part of the tower. So, if we were to have a catastrophic gear box failure, and we have had one of those in our 13 years of operation, that oil would be dumped inside the tower. We would have a mess to clean up inside the tower. That is not something that goes outside and reaches the ground.

The other source of potential oil up there might be our hydraulic system and, in that case, the maximum of 5 or 6 gallons could potentially leak from that before it would be shut down. So, the turbines are heavily censured, and they are looking for oil quantity and pressures and that sort of thing and it is being continuously monitored. So were the turbine to see something that was out of spec with regard to that, it is going to shut itself down.

Our goal is to not have any oil ever reach the ground. These machines are well built and well designed, and we don't typically have issues. Alan, did you have a question?

Alan Thomson – How much area does one of the turbines take out of crop land? Approximately.

Shawn Elston - I think in total, we've got about maybe 100 acres impacted over whatever the four and a half thousand acres of the entire site. At the bottom of each turbine is a 60-foot gravel ring underneath it for the service truck to access the turbine. That is not very much but from the landowner perspective, they are able to use 96% of their land with whatever use they had before. Only 4% is taken up by turbines and the roads to access that. By putting in those roads we allow the farmers to actually reach out in the fields and get their trucks in for grain harvest and that sort of thing. It is very helpful for farmers to be able to directly access the turbines where they couldn't access before.

Alan Thomson – Are there any issues with farming with the turbines out there?

Shawn Elston- No there are no issues. I mean the farmers can continue to use the land whatever use they had before. Whether it is cattle ranching or wheat farming or lentils or whatever the case maybe they can farm right up to the turbine pad and right up to the access road and they do. So, its typically not an issue.

Alan Thomson – Talk about the issue you had with the gear box a few years back. One of the turbines went on fire, didn't it?

Shawn Elston – That was a transform issue so, out of I think 73,000 turbines worldwide, I think there has been around 300 documented fires on wind turbines. If you average that out, there may be one a month of any size. But we did have a turbine that suffered a catastrophic failure in a transformer and that caused a turbine on fire. The turbine had to be rebuilt after that.

Alan Thomson – It didn't set any of the surrounding area on fire?

Shawn Elston – It did not, no.

Dave Gibney – There was a case down in Oregon west of Boardman somewhere, that caught fire a couple of years ago. Do the turbines have some fire suppression ability?

Shawn Elston – The latest models have fire suppression capability in that box at the top we call it the cell. In our cell of turbine, the transformers are in the back of the cell, but there are arc flash detectors up there. If there were to be an arc flash, within a millisecond there is a big main breaker at the base of the tower, and it is going to cut power to that tower to prevent fires from occurring. Do fires occur? They do on rare occasions, but they also occur with combines and trucks and whatever else is out there.

Julian Matthews – The ones that you have, I spent a lot of time in Spokane and Pullman (inaudible), so they have been running pretty efficiently and pretty safely?

Shawn Elston – Yes, absolutely, they are very efficient machines, and they are designed to run whenever the wind allows them to run. They've got computers monitoring the turbines and they are talking to servers in the building. Whenever they reach a start up speed, and in the case of our turbines, it is about 6.7 miles per hour, the turbines say they have enough wind to start generating. It's going to pitch the blades in, the rotors are going to come up to speed and the generator is going to come online and will be feeding the grid with power. And conversely, as the wind speed goes up, the power output goes up and about 20 some miles per hour will reach full output.

Full output for our turbines, which is about 2 megawatts, and it will continue to run all the way up to about 50 miles an hour. Then, that's our high wind, head out at wind speeds, exceed that, the turbine is going to shut down to protect its mechanicals. It is constantly monitoring the wind through wind sensors and as soon as it sees the wind come back down, load that threshold, it will restart the turbine. They are designed to run 24/7 whenever there is wind to do so.

Julian Matthews – Isn't there a difference between safety of wind and natural gas, compared to wind turbines?

Shawn Elston -Safety in what respect?

Julian Matthews – Say hydraulic leaks of dams, natural gas, issues whether there is leakage that type of thing. Like I was trying to compare the dam, dams when they would leak hydraulic oil from the turbines there, that they have or the natural gas leaks, that type of thing. Even out here, I lost my natural gas for a couple of weeks last year when someone punched a hole in the line and so things like that, is there,

Shawn Elston – I'm not aware of any comparison safety study. Each technology has it's safety concerns and those are addressed to keep efficient running of the plant.

Julian Matthews – But you feel that wind powers is safe.

Shawn Elston – It is extremely safe. It is a proven technology that is extremely safe.

Bill Myers – What is the total capacity of all oils that are in the turbine?

Shawn Elston – About 135 gallons total. Of course, different turbine manufacturers have different turbine types that are designed for different wind regimes and some turbines like G-turbines they don't use hydraulic oil for pitching the blades they use electric motors, so it will vary from turbine type to turbine type.

Dave Gibney – There have been concerns about the turbines blades shedding particulates. Is there any studies or evidence that that is the case?

Shawn Elston – The blades are made out of fiberglass with the center carbon fiber carrying spar. Similar to you might have like sailboat construction. So, the blades aren't shedding fiberglass, they have a sealed gel coat on the outside of it. So, if there were to be some erosion taking place, you can put erosion tape on the leading edge or other things, but they don't shed stuff as they run.

Dave Gibney – Another concern is what happens to the blades and whatever at the decommission and end of life is, are there any serous runoffs or whatever that may be in terms of the landfill? I know you guys have yet to decommission, maybe one,

Shawn Elston – No, that was repaired, put back and run, so we haven't decommissioned anything.

Dave Gibney – In the industry is there a serious problem of blades accumulating?

Shawn Elston – I think that there are probably some issues related to what to do with the fiberglass blades at the end of life, and Vestas has a program where they are working on recycling them. I've also seen them used actually to make bridges to go across creeks. They turn the blade up on the edge and put cross members and make bridges for local areas. There is some different stuff out there. But I mean the biggest part of the turbine, you're above ground. In the case of our turbines, you've got about 550,000 pounds being held up by a foundation of 1.4 million pounds and the vast majority of that is metal, is steel. Our tower alone is 386,000 pounds of steel.

Julian Matthews – I was just thinking if we are talking about recycling, there is a lot of items in our society that need in commercial industry that need to be recycled. Not just, and I don't see how this could really, the amount of wind turbines here in what you are talking about would create as much as say other plastics.

Shawn Elston – No, they don't.

Julian Matthews – There is no comparison.

Dave Gibney – Are there other questions for Shawn?

Weston Kane - How tall are those?

Shawn Elston – On ours? They are about 282 feet to the nacelle and then the turbine blades are 100 meters as our rotor diameter, so all total they are just under 400 feet from the ground, but the tower itself is 280 feet.

Dave Gibney – The proposed project is significantly taller. Why would a wind project go higher?

Shawn Elston – So, when wind turbines were first imported into this country in the 70's from Europe they were on short little stubby towers. The amount of power generation is squared based on the size of the rotor diameter. You can't do anything about the wind speed. You can't do anything about wind density. I'm talking about factors that affect the output of the turbine. But what you can do is get it off the ground, higher in the air, where you get a stronger resource, and you can increase the rotor diameter to get more energy.

So, you know when you look at air moving across the earth, out at sea, there is nothing to obstruct it. Then it gets to shore and then it starts hitting ridges and trees and whatnot. That lowest boundary layer there can get dirty and slow down. As you go up higher in the air you get a cleaner resource and therefore more power. More available wind equates to more power.

We've gone from in the late 70's from turbines producing 150 kilowatts, to when our project was built 13 years ago, about 2000 kilowatts per hour. Recently the average install is about 3.5 and there's a lot of machines that can do over 4. I've got no connection with Harvest Hills, but I know that their turbines are about 4,500 kilowatts, each machine. Each one of those will produce over double the power of what our turbines can. That's due to the taller tower and a bigger rotor.

Dave Gibney – Another concern that I've been told is throwing ice or hoar frost. Is there any evidence of chunks of ice flying distances or anything like that?

Shawn Elston -So, occasionally in the winter on the Palouse we can get ice built up on the blades. When the turbine starts running it will shed that ice. It will drop it in the immediate vicinity of the wind turbine. I don't recommend going out there,

Dave Gibney – It's not flying off at the turbine,

Shawn Elston – Well the blades are flexing so it's coming off as the rotor is turning, the blades will flex, and any accumulated leading-edge ice will pop off. So, mostly it is the light variety where it will flutter to the ground but, if it has been accumulating ice for a week, and then goes into run, you can get some bigger pieces out of that. But it is not like it is going to throw it a quarter of a mile. It is going to drop in the immediate vicinity of the turbine. So, you wouldn't want to walk around under a turbine under those conditions for safety's sake.

Dave Gibney – It is not likely to exceed the required setbacks?

Shawn Elston – No way it will come even close to that.

Alan Thomson – When we created this ordinance, we researched that pretty thoroughly. We looked into all the scientific evidence and yes, ice still happens but the maximum distance that we saw in these studies was a couple of three hundred feet, maybe maximum. So, the setbacks that we have, like 4 times the height of the turbine to somebody's house, is way beyond that.

Shawn Elston –It is also going to depend on how big the rotor is. The longer the blades, the greater the span but it's going to fall basically directly under the turbine. So as long as you are not underneath the blades, you are in good shape.

Bill Myers – Decommissioning, walk us through the decommissioning if you can.

Shawn Elston – Decommissioning for utility sized wind turbines is comparatively rare per say. Because what is going to happen if you've got 15-30 years worth of wind data to prove that a particular site can generate power at a certain point in time, when later and greater models of turbines become available that are more powerful, what is going happen is they are going to repower the site. So, they will take down the existing turbines and put more powerful ones up in the same pace.

There is not a lot of decommissioning going on, but say you operated a site for 30 years and for whatever reason, decided not to repower, not to continue to generate. Well, that is what the decommissioning bonds that you know wind farms are required to purchase, come into effect. They will pay for the decommissioning of the site and return it into the original topography. So, they would remove the tower, they jack hammer up down X number of feet of concrete, and they would push the farm dirt over the top of it and the farmer would go on farming it as they always have. It's not like they are going to be left there to become play toys or something. It's going to be removed.

Bill Myers – Is that concrete intended to be permanent as far as possible to put another turbine on an existing foundation?

Shawn Elston – Yes.

Bill Myers – What would be the service life of that foundation or the rust and steel or fracturing the concrete due to isolation? Is that a factor over a period of time?

Shawn Elston – The rebar cage that is inside of that foundation is completely encapsulated by the concrete, so it is not exposed to the elements. As far as the service life of the foundation, I'm not a structural engineer so I couldn't tell you the exact service life, but it's decades and decades. It's a, unless there is some special condition that was going on with that, concrete is inert in the ground if you have a chunk of concrete that is in the ground, does it have a specific service life? Concrete gets harder over time, right? I'm not aware of any service life of any foundation.

Dave Gibney – Anybody else who hasn't asked a question?

Alan Thomson - Are there any plans to repower?

Shawn Elston – They are looking at that. It just depends. We've gone from the State when our turbines were installed, they had about 2000 megawatts and the current machines are easily pushing four, so you could easily get a huge bump up in power by going to the latest and greatest models. We don't have anything specifically planned as in, "starting in January of next year, we are going to repower" sort of thing. But that is something that is economically revisited, the economics of it. But that would be tied in with a PPA with our friends at Avista. They have to agree to want to agree to buy the extra power.

Alan Thomson – Do you ever have to replace a blade?

Shawn Elston – We had two blades that were recalled due to some concerns about the manufacturing. So, we had two blades removed in a course of 13 years and replaced but we have never suffered a catastrophic blade failure. If they are built right, they last.

Weston Kane – One more question that I have. What the positives might be? How many people are employed?

Shawn Elston – We've got eight people working at the site and there are another two head count off-site, so ten people total. It is good family wage jobs with full benefits. We take our involvement in the community seriously. We've spent over the course of thirteen years about $300,000 in community fairs dollars that we spent around WC on all kinds of projects.

We've boughten two vans for COAST transportation. We've given the Council on Aging quite a bit of support. In Rosalia, I found the school kids, the library closed before the school kids got off from school, so we fund the WC library system to open the library for several extra hours per week, so school kids can stop by the library on the way home from school.

Last summer we refurbished the, helped to pay to refurbish the pool in Oakesdale. The community didn't have the funds to do that themselves. We've, Oakesdale had a greenhouse donated to the school, but they didn't have the ability to erect it, so we hired a contractor to erect the greenhouse and that allowed them to bring their ag program back in house instead of busing the kids to another town to take ag classes.

So, we look for opportunities to be impactful and help out in the community. We give, we spend $10,000 on scholarships for high school students that are going on for their education for Oakesdale and Rosalia students. In addition to the taxes we pay into the County, we provide a lot of opportunities that are meaningful and helpful to the County at large.

Dave Gibney – Thank you. Okay, for the rest of our meeting we are going to go into the review of the, oh, I'm sorry, is Denis Tracy out there waiting to speak to us on zoom? If he comes back, we will talk about that.

There has been a concern as to whether this Commission has been operating legitimately with less than the full complement as the regulations are. We are not taking any explicit action at any of these meetings until we have a public hearing. The approval of our minutes is not an official control under the RCW's. We will not be taking any votes on what is called an official control with less than an official quorum by the State as the RCWs say it. We will continue to have these workshops and discussions and work on our code, but the final thing will be done at a public hearing. It may or may not be continued and we will have a vote by full quorum, hopefully, all members of the Commission at the time. I don't know for sure exactly what Denis had to say but we are operating within the law, and we will continue to do so.

Again, last session I let everyone have a chance to talk and it was my hope we could get some of that out of the way and we will have more time to talk. But we are going to try and get through some of this. So, I'm going to try a bit of a procedure to get us through some of this. We will start with the 19.61.010 and go through section by section.

I, as the Commission Chair, will read the proposed or existing language. The County Planner will comment on the section, giving facts and details as appropriate. The members of the Commission will be asked to briefly comment. We may or may not ask for public comment. We probably will, and when we do, we will have a three-minute per speaker limit. We will alternate the proponent and opponent and sometimes the neutral.

I will try to limit this to a maximum of three speakers on each side. We will let people who have made written proposals to us have that first slot for a change. We will expect the speakers to stay on the topic on time and not repeat each other. Back and forth questions and answers during this comment period is going to be discouraged. Additional speakers may be allowed at my discretion.

After that public period, the County Planner will comment and respond. We will open it up to the Commissioners for comments and I will make an attempt to summarize what happened in that section and need directions for draft language for our next meeting. Then we will move on to the next section.

So, we will start now with Section 19.61.010 The Declaration of Intent. I will read the existing code.

1. *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.

2. *To provide stie criteria for the utilization of the County's wind energy resources. Each 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.*

Dave Gibney – Alan, can you comment on that and include some comments of the Ag district versus the other districts zoning code?

Alan Thomson – Right now this fits under the Agricultural District Code, which is the majority of the County. I believe it fits well there. There are a number of different uses that can be done in the Agricultural District that are considered maybe industrial. So quarrying, recycling facilities, landfills, there are a number of different uses in the Ag district code that could be looked upon as industrial. But the way that this code is structured, and I didn't structure this. This code existed before I came here, the previous commissioners thought it would be fine to have this type of activity alongside agriculture in the County. And wind turbines and solar facilities fit that bill in my mind.

Dave Gibney – Those are conditional uses.

Alan Thomson – Conditional uses, yes. So they would be well vetted through the process. The SEPA process will be thorough. It is going to be an EIS so all of the potential impacts will be analyzed and hopefully mitigated as best as possible. Industrial codes are different.

If you look at our industrial code, there are definitely a lot of things that you don't want to be sitting next to you when you own a home out there. So, that's the reason why we have different codes for different reasons for different purposes. All of the heavy industrial zones in WC are very small. They are only a few acres.

So, if someone comes to us with a specific thing they want to do if that fits into the Ag district, they may be sitting on a 4–5-acre parcel. In order to do that, it can be slightly bigger but the way that the Ag District Code is structured right now, I think that wind turbines and solar facilities fit perfectly in there.

Dave Gibney – So, let's start over there with the members of the Board.

Chris Melhus – I'm good at this time.

Julian Matthews – I'm okay with it.

Bill Myers – As far as zoning goes, what we have is some rather large structures that albeit they might be somewhat compatible with agriculture. They are hardly a farm permit, and then they are also with the zoning and the taxation, a huge difference between open space and industrial use, as far as would be a benefit to the County to be able to tax these things as an industrial unit.

As I understand it, there right now there is personal property and not real property. The land itself is open space, which is a substantial advantage too, as far and the taxes go. It seems like the County is leaving quite a bit on the table for basically on ag use. I don't think that's what when they framed open space, I don't think that is what they had in mind.

Dave McKeirnan – At this time, no comment.

Brian Davies – What about the argument that they should be zoned industrial so we should spot zone across the County? Is that something, does this even happen nationwide with other wind facilities? Do they spot zone or,

Alan Thomson – I would be careful using the term, "spot zone." That is illegal in the State of Washington. Yes, spot zoning. I think you might mean "re-zone" would be the better way to phrase it. I don't know too much about what other counties do regarding the zoning but when you consider the amount of acreage that we are talking about for a wind farm, I mean, four to six thousand acres and up as well, how do you re-zone that? Why would you re-zone that to industrial? It is not practical.

Dave Gibney – Would that not then make the existing ag use a conditional use?

Alan Thomson – Yes, if you created it as a Heavy Industrial Code. Right now, zoned right now in WC code, well, there are a number of things that would be problematic now. Agriculture is a conditional use in that zone. So, you could potentially do an overlay zone. That, I think, has been done elsewhere in the country, but I don't know that there is an advantage to that, because essentially the code that you are working on right now is an overlay zone, if you think about that.

In the Agricultural District you've got a certain area that this code is going to control. That is exactly what an overlay zone is. Take the Cluster Residential District. That is in the, originally was in the Ag zone and then rezoned it to Cluster Residential and then Cluster Residential has it's own code. I don't see the point.

Brian Davies – I was just wondering.

Alan Thomson – To be honest, any project like this is going to be so thoroughly investigated. The EIS process is very thorough and lengthy and open to the public every step of the way. I think it is well taken care of in the Ag District.

Weston Kane – I was thinking the same thing as far as the idea of the overlay zone. Take it back to the solar ordinance where there is so much more ground covered because we are trying to do both of them at once. I'm kind of piggy backing on the overlay zone along those lines like a subset. General ag versus power generation ag or something like that.

Alan Thomson – You could do that. That is possible, yes. But why? What is the advantage?

Dave Gibney – Now we will, who from the public would like to talk about this part of it?

Denise McCardle - I thought that was a really good idea about a special zone. I sold most of, I've been here 25 years doing real estate or mortgage loads. So, ya' I'm real concerned about my people I sold way out in the middle of nowhere with a little acreage that used to be a farm or something, Grandma's house. I'm concerned because they expect that to be where they want. Most people, not like over in the Seattle area, where they move more often, most typical people that I've sold houses or did loans, that's,

Dave Gibney – We are talking about the section that is the Declaration of the Intent of the ordinance.

Denise McCardle – Yes, that is what I am saying. So, people who are buying houses now, they, that's why you said different zones. That way, I can say, "Hey you can buy this beautiful house and spend all this money, but it is zoned in the wind turbine, so you may have a 1,000-foot wind turbine on about 4,000 feet away from you." They are going up to 1,000 now. They are not, I mean, so I think they should be saying, "Oh, if you love them like some people do, they can say ya' I want to live by them. I want to live in that zone." That's why I'm saying that I think,

Dave Gibney – So, you would advocate that we, wind turbines in the area have 100 by 100 chunks of ag land rezoned to Heavy Industrial to make.

Denise McCardle – So, ya' why not?

Dave Gibney – That's not going to change the, how would that change the positioning of wind turbines? I'm sorry, I am violating my own rules, I am asking questions.

Denise McCardle -Okay, if I am hearing you correctly, if that is the zone, let's say Colfax is a wind turbine zone. Let's just pretend no houses, we're going to zone that as ag, we will rezone it and say that you can have wind turbines on that site. Not the whole WC. Maybe go out in the rock lands out there where it is away from homes. Because now we are hearing that these homes are not going to be able to be insured by fire, and we're also hearing that at the last meeting, that Avista is going to be paying for any fires that are happening because they own. Well, Avista is not buying this new stuff, are you Avista, Paul? People need to know what they are buying.

Dave Gibney – We are not doing the question and answer.

Denise McCardle – Okay, I'm sorry. So, I think it needs to be, people need to know what they are buying into basically. They need to know.

Dave Gibney - Thank you. Is there anybody on the proponent side of the wind project that would like to speak at this moment?

Shane Roach – This is Shane from Harvest Hills. I would just say that my understanding of zoning is not the best. I'd have to look at more details. But I think the question was asked earlier, what happens across the country. I can tell you, across all the other projects I've worked on, we do not have to rezone and none of the other ordinances have a change of zoning for wind.

Dave Gibney – Thank you. We're going to go back. I'm calling them opponents and proponents. I'm not exactly sure that is the term but that is what we have had in the past.

Tom Thompson – I'm from Pullman. So, I want to talk on the solar side of it because it looks out,

Dave Gibney – We are talking about this section. I'm going to expect there are similar words in the solar ordinance, so if there are specifics about the wording of this section of the intent. Go ahead.

Tom Thompson – Okay, putting them both together, so great.

Bonnie Brumley – Palouse. Regarding the rezoning or not rezoning of it, I don't think we should make a decision about whether we rezone or not rezone property in WC based on what other counties do. We should be making a decision for our county and doing what is best for it. As far as the turbines being placed in agricultural land, I think that most of us would agree that these are industrial machines. You go to Europe, they put them in industrial ports. They don't put them out in agricultural land.

We have different zoning for residential. We are not allowed to build five houses on our land, because it is not zoned that way. I don't think you should be able to put up a turbine when it is not zoned that way. It shouldn't impact whether it is difficult to do the rezoning or whether it is just a few acres. It is whether it is the right thing to do and whether it is what makes sense and what is fair to all the other landowners and the farmers in the community.

Dave Gibney – Shawn.

Shawn Elston – It seems to me they are trying to rezone all over the place. These little spots would be entirely very cumbersome and not worthwhile and difficult to manage. As far as the comment about wind turbines not being in the Ag sections, I can tell you I've traveled

extensively through Germany, and you have wind turbines all over the place in amongst Ag land. So, it is quite common in Europe to see it that way. I will just add a comment on the previous one, about homeowners insurance, I can tell you that the homeowners closest to our turbines have seen no impact whatsoever on their homeowners insurances. It is not a factor here in WC.

Dave Gibney – Again, we are really trying to talk about the intent and the wording. The change that might happen in this case would be the county's Agricultural District and /or Heavy Industrial. Or maybe striking agricultural but that doesn't really go to the intent of what the purpose of this ordinance is.

Carol Black – I did submit this to the Commissioners today, and so I do have copies with me. I think on this, I have given red lined comments on what I would like to see as a change in this wording here. Again, back to the Heavy Industrial, not to take up too much time, but in Code 19.31.020, it does have Avista, and it does have substations so there are places that that are already covered in our code, and it should then also be the same.

I think the only thing that is really important is by giving the wind industrial complex the ability to take on all of this acreage that they have leased for an acre where there is going to be a turbine and a road is, doesn't allow the County to then basically scrutinize each individual site and its appropriateness. You may have Micrositing but by breaking out each individual turbine allows you to access each individual location just like you would a house, where your neighbor is going to be next to that house. Thank you.

Dave Gibney – I think that has been three and three and since we have a lot of code to go through over the course of these meetings, we are going to end the public part to this right now. I'm going, I will recognize everyone but I'm just going to say,

Chris Melhuse – I have a question for Alan. On the rezoning, is there any precedence in other counties other states you've heard of as far as challenges from industrial to agricultural, if the different planning commissions have tried to write codes saying it needs to be rezoned as industrial? Has that has ever been challenged and if there is a precedence anywhere at least in Washington State for making that change or not making that change?

Alan Thomson - I'm not aware of any and it is just not practical to do that. Everybody has a massive amount of area, all the other counties in whatever zone there, and they are usually in agricultural type zones and there is massive amounts of area. Individualized heavy industrial zones for a wind farm, sorry.

Julian Matthews – It just seems like to me this Declaration of Intent is more like a mission statement of the what this whole thing is laid out to do. I don't see where it says zoning and rezoning, I think that it might be more later on in the document because this to me is just like a general mission statement.

This is the purpose of this ordinance to oversee wind energy facility. It is not to get into specifics of where they are located, who does it and also it says, *"Each wind energy facility will be subjected to individualized review and the imposition of conditions based on site-specific information."* So, right now, who does that?

Alan Thomson – Okay now you are on number 2? Just briefly, there will be an application to build a wind farm and that has many parts to it so basically that is what this is saying. We're going to have to have a site plan along with the application. Show me where everything is going to go.

Bill Myers – The last sentence, "*The ultimate goal is to achieve a predictable but sensitive siting process that effectively addresses project impacts.*" I think the suggestion was to effectively address the project impacts **upon the citizens and their property.**

Dave Gibney – That is correct. That was the suggestion from Save the Palouse.

Alan Thomson – So say that again. What are you adding in there?

Dave Gibney – The submission from Save the Palouse there was a suggestion to add *"upon the citizens and their property."* We might consider that addition.

Bill Myers – To further define impacts.

Alan Thomson – By default all of that is going to be reviewed. It is not necessary to put that language in there. It is going to happen. It is going to happen.

Dave Gibney – I don't see, okay. Thank you and everything and all the emails and everything that gets put to us is a part of the record. We are going to consider it as we go through this stuff and as Alan told us, there is a new section on our website, the planning area.

Alan Thomson – Yes, on our webpage all the pertinent studies, regarding all the issues that come up with wind farms will all be posted there. So, we started a new location on the Planning Department's webpage. So, when you get into that first page on the left margin, you will see "Renewable Energy." So, you can open that up and see a bunch of different studies that have been done over the years that address all the kinds of issues we are talking about.

Weston Kane - I'm good at this point.

Dave Gibney – Now I will summarize it. What I have heard there is some concern among the citizens of the County of having this be a part of the Ag zone. On the other side of that is any ordinance and all the requirements that we will have will be covered in the fact that those issues, the concept of taking a wind farm, the 4,000 or however many acres of it, rezoning it entirely to heavy industrial and requiring the landowners to then go through a

conditional use permit to farm it, seems like at least to me, a far greater impact. But we will continue to consider some of the language changes in this section that have been proposed to us.

Now we will go to the next part. I will read it and then we will do what we just did.

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 Meeting.*** *The project applicant will hold a minimum of one informal community meeting within the County to inform the public about the proposed facility. Planning staff will take responsibility for arranging these meetings.*

D. ***Permits Required.*** *Before any person shall commence construction, a valid conditional use permit shall be approved. Prior to road construction on county roads and/or new intersections with a county road, county road use and right of way permits shall be obtained. Building permits must be obtained before foundations are prepared.*

Dave Gibney – Alan, comments on those four sections.

Alan Thomson – Are we going to be looking at the proposals the public has given?

Dave Gibney – We do have proposals from Save the Palouse and I believe,

Alan Thomson – So I'm looking at Save the Palouse one right now. So on "A", there is a proposal to change the language *"for the health,"* to *"protect the health."* It basically is the same thing, if you want to change the language to *"protect the health,"* go for it. It doesn't make much difference. With or without that we are still protecting health, welfare and safety.

It is not necessary in my mind to have more than one of these pre-conditional use meetings. That worked fairly well with the Palouse Wind project. The public will get a

chance to see what the project is all about and I don't see why we should be dragging that on for three months. One time and then the application has come in and the applicant will show everybody where it is going to go, talk about the project, and then shortly thereafter we will launch into the SEPA process. Which is going to be a long-drawn-out process and explain everything that is going on and you will look at all the potential impacts. And it is public. There will be an EIS. I am the responsible official for WC. There will be an EIS.

Dave Gibney – Versus a Mitigated Determination of Non-significance.

Alan Thomson – That's not going to fly.

Dave Gibney – The other one in "D," they are adding in red is *"to be approved by the County Engineer before permits approved."* Is that not already the case?

Alan Thomson – Let's see here. That goes straight to the County Engineer. They will not move forward until they come up with a plan.

Dave Gibney – Let's start with Weston this time.

Weston Kane – So, basically the public can be involved in all the steps of the process?

Alan Thomson – Yes.

Brian Davies – So, the first four, we talk about the roads. Everything is covered, I think.

Dave McKeirnan – I think everything is covered. I don't see why we couldn't meet in the middle and at least give two opportunities to have two meetings. As things come up, people get busy. Give them two opportunities to speak at the pre-conditional use meetings.

Bill Myers – The language changes, I think were introduced just to charge the County with like necessary for the health, ecessary to protect and more or less charging the County with that responsibility.

Going down to the minimum number of meetings, three is not an unreasonable number depending on as the existence of these contracts and installations are going to be as many decades. I don't think three would be unnecessarily unreasonable incumbrance of number. There are a lot lesser decisions.

As far as the, it is good to know the engineer is going to review these. Obviously, he will but there again it specifies it in the language and takes all doubt out of whose responsibility it is. It is an engineer's job.

Julian Matthews – Looks good.

Chris Melhus – I'm comfortable with everything. I can see the need for possibly two meetings. I think people are involved in athletics, there is always something going on at work. I think two is reasonable. I think three is a little bit of overkill.

Dave Gibney – Tom, weren't you, you are the author of this? We will give you the first bite at our apple.

Tom Thompson – I think my main thing here would be number "C," the number of meetings and at the very least I think we need at least two meetings, due to vacations, the time of the year. I would say at least 2-3 weeks apart because people go on vacation for 2-3 weeks easily, so I think in order to maximum community involvement in the opportunity to partake of it. I think that is very important. It is a big deal. Thanks.

Dave Gibney – Anybody else for the proponents? As we go through this, we need to spread the comments as much as we can.

Kevin Akesson – I think we are missing a major issue on the purpose statement as it says, it is, *"necessary for the health, safety and general welfare and convenience of the inhabitants of the County."* It seems to me the inhabitants of the County aren't maybe impacted so much. I think the major purpose of this, I mean it does affect a small number of people in the community that are going to be near these turbines, but a major purpose of this 19.61 is to facilitate the installation of industrial, large industrial scale wind turbines in the County.

That should be stated in the purpose that we are going to all this trouble in order to facilitate the installation of these industrial machines. We need to recognize that that is what they are. I think that should be stated throughout this code that these are industrial machines and for the purposes of addressing green energy generation. So, that is my thought.

Dave Gibney – We will go for one or two more people. Since I am not getting anybody from the proponent side.

Carol Black – I didn't have this in my edits, but it was in my documents last week so you would still have it. Under the Purpose, under the safety, general welfare. One of the very important things to our County is our aesthetic protection and value of our aesthetics. That's why the critical areas is one of our codes. That should be addressed in the purpose as well. That it will also look for protecting the health, safety, general welfare and the aesthetics of our County.

Dave Gibney – Alan, some of this is kind of boiler plate, the reasons we do laws.

Alan Thomson – Well, a wind energy facility is a wind energy facility. Everybody knows it is industrial. Don't think you need to put that word in there. It is just everybody should understand that that is going to be a pretty big project. I would not be in favor of that.

One meeting, I think, is more than adequate ahead of the application. Because you are going to embark upon several months explaining this project and making it known as to what is going to happen. Having two or three meetings, why? What is the purpose? All of this is going to be public. It is going to be on our website. The application is going to be there. You can call the planning office anytime. You can also talk with the applicant.

Take the Harvest Hills situation that we have delt with recently. Everybody knows about it. They have not made an application. They may never to the County but everybody knows about it. These guys make themselves known well ahead of the time of the application. So, I don't think it is necessary to have more than one meeting. Then we launch into the EIS, which will take months and then you will know exactly what is going on with plenty of opportunities to participate in that. I don't think that is necessary either. I think Shane wants to say something.

Shane Roach – Alan, I didn't but I heard everything you said. Thank you.

Alan Thomson – Then on the last comment about critical areas. There is a bit of a misunderstanding as to what critical areas are. Aesthetics is not a critical area.

(Objections from the audience.)

Dave Gibney – Please, there will be additional opportunities to comment. This is not the last time we will be sitting here. At the end we will have a public hearing, and we will go through all of this again. I would urge everyone to be prepared for that. Please let him explain

Alan Thomson – I will explain what the Critical Areas Ordinance is. There is a misunderstanding. This is the Critical Areas Ordinance. This is a stand-alone ordinance that covers particular critical areas which are, wetlands, Fish & Wildlife habitat, Conservation areas, Critical aquifer recharge areas, Geological hazardous areas, and frequently flooded flood plains areas. Those are the critical areas.

Aesthetics is, yes, mentioned throughout that ordinance, always. Aesthetics is mentioned through most of our ordinances, but it is not a critical area. It is something that is a part of the critical areas, and aesthetics is going to be important. But this does not apply to the building, in a sense does not apply to the building of a wind farm, other than does it impact a critical area, which we will be reviewing. I just want to make sure that you understand that the word alone, "aesthetics," is not a critical area.

Dave Gibney – The Critical Areas Ordinance is explicitly defined as five or six kinds of critical areas.

Weston Kane – I like the idea of maybe two meetings. I think over three months would be overkill, but maybe a week apart, something like that.

Brian Davies -Two meetings.

Dave McKeirnan – I'd like to go with Weston's idea of shortening the timeline up a little bit, with two meetings just because a wind project takes up a lot of space and it involves and imposes on a lot of people. They need to have as much feedback as possible and opportunities to give back to voice their opinions as they can. I think right off the get-go if you just say one, and maybe one is too many, I think you are cutting the patrons short.

Bill Myers – As far as the aesthetics, while not being necessarily specified as critical, I notice this in all my reading, frequently it mentions the county plans, as part the Growth Management Act, and it was mandated by the State for the County to come up with a plan. Well, aesthetics is mentioned about every other sentence in that thing. That was an exaggeration, obviously, but it is mentioned quite frequently and so it's, while not being specified as critical, it is a major consideration to be considered.

Julian Matthews – I will say one thing, aesthetics is kind of a subjective idea because like I say, you know, a lot of aesthetic values with energy production right now which I don't like, that are very detrimental to the environment that create a lot of nasty looking water down here, that is my personal thing. But I think with the conditional use meetings, are those, I think it sounds like people think they should have two meetings so then we can go express ourselves and talk when other people are talking and things like that. Is that what it is, the conditional use meetings? It says to inform the public. It doesn't say to take a vote on whether we think we should have it or not or that we should approve it.

Alan Thomson – It is a pre-conditional use meeting. So, before we get an application the company would give us the plan and open it up to the public and explain what they are going to do. Then following that meeting, or meetings, the application will come in and then we kick off the EIS.

Julian Matthews – So, that's what I am saying. It's not like you will have a debate and when it comes in, everyone gives their opinions.

Alan Thomson – No. The part where you can have the debate is the EIS process. There is a scoping process involved with an EIS. That means the public, everybody, all the agencies will pitch in and make it known what they are concerned about. So that is the process.

Dave Gibney – This is the potential applicant informing the public about the potential plans. It really isn't even a request for comments by the public on this point.

Alan Thomson – It is just an informational gathering, what is going on, what are you doing? What is the plan, back and forth between the applicant and the public.

Chris Melhus – I think probably in the age of the internet, and just for the public involvement on this project, I think people are probably going to be aware of a project like

this coming into the County going forward. It won't be like it was 10-12 years ago when no one knew how to show up.

That said, I'm still comfortable with the idea of having two meetings, maybe in the space of a month. I don't see the need to drag this out for three months. Realistically, one meeting probably would be proficient but again, depending on the time of year, there are conflicts. Some would like the opportunity to be in person to see it too.

Dave Gibney – I'm going to let Kevin have one more bite and then we will go to Shane.

Kevin Akesson – The County has retained a law firm Van Ness Feldman to conduct a lot of the planning department functions. I don't know how much, there is a scope of the services that they have provided.

Dave Gibney – What does that have to do with what we are talking about right now?

Kevin Akesson – It has to do with permits required and who will be doing the permit review and access of the public to review permit information. Because Van Ness Feldman is a law firm. They have been retained by WC to perform planning functions. Documents submitted to Van Ness Feldman could be considered legal documents that are subject to attorney client privilege that may not be accessible to the public.

I do not know how much the County Planning Department will be involved and how much they will interact with Van Ness Feldman because Van Ness Feldman is retained by the prosecuting attorney and is under the prosecuting attorney's direction.

Dave Gibney – Thank you for the information.

Kevin Akesson – So that is a concern that I have about this being a public process. I brought this up previously and have not received adequate response to that.

Shane Roach – Just one thing on the pre-conditional use meeting. Something that we have seen is successful and other ordinances, is the purpose is really for us as the applicant, our other projects as the applicant is to inform the public. We are good usually with two meetings but one is usually sufficient.

The thing that can help make sure that people are aware in general is instead of having multiple meetings, having notice requirements, saying something like must be noticed no greater than three weeks in advance and no less than one week in advance of the meeting.

That way if people have other meetings coming, know the project, it is not a surprise so that if they can't make it or just prepare for when the application is submitted. Maybe like adding that notice requirement might mitigate some of the concern of not, you know, time of year, and people not able to make it. Put it in the local paper.

Dave Gibney – Thank you, Shane. Alan, do you want Mark to field the legal question?

Alan Thomson – I can answer that one. We have a little bit of a relationship with Van Ness Feldman right now, but not to the extent that we thought we were going to have when we thought we were going to get an application. So, Denis Tracy does have an agreement, and arrangement with Van Ness Feldman, but they are not participating in his process at this moment in time. We are not seeking counsel from them.

The idea here was to when you embark upon a conditional use, an EIS for a wind farm, it is very complicated and very legal. It is very clear that you have to have legal representation for the County with somebody who is familiar with land use planning, which Denis Tracy isn't.

Keep in mind that the person who signs off on the EIS is the responsible official for the County. It is not Van Ness Feldman. It is not any kind of a consultant. It is me. I am the one who's name is on that document and who has to agree with it. So, the notion that we don't have control over the process is wrong. We will be in control. They are working for us. They are working to keep us legally on the right track.

Dave Gibney – In the situation where litigation is now occurring would, okay, the attorney client privilege would apply more after a litigation starts than in this review time. Is that correct?

Alan Thomson – There is going to be a lot of things that need to get explained to the Planning Department and help getting through that. So, whenever we are consulting with our attorney, then that privilege is there. But it is only because we are trying to avoid pitfalls. So, you have to consult with the attorney from time to time.

Dave Gibney – But the information that is going to be from and to the public that is still open government, public records, all the stuff that we would have to follow, the environmental impact is a public situation and is not reviewed.

Alan Thomson –Right, so there is going to be a consultant that takes us through the process. The applicant is going to have an attorney and we, the County, is going to have an attorney. That whole process is very complicated, and we need to be careful about what we are doing and how we do it. That is why these attorneys need to be involved in this.

But the main thing is the County is in control of the process. We the County are in control of this. Nobody else is signing off on this document at the end of the day except me and the BOCC in effect. So, we are in charge. We are in control, but we need some help because this is a very complicated situation, a very complicated process, a very legal process that we need to make sure that we don't step out of line.

Dave Gibney – So, if I understand what I've heard, there is support for an additional meeting. Less support for three. Some time frame between the two. I personally like Shane's thoughts about making sure that there is sufficient notice for these meetings however many there are.

There also is some concern about adding something about aesthetics into the purpose. I heard, but I don't agree with the idea that we are writing an ordinance that its intent is to make it easy for industry to take over our land. We are doing an ordinance within the laws to write the rules about how that stuff might happen. But I don't see that that will be the purpose of this ordinance.

Julian Matthews – It does say in here, "The applicant will hold a minimum of one informal community meeting within the County to inform the public,"

Dave Gibney – That is the existing laws.

Julian Matthews – Thats what I am saying. It says the minimum, it doesn't say only. That's what I am saying. I'm not trying to micromanage, but you know, it sounds like they could just do this right now and say that well, we will hold two. Like Shane was saying, maybe they will.

Dave Gibney – They could but what we, you know if we revise this ordinance to make it two and we aren't saying we will, but I'm just stating that there was support from members of the Commission to more than one meeting and there were arguments on the other side also. Did I miss anything else that was part of our discussion on these four items?

Weston Kane – Do we need to have a motion to change something?

Dave Gibney – We are not going to make changes at this point at all. What I would expect is, we are going to go through this draft for a while and then we will ask Alan to update the draft and at that point we can put in the suggested one or two as alternatives and we will discuss it again.

For the purposes of tonight, we are just collecting the information and trying to summarize the potential changes for the next draft. For this process, I've heard enough that I would suggest the draft say two meetings.

Weston Kane – That is what I was wondering. I just wanted some clarification.

Dave Gibney – So, it is 9:10 p.m., we have a rather extensive piece. Are you, could we get through "H," and do this whole first page, front and back?

Julian Matthews – I think this is going to take a long time.

Dave Gibney – Given that we have several changes in part "E" if we are going to try to get to "H" I say we first do,

Brian Davies – Changes regarding Save the Palouse?

Dave Gibney – That and also there are some changes in Carol Black's section too. So, I will read part "E" and try and stay focused on this application. We are still in Section 19.61.020 Application of Standards and Criteria:

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 ownership of the proposed facility;*
   3. *Twelve copies of the complete layout plan for persons reviewing the application. These plans shall contain the following information;*
      i. *Area and dimensions of the project site;*
      ii. *Corridor(s) or area(s) within which the proposed wind tower turbines and facilities will be located. This includes the study area where Micrositing for the final project layout occurs;*
      iii. *Number, dimensions and preliminary footprint of all turbines including the size of the monopoles;*
      iv. *Preliminary location and dimensions of all roads and connections to county roads;*
      v. *Preliminary location of underground and overhead transmission line corridors;*
      vi. *Location of any proposed buildings or facilities, such as operations and maintenance buildings or substations;*
      vii. *Location of any existing buildings;*
      viii. *Location of any existing water, sewer or any existing gas lines;*
      ix. *A map or maps of the existing and proposed site topography including conceptual grading and drainage plans;*
      x. *All existing occupied buildings within one mile of turbine "Micrositing" corridors or areas and/or proposed turbine locations;*
      xi. *Any other applicable information as might be necessary to interpret the compliance of the plans to the regulation of this ordinance.*
   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.*

Dave Gibney – We do have two written pieces. I'm going to go with Ms. Black first. I would hope you would talk about, we talked about the rezoning quite a bit and some of the other things and then we also have some Palouse Wind, or Save our Palouse, too.

Carol Black – We will just skip down on line 2, l, m, and o, which are new items after. So, I think to add to the list of what is needed, I would like to see that they document the elevation of the base of each turbine, and the elevation of any residence within 1.5 miles of that.

The reason for that is if I look at my house in the documents I submitted, I talk about my elevation and where the potential closest the turbine could be in that elevation and how much of that turbine I would have to look at from my window. I think that it is important that we be able to relate to these 690-foot turbines how much of it that we are actually having to see when we are sitting in our houses. They need to document the elevation of the base of that turbine and at a residence within a mile and a half.

Then skip to "n" in the document, the overall height of the turbine and provide the height of the hub and length of each rotor. We have already talked about ice throws. The gentleman said he wasn't concerned about that. When I go hunting, the hunting restrictions down in Garfield County do not let me get within a lot longer distance than what that gentleman was talking about. Then I think the other thing that is important for this is their time of year of installation because of the farming practices that occur in WC. It will be critical. Thank you.

Dave Gibney – Do we have any wind industry person? Okay, Tom from Save the Palouse.

Tom Thompson – Jump down under point E. Permit Application. Then further down under 3a. I am going off of the old format that I pulled off the County website. We added **locations** and then dimensions of the project site, **to include the number and height of proposed wind turbines.** That way we can really see what is going on here as opposed to what do we have?

Dave Gibney – That is item 3, iii, *"number, dimensions and preliminary footprint of all turbines including the size of the monopoles;"*

Tom Thompson – Maybe that is redundant, let me see. That is not a game changer, there. I'm not going to die on that hill. Let's move on down to point "d," and we removed the word "preliminary", and we just left the sentence to *"locations and dimensions of all roads and connections to county roads."* There shouldn't be a lot of preliminary things going on there if they have this well planned out. That is the same thing with point "e," we took out the word "preliminary" and left *"location of underground and overhead transmission line corridors."*

Dave Gibney – I know you also proposed increasing requiring existing building within two miles,

Tom Thompson – Oh, yes, I missed that point. Under point "j," *"All existing occupied buildings within ~~one~~* **two** *miles of turbine Micrositing corridors or areas and/or proposed turbine locations."* That way it just gives a better scope of what the project is possibly impacting.

We added point 5 stating, **"A copy of emergency plans will be developed in collaboration with appropriate first responders (police/fire/ambulance) from the communities closest to each area of the proposed site."**

This Harvest Hills is going to be close to Palouse, close to Colfax, so I mean there are some different communities that will be impacted, and they should be right in at the beginning of the process.

Dave Gibney – Thank you. That was right at three minutes.

Shane Roach – I guess my question is, my understanding is this section is when we submit the application is that this is going to trigger the SEPA scoping process and figure out all the impacts that we may have. So, we are aligning and saying this is our initial project plan aligning with the County with what we are saying our project is. Then we can just start the public process of going into the impacts.

The SEPA process is going to have the visual impact. The SEPA process will have the emergency response for the follow up process. I think the reason why it is preliminary is because as we go through this SEPA scoping process, or at least this is my understanding, is that there might be changes that we might have to implement to our project to mitigate concerns of the community.

So that from the time of submission to the time of approval, things might change. So, I think that is kind of why, like the information we believe the information here is sufficient, to kind of start that process and start having those conversations before the final approval.

Then kind of on the same for the emergency response plan does create, I agree we should have that before construction or even like as part of our permit approval. That is the initial thing if you wanted to, the recommendation I would have if you want to implement it, just start listing out noticing specific agencies, like part of our current application is also noticing like the emergency responders. We know that they have the opportunity to comment throughout our SEPA process and the other public comment periods throughout the application.

Dave Gibney – Thank you. Alan, comments on this section and proposed changes.

Alan Thomson – Okay, on 3a, all of that is redundant because in the application we will have the number of turbines, and we will have height. That is just a given. We need to know exactly that and the location.

Then the word "preliminary" needs to be in there. When we first get the application, it is important that we know roughly where the turbines are going to go. There is this thing called the Micrositing process which comes near the end of the process, so we evaluate that Micrositing corridor thoroughly. So, if a turbine needs to be moved a little bit, which could happen because they have to do a lot of lining things up and whatnot near the end of the process.

So, the preliminary is important because they are not finally finalized right there and then. They could move things around a little bit. That is why we have the Micrositing corridor language in here that allows them to do that. So preliminary has to be in there.

Then the two miles, no, I'm not for that at all. One mile out to evaluate where the proposed occupied buildings are within one mile, two miles. I don't think two miles is necessary. It is just way overboard. That is my feeling. Like Shane said regarding the proposed #5, that is going to happen during the EIS process, and it will be a condition on the permit. So, when we get into the scoping process of the EIS, all of that is going to come out and we will have that done. It is not necessary to have that in there. It will happen anyway.

Dave Gibney – Okay.

Chris Melhus – No comment at this time.

Bill Myers – As far as the emergency plan goes, this isn't the only project we will be looking at. There will be more coming down the line and I think it is incumbent upon us to let applicants know what we expect. That is backing up to the two miles, they are not even talking about setbacks or anything. It seems like they are concerned about occupied buildings and we want them to be designated to be as an occupied building within that two miles. That would be my guess.

Dave McKeirnan – I understand what Bill is saying. I understand what Tom is saying, also hear what Alan is saying about the two mile deal, the Micrositing thing where it can be moved around, you know to get things to line up and stuff. I think they might actually emphasize why we need to know where those occupied structures are within two miles.

Because Micrositing, when I look through here, quickly, we have Micrositing corridors or areas, but I don't see that it is designated to a certain 5 acres that that turbine can be moved around. Where can that thing get moved around? So, I think I don't think it really hurts to have that two miles in there, especially for occupied structures.

Brian Davies – I'm good.

Weston Kane – Okay, I have a couple of things. I'm kind of piggy backing on that. I wouldn't think going two miles would be that hard to, I would think there would be an arc map somewhere that probably has that. The County Assessor always knows where to find me. So, I would think those same maps would provide that information about what is occupied and what is not occupied. So, I would think we could add on to that without a ton of work.

Then the other thing I am curious of is Ms. Black has "m," and I don't think you read it. I would be curious about the Aesthetic Value Protection thing. What is this County Code 9.05? That is the Critical Areas Ordinance? Okay, that is the clarification I wanted. Thank you.

Dave Gibney – I think I hear a little bit of support and arguments against for maybe going the one mile to two miles of the existing residence. The idea of taking out the word "preliminary" just at this point in the process, you don't cast the stuff in stone at this point. You have some variable. The Micrositing doesn't say that you are going to say you are going to move it three miles to the north or anything like that. It is pretty specific. The location and dimensions, it is there already.

The other one that is here, the time of the year of the installation. That is going to be real variable at this point in the process. There is not a lot of ways to determine exactly when construction might actually begin. I suspect that none of the installations are going to want to happen during the mud, and similarly they are not going to be wanting to run turbines through the road while the harvest trucks are running.

But certainly, it is information that could be provided. I agree that at least identifying the potential emergency responders for the area might be a useful thing for the next draft. Any remarks?

Mark Storey – There is no way we would release a permit to use the roads during the tender times of the year. Then the other comment is, you can't really construct things around here in the winter, so whenever you build it, it will basically coincide with farming practices. I think that is a given in our region.

Julian Matthews – I do appreciate whoever did this, because I think what I would like to see actually if we are going to consider comments that, like how you cause a google doc and you can put this under the section like suggested, rather than I'm sure some of you had trouble, "Okay, where are we at?" Whoever did this and this one too, because it helps for us to see the actual document, rather than trying to figure out where we are. Just use this document
and add your suggestions.

Dave Gibney –That's why the people who have a written document gets the first bite.

Carol Black – (Inaudible, talking from the audience, no microphone)

Dave Gibney – I have no idea, okay, one of the things I'm gong to say is that Microsoft and Google will sometimes decide on their own that it is time to renumber this stuff.

Carol Black – (Inaudible, no microphone)

Dave Gibney – We need to have you use the microphone. We will, I'm sure the correct one to work with would be, the thing is,

Alan Thomson - Let me clarify that one. There is a discrepancy between what is online and what we actually approved. So, that, the County Code online has a lot of errors in it, and I can make sure that everybody can get the one that we are looking at right now. I will get it posted on the website and that will take care of that.

Dave Gibney – Yes, the draft that we are working on should be available for further,

Alan Thomson – As soon as I start making changes, that document will be available to you.

Brian Davies - It will be on the new link on the left of the Planning page that says, "Renewable Energy."

Julian Matthews – Are we going to have the document for the next time,

Dave Gibney – We are not going to ask staff to try and combine multiple public submissions to the online document. Not at this point.

Alan Thomson – The proposed changes, though, that you agree upon, I will insert into the document. So, you will see them in red.

Dave Gibney – Okay, Tom. Go ahead, very briefly.

Tom Thompson – Just to clarify, Alan is going to post the correct version of the County wind code on the site with the proper numbering. Do I need to go through and refurbish the documents? I used the commonly corporate academic process for making a draft proposal.

Dave Gibney – It would be appreciated if you would make that effort.

Tom Tomson – What can we expect to see the correct document on the site?

Alan Thomson – That can be put up tomorrow morning, but there won't be any changes.

Tom Thompson- I meant the original correct document. I went to the site, and I downloaded,

Dave Gibney - You went to the Muni code, which is a separate, they have the code for all the cities and towns and everybody, separate vendor and everything. Right at the top there is a disclaimer that says that this isn't the real stuff, if you are going to depend on this for legal purposes. Go find the real one by walking into the County office and asking for a copy. We will get this up.

Julian Matthews – This is the official what we got?

Dave Gibney - Yes.

Alan Thomson – Yes, and that will be on the webpage tomorrow.

Dave Gibney – I was about to say to put the solar and the battery, but they don't exist yet. I'm getting a little, it's been here a little while today. So, we are not at 9:36 p.m. , do you want to try and do the rest of the page?

Alan Thomson – If you do, can we have a break?

Dave Gibney – Yes, we will take a break. We will make a decision as to do another session or stop right now. What is,

MOTION by Weston Kane and seconded by Brian Davies to adjourn. Motion passed.

Adjourned – 9:38 p.m.

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

MEMBERS:
Dave Gibney – Chair
David McKeirnan – Pullman
Dean Kinzer – Pullman
Julian Matthews – Pullman (Zoom)
Brian Davies – Vice-Chair
Bill Myers – Colfax
Tami Southern – Garfield

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

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

7:26 p.m. – Dave Gibney opened the workshop.

Dave Gibney – Is Denis with us?

Alan Thomson – He said he was in another meeting and if he is not there now, I don't know when he is going to be able to chime in. Brandon, let us know when Denis comes, please.

Dave Gibney - We will concentrate on reviewing the wind ordinance. I appreciate everyone's cooperation at our last meeting with the procedure I used. We made some progress, and I hope to continue that tonight.

I hope that we are not working on the ordinance for the next project, and that the BOCC interim controls will keep this thing working at the County level. So, last time we made progress up through Section 19.61.020 E, which is the permit application. We have received a couple of additional comments in that area. One from Fish and Wildlife, and a couple from the public.

Fish and Wildlife has suggested under 19.61.020, Application of Standards and Criteria, **C.** Pre-Conditional Use Meeting. In the first sentence it says, *"The project applicant will hold a minimum of one informal community meeting within the County to inform the public* about *the proposed facility."* Fish and Wildlife suggested we include, **"public and partner agencies."**

We are not drafting our code today. I don't know if anybody has any other, and they have also suggested that we add another bullet in everything that has to be in the permit

L-3

application. I'm presuming the small roman numerals that I have in front of me, geographic information, system layers of the proposed site. That also makes a lot of sense to me. GIS was not much fifteen years ago.

Alan Thomson – I had a conversation with Fish and Wildlife over their proposals. They agreed with the exchange back and forth. So, going back to the beginning there, the geotechnical and cultural resources, that is already mentioned in Section 19.65.050 , C, so we don't need to re-mention it.

Dave Gibney – I didn't say mention it.

Alan Thomson – So geotechnical and cultural resources, 19.65.040, Other Applicable Requirements. Did you not just mention that?

Dave Gibney – No, we haven't gotten anywhere near that. We are on 19.61.020.

Alan Thomson – Oh, sorry, I'm on the solar ordinance here. That's the wrong one. So, it is the same one, the same statement.

Dave Gibney – So, if we get to 19.61.040 tonight, we will note the Fish and Wildlife proposals. But I would point out that that's a full page plus from where we left off. I hope we get there. I'm just trying to catch up with the parts we talked about last time.

Brian Davies – Is it on your agenda?

Dave Gibney – No I did not. I did and I'm going to mention that in a moment, but this came in afterwards. Denis is on board. Mr. Tracy, are you ready to talk to the Planning Commission?

Denis Tracy - Good evening, Mr. Chair. I'm going to keep my camera off because when I turn it on everything freezes and my computer turns off. I appreciate the chance to talk to you just for some general remarks. It is still in the early days, I think, in your review of the wind code.

I mentioned some of these things in your first meeting, but I would like to restate them. I sent around the primer, from the Attorney General's office regarding property rights. The message I want to deliver is, be careful. I look at zoning as a balancing process, but everything doesn't start from an even spot. Everything isn't equal. Instead, there is a fundamental constitutional right in this country.

It is one of the foundational aspects of this country is the right to keep and hold private property and with that, right along with it is to do with my private property what I want to do with my private property, without the government telling me what I can and can't do. That is a fundamental constitutional right.

So, when we burden that right with a zoning code, we have to have a good reason. You have to have a good reason. The BOCC has to have a good reason to go about limiting the right of someone to do with his property what they want to do. They have to go about that and in a very careful considered way and in a limited way.

The limit of the County's power is when it uses the "county's police power," in enacting the zoning codes, the limit is that the code that is to be enacted has to be closely related to the public's health, safety and welfare. Every proposition to limit someone's ability in the context that we are talking about, that you are talking about in regards to commercial wind energy, every proposition to limit a landowner's ability to put in a big wind turbine has to be related to the public's health, safety and welfare.

I've seen some suggestions that have been filtered into the planning office that I think have been passed on to you all. If they are serious suggestions they have nothing whatsoever to do with the public's health, safety and welfare. That is an example of a suggestion that right out of the box would be flatly illegal. I'm not naming any particular items at this time. We can do so as we go along.

So, I just wanted to reiterate those comments. I think it is so important to recognize right at the outset of this process that whatever you do has to outweigh a private citizen's right to keep and hold their property and do with that property what they will. The regulation has to outweigh that right. That right starts with a lot of weight on its side already.

So, those are my general comments, as I said before, I'm sorry I can't be there in person at your evening meetings, but I will join by Zoom and as the commission has legal questions you can submit them through Alan or send them to me directly as you go along in this process. I will try to answer them as best I can. If you send them to me directly, keep in mind that I get an ocean of emails, so if I don't promptly respond, remind me, in case I didn't see the email.

Dave Gibney - Thank you Denis. First of all, I would encourage us all to always copy Alan on anything so we can get it all as part of our record. I do have a question. Public safety, health and welfare, how much do any of those three include quality of life, the aesthetics of our surroundings and things like that?

Denis Tracy – What a great question. That is the sort of question that pays lawyer's salaries, because people argue over that issue. A good example of that is the County's zoning code restricting residences from the hilltops in the Palouse. There was an argument at the time that that was passed, is that, really does the County have the power to do that? Is that covered under the public's general welfare? Is the public's general welfare benefited to the extent that it overcomes the private property owners' right to put a house on their hilltop?

Alan Thomson – It hasn't been tested.

Denis Tracy – I know the BOCC at the time voted for it and adopted it and it hasn't been tested. That is something that could be overturned but apparently so far it is thought to be enough of a concern for the public's welfare to justify that. You rightly would point to the public's health, safety and welfare.

They really go together but when you are talking about infrasound, the vibrations that turbines put out, when you are talking about the looming aspect of this great big object in the viewshed, shadow flicker, all those things can impact health, safety and welfare. But the regulations that the Planning Commission and the BOCC ultimately come up with have to be sufficiently narrow in scope just to address what is reasonable.

You have to have a basis to point to, a reason to adopt whatever regulations that you want to adopt. It can't be arbitrary and capricious action. You have to have specific reasons to point to. And there seems to be brewing a battle of the experts right here in Colfax, Washington, regarding infrasound, for instance. The Planning Commission will see, I'm sure you already have competing studies and you just have to wade through them.

You also don't have to start from scratch. You start from a position of a code that is already in place. You could take the position of what is the reason, basis to change the code that is already in place? What is the evidence for that? These are things that are for the Planning Commission to decide how to go about this.

Dave Gibney – I guess I would also ask how much of these concerns are appropriate for our zoning code and how many are already addressed in the SEPA process, the Determination of Significance process and the actual conditional use process later on?

Denis Tracy – That is an excellent point as well, and I defer you to the Planner, Alan Thomson, who is very knowledgeable about the SEPA process in any of these projects that go through the County zoning laws. The Planner would be very closely involved in looking at the Environmental Impact Statement and that sort of thing.

So, I can't say that I have seen every detail, every item that has been forwarded to the Planning Commission because there has been, if not an ocean, a small sea of it already. Undoubtably a number of those are covered in the EIS process and they are covered in the hearings process with the Hearings Examiner. They don't need to be specified in the County code. But Alan would be the person to tell you a particular proposal or idea whether that is covered, for instance in the EIS.

David Gibney – We will be sure and ask him as we get to those. We may get that far tonight or at our subsequent meetings. Is there, go ahead, Julian.

Julian Matthews – I was just wondering Mr. Tracy; do you represent the County?

Denis Tracy – Yes, I am the County Prosecuting Attorney and in Washington State the County Prosecuting Attorney has a dual role. One is to prosecute crimes, and the other is to be the civil attorney for the County. So, I represent the County as a whole and the Planning Commission is one of the bodies of County government and I am the attorney for the Planning Commission.

Julian Matthews – Okay, thanks. I was just thinking, okay, like either way I'm sure there will be people who are not going to be happy, to comply with all the legal requirements, etc. etc. but I think it has become more like a political thing not really a legal issue, about and like you are saying to David, I read some of those claims about like you say battling of people, so once we make, because right how the way I see it, we can come to these meetings, and,

Dave Gibney – Julian, we will get to that as we go through these. But you are correct, we are an advisor to the BOCC, we are not a political body here. We are a facts and findings and the best available science and things like that.

Julian Matthews – Okay, thanks. Thanks, Mr. Tracy.

Dave Gibney – Anybody else on the Commission?

Bill Myers – Going back up too far, but where can we find the text for the interim code. Is that in the,

Dave Gibney – The ordinance the BOCC passed on Monday? You sent it to me. I don't know if you sent it to everyone.

Alan Thomson – Remind me. Did I not send it out to you guys? I can get that to you.

Bill Myers – That would be great.

Dave Gibney – Full disclosure. I was zooming during the proceeding of the adoption of that interim and I asked Alan to send me a copy so I could see it and make sure we talked about it.

Bill Myers – I barely got a grasp on it. Maybe I should read this first. Did you give us, how long would it take you to give us an overview of this?

Denis Tracy – A couple of minutes, probably. In January the County passed a moratorium on any new wind farm in the County. That covers, prohibited any county staff from receiving any application for a wind farm project, prohibited the establishment of, prohibited the operation of a new wind farm project, just about anything we can think of. So that went into effect in January.

Now what I proposed to the BOCC this past Monday and what they adopted is called an interim zoning control. An official control is the legal name for a zoning code and calling it an interim zoning control means that it is just in effect for now, so to speak. It has the exact same effect locally as the moratorium. It just prohibits, it says that a wind farm, and it also addresses solar and battery, which I will address in a second, but it says a wind farm is not a permissible use during the time that this interim control, this interim zoning code is in place.

The reason that I recommended this to the BOCC rather than just the moratorium, since it essentially repeats the moratorium language, has to do with EFSEC, the Energy Facility Siting Council something or another, (Energy Facility Site Evaluation Council) the state process. To briefly review again, a developer has two routes that they can go. One is following the local zoning code and the other is through the state siting process for commercial energy projects.

The developer can go back and forth, essentially. They could start with one and change their mind and move to the other. But either entity, the County through its own zoning process, or the EFSEC committee, the State committee, has the authority to approve and to authorize a wind farm.

The moratorium took care of a developer trying to put in a wind farm here going through a local process. But the developers could still go to EFSEC at any time. The moratorium would not stop EFSEC. It is true that EFSEC is not bound to follow the local county's code. But if one goes to EFSEC, there is, my understanding at least two different routes that the developer can go through once they get to EFSEC.

One is the regular route, which involves maybe a somewhat similar process where there is a number of hearings, where members of the public can testify for evidence and the local county can also, in addition to having one seat on this board, the local county can testify, can offer evidence and that sort of thing. That is the regular process, and it takes a little while to allow for all of that input.

The other route at EFSEC is what I will call an expedited process, and it takes less time. But significantly in my mind it allows for much less input from the public in the EFSEC process. If the EFSEC committee determines that the developers proposal is consistent with the County Zoning Code, then, and if there is an MDNS, Mitigated Determination of Non-Significance, which involves less environmental review than the EIS, the formal Environmental Impact Statement, if there is a determination of an MDNS for a project, and if EFSEC says that this project is consistent with that county's local code, then the project qualifies for the expedited process which has a very limited ability for the public overall to participate.

The question next is how could a project be consistent with our zoning code if we have a moratorium? That would put an end to it. Well, it turns out according to the attorneys that

work for EFSEC , no, a county moratorium is not, here I am paraphrasing but this is my understanding, but the County moratorium is not part of the County zoning code, and it should just be ignored in deciding whether or not a project is consistent with the county zoning code.

So, there is just within the past couple of weeks has been the most recent development in this sort of thing. It happened in Klickitat County where they had a solar project that they had been working on and updating their solar code. The developer went to EFSEC, excuse me, I need to back up, Klickitat County put in a moratorium.

The developer went to EFSEC, and EFSEC issued a Mitigated Determination of Non-Significance, and said that Klickitat County does have a moratorium, but we don't think that that should be considered in deciding whether or not this solar project is consistent with the Klickitat County zoning code. We are deciding that it is consistent, and boom, it is all approved.

The citizens of Klickitat County are left without much opportunity to participate in the process or give their views or testimony to EFSEC. So, that is the reason behind me suggesting that the BOCC adopt this interim zoning control, to make it harder for EFSEC to say that any commercial wind energy project that might come to EFSEC now, is actually consistent with the WC code.

Because not only do we have a moratorium, but we have, also have as part of zoning code, something called an official zoning control, interim zoning control that disallows wind farm as a use in the County. So, there is a long-winded explanation.

Bill Myers – That is a good piece of work, sounds like to me. We've got the zoning code that is protecting the moratorium and also including solar and battery, as well.

Denis Tracy – And I forgot to mention, yes, it does hit the solar and battery and we don't have a moratorium and just in case, a developer might want to cut in before the Planning Commission and the BOCC finishes its work on those projects, this would prevent that.

Bill Myers -If we were to drive on past the seventh then we can extend and preserve the vehicle with which to extend that moratorium.

Denis Tracy – Yes, they have zoning control, just like the moratorium can be extended for six months periods, and the interim control is now set to run at the same time as the moratorium so, it does require that the County act in good faith and be pursing updates to its code. The Planning Commission has to continue its work, but all those things are kind of a given.

Brian Davies – I just want to confirm what you are saying. So, the interim control measure will help us keep the developer from going from the expedited route if there is an MDNS.

Denis Tracy – I believe that it will.

Brian Davies – So it is a stronger measure that helps us from that if there, a MDNS they won't just get the switch flipped for an automatic approval.

Denis Tracy – That is my hope, my belief. The County cannot stop a developer from going through the EFSEC process and we understand that but if they do go through the EFSEC process we'd like to have the citizens to be able to participate and the County might want to participate as well.

Brian Davies – Thank you.

Dave Gibney – Anybody else, okay. Thank you again, Mr. Tracy. We appreciate your time and assistance.

Denis Tracy – Thank you, I promise to drink more coffee before Planning Commission meetings. Not that it is not riveting.

Dave Gibney – Okay, so, we did make good progress two weeks ago. We got through Section E of 19.61.020. It is not to say that we are not still accepting and listening to the comments that are made about it. But I'd like to continue to some additional areas.

We are now one hour into this. I had hoped and still do that we can get through 19.61.020, the rest of it. That is part F, the Review Procedure, Part G, the SEPA Appeal and Part H, Amendment of a Corridor/Area Site Plan. Then the next section is entitled 19.61.030, Other Applicable Requirements.

There are three sections of that and if we get moving, we can do 19.61.040, Conditions for Meteorological Towers. If we really make some progress and spend some time we can get to the SEPA which is 19.61.050 and 19,61.055, which is the Micrositing Corridors.

So, does anybody on the Commission want to say anything before we get started? As we did, last time, we will review the code, section by section. I will read the proposed, the existing language, I will ask Alan to comment on the section facts and further details, I'll ask members of the PC to comment, we will open for public comment.

We'd like to limit the speakers to three minutes and try and alternate opponents and proponents, although I suspect there is not an even balance in the room, but we will give time to speak. I hope that everyone will stay on topic within time and not be reparative. Try not to do questions and answer during this comment period.

I may allow additional speakers and time depending on situation. Then I will ask Alan to comment on what the public has had to say, I will ask the members to comment and then I will make an attempt to summarize for the minutes and for the Staff to later use to draft language for our next meeting. Okay.

Section 19.61.020 – Applications of Standards and Criteria

> *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 will be held before the Board of Adjustment or Hearing Examiner as set out in Chapter 19.06. under Section 19.06.040.*

Alan Thomson – I'm fine with it. There have been some comments about it though and maybe you should,

Dave Gibney – One of the comments that I have seen is that the application should be made available to the public or concerned community groups or anybody. I would suggest that it would be standard, we could put it in the code that it would be put on the County website.

Alan Thomson – Keep in mind that this is an internal review. So, we have an application which is not the entire EIS, just an application and to give you an example of the Palouse Wind one, 22-23 pages, was the extent of the application. So that was reviewed internally to make sure that everything that is written in the code is on that application. That's all. As soon as we are done with it, as soon as we have completed that review, yes, it will be put on the website.

Bill Myers – I think there was another suggestion that it be extended for 60 days instead of 20.

Alan Thomson – Not necessary. This is a quick review, 20 days is plenty of time. We've gota small amount of people within WC that are going to have a look at this, and 20 days is more than enough time to do so.

Dave Gibney – I'm seeing a bit of, perhaps not fully understanding, the clarification you made that this internal to, internal review prior to anything going before the Hearing Examiner or the BOA. You don't have a lot of time, but you have enough time to get it before the decision, get the process in front of what is actually going to make the decision.

Alan Thomson – Right, so everything that came before "F" is what we are reviewing. You have all of what is written in that code before "F" is all in the application and that is what we are reviewing there. That's all.

Tami Southern – So, essentially extending that would be just delaying the time that it would actually get out to the public to review that.

Alan Thomson – With Palouse Wind, we had it done within two weeks.

Brian Davies – So there is ample opportunity down the road for the public opinion and all that. Why burden us at the start of this process with having to do public comment periods and things like that when there will be ample time down the road for that.

Alan Thomson – Yes. I think there was one previous comment regarding how large this application is going to be, so no, they were looking into the EIS stuff. That is separate. That is coming down the pipe. Once we get the preliminary application in and it is approved, that is a quick review internally and then we go through the process of the EIS and the CUP which takes several months.

Brian Davies – That's really where a lot of the public comment comes into play.

Alan Thomson – All of the questions that have been raised so far, pretty much are a part of the EIS process. It is a very thorough review of potential impacts and takes several months. A lot of the comments that the public has been making, we will be doing that right there through the EIS and not before. Keep in mind that that this is an ordinance.

Brian Davies – To address health, safety and welfare.

Alan Thomson - Keeping in mind that this is an ordinance that we are working on right now. We are not working on an application for a CUP. We are working on an ordinance, and you don't have to have all kinds of details in the ordinance. You just have to have it covered that we are going to an EIS process and then all that unfolds and then the reviews happen.

Bill Myers – A lot of the concern comes from the way this project appeared with seemly no notice to the public, and I think a lot of these comments are for just knowing what is going

on in the process as it is taking place. So, there is no, and that might be cumbersome to you, but I think it would well serve the public to reflect back on,

Dave Gibney – To be clear, there has been no application submitted to the County for any project.

Bill Myers – But no one knew of this project.

Julian Matthews – So it was more like an idea of not an official application,

Dave Gibney – Okay, and the ordinance is to address what we do, what the County does once an application exists.

Bill Myers – (inaudible)

Julian Matthews – To me it just seems like this is the process and that like you are saying the process is here anyway and if no one applies for it, it doesn't matter because this process wouldn't be enabled unless someone applies for it. Right?

Dave Gibney – That's correct.

Julian Matthews – So, maybe let's move on.

Alan Thomson – Just to explain, to lead up to an application any wind farm applicant has a number of things that they have to take care of before we even know they are here. That is just their obligation. They need to go through the DOD, the FAA, need to get the landowners on board, and no, we didn't know about it and not really should we.

They are doing this work ahead of time trying to get all the things in place. They already looked at our ordinance. They know that we allow wind farms in WC. They have checked the ordinance out and they are doing their due diligence and get all the work done up front before they apply for an application. I was just as much in the dark as you. That's normal.

Dave Gibney – So, actually putting this on the website at this point is probably premature, also. As soon as you are ready it will be a public thing on the website.

Alan Thomson –There is a process immediately after that. Once we check out and make sure everything is in the application that needs to be in there, then there is a public notice of application and then everything is out in the open. Everything that comes into the County at that time is public documents. They will be on the website, and you can call me asking for whatever information and you will get it.

Dave Gibney – Everybody ready to move on? No?

Kevin Akesson – The question of 60 days versus 20 days, I would like to return to that. I appreciate the idea of making the application to the public, the 20-page application. There may be information in the 20 -page application that agencies that are listed in the distribution would want to be able to research in order to review and comment. Twenty days for a government agency is not a long time.

I would just request further consideration of the 60-day timeframe for review and comment which would include research. I don't see Fish and Game in the distribution, and I don't see any planning consultants or specialists retained by WC Planning Division. You may want to include those in the distribution. Thank you.

Alan Thomson – So to be clear, the application is really simple. When we get to the EIS that is when the distribution goes to everybody. There is no need for Fish and Wildlife, Ecology, or the USAC (Army Corp) to be asking us if your application is complete, there is no need whatsoever.

This is internal to make sure that whatever is written down in this ordinance is in their application. We are not analyzing anything. We are not reviewing anything other than what is in this ordinance.

Brian Davies – If there is an MDNS or an advertisement for determination of non-significance, what is the comment period on that, Grace?

Alan Thomson- Fourteen days.

Carol Black – Paragraph 1, in addition to the Planner and their staff who will be reviewing this, I think it might be a prudent idea to include for the Planning Commission also to see that application. Because I think with this process and the amount of concern of the citizens, you are a very knowledgeable body and it will help them not miss some steps that are listed in those items previously. That is an idea to add.

Then in the last sentence in the second paragraph are the most important words we have been hearing, public health, safety and welfare. I would like to very much point out the WC Comprehensive Plan in the document that I have given you, it is not just public health, safety and general welfare that is discussed in WC's Comp Plan.

It also talks about county-wide and community-centric values. It talks about large open spaces and sweeping views of the Palouse hills. It talks about site topography, visual aesthetics, and economic factors. It talks about measures to minimize visual, noise, light, and traffic impacts when adjacent to residential uses. So, as you look through the code, and the goals of the code, it needs to match the goals of our Comp Plan, as well. Thank you.

David Gibney – This commission has no authority over an application for a wind farm or renewable energy. Once it is in, that is before the BOA or the Hearing Examiner at that point.

Carol Black – My general bitter comment is as you are revising the code, that language needs to be in,

David Gibney - I'm talking about your first statement about including the Planning Commission as part of the application.

Carol Black – Point taken.

Tom Thompson – It has been 16 years since that last application was filed. We know there has been inflation, not only monetarily but legalatory. Are we overreaching when we just assume it is 20 pages and that's all? That is my question. Thank you.

Dave Gibney – I guess I would say our county staff is expected to perform as they are expected. If they ask us and tell us they need more than 20 days to do this, then we would. But this is completely internal to the County staff consultants hired by the County are part of the Planning Department so I again, if they ask, I would say yes, but they are not asking that.

Alan Thomson –Just a slight correction there. When a consultant is on board with a facility application like this, they are hired by the applicant, not by the County. We as the County will have an appropriate land use attorney that will check everything that comes out of that consultant.

But we don't hire the consultant. That is what the applicant does but they are professionals, and we trust them, but we have our land use attorney to back up everything. That land use attorney will be looking over the application. There is absolutely no need to go beyond 20 days. Zero.

Julian Matthews – We are not the planning department supervisor. I don't think they would go to us asking for an extension of the time. We are not their supervisors. It is kind of on them. Some of these questions are, I don't think we have the authority to give them an extension, do we?

Alan Thomson – No,

David Gibney – I'm talking about the language in the code.

Julian Matthews – Like to recommend a change or not?

David Gibney – We've had no request from the people under the time limit to extend that time frame. To summarize this, there may be some reasons to add a little bit more language from the Comp Plan, but I also accept that all of our things were subject to the Comp Plan all the time, and repeating the Comp Plan in the code is not necessarily a thing that has to happen. We don't have a request to our staff to extend that and given that this review procedure is internal, additional recipients at this point, we don't see a need to change the code.

Brian Davis – I agree, we will have ample time to do a much more thorough examination of everything. This is just to get the ball started rolling.

Kevin Akesson – Before we move on to the next section, there is a point regarding the distribution. I believe the County, according to RCW, has the ability to employ and contract with planning consultants and other specialists for other services it requires. Then, Van Ness Feldman may fall into that category as they are being hired by the County, which they have been retained by the County Prosecutor. So, I believe those planning consultants and other specialists should be included in the distribution of the application.

I might add another request for the addition of another sentence in that section. It may warrant placement elsewhere but in accordance with "RCW 36.70.190, *Planning consultants and other specialists shall be employed or contracted by the Planning Division subject to the approval of the BOCC."* That is not the case with Van Ness Feldman. But I think that it should be, in order to comply with the RCW, that any consultants, such as Van Ness Feldman should be directly under the Planning Division. Thank you.

Alan Thomson – Is Denis still on board? Denis, did you hear that comment?

Denis Tracy – Yes, I did, and I would urge the Commission not to do that, to not adopt that suggested language. This Planning Commission and the zoning code itself need not restrict and dictate to the County government who the County government consults with in doing the people's business. The County Government is trying to do its best every single day to do the best for the County and its citizens.

I understand that some people might disagree with the method that that happens, but we are in a representative democracy and certain people have been elected to make decisions, to make certain decisions. You shouldn't put in the County Zoning Code who gets to be consulted and who doesn't.

Dave Gibney – Thank you, Mr. Tracy. We are going to move on.

Kevin Akesson – Van Ness Feldman is a law firm that has been retained by WC to perform planning functions. Their scope of services is specific to the Planning Department

functions. It makes sense to me that a planning consultant would be directly under the Planning Director and the Planning Division. Not under the Prosecuting Attorney who has no, I don't know, but it would seem that he would not qualify to direct planning functions in the County. So that is just my response to that.

I'm not saying that we are saying who the County should limit the County's ability to hire consultants whenever it wants to or whenever, or however it wants to. However, planning consultants should be under the Planning Department. Having planning consultants under the prosecuting attorney and specifically a lawyer-type consultant doing planning functions brings in the issue of privileged information. I brought this up before. That could be a concern with information that would generally be available to the public through the planning process and might be considered privileged when addressed between the prosecuting attorney or,

Dave Gibney – Okay, thank you.

Denis Tracy – I do agree that I am not qualified to do planning function, and I defer to Mr. Thomson for that. But I just go back to this language seeks to control who can do what and that's not, not only the Planning Commission's role or the zoning codes role. That is not in the best interests of the County or the citizens.

Dave Gibney – We will move on. What does SEPA mean? State Environment Policy Act. So that is going to be what happens as a result of the Hearing Examiner and the review procedure? Correct?

Alan Thomson – Yes, so a SEPA decision has to be made by a responsible official and that launches that into the EIS process, the SEPA process. But this is just talking about an appeal.

Dave Gibney – Okay.

> *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.*

Dave Gibney – I'm going to guess that that is because there are laws in the State of Washington that require that there only be one such hearing and that we cannot continue to have multiple hearings on actions like this.

Denis Tracy – That's right.

Alan Thomson – It is in the SEPA rules. We are following exactly what the SEPA rules tell us to do.

Dave Gibney – Anyone in the public? Check that one off.

> *H. Amendment of a Corridor/Area Site Plan. A corridor/area site plan as approved by the Bord 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.*

Alan, can you talk a little about this and also about Micrositing?

Alan Thomson – Yes, a corridor is identified in the site plan where the turbines are going to be placed, and it is a wider corridor so there is enough room to move things around if necessary. That is what a Micrositing corridor is. So, it is identified up front. We will see a site plan where all the turbines are and then it is going to be bound by this corridor. That is what we are going to review.

The SEPA review process will review that corridor particularly and then any kind of roads that are going to be coming off of there, too. So, we're focused on that corridor and that is the main review area. So, the whole EIS is focused on there. It is not focused on just exactly where the turbine is. It is focused on the larger corridor area, including the turbines. So that is what Micrositing means.

Then once that is established and we've gone through the whole EIS and identified any issues and we will try to mitigate or whatever, there is some ability to move the turbine around a little bit. There is a bunch of engineering, mechanical and scientific things they need to do in order to do that. So that is what a Micrositing corridor is all about. But we have already reviewed every inch of that corridor so if you move it a few feet, that is no big deal. We have already reviewed that.

Dave Gibney – It is quite clear that you don't get to move a turbine outside of the corridor or,

Alan Thomson – No, and you don't get to add a new one on. There is a substantial difference, and this did happen with Palouse Wind. They revised their application midway through everything, so we needed to re-review everything. They added more turbines in another area. So no, you are not allowed to move something outside the line, so to speak.

Dave Gibney – Any questions.

Bill Myers – It seems like the back half of this almost negates the front half of it. It allows for quite a few (inaudible). I have a question about a statement you made, Alan, and that was, "they moved a few feet." How many feet is a few feet?

Alan Thomson – It doesn't matter.

Bill Myers – It doesn't matter?

Alan Thomson – It doesn't matter. We have reviewed the whole entire area which is several hundred yards of it.

Bill Myers – So that is an undetermined, with the, it seems like with a project of this nature the County needs to know exactly where this seven-hundred-foot-thing is going to be. And how many of them are going to be, and it should be hard numbers. And that being an engineering question,

Dave Gibney – My reading of that language is that is what that says. It says if you want to substantially change the number of turbines or move them outside of the area that has already been studied, and approved, you have to basically start over or start back into the middle of it and it.

From my understanding of Micrositing, it's they want to put the turbine in this place on the slope of that ridge and then they set more turbines, or they found that the ground at that particular place won't work, because it is sliding or something, so they have to move it a few feet, not substantially.

Alan Thomson – It always is a few feet, so there are engineering requirements. There is a wake that comes from the turbines, so one might interfere with the other. They haven't figured that out yet, the engineering. That is just one instance why we need to have that latitude there, so they don't interfere with each other. There is interference with other turbines, towers that might be nearby.

So, all of that is done in the final stages, so they might need to move it. With the Palouse Wind project, it was only a few feet, here and there. We aren't talking about a hundred or fifty yards, or something like that. It is just a minimum amount of distance in order to get it to work.

Bill Myers – The specifications aren't critical. What it looks like to me is if you come in and do your homework you should be able to place these things where they need to be. And the only reason you need to move one is if you intend to add additional lines. Why would you if you are dealing with the same hardware, same locations, the only thing that would change would be is if you would add additional units in there and then you would have different patterns,

David Gibney – And what that says if you have to substantially do that, you cycle back deeper into the process.

Tom Thompson – Harvest Hills has been constantly saying they are going to only have 45 turbines per their website and all of literature they put out. We know they filed for 70 primary sites with their specific coordinates with the FAA and the DOD with an additional 25 alternate sites. That is a total of 95, so I am looking at this, it looks like potentially the BOA, or the Hearing Examiner could approve up to 95 turbines. Just saying. That's what it looks like.

Alan Thomson – That I think is a fundamental misunderstanding about how this process works. Yes, there were about 90 spots that they initially created in order to figure out what was acceptable for the DOD and the FAA. But if they applied for 45, then they get 45. What they do beforehand they are just doing due diligence to figure out how many spots that the federal government is going to approve. Now they have whittled it down to 45 and I have heard nothing but 45. But the application will say exactly how many, and they are not going to be able to increase that number once the application is in.

Shane Roach – I was going to say what Alan said. If you look at the, when we submitted our FAA permit, at this point three years ago, that was the very early stage. That was more, just a study that the air space (inaudible) from the FAA and the DOD. Once we submit an application saying 45 turbines, I think would be a big material change, and we would be more siting within the Micrositing corridors that we have to study. So, I agree with everything that Alan just said.

Carol Black – I have some concerns about one of the mid sentences, in "H" which says, *"If the alteration is felt to be of substantial nature...,"* That, to me, is very wishy washy language. Who is "feeling" about this? Is this the applicant's feeling? Is this Alan's feeling? Is it the Staff's feeling? Whose feeling is something substantial? I think there if there is going to be something substantial, it needs to be delineated, and I don't know what that delineation should be.

Alan is saying a turbine may move 5-10 feet, but my concern is looking at the map and the alternate locations, it may be that a landowner when they signed a lease and talked to the

company, they were told, "We won't be putting one here, we won't be putting one there." But once they sign the lease, that corridor is open to move anything, whether it is a gravel pit, whether it is a turbine, whether it is a road.

That lessee has no ability to tell that company, "You will not put that turbine there," because the lease is going to say, that anything if it is 10 miles by 10 miles, how many square miles is that? Is that 100 square miles? That is 100 square miles of a corridor.

We can't even put a second home on our property, and they get 100 square miles to do anything they want that is "felt" to not be substantial. I think there really needs to be much better control of what substantial is before they have to re-submit and better delineate where all of those impactful things would be.

Dave Gibney – As I read this, it is the BOA or Hearing Examiner who will make that requirement and make that determination.

Alan Thomson – It is pretty clear to me.

Dave Gibney – That is what we pay Hearing Examiners for is to make such things.

Anybody, others? Okay, I have heard a concern about the judgment of the substantial nature. It is clear in this that it is only Micrositing which is moving the wind turbines small amounts that has any special consideration from any, if they want to change the boundaries of the corridor, the BOA gets this.

If they want to move substations around, if they want to do anything substantially different than what has been determined by the Environmental study, that it has to recycle back. It restarts the oversight.

Dave McKeirnan – I have to agree with Mrs. Black. Just the wording of "felt" is pretty vague. It kind of leaves it wide open. What is substantial to you might not be substantial to me.

Dave Gibney – I tend to agree with you, and I am hoping we get the actual revision of this so we can come up with something more specific.

Brian Davies – Put a pin in this one.

Dave Gibney – Yes, in the minutes and everything, take a note that language is somewhat vague and we will pick that up at the next meeting.

Alan Thomson – Keep in mind that this is a judge that is making this judgment.

Dave Gibney – The question that comes to mind, is who might ask that judge to actually make that judgment? Who is going to see that X is going to occur and Mr. Judge Hearing

Examiner is that substantial or not? I think we, I have to agree it is a little wishy washy. Let's see what we can do.

Brian Davies – We will work on it.

Dave Gibney – Yes, but not tonight. That brings us to the end of Section 19.61.020. The next *Section 19.61.030 Other Applicable Requirements.* If we get to 9:00 and we are still doing this, I'm going to ask for a quick recess.

1. *Project applicants will need to comply with other applicable County requirements, such as critical areas ordinances, environmental review regulations, and building code requirements.*
2. *Uses Permitted Outright. The following uses are permitted outright, without the need for a conditional use permit, subject to compliance with the provisions stated in 19.61.040 and other applicable code requirements:*
   a. *Temporary uses associated with investigatory work to determine the suitability of the site for energy development, such as meteorological towers. The placement of meteorological towers and other such equipment need not obtain a permit through this chapter. However, all other applicable code requirements apply.*
3. *All accessory buildings, uses and structures related to and supporting the operation of commercial wind energy facilities, including utilities and utility infrastructures 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 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.*

Brian Davies – Oh my, so what does that mean? We can have a crushing plant?

Dave Gibney – Let's let Alan talk about this section.

Alan Thomson – Well, everything needs to be done on-site. That is what the code allows for. Batch plant, a temporary batch plant is permitted so they can pour the concrete for the work that they are doing.

Dave Gibney – And this is after we get into the construction phase.

Alan Thomson – Yes, right.

Brian Davies – After the SEPA, after all that.

Alan Thomson – After everything has been analyzed and approved.

Dave Gibney – Do they have to tell you where they are mining gravel and where the batch plant might be during the SEPA process?

Alan Thomson – Yes,

Brian Davies – I would imagine that the County engineer probably would insist.

Alan Thomson – He is involved in that part, yes.

Dean Kinzer – Would it be part of the SEPA process to regulate something like a gravel pit, the noise coming from it. At what point can you regulate that, for instance, to shut it down between 10 at night and six in the morning? Is that part of the SEPA process, or what is that?

Alan Thomson – All impacts will be reviewed through that time frame. I don't know that that actually was a part of the SEPA review. I would have to look through that whole SEPA again. If there is going to be impacts, all impacts, regardless of where they are coming from are part of the SEPA.

Dave Gibney – Wouldn't any of these plants be subject to county code applicable to such plants?

Alan Thomson – It's not the same as an independent quarry or pit, a mining operation. This is part of this application, so it is reviewed as part of the application.

Dave Gibney – But it is still subject to any noise.

Alan Thomson – Yes, absolutely. They are not going to be working through the night. They will let us know when they are going to start and when they are going to finish. So, all of that will be known and where they are going to be doing this. Then, are there any houses nearby?

Julian Matthews – I was just wondering, was the one that is north of Colfax, were they 24 hours or what?

Alan Thomson – I don't think so. I don't remember.

Julian Matthews – I don't know. That would entail a lot of lights and everything. I don't know, a lot of overtime pay. Maybe Shane would know, is this really something, if they are not going to be working at night then, it is kind of a non-issue to me.

Shane Roach – I would just defer back to Alan. Every impact for our project will be discussed in the EIS and the SEPA process, so even these temporary impacts we are planning on having to account for. So, this is to be regulated during construction, all of our

impacts would be determined during the SEPA process whichever we would need to do any kind of approval for.

David Gibney – Anybody in the public? On the belief that what this really does say is that you've got to follow all the other rules. I didn't hear any concerns in this area.

Alan Thomson – The EIS is going to cover everything. It is very thorough, including temporary batch plants. It is all in the EIS.

Julian Matthews – I was just wondering like when we review this like that, sections that we cover with no comment, are we going to say we approved that section as is or what?

Dave Gibney - Eventually we will, at this point we are just taking comments and looking at it. We are not fully today saying there will not ever be any changes to this area as a part of this review. But as of now we have discovered none. We are not doing, we are not wordsmithing tonight.

Julian Matthews – Thank you. Very well spoken.

Brian Davies – Julian, keep in mind this is approved code that is on our books now, so we are just going back through it. This is not proposed, this is already approved code.

Julian Matthews – Oh, I just get it we are just looking at things that could be changed.

Dave Gibney – We are reviewing the entire code. There is some thought that BOCC might have given us greater direction than they have. But that is the direction that we have is to look at the whole code.

Julian Matthews – Okay, thanks.

Dave Gibney – Let's take a 10-minute break.

Break 8:50 p.m. – 9:00 p.m.

Dave Gibney – Let's get ourselves, I don't want to name any names, but it is more helpful to us if Alan gets the information not an hour before the end of the day on the day of our meetings. So, because some of us are already in transit to or about to be. I'm not saying we won't pay any attention to things that come in at any time, but it would be helpful if we could get things on Tuesdays. Thanks.

I'm going to read this and there are a few revisions, I believe, suggested by Alan in this section. I'm going to try and mention them as we go through.

We are going to get through <u>Section 19.61.40 – Conditions for Meteorological Towers</u>

1. *There is no height restriction on meteorological towers in Whitman County. Towers over 200 feet are subject to conditions applied by the Federal Aviation Authority (FAA) regarding lighting and markings. The towers will have four FAA red marker balls installed at the uppermost portion of the guy wires to serve as a visual aid for low-flying planes and helicopters.*

Bill Myers – I had a close encounter with one of these things. The guy wires are hard to see, the antennas themselves just don't stand out as I am circum-navigating the buttes.

Dave Gibney – Are you a pilot?

Bill Myers – Yes, I am. I am basically, this is when you are traveling short distances, traffic coming down from Spokane coming into Pullman, no problem, they are going to miss the butte anyway. To accommodate the occasional ag pilot or a guy just out amusing himself, in that short a distance going from Sheflens back to Colfax, you don't feel the need to burn a bunch of fuel to climb up high.

This is a safety issue, and it is basically the pilot's responsibility to avoid any, but these things are not that easy to see. As far as notifying everybody, it wouldn't be hard. Everybody is on the registry in Oklahoma City. Essentially, send post cards out. When 911 happened the Sheriff posted notices on the hangers at the airport that said, "Until further notice, all the air space in the Unites States of America is closed and any encroachment to such air space would be met with armed military challenge." If that could be done it might save somebody.

Brian Davies – Are you thinking that, so it looks to me like the FAA has control in place for anything 200 feet and above, right?

Bill Myers – You think that is air you are breathing. That is (inaudible) air space.

Dave Gibney – Above the ground the FAA has,

Bill Myers – It wouldn't even, the Feds wouldn't have to be involved with that if they would just notify people. It would be,

Dave Gibney – As a question, the ones over 200 feet, are any of these on the flight planning maps or anything like that?

Bill Myers – What they do is put it on the sectional charts, those go out every six months. There could be an interim time in there where there is no notification and then then they don't go out to notice to airman or anything like that. But it has been done and can be done. Like 911 they did notify us there will be no flying. If they could just tell us, we put

these things in and then tell the coordinates because they have listed coordinates for every other application. That's all you need to know.

Dave Gibney – I think we could think about adding information for helping local pilots to know where these things are or something like that.

Alan Thomson – Who is notifying and how?

Dave Gibney – It would have to be whoever erects the tower.

Alan Thomson – So, that would apply to any towers going up in WC. Met towers, cell towers, are we going to get into that?

Brian Davies – Isn't there some process to that?

Alan Thomson – I don't know. When a cell tower goes up the cell tower takes care of that.

Brian Davies – We don't have to approve a CUP for them?

Alan Thomson – We do, but as far as notifying anybody, no.

Brian Davies – We don't notify the FAA?

Alan Thomson – The cell tower company will.

Bill Myers – They have lights on them.

Dave Gibney – You are bringing up what may be a concern, but it seems like it is also a broader concern than just the meteorological tower in the wind ordinance at this point. So, if we need to, we should probably take that up as a separate issue on the towers.

Brian Davies – There is language here about what, markers?

Dave Gibney – That may be what the FAA considers sufficient. Any others on Section one? Okay.

2. *For meteorological towers and associated accessory structures the setback shall be* ***the height of the tower plus*** *35 feet from the right -of-way of any state or county road* ***and all adjacent landowner's property lines*** ~~*side or rear setbacks shall be 20 feet. The setback from parcel or lease lines shall be 20 feet for meteorological towers and five feet for accessory structures.*~~

Dave Gibney – That language looks really familiar from some of our setback language.

Alan Thomson – Yes, and I don't think that is appropriate to have that because you know that a tower, a building is different from a tower. That is the normal setback, 35 feet and 20 feet from a county road. Since we have a tower here and I think it is prudent that in order

for it not to fall down or across somebody's property line when these two make an alteration here. So, the height of the tower, plus 35 feet away from county right-of-way, public right-of-way and also adjacent property lines.

Brian Davies – I need to go get my truck when we drive by.

Julian Matthew – That sounds good to me.

Dave Gibney – Is there public comment on #1 or #2?

Tom Thompson – I agree I think the tower height plus 35 feet is in accordance. That is right in line with my ham radio regulations. More or less, they have a little different feet, but you always add more to the antenna because if it falls it will hit something, and you need to have that buffer.

3. *The meteorological towers and guy wires shall be fenced sufficiently to prevent unauthorized access.* ***The tower shall be setback at least 20 feet from the fence and accessory structures at least five feet from the fence.*** *The fence shall be at a minimum six feet high.*

Alan Thomson – So, that is the language for all towers, other cell towers. For instance, if you are putting a fence around it in order for some young person trying to scale the fence and then jump on to the tower, we want to have the tower further back from the fence. This is the normal language for cell towers that we should put in here too, and accessory structures are always five feet back from the fence.

Dave Gibney – Anybody else, Commission, public? Okay.

4. *If a meteorological tower is no longer in use, it is to be removed at the time of decommissioning of a wind energy facility. In the case of a meteorological tower that is not a part of the facility, it is to be removed at the end of its use.*

Dave Gibney – That is existing language in the code.

Julian Matthews – It looks good to me.

Dave Gibney – Okay.

Brian Davies – Sounds like good language. If you want to put a pin at the end of this and are we going to move on?

Dave Gibney – The next is Section is 19.61.050 – SEPA Requirements. Expanded SEPA Checklist. There are six items and,

Brian Davies – I think we need a whole night for this.

Alan Thomson – That will be a little bit drawn out.

Adjourned – 9: 14 p.m.

WHITMAN COUNTY
PLANNING COMMISSION
Workshop
May 21, 2025
Public Service Building
Auditorium
7:00 p.m.

MEMBERS:
Dave Gibney – Chair
Tami Southern – Garfield
Chris Melhus – Rosalia
David McKeirnan – Pullman
Brian Davies (Zoom) – Vice-Chair
Weston Kane – Lacrosse
Bill Meyers – Colfax
Dean Kinzer - Pullman

Staff: Alan Thomson, WC Planning Director; Grace Di Biase, WC Assistant Planner; Mark Storey, WC Director; Brandon Johnson, Public Works; Elinor Huber, Clerk.

Zoom: Brian Davies; Denis Tracy; Ken Duft; Eric Slusher; Nick Frazier; Shelly Fox; Shane Roach; Ashley Hartman; Luke Sorenson; Rick Anderson; Jack Lein; Tom Thompson.

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

7:06 p.m. – Dave Gibney opened the workshop.

Dave Gibney – That brings us to the ongoing business to talk about creating a solar energy ordinance, battery storage ordinance and reviewing the WC wind ordinance. Again, I appreciate everyone's cooperation with the procedure we used with the last two meetings. We did make some progress. I hope we can continue. Again, I hope we are not working on an ordinance for the next project and that the current project will work at the County level.

I think we need some clarification of what we are doing and not doing. We have been asked by the BOCC to review and revise WC Code Chapter 19.61 Commercial Wind Ordinance. We were specifically asked to improve the section on decommissioning. We are looking at the rest of the existing ordinance because it has been several years since the original ordinance was crafted. We are also asked to craft and recommend additional ordinances for commercial solar battery and energy systems.

We have not been asked to revise or craft these ordinances such that facilities are unfeasible in WC. Nor have we been asked to streamline the approval of these commercial energy facilities. If the BOCC so desire, they can accomplish either path without involving the Planning Commission. As Prosecutor Tracy also mentioned that we need to work within the current legal regulatory and policy of the State of Washington and the Federal Government. We are not the body that can make any changes at those levels, nor are we expected to evaluate or mitigate the economic risks faced by project developers or participants.

We've also had a bit of a request to have one or more additional presentations. To clarify the intent of the previous Avista and the Palouse Wind presentations, Avista was here to explain and discuss their future generation needs and constraints which includes the State of Washington's requirements.

Palouse Wind was here to address some specific questions about oil leakage and things like that. There was a possible perception that these were for advocacy not just facts, but that was not our intent.

Commissioner Bill Myers has suggested presentations from Bob Morris, a retired SEL engineer currently teaching in Butte, Montana, and consulting on energy needs. Also, Rick Dunn from Benton County PUD. I have spoken with Bob, and he is available. He assures me that what he has factual information about the State of NW Renewable Energy and about the grid. A different perspective than Avista. It may not be directly applicable to all our tasks, but potentially useful background information.

I haven't had a chance to talk to Mr. Dunn yet. His web presence seems to indicate that he is more about the cons than pros of renewable energy and carbon footprint legislation, which is not really within our mission or our roles. At this point, I would like to ask the Commission to comment on whether or not at the June 4th meeting we will have a presentation by Bob or Rick Dunn.

Bill Myers – I've been approached by any number of members of the public that they wanted a broader perspective on wind power and the grid. I understand this is mostly because we are looking at code, we are more concerned with land use. Ultimately it is a land use issue, and we do have exposure if the, quite frankly if the grid doesn't work as it should.

I think that the issue is big enough to hear more people. I don't think there is any real, I think it will be a good use of our time. We don't have much of it. I understand that, so it's obviously up to, I assume, the chair sets the agenda, and I'd like to submit to you that these gentlemen we are hearing because, I understand that everybody's got their own position.

It is very clear that Palouse Wind has got an obvious perspective in favor of wind. It is also clear that Avista is between a rock and a hard place with State law. As far as our County is concerned our function is to advise the BOCC. The issue is big enough to hear everybody.

I also, and this is probably not the appropriate time to ask this, and it is up to you whether or not we have time for it. I've also been asked to submit to you that we might have a brief period before we get started for a general public comment, to be limited to your discretion. The total thing, 10-15 minutes, whatever you suggest, I'd limit it to 5 people at 3 minutes each. If that would be appropriate.

Dave Gibney – Yes, the agenda is, the Chair has a strong voice in setting it. Alan and the Staff helps with that. But I would also appreciate the input from the rest of the Commission. If we do have one or more or the other of those gentlemen talk to us, I don't think we would want to

spend more than 30-40 minutes of that. We are really in a tight time frame. So, let's start out on zoom with Brian.

Brian Davies – I worked with Bob Morris with 20 of the 24 years I was at SEL, and I would highly suggest if Bob is willing to talk to us for 20-30 minutes on his view of the renewable situation in the Northwest, it would be well worth our time to listen to him.

Chris Melhus – I think it is probably good enough for me, at least for the first speaker. The second one, I don't have any input on that.

Dean Kinzer – I am very much in favor of having presentations. I can get a better perspective on what is out there and what is happening.

Tami Southern - I would also agree. I feel that is a good idea.

David McKeirnan – I would support of bringing in these other people. When Avista and Palouse Wind came in, I don't believe we had a discussion prior to them coming in. They were just invited. I think it is good that the Board decides who will give us these presentations, so we hear both sides.

Bill Myers – I was just going to mention that Bob could make it on the 4th and the other gentlemen couldn't make it then. So, we could split it up. He is the manager of the Benton County PUD.

Weston Kane – I am all for it to get some input from people that don't necessarily have any skin in the game. I think it would be good to get their input.

Tami Southern – I think it is important to have information from both sides to make as much of an informed decision as possible.

Dave Gibney – So we will talk to Bob and see if we can have him here on June 4th and explore more with Mr. Dunn. Again, I want to say we are not on sides here in this Commission. We are not pro wind or anti wind, or pro renewal or anti renewal. We are attempting to craft the code that allows, the BOCC, has asked us to do, that sets the rules and the regulations for how a potential renewable energy site would come here. I use the language myself, opponents and proponents out there but that is trying to keep a handle on the game.

At the end what we do here is not intended to make it really easy or really hard for these facilities to happen, as long as they follow the guidelines and the rules that we set down. Which includes all the State and Federal regulations, including the SEPA. We can talk to Bob and get him here.

Alan Thomson – I just want to make sure that you are focused on why we are here and what we want to accomplish. The BOCC have given us a task. We are going to create an ordinance. We are not going to abandon an ordinance. Also having anyone who might have anti-wind or solar

tendencies, Mr. Dunn, I've read about him, and it concerns me about his take on everything that he says, which is not what we are commissioned to do.

Dave Gibney – We will provide the Commission with the information we have on Mr. Dunn, and let them, we can talk about it on the June 4th meeting. So, do you want to spend 20 minutes with general public comments of 4 minutes each? If we are going to do that, we will do it at the beginning. Among other things, doing it at the end is asking everyone to hang around with the rest of us who are obligated to be here. We can be nicer to them and let them talk at the beginning. I do want to emphasize what we are here for and what we are not here for.

Brian Davies – Could I ask that if we have public comment that we hear something new and not something we have heard before.

Dave Gibney – That is a good request. We don't need to hear things again and again. We are not ignoring anything that we hear. The consensus here was to spend the next 20 minutes listening to whoever comes, first come first serve. We would prefer you to come up to the podium and limit to 4 minutes and state your name.

Mike Dymkoski – I live in the affected area for this proposed project, Parvin Road. Just a point of order. I'm curious, who is in charge of the Planning Commission? Dave, I know you are the Chairman, you run the meetings. It sounds like you set the agenda? I don't expect you to answer. You are under no obligation to answer questions during public comments. Is it the Planning Staff's role to tell you all what your role is? You are all political appointees in my opinion.

The BOCC have appointed all of you. They have asked you to review the wind code. I personally don't think it is appropriate for the County Planner to tell you what your role is and what your job is. I don't know if he is a voting member of the Commission or not, but I would take it personally if he was going to tell you folks what your role is in reviewing the code. That is for you to decide and the BOCC has the final authority over your recommendation whether to adopt them or reject them. But the work you do here, in reviewing the wind code, is yours. It is your job. It is not the County Planner's job. Thank you.

Dave Gibney – When we get to end, I will try to address some of the questions.

Greg Nolan – This is a completely different perspective. Sunday night I pulled into the garage after 7,150 miles on my motorcycle. I went to 25 states across the nation and most of the wind that I saw, and I'm talking thousands, through north Texas, everything in the Pacific Northwest, north Texas, and then down all the way to Pensacola, Florida, and then backup. All of the size and the scope of the wind generators are really close to the Oakesdale and down past Central Ferry, towards Dayton, when you are looking at the size of the units themselves.

A week ago, Wednesday, I was chased by the weather the whole way. If you think the wind blows here, go to north Texas or Wyoming. It is constant, it is death defying on a motorcycle. I

left Cheyene early in Wyoming and there is a wind facility, called Chokecherry and Sierra Madre Wind Energy Facility. It is west on I-80, probably half an hour at 80 mph, towards the west.

From a distance, you can see the wind towers, but it was odd. They looked proportionally odd. I should have been getting closer to them, and the closer I got, the bigger they got. These were the units that you guys are, that are being proposed here in the Kamiak area, where the top throw is over 600 feet. These are that size of unit and it made me sick to my stomach.

I drive by Oakesdale and Central Ferry all the time, and you have a scope of how big the units are, and I'm just, I have a question for any of you. Have you seen personally a 650' wind generator? That's my question. I was shocked. The blades are 275' long and that system was supposed to be online in 2020. Then they are going to send their power to California which they are going to take a 30-35% loss of power production for sending it that far from Wyoming. That system isn't even supposed to go online now until 2026. They are all sitting there idle on a 320-acre ranch. It is a different perspective. I just didn't have any idea until I sat there on the side of the road and saw how big they were. They are nowhere near what is north or south of here.

Carol Black – Greg, I applaud you for those comments, because mine are going to follow exactly in your footsteps. My comments are quite a bit of what is in the code here dealing with height. I don't think, as Greg has just mentioned, that we understand that for these wind companies to capture the wind that they need, they must get taller and taller.

So, what is in the market today will be taller next year and the year after. So, we don't even know in the proposal what is going to come in and how tall they are going to be. I just want to try to set home in your mind, how big, big is. That is what my public comment is today, not necessarily on the code. I already brought up the 64-story building last time.

Think about where ACE Hardware is in town. ACE Hardware is at 1988' in elevation. What do you think the hospital is? Two thousand two hundred and seventy feet. The blade is the difference between ACE Hardware at your feet and the hospital parking lot. That is the blade, 282 feet. Now, so then if you stop and stand in ACE Hardware's parking lot and put the tower up then you've got to put the towers at Oakesdale on top of the parking lot, in the hospital and put all of that right over in one location in ACE's parking lot. That is how tall these wind turbines are.

Now, are they going to put them in the valleys? No, they are going to put them on the ridgelines. So, I think that when we look at height within the code, and when we look at the protection that we need for us who are living in the neighborhood of these, four times the height is not sufficient. As you move things up, you need to go even further.

So, when you look at real estate data that I've given you before, and I sent again the proceedings of the National Academy of Sciences data on the distances it would have to be, those were from shorter turbines. Those are not from the 700' turbines. I use the term loosely because it is an even number. Not 425 feet. So, as we look through this code, I ask you to

seriously consider the impact of the height versus the level of protection that we citizens in the County need to have. Thank you.

Dave Gibney – Alan received this at 4:20 this afternoon and he did pass it on to me, but we have not passed it on to the rest of the Commission. There was a request after you left last time, that we try and get the stuff to Alan ahead of time.

Carol Black – No mic. (inaudible)

Dave Gibney – Some of us are already on the road.

Denise McCardle – I was just wondering because last time I spoke that the decommission the bonds, the way we are going to ensure that these are going to be torn down for our grandchildren and future people? I just read an article about Texas having a hard time, because Texas has wind. Also, we don't have a lot of wind here, not if you look at the national wind map. We don't have a lot of wind here. It is not even windy. Not even close.

Anyway, did you guys figure out anything? I know that they were talking when I was here, I was sitting up in the front. When you were talking about different ways,

Dave Gibney – I'm not going to answer that right now. I will answer the question at the end of this public period.

Denise McCardle – Okay, because that is real important. That to me is the most important.

Dave Gibney – I will answer that. That part of the code is later on, in the code, and yes, we will be discussing it and that is directly what we have been asked to improve from the existing code.

Denise McCardle – Will we be assured that we,

Dave Gibney – We will be assured that the energy facility owners will pay for the decommission at the end of the lifetime. That is the intent of the potential changes. But it is later in the code. Probably about a month before we get to it.

Denise McCardle – So, today's meeting is about setbacks?

Dave Gibney – This meeting is about how much we get on the code. Again, I'm not going to do a lot of question and answers.

Denise McCardle – Also there have been new lawsuits. People have won, the wind turbines being sued about the noise and the vibration is the most important thing. The vibration can go a long way, and it can affect people really super-fast, where they have to leave. They have to give up everything and start over somewhere else and leave their farm and the house and everything.

Adam Simmons – I recently moved here from Maine about nine months ago. I work up at the hospital and that's what essentially brought me here. I moved into the area where they are considering putting these wind farms. Had I known prior, I probably wouldn't have moved into that specific location, to be perfectly honest. But it is what it is, that 's the saying.

That being said, it was stated earlier that your job isn't to make it easy or hard for these windmills to go up. If it is a "for-profit" company, I would lean towards trying to make it as hard as possible to get there. At least to make it reasonable for them to, it should be profitable for the citizens who live in the area and have to see it. I would hope that you do make it as hard as possible.

I don't think, I don't know the benefit that it is going to bring to the area. At least from what I have read, there is not a huge benefit, I know there are some tax things that have been stated, but I think we need to, do the benefits outweigh the risks. In my opinion, I don't think that they do. I just want to state my opinion. That's all I have to say. Thank you.

Dave Gibney – So in answer to the first question, I am the Chair of this Commission and one of my jobs is to set the agenda. I do that with the advice of the Planning Director of WC, who is the staff member assigned to this Commission. This Commission's authority, we are not a political appointment. It is true that we are appointed by the BOCC, but we serve terms. We are an advisory committee to the BOCC, and we are answerable to them and to doing what they ask us to do.

We are also answerable to the RCWs and the WC Code that establish planning commissions and this Planning Commission. One of the jobs of the Planning Director is to help us interpret and to interpret that code. It is appropriate in many cases for the Planning Director to tell us what our job is. I encourage us all to read that code and to read the WC Code and the RCWs, and to read the Growth Management Act, which doesn't apply to WC, but the Planning Enabling Act does. When you wake up from all of that, come back and we will listen to you some more.

I'll tell you something else, before I became chair of this Commission, I rarely prepared for these meetings. I have begun to, you know, because sitting over there, I could generally wing it well enough, but this isn't going to happen here.

Brian Davies – Dave, you're doing a great job.

Dave Gibney – So, we're going to start with the code review now. Last time we made our progress in 19.61 up through Section 19.61.040, Conditions for Meteorological Towers.

Tonight, I would like us to see if we can review Sections 19.61.050 SEPA Requirements for Expanded SEPA checklist and 19.61.055 Micrositing Corridors and Areas.

If we get through those, then we get to the biggest section, which is 19.61.060 Development Standards and Criteria, and that does include setbacks, height limits, site access and crowd management and noise. That's just the first five, four, sections out of 14 or 15.

One of the things before we get to Section 19.61.050, is that this section is what the County and the County Planning Office can require for an enhanced checklist, which is in addition to the normal SEPA required by a different chapter in our code, 19.04 State Environmental Policy Act and is also required by the RCWs, and it enables the Environmental Policy Act. The point to be made is that these additional items in Section 050 are only required if we are going to be in a Mitigated Determination of Non-significance situation.

If we are in a full SEPA environmental impact statement, these expansions, to my knowledge, are not required because they are less than is what is actually required for a full environmental statement. So, these are in addition to what's required for just a regular Determination of Non-Significance or a Mitigated Determination of Non-Significance. Did I get that right Alan?

Alan Thomson – Pretty close. Just one clarification. The expanded checklist would not be needed if we're doing an EIS. So, it's up to me as the responsible SEPA official to determine what we're doing here. Are we doing a DNS, M-DNS, or are we doing an EIS? So, this chapter, this part of the SEPA requirements for the expanded checklist would only come into being if we're not doing an EIS. So, it would maybe be a Mitigated Determination of Non-significance. That's all this chapter is about.

Dave Gibney – And the significance of a large-scale commercial wind farm is an EIS?

Alan Thomson – Again, that would be my decision and that would be a "yes."

Dave Gibney – OK.

Alan Thomson – Automatically a "yes," and the applicant knows this upfront even before we get the application. I've already informed them, this is an EIS.

Dave Gibney – OK. So, we're going to do it the same as last time. I'm going to read the proposed or the existing language in this case. I'll ask Alan to comment on the sections, if there's any more that we need to have.

I'll ask the members of the Planning Commission to comment on it. We will do public comments. Speakers limited to three minutes. I will try to alternate whatever the sides are. I wish I had a better term than that. Again, I hope everybody can stay on the topic that we're talking about within the time and not be repetitive.

I'm not going to do a lot of Q & A in the comment period and if we aren't running out of time, we might let a few more people speak. I'll ask the Planner to respond to the public comments. I'll ask the Commissioners to respond to the comment. I will make an attempt to summarize any actions that we have concluded that we want to take for the next draft of this procedure. So, Section 19.061.050 SEPA Requirements Expanded SEPA Checklist.

1. *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.

2. *The Expanded Checklist shall (in addition to being consistent with the SEPA Checklist required in this chapter) provide analysis of impacts to elements of the environment as noted in the SEPA Checklist required in this chapter and Chapter 197-11 WAC, and explain the measures proposed to avoid, minimize or mitigate those impacts.*
3. *Site specific studies for impacts to habitat/wildlife (including avian species), cultural resources, and a grading and stormwater management plan complying with applicable local or state best management practices and stormwater quality standards, shall be submitted with the Expanded Checklist.*
4. *Because additional studies may be required by the Planning Office for effective review and siting, a pre-application meeting with a representative from the Planning Office is strongly recommended. The level of detail and analysis necessary is dependent on the type of project proposed, its location, and the currently available environmental information and review relevant to the proposal.*
5. *The Expanded Checklist shall include sufficient information to adequately describe the proposal and its impacts, including but not limited to, information regarding the total square footage of buildings to be constructed, the maximum height and number of wind turbines, expected noise generation levels, 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.*
6. *An application for review under this Chapter shall not be deemed complete until the information required under number five (5) above is provided. Except for site specific studies for impacts to habitat/wildlife and avian species, upon a clear showing by the applicant that the study is not applicable or is unnecessary, the Planning Office may, within its discretion, waive specific application requirements. Such a determination shall be documented in writing in the project file. Should the applicant prepare an EIS, the Planning Office may waive all requirements for the submittal of individual studies at the time of application and deem the application complete upon submitting the information required in Section 19.61.020(5) above.*

Alan Thomson – This is standard operating procedure for these projects. This is what every EIS goes through, every application for a conditional use for a wind farm would go through. We looked into many wind codes when we created this back in 2008-2009, whatever, and this was always in there.

So, keeping in mind again, it's an expanded checklist. That would mean we're not doing an EIS. The EIS is going to be a completely separate process and a much more involved process. Like I said earlier, I don't intend on having this be a MDNS or a DNS, a kind of project of this scale. So, this is all that is doing is saying, what if we don't do an EIS, what do we need to evaluate a project? That's what's in here.

Weston Kane – So Alan, you're saying that, just for clarification, that you would put this straight to an EIS?

Alan Thomson – Yes, but keeping in mind, the Palouse Wind Project, which I was here for that at that time too, and Harvest Hills. So, the scope of it and maybe there's a smaller application that comes in, and maybe I need to rethink that one. But anything of this magnitude and this scale, my opinion is an EIS, yes.

Weston Kane – OK, because I'm just asking that because if were going straight to EIS, this is kind of a muted point.

Alan Thomson – There, what I'm saying is, there may be a situation, an application that could fall under this. I don't know when it would, offhand but just in case. So, we're getting to a point, take the EFSEC process, for instance. They have issued DNSs and M-DNSs for several projects throughout the State. That's because we're getting to a point where we've had a lot of studying done on the issues. The State has determined that we're going to go with the opinion of all of these studies. So, we don't need to do an EIS. The studying is already done. That is the premise for this.

Weston Kane – OK, good. Well, and what I'm thinking is, ok, if we have somebody else that has a different take than you, they could pass this off. You know when you retire, and somebody else comes in, they could pass this off with just a SEPA checklist.

Alan Thomson – Good luck to them. There is a thing called an appeal process, and I'm sure that would be appealed like nothing else.

Weston Kane – Oh I'm sure but it's still a possibility. That's just my clarification.

Alan Thomson – Yes, it is, and the appeal process is your remedy to that.

Bill Meyers – The EIS is more comprehensive than the,

Alan Thomson – Absolutely.

Bill Meyers – Absolutely, so anything that would be in the checklist or the expanded checklist would be covered by the EIS?

Alan Thomson – Yes.

Bill Meyers – Yes, so there would be no, the only like you were saying the only reason you would have the expanded checklist, would be in the case the project did, in and of itself, did not demand an Environmental Impact Statement. So, anything that you'd have in the expanded checklist is covered by the,

Alan Thomson – This is standard stuff. You know whether it's an M-DNS or an EIS. In my opinion you would have to cover pretty much everything, but M-DNS might use studies already being kind of baked in.

Bill Meyers – A lot of the studies, at least the studies I've been reading, you know that we've been mentioning, a lot of them are 2012, 2014, you know. I'm seeing some later ones come up that you've been sending us. I see you know some variance in them to a certain extent as far as the terminology you know.

They're conceding an annoyance factor. They're also admitting to that fact that, real study in real world conditions is a difficult thing to do. So, it seems that with the advent of this larger equipment that the studies are starting to, at least, pay, you know, some credence to at least the annoyance factor.

When you, legally when you look at the term, annoyance it's not just like, "Oh its bugging me." No, it is robbing you of your use and enjoyment of your property and disturbing your sleep, and that sort of thing. Which brings to Item "E" as far as it's suggested that you include infrasound and low frequency that we can't hear as far as the noise studies.

Dave Gibney – My numbers are different.

Alan Thomson – Yeah, where is "E?"

Dave Gibney – He's got an "E" in #5.

Bill Meyers – Five, ok. So, one, two three, four, five. OK, I'll use that.

Dave Gibney – So, what you're basically saying is that we might add some additional requirements in that area.

Bill Meyers – When you're talking about noise, yes. Because there's all kind of noise and there's noise you can't hear, you know, and it's important noise. It's been demonstrated to be, you know a lot of peer reviewed studies say that it's not a factor but then they're starting to see that in the annoyance language.

Dave Gibney – The language here asks them to provide the expected levels of these things. It doesn't, and then that is what's going to be evaluated during this Determination of Non-Significance, if were there, but it doesn't talk about the studies of the consequences.

Bill Meyers – No.

Dave Gibney – It says this is the information that shall be provided.

Bill Meyers – Yes, I just tried to preface the justification to request, you know, so it's just, things are changing, and they are getting bigger, and the studies are, they're talking, well, that's a whole another subject so I'll get off that.

Alan Thomson – A point on that one, whether it be an MDNS or an EIS, there is going to be a study done on noise for whatever application comes our way. That's going to be a

requirement. So, there's not really going to be any difference between that requirement for an MDNS or an EIS.

It's going to be thoroughly expected to have a noise study done. At that time, a determination would be made as to how close or how far away a turbine could be from a non-participating residence. Those studies will get done at the time. Keeping in mind, this is an ordinance, this is not an application for a conditional use permit.

These studies will be done and then once we get the results of those studies, when the applicant is trying to set where everything goes, where the wind turbines go, that's when the information is going to be pertinent. Right now, we don't know where the turbines are going to go. We don't know where any adjacent houses are. We have no idea.

So, that will be done during the process of all of the studying. In this case, the Harvest Hills case, potentially, it's going to be an EIS. So, all of that will be done during the EIS. It's premature to think that we need to prevent something from happening before we get to that point because we have no idea where anything's going to go.

Bill Meyers – Yeah. Will the noise studies include the full spectrum of frequency?

Alan Thomson – Absolutely.

Bill Meyers – It will go down into the lower spectrum?

Alan Thomson – It goes to infrasound and low frequency noise, yes. The studies that have been done, I've read numerous ones, numbers of them. The studies in the 2012, 14-15 era, are not that different than the ones that are coming out today or in the last few months. They're recognizing there is a potential impact. I think they did back then too, and it's just a question of how far away are we going to have a turbine to a non-participating residence. But we won't know that until we actually do the studies and when we know the layout, where everything is and how close they are.

Dave Gibney – And that was in the information that you sent us about the current EFSEC process and everything like that.

Alan Thomson – Exactly. And the EFSEC process is very interesting and important, because they are evaluating turbines at this height for the Horse Heaven Hills project. Some of those turbines are over 600 feet tall so they're taller than the ones that are already up in Palouse Wind. So, those have to be studied. Noise studies figure out how close or how far away it's going to be, and we won't know the answers to that until those studies are done.

Dave Gibney – Your turn.

Dean Kinzer – Who has, conducts and has oversight and authority of the EIS program?

Alan Thomson – I am the responsible official for SEPA.

Dean Kinzer – OK, but you conduct, do the EIS yourself?

Alan Thomson – No, how that works is that I am the one that makes the ultimate decision. It's my name that goes on there. So, an applicant will hire a consultant, and we the County would be involved in approving that consultant. Well, that's what happened with Palouse Wind, CH2M Hill was the consultant at the time. The consultant puts the EIS together.

Palouse Wind consulted with us and asked, "Are you OK with this?" So, we looked into that and once we give them the OK, they work with the applicant, they are independent contractors. These are the experts that work with, they do the studies independently. They're not on the payroll. They may be on the payroll for, you know, the applicant but they're not working for the applicant. We, the County, would have our own council, legal counsel, and access to any experts that we think we need to employ in order to confirm what the consultant is coming up with.

So, that's all being dealt with upfront. There's a commitment that that applicant has to make to the County. That we can hire our own attorneys. We can hire our own consultants to verify if we need that. So, that's how it works. But they work, I am basically the author of the SEPA Checklist, the EIS, but it's the consultant that puts it together.

Dean Kinzer – OK, but then who, the County disagrees with what that consultant that is working with the project, if the County disagrees with it, what do you do? How do you negotiate that?

Alan Thomson – Ask them to redo their study. If we think that there's something wrong with this study, the results of their study, we can ask them to redo it, or we can ask for an independent expert to do it.

Dean Kinzer – Can the general public also disagree?

Alan Thomson – The general public can disagree with anything at any stage at any time.

Dean Kinzer – Can they appeal it too, though?

Alan Thomson – Only when the SEPA decision is made. There's no public appeal period during the EIS process. We'd have to make a decision, and then that decision can be appealed.

Dave Gibney – And that's not up to the County. That's the State law.

Alan Thomson – That's the State law. That's the SEPA rules. Those are the SEPA rules. So, we follow the SEPA rules. With the Palouse Wind project, the SEPA was appealed when the decision was made.

Dean Kinzer – OK.

Dave Gibney – And the final approval of any wind project is the Hearing Examiner for the conditional use, which this is all information that goes into that. Continue going around. Any? OK.

Weston Kane – Does Brian have anything to add?

Dave Gibney – Oh, does Brian have any, he's easy to forget being not in front and center there.

Brian Davies – I would have spoken up if I had to say anything. I don't want to say too much so, I think you're doing great.

Dave Gibney – OK, three minutes.

Carol Black – Alright, three minutes. What I would like to propose, because we're talking about the SEPA, the environmental issues, is, I think the current code is lacking in addressing some of the items in our County's Comprehensive Plan.

So, in the document I've given you, I've suggested a new section. I don't know truly where that section might be housed. But since when I look it through, all of the micrositing and the SEPA requirements, its environment, its plants, its animals, its dirt, its water. There's more in our comprehensive County's Comprehensive Plan than those tangible items.

So, I would suggest that you consider a new section that addresses some of the items in the Comprehensive Plan such as one and two that I've provided you with. Number one being to provide, the*, applicant would provide information to adequately describe the proposal and its impacts for preserving and protecting the county's rural character* which includes producing agricultural lands—excuse me, *productive agricultural lands, large open spaces and sweeping views of the Palouse hills. The applicant should also provide information to adequately describe the site topography, visual aesthetics, and economic factors that are compatible with the existing land ownership patterns and countywide and community centric values.*

And again, those studies must address the light pollution, the flicker effects and the wonderful new term that I'm finding in scientific literature, the swoosh nuisance. And so again, we have issues that are not environmental foundations of water, soil, plants, and animals. We need to have those addressed in the code because they're very important to our comprehensive plan. So, with that, I thank you.

Dave Gibney – Thank you. Anyone else? You got the guy behind raised his hand just ahead of you. OK.

Denise McCardle – So, if I get this right, what about the people who have like a 20-acre parcel in that area. Or a 160- acre parcel that maybe they want to divide in the future and since I don't see anything to the line, to someone's property,

Dave Gibney – Were not talking, were not talking about that section. We're not talking about the setbacks or the siting or anything. That's two code sections from now. What we see, the

Micrositing you, it would be nice if it was, but that's next what we're going to be talking about. We're in this stuff, the red.

Denise McCardle – Well I understand that, but doesn't it say that they're going to mark where the residence is.

Dave Gibney – It may well say that, but we'll talk about that in the next section when we get there. We're talking about the expanded SEPA checklist at this time.

Denise McCardle – So, the location of occupied structures in proximity,

Dave Gibney – There will, it requires that they be identified.

Denise McCardle – But what about the people who aren't, who don't have a house on their property yet?

Dave Gibney – The property owners, the property owners will all be identified and will be notified. We do not, you know, we are subject to existing conditions, we you know, the hypothetical that, and I'm doing questions now, I'm trying not to. The hypothetical that somebody may want to subdivide and plan a dozen houses on a place ten years from now is not existing information that be provided as part of an expanded SEPA checklist. So,

Denise McCardle – Even if they want to put a house on their 160 acres next to the lot line?

Dave Gibney – We'll see, it would be information that would be provided. And it's next.

Todd Imeson – On that EIS, when it talks about hiring a consultant and have these independent people that come in do the studies and stuff, I guess my concern is, who exactly is involved in that decision making? You said that the County has to approve that. So is that people you've worked with in the past or, because my concern is, and for public record. Tetra Tech needs to be zeroed out from being in Whitman County. They had a big issue with the Wenatchee Tribe. If it hadn't been for a lady that was in the Department of Natural Resources with a watchful eye, the Wenatchee Tribe would have lost lands that were of cultural importance and stuff.

So, I said you got to watch who these people are that come in. They may be independent but they're also working with the wind companies all the time. So, we don't want a boilerplate type of policy. Because I said, had that lady not caught that, those Wenatchee Tribe cultural lands would have been, and they would have built the property over it because they never even went out and looked at it. They just went right over the top of it.

Tetra Tech has been involved with Harvest Hills, because Harvest Hills had their meeting over there and one of the experts that was there was from Tetra Tech. And then I guess all this talk about all this stuff that happens after the fact, it's inconceivable to accept an application when you don't know what's going to happen. You should have everything in advance before you accept the application. Thank you.

Dave Gibney – Anybody else out there? I'm going to assume that a consultant would be hired by the standard RFP (request for proposal) whatever's that are used to hire consultants for all kinds of governmental and county purposes. But I could, you know, that would be my first assumption, and their qualifications would be vetted by the Planner and the Director of Public Works.

Brian Davies – The County Engineer.

Dave Gibney – You know and probably the prosecutor and final approval would be The Board of County Commissioners. Yes?

Denis Tracy – This is Denis Tracy your attorney. Alan can correct me if I'm wrong, but I think the process that you're talking about isn't necessarily addressed in the code section that you're talking about. I'll say that.

But in regards to the process that you're talking about where you have a consultant who prepares the EIS study, and maybe I'm using the incorrect terminology, correct me, but the person that prepares the EIS study and submits it to Alan for review and approval or review and (inaudible), that consultant would, on the Harvest Hills project, would have been Tetra Tech, absolutely, and they're paid by Harvest Hills.

They're not the County's employee. But as Mr. Thomson said, once the full EIS, Environmental Impact Statement, is submitted, it's the developers and their consultant's proposal. Then Mr. Thomson and his staff and any consultants that he deems necessary and that he hires, although they end up, the bill for those hires get paid for by the developer.

Then they review it. They take it apart and they see whether it makes sense and if there are items in there that don't make sense, then Mr. Thomson requires them to be changed. And if the applicant doesn't like it, then they can either go somewhere else or they can make the changes. Then they can appeal to the environmental requirements, just like the public can appeal them later. That's my understanding of the process, now Alan can tell me where I'm wrong.

Alan Thomson – I can't tell you where you're wrong Denis, thank you.

Dave Gibney – Thank you Mr. Tracy. Other, does the Commission want to talk? Anymore comments on this area?

Weston Kane – So, are there noise standards for these things already established?

Alan Thomson – Yes.

Weston Kane – OK.

Alan Thomson – And they have to abide by them and they're going to do a study that is going to tell us where the noise goes and what kind of decibel level.

Weston Kane – And that's going to appear in the EIS then?

Alan Thomson – So a further kind of explanation of the EIS, there's, right up front there's this thing called a scoping process. The public is involved. The public can make comments, and the applicant is required to answer those comments. So, you'll know what is being studied. We'll all know what's being studied, and we will all know the results of those studies. Then that goes into the big comment period with the EIS.

I don't know if anybody here has looked at the Palouse Wind comment period and the EIS. It's voluminous. Pages and pages of comments. Public comments were in the 100s. Every question, every comment will be answered. So, you get a chance to look at that all throughout the process. We all do, and if we have some queries about that, we'll have a conversation about it.

And then the final EIS is done once we go through that process. So, you'll see all of the comments and you'll understand what has been studied and what the results are and then you have an opportunity to comment. Maybe you're not satisfied with something, maybe the County is not satisfied with some, just like Denis said, we can ask them to redo it.

Dave Gibney – OK, thank you. Brian? OK.

Kevin Akesson – Seems to me like the consultant that would be preparing the EIS, paid by the developer could not be considered an independent entity since they are paid by the developer. There's an admission to that in the fact that their work will be reviewed and approved by the County's expert or whoever the County decides is qualified to review the EIS for approval. And I'm wondering what the process is for the County to select an expert.

Denis Tracey selected Van Ness Feldman to conduct planning functions on behalf of the Prosecuting Attorney and, somewhat apart from the Planning Department. I'm just wondering if the Planning Department hires an expert to review the EIS, how does, what's the process for the Planning Department to do that?

Dave Gibney – OK, I am going to believe, without having looked at it, that the Whitman County Code and the policies and procedures talks about hiring consultants for the various departments of the County. That is not code subject to this Commission's approval or changes. It certainly is something that you can ask your Board of County Commissioners and the County staff as to how they go about that.

I did hear a potential to maybe look at and be sure that we are asking for all the pertinent information in this expanded checklist. If we were to get there, which would be a much smaller project than what we have, or a future Planning Director, but not, certainly not for the cases that are on the table right now.

Then, I think we need to think a little more about adding sections to this code or any other code that are directly saying this is the, how the County, you know the County Comprehensive plan is

or is not protected by this code. In one sense, that sounds like a really good idea, but it would be a more, it might be something to do throughout the Planning and Zoning Code.

I would encourage, I read through the County Comprehensive Plan when I had some extra time today. I would encourage you to take another look at it. Because what I found was two references to our beautiful sweeping views. Not in any of the goals or specific tasks, but just in the narrative part of it. I found four or five or more sections explicitly approving and advocating for renewable energy in the various parts.

So, I just encourage everybody to take another thorough read of the Comprehensive Plan and perhaps not looking for what you want to see, but looking for what's there. This Commission, you know some of us were here, we put a lot of work into that Comprehensive Plan a few years ago. We took a lot of public comment at that time also and nobody said a thing about not having renewable energy.

Alan Thomson – Mr. Chair?

Dave Gibney – Yes?

Alan Thomson – May I add to that? In the Comprehensive plan, there are several elements. Land use and renewable energy are in there. Anybody could see that there's potential conflicts from all of these elements with each other. That's the way comprehensive plans are. If you wanted to have certain things happen in your County, farming for instance, and you want to have houses as well, you can allow both. But the zoning codes are where the rubber hits the road. It tells you where those things can be and how far away and how close etcetera.

So renewable energy is in our Comprehensive Plan. Also, we have to take care of elements such as the environment, environmental issues there too. So, there's, in the code, we need to make it known exactly where things are going to go and how far apart they are. So, that gets taken into consideration.

Aesthetics is in everything that we do, and we don't need to focus and pick out the word aesthetics and make a big deal about it. It's already there, aesthetics is part of the simulation for these wind farms. Where they are allowed, how close they should be to something, that's all in there. So, it's not something that is independent, it's throughout the whole thing. Aesthetics is always a part of everything that we do.

Dave Gibney – So, I'm going to go on unless there's more from the Commission, move on to the next section. So, Section 19.61.055, Micrositing Corridors/Areas.

1. *All Terrestrial habitat,*

Bill Meyers – Yes one, it says "A" here.

Dave Gibney – You've got an "A", so you know—

Bill Meyers – I'll count.

Dave Gibney – And this is, I'm pretty sure the, I'm sure the numbers are correct and that somebody's Microsoft Word or somebody got happy and decided to renumber the numberings when it got opened.

1. *All terrestrial habitat, critical area assessments, and cultural resource studies shall be required to 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 plan based upon site-specific attributes, the County shall review and provide written approval of "micrositing" corridors and or areas for all roads, wind turbine locations, above and below ground electrical transmission locations. This micrositing review occurs at the time of the final layout approval of the project after the conditional use permit has been issued. The final location of wind turbines and all buildings associated with the wind energy facility shall be recorded by GPS coordinates.*
2. *Actual final locations of wind turbine generators, 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 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.*

Alan Thomson – This is a critical part of how a project gets built. Micrositing, a corridor is identified upfront so when we get the application, we'll see where the corridor is, and this is an area where the landowners have agreed to allow buildings and towers. So, that's all upfront with the landowner.

So, that corridor is identified, where all the turbines and all the other parts are going to go. Then, we'll study the heck out of that. All this studying gets done in that Micrositing corridor. The idea here is that there is no way to know the final location of the turbines until we get to the end of the process. There are all kinds of things that they need to take into consideration, engineering factors, topography, critical areas.

Things might need to get moved around a little bit, but the micrositing corridor has been identified as being studied, and we know all about it. Therefore, if a turbine needs to be moved

a little bit because of whatever reason then that is allowed. And it's important to do that because the final placement of these turbines needs to be done properly, correctly and accurately. There's a number of different reasons why one might have to move something a little bit. So, that's what the micrositing corridors are all about.

Dave Gibney – Anything else? We'll start down at that side of the Commission and come this way.

Chris Melhus – I think I'm pretty comfortable with everything there. There was a noted change. What I have is section two of what Carol gave us, just in regard to substations, equipment yards, gravel pits. I'd see where that's something that could be added in. I think that it's probably important to know as much as anything else.

Alan Thomson – That is all identified upfront.

Chris Melhus – OK.

Alan Thomson – They have to tell us exactly where things are going to go. The gravel pits, we know they're going to have to make their concrete on-site. All of that is in the site plan. All of that we know and being in that Micrositing corridor has been studied. So, we've all said, yeah this is a good location for busting some rock up and creating some concrete. So, all of that is reviewed upfront.

Chris Melhus – Thanks, Alan.

Dave Gibney – In Section E or 020. Do you have anything?

Dean Kinzer – So, the micro, locations, Micrositing I should say, process is initiated when they put in their application for the project. Correct?

Alan Thomson – They are going to show the corridor, so there will be a layout upfront and a site plan showing where the turbines are going to go on a map. On a piece of paper.

Dean Kinzer – Right. So, where does this fall in the entire process? Is scoping before this or after this?

Alan Thomson – Scoping is before. This Micrositing happens after basically the whole EIS is done, when all of the investigations have been done.

Dean Kinzer – OK, so, but the County does have a little bit of jurisdiction as to where the borders of this Micrositing project is?

Alan Thomson – Well yes, we do. We know it right up front. It's identified right at the get go. This is where the Micrositing corridor is. The landowner is also aware of that and has signed off on it, that's a contract. So, yes, we do know.

Dean Kinzer – OK.

Dave Gibney – The turbine site can move around a little within the corridor, but it can't move outside the studied corridor.

Alan Thomson – Exactly.

Tami Southern – I think it's pretty, I mean it says exactly what it is. It's just an identified potential area for where everything is going to go within those borders.

Alan Thomson – Yes.

David McKeirnan – No comment.

Bill Meyers – OK, in#1, you know, we are talking about the, you know, the corridor. When I was looking at it, I believe it was the conditional use permit of the Palouse Wind project, they had some nice maps in there, you know. It showed basically the layout, and all of the parcels involved, you know, and it was very, very clear where the corridor was going to be.

When you talk about, in terms of corridors and things like that, zoning comes to mind. All along when thinking about this, I've always thought it would be appropriate to re-zone these, industrial, because they're not really, you know, you can call it open space but it's not open space after you put all these structures on it.

The zoning would probably give more credence to the ability to microsite and as far as, you know, if you're coming into farm ground and making a conditional use out of the industrial part. Well, it seems to me they'd be pretty well obliged to say where they were going to put them. If it was re-zoned to industrial, that would, it would seem that is would give more flexibility for that micrositing. Not only that, but it would pick up additional tax revenue for the County.

When you bring things out of open space and back into, you know, there's additional taxes which could possibly make up for the, now I'm getting a little off subject here but, would possibly make up for the shortfall caused by the constant degradation of the tax revenue through depreciation that's going to take place.

So, it would, I'd think it would behoove the County to consider this, these areas, these corridors to be areas to be rezoned by parcel. That map I saw of Palouse Wind looked like it would be a relatively straightforward process, to rezone those parcels to, I realize we'll probably cause agriculture to be in those areas to be a conditional use. But I don't think that would be a tough sell being its occurring already. But in an industrial area, as an industrial zone, it would give them a little more flexibility for their Micrositing. I think it would be a pretty even, you know, handed way to handle zoning and Micrositing.

Weston Kane – So I would say this, kind of playing on a little bit of what's Bill saying. Maybe a zoning overlay? Something like that? I mean I've just been doing a little bit of quick research on that, you know, so it's still an agricultural zone but, you know, take these Micrositing areas

as an overlay of industrial wind over the agriculture? Kind of, there's a little research, I think Kittitas County might be looking into that.

Alan Thomson – My advice on that, don't do it. Absolutely don't do that. It is not to the benefit of the County to have six or seven thousand acres rezoned to the ag—to the heavy industrial district. No, do not do that.

Unknown audience member – Why?

Dave Gibney – OK, in, in a little bit I have some additional comments about the industry, I've been waiting for the industrial vs Ag zone thing to come back up. But I don't believe it's a change to these two sections and so let's put that particular concern to after we talk about the micrositing.

So, aside from industrial to zone, and I'll, we'll take some more comment, but aside from industrial vs agricultural zone, are there comments from the public, or no, I'm sorry, it's your turn first. Aside from Ag vs industrial do you have any, or no, I'm sorry I'm losing track. I gave you your shot already.

So, yes, anybody out there? OK, so, I think we've got a greater understanding about the fact that the Micrositing is for, we're going to study the larger area. Then this Micrositing bit is how the engineers, when they find a, you know, too much gravel in some place and they got to move the turbine four feet or the three turbines in a row is going to cause turbulence, they move one of them out the thing and that's what this stuff is. All of the, all of the buildings and general power lines and everything else were already up there in the site plan and earlier part.

So, OK, so yes, we have time. Yes, we've talked about the Ag vs industrial. The fact of the matter is that renewable energy is a conditional use in the Agricultural District. Our current zone, industrial zones, are largely manufacturing. Many uses are outright allowed, not even conditional. A possibility of, you know, trying to, saying in with this, would be yes, well, we rezoned an area to industrial and its an outright allowed condition to put a wind turbine there.

So, the Light Industrial, and I'm going to read from our code now, *"The purpose and intent of the Light Industrial District is to provide minimum standards for the development of sites, establishments, producing higher value products such as processed food, recreational, scientific or business supplies, and related compatible uses. Such as warehouse or service industries, provided that they do not cause hazardous or unsafe conditions due to emissions and outdoor storage materials."* That's the Light Industrial.

The Heavy Industrial, *"The purpose of the Heavy Industrial is to provide use standards suitable to the needs of primary manufacturing industries, as well as transportation-oriented activities located at the Snake River Public Ports. These standards are intended to provide maximum flexibility in the use of appropriate areas."*

So, if we were to require renewable energy to be in industrial districts, possibly not even a conditional use, one of the things it would do is make the existing Palouse Wind facility non-conforming. If the entire area of the Palouse Wind facility were rezoned to industrial, then each of those farmers of those parcels would have to go through a conditional use permit to re-zone, to operate agriculture on whatever part of that parcel was not the wind turbine.

I don't know exactly what kind of changes occur in non-conforming use that, wheat for growing, that becomes a seventy-five percent difference before you can't make such changes due to, which is what non-conforming use of a, can't be changed.

So, that would be an expensive operation with very little impact and, so, if we, the other side of that is we would have around fifty-five, 1.2- acre tower locations, each of which needs to be rezoned by this Commission and by the Board of County Commissioners, possibly requiring us to subdivide each of those little 1.2 acres out of the parcel that they're in. As it's been told, this is, this is the, this is spot, this is the definition of spot zoning which is flat out illegal in the State of Washington.

An overlay zone, I've talked with Alan about this. The general answer of that would that we would make the entire county an overlay zone able to be have wind turbines. Or we would have to have some defensible public welfare, health or safety, to say that some areas are not going to be permitted to have this industrial wind turbine placed in that location.

Yes, the County, you might be able to make some arguments on the visual aesthetics or the proximity to the towns or Kamiak Butte or something like that, but I am very, very unsure that that would, would survive a court situation. You know, we have the example of the viewshed ordinance that says you can't put your house on the top of the ridgeline where people can see it. That is untested law. Nobody has ever challenged that and said they want to put their house up on the ridgeline.

Among other things, nobody wants to add another two-hundred, three-hundred thousand litigation cost into the cost of their that they are trying to plan. So, on the face of it, it makes sense. Let's, you know, let's just do that, but I don't think, you know, the code saying that its allowed in the ag zone and you have to go through all of this, very large extensive hoops for a conditional use permit, is probably a more restrictive use than any kind of an overlay. Or the alternative of, you know, we're going to have to rezone every 1.2-acre platform location. So, that's, that's my comments, and you know, like I've kind of been waiting for this to come up again so,

Brian Davies – Can I have a comment?

Dave Gibney – Sure Brian, although,

Brian Davies – Well I guess this is at Alan. So, have there been other wind farms established and permitted in the State of Washington, and have other jurisdictions imposed spot zoning Alan?

Alan Thomson – No.

Unknown audience member – (Inaudible)

Brian Davies – OK, so that's really not an accepted practice in the State of Washington? Correct?

Alan Thomson – That's true. Just like Dave said, spot zoning is illegal, you just don't do that.

Brian Davies – OK, so if it's illegal, then we can't do that, obviously. An overlay zone so far, in the State of Washington, all I have seen is critical areas as overlay zones for jurisdictions. I just see what, a lot of headaches and a lot of heartburn about how to write the decommissioning language if we have had to change everything to an industrial zone. So, yes, thank you Alan.

Alan Thomson – Yes.

Dave Gibney – OK, so Weston, we will go around the Commission this way and we will ask the public about that and then we'll probably be done for tonight. Go ahead.

Weston Kane – Which piece are we commenting on here.

Dave Gibney – The idea of industrial vs, rezoning to industrial.

Weston Kane – I mean I appreciate your research on this because you've taken more time than I have been able to put to it so thank you, because you answered some questions I had. So, I think maybe we need to be, moving forward, probably this would be, the CUPs probably our easier way we can look at other things in the code. This is not the right spot probably.

Bill Meyers – Yes, I agree that the, the spot zoning would be cumbersome. You know, you'd be, and I've actually, you know, broken some small pieces of ground out, you know, for different, different reasons other than my own. But you take entire parcels, and it should be a, it shouldn't be a problem. I'd think that it, if you're going to be an industrial facility, you should pay the taxes that an industrial facility pays. The fact that you're, you're no longer a, no longer, you know, you're no longer solely an agricultural area. I know they say they call it a compatible use and everything like that, but you know we're looking at many, many very huge structures which change, change it a little, the nature and character of the land around them.

So, I think the taxation, the obligation to the County would be greater. There needs to be, there's going to be more services needed, you know, fire safety type, type concerns and issues and, and it should have a little more firm tax base under it.

There again, not necessarily, you know, what we're talking about here but its, it's, we call them corridors. If they're corridor, it's you know, it's an area of ground and, and it looked like the, oh that do they call it? The one between Pullman and Moscow, the Paradise Creek corridor or something like that?

Dave Gibney – They call it the Moscow-Pullman Corridor. North and south.

Bill Meyers – North and whatever they call it, you know but its, I'm, its, its zoned differently, I assume.

Alan Thomson – It is.

Bill Meyers – And so if you're going to have corridors, you know, zone them accordingly.

Alan Thomson – Pass it around. I'm passing you around the Corridor for Palouse Wind to give you a scale of what we're talking about.

Dave Gibney – I'm going to go on.

David McKeirnan – I have to kind of agree with Bill. I understand the, the aspect of not being able to microsite, but at the same time if you're going to do, I mean it would be nice to see this map, to see this, the wind corridor, if these guys are, and these developers and the land owners are so into it, I don't know why it would be a problem for that to be zoned industrial. Especially, if like last meeting when we were talking about moving a chunk for a residential house out of industrial back to ag, and were moving things like that around. You know, you start doing it, it could be kind of cumbersome but, that's all I have.

Tami Southern – I mean I think, whatever it is, needs to be within the best benefit of the County and its residents. I mean I think the one thing, the one thing we need to be careful of too, is potentially opening ourselves up in any rezoning to, you know, things that maybe aren't allowed that we have more control over at this point. Weaving in agriculture, I'm just the what-ifs of both sides. Versus if you were to then turn everything industrial, you could be opening it up for other things that maybe you don't want that could possibly be worse or just as bad as, as you know, how you perceive it coming in currently. So, whatever way we go, we need to be very careful in, in considering what else we could potentially be opening ourselves up to.

Dean Kinzer – Well I am not in favor of overlaying any zoning particularly in this case, because I feel eventually its going to be converted back to agricultural land and it would be, also be easier to protect the agricultural lands if it remains as it, as it is.

Chris Melhus – I think there's been a lot of good comment on both sides, but I think overall, for me, without any other counties having used the industrial rezone is, for lack of a better term, a defense against wind towers. I think we have to keep in mind what's going to be legally defensible for us as a County. You know, do we want to get involved down into a series of lawsuits with, you know, either developer or landowners and their ability to use their land the way they choose.

Dave Gibney – We will let, we'll take the public comment. Three to six people, three minutes.

Mike Dymkoski – You've got to keep zoning consistent with the use. That's the purpose of zoning, land. If, if you're going to start making exceptions to allow land uses that are

inconsistent with the zoning designation then you can expect that there's going to be future development efforts that will try to take advantage of the same senseless allowance. You, you don't have zoning if you're not going to keep the land use consistent with, with the, the zoning designation.

Dave Gibney – Thank you. The reason that we ask you to identify yourself each time you speak is because it helps get our transcript and our minutes made for them to be able to identify who's speaking. And yet we all have distinct voices but it's easier for me to remember mine than everybody else's. So, thank you. Go ahead.

Kevin Akesson – The parcel size for these, if we were to consider zoning these heavy industrial, which I think we should because these are large industrial machines, but the 1.2-acre lot size doesn't equate in my mind. I think it has to be larger to address the impacts of the huge wind turbines. So, 1.2-acre doesn't make sense to me.

The existing non-conforming can be addressed within the code as being grandfathered in and that's not an issue. That wouldn't, I wouldn't impose that on, up north. I think we need to consider the use as an energy facility and look at the other energy facilities around the State, which are mainly zoned heavy industrial.

The footprint issue is an issue because the wind farms have a huge footprint. But they do change the character of the land, and we have to acknowledge that. Other energy sources do not have a huge footprint, but that doesn't mean that wind farms are not an industrial use. They're not an industrial character, they are.

Let's see, large industrial machines change the character of the land. The unintended consequences issue, I guess I won't, I won't go there but look, look at the, I would just say to end my, my time here, there are counties in the State that do not make any provision for these. And these are large counties within the State and there is no provision for these. So, to say that no other county in the state has addressed wind farms by industrial zoning is not an argument against industrial zoning. So, thank you.

Dave Gibney – Anybody else? OK, I am, I am sure that we will be at this point and this subject again before we're done with this process. So, I will get some more, prepare some more research from our members and our council. The 1.2-acres that I used was from the Palouse Wind application, which is the size of the disturbed area that they said would be for each, each of the wind turbines and it, it did not, of course, use the, all the area that the turbines are flowing around.

But it is the area that the, that would be disturbed and for these larger towers that we're talking about, it may well be that a more than 1.2-acre would be, but it would certainly not be, the amount of land that remains in agricultural use for all of this is significant in all of the cases and yeah, so.

Carol Black – Two seconds just to ask, 1.2-acres for the footprint for the turbine. We also have underground cables, we also have roadways, we also have substations, we also have gravel pits, so it's not just a little 1.2, it's quite a bit more land mass than that. Though it is a small section of that leased land, it is a very large footprint.

Dave Gibney – And the argument there is that we have roads across our wheatfields, we have gas lines that go across our wheatfields, we have tower, we have electrical transmission that go above and below our wheatfields already, so the impacted, permanent impacted area is relatively small I think, so.

Carol Black – It's not that small.

Dave Gibney – Anyway.

Mike Dymkoski – Dave, the roads you speak of the public roadways that people can drive around and they're open to the public. These are private access roadways on farm ground. That's different, that's not,

Dave Gibney – There are farm access. I see farm field access roadways all the time that are used that are not public roadways. I see, I see private, you know don't take, don't take your car up here and not just because you might get stuck. But again, I think we will get, I'm sure we will be here again before we are done.

The question that I have now is, do we want to try and make any progress in Section 19.61.060, Development Standards and Criteria? Item one is setbacks, and it has five sections to read and then discuss. I honestly don't think we can do setbacks in ten minutes before 9:00 p.m.

MOTION by David McKeirnan and seconded by Weston Kane to adjourn for the night and start off with the new section at the next meeting. Motion passed.

Adjourned - 8:50 p.m.

WHITMAN COUNTY
PLANNING COMMISSION
Workshop
Public Service Building
Auditorium
7:00 p.m.

6-4-25

MEMBERS:

Dave Gibney – Chair
Tami Southern – Garfield
Chris Melhus – Rosalia
David McKeirnan – Pullman
Julian Matthews – Pullman
Brian Davies – Vice-Chair
Weston Kane – Lacrosse
Bill Meyers – Colfax
Dean Kinzer – Pullman

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

Zoom: Luke Sorenson, Eric Slusher, Shane Roache.

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

7:05 p.m. – Dave Gibney opened the workshop.

Dave Gibney – Tonight we will start with a couple of presentations. One that we agreed to at our last meeting and the other is a re-run, re-do update of something that was presented to the Commission a year ago. We have a large number of new members.

At the last meeting we did decide that we would do some public comment at the beginning of our discussions, but we will be pressed for time tonight. I'm hoping that if we let you ask a few questions to the presenters that that will cover it for tonight.

Our first presenter is Bob Morris, Lance Energy Chair for Montana Technical University and a retired SEL employee. So take it away, Bob.

Bob Morris – Thank you Dave and the Planning Commission. Thank you for the opportunity to be here. As Mr. Gibney mentioned, I'm with Lance Energy Chair at Montana Tech. I've got about 40 years of experience in electric power, 28 years of that here on the Palouse with Sweitzer Engineering. I don't have a position on ordinances, on wind or solar, I'm here to give you background on electric power. This is part of my job, is public education, so that's why I'm here. Next slide, please.

Okay, this is the electric power consumption in the US for the last 75 years. A couple of points to take away but it has been flat for the last twenty. Electric energy consumption. That is the second point.

The third point is we have transitioned from mostly a coal-generation to mostly natural gas. That has reduced our carbon emissions in electric power by 40% in the last 20 years. You'll notice that renewables are growing but they are still, it is a relatively small part of our power system. Next slide, please.

So, all projections are power consumption, electric power consumption is going to increase significantly. The North American Electric Reliability Corporation, they are the federal relators. They pull the plans together for all the utilities in the country. They are forecasting a15% growth in the next ten years, which is huge. The four drivers are the graphics on the screen. Nationally it is data centers and manufacturing. In the Pacific Northwest it is electric vehicles and space heating are the dominate ones. I'll show you why in a minute. Next slide, please.

Here it is in the Pacific Northwest. This is a study by the Discovery Institute in Seattle. They are projecting a 50% increase in electric generation or consumption in the next 20 years. Most of it you can see on the slide, it is electric vehicles and space heating. That is because of the legislation in the states of Washington and Oregon. That is going to drive peak load up by 100%. Again, heating and electric vehicle charging. Next slide, please.

So, if you look at across the country, where are we planning to add generation? I mentioned earlier a 15% increase in load. There is 30% increase in this slide on generation. Eighty-five percent of it is wind, solar and battery. If we built all this, we'd be fine, the problem is we only build about 7% of this. So, we don't build what we're planning to do. That is causing some reliability problems. Next slide, please.

So, what we are doing is we are transitioning from what I call conventional sources, fossil fuel, and nuclear over the intermittent or renewable wind and solar. So, there is some physics and land and material impacts on this. The first of which we are going from a dispatchable source where one we can control the fuel to one that that is intermittent where we can't control the fuel. Another one, we are going from high inertia systems to low inertia. High inertia is what lets us ride through power disturbances and keeps our system running during times of distress. We are going from plants that occupy a small land area, to low density sources that occupy a large area. We are going from using our existing transmission lines and needing new transmission lines. Next slide, please.

So, if we look at solar radiation. A lot of this is solar. The desert southwest is a good place to build solar. The Pacific Northwest is not. There is very little if any utility scale solar in the Pacific Northwest. Next slide, please.

Wind energy is good in the central part of the country where the, this is a wind velocity chart. The Pacific Northwest is not a great place for wind energy. If you want wind energy, you got to put it in Hurricane Alley. Next slide, please.

Now if you look at how the power grid is laid out, North America is in three power grids. We're in the West, the red. There is the East in the blue and Texas is in the green. You can move energy inside those grids fairly easily if you have enough transmission. There is no capacity or very little to move it across. So, we can't move wind energy from the mid part of the continent out here very easily. You can't move solar from the desert southwest to the northeast. Next slide please.

So, I talked about inertia. These massive machines are spinning. They are all locked together, thousands of machines. When there is a disturbance on the system, they will ride through that so they will provide you with a couple of seconds. If you have a problem, those machines will keep moving and you can ride through these disturbances. If you don't have that inertia, your system will fall apart. We saw that happen a couple of weeks ago in Spain. They were running 70% intermittent sources, no inertia and the system collapsed rapidly. We like these to control voltage and frequency and then also we call ramping, you can control the fuel, so they are dispatchable. Next slide please.

Now if we look at intermittent sources, the question is, how many customers can I serve with 100 megawatts of solar. It depends on how many solar farms you have in your system. If you have what we call low penetration, that's the red line on the left if you have say, 5% penetration, you can put on 85% load. So, I'll build a 100 megawatts. I can serve on 85 megawatts a load. If I add more intermittent sources, and I get more and more intermittent sources on my system, their effective load carrying capability drops significantly. So somewhere around 20% penetration, you've got 15% effective load carrying. So what does that mean? If I build 100 megawatts of generation, I can only add 15 megawatts a load. So you have to overbuild to compensate. Dispatchable sources, that's the blue line, 85% regardless of how many you have. Next slide, please.

So how do we firm up, how do we move that red line up to the blue line? Add storage, electric batteries, or pumped hydro or you interconnect a lot of them over a wide geographic area, or you have some combustion turbine backup. Next slide, please.

So, let's take a look at our system in the Pacific Northwest. So, we've got, this is a map of the, the purple lines are the transmission lines, and on the right-hand side of the slide you can see I've got Colstrip pointed out and there is a purple line that runs there to Spokane, just north of us and then to Seattle. A thousand miles, 500 KV lines. That line was built to move Colstrip energy to Spokane and Seatle. That energy moves from Colstrip to Seattle in five milliseconds. It is shared amongst Northwestern Energy, that is their zone in the green, mostly in Montana. Avista, which is in the circle in the middle, and then Puget Sound Energy on the left. I've also drawn the Snake River hydro's there for reference. Those are two balancing areas, so Montana and Oregon, Washington, which is balanced by BPA, they move power back and forth. So, let's take a look at how we share power amongst those regions. Next slide, please.

Okay, so this is the balancing chart for BPA. It is a week in November on X- Axis and on the Y-Axis is generation and load. So, the red line is how much power we're consuming on a day of instant plans and basis. So, in November we consumed around 7,000 megawatts with a peak at 8:00 a.m. and 8:00 p.m. so you can see two humps every day. And then the blue line that's the hydro. It is the same shape as the load and it is matching the load. It is actually exceeding. It's dispatching, it's dispatchable to meet that load. You'll notice we actually have excess hydro, so we export power from here down to California. Then the green line down below, that's the wind, and there's a lot of wind in the Fall in Washington State, up to 2 megawatts in some days. But some days it drops down to almost zero. So that is intermittent. It doesn't match the shape of a load. Okay? You gotta' take what you can get. The purple line, that's nuclear at the Tri-cities and the burgundy line is natural gas. So, let's take the next slide, please.

Same picture, two months later. What happened? The total consumption went up significantly, the red line. The blue line, hydro followed it. Where is the wind? The wind is not blowing that week. Wind doesn't blow very much in Washington State in the winter comparatively, okay? Then the nuclear right at the same load, about 1000 megawatts and then we stepped on the natural gas another 500 megawatts to bring it up. Next slide, please.

So, our neighbors to the east in Montana, the blue line is their load. Two humps every day for a week. The yellow line is their generation. So, when everything is running fine, they export half of their power, the green line over to us. Go to the next slide.

Here is how they produce power. The brown is Colstrip, 1500 megawatts when they are all running. You'll notice on the 19th of January, they dropped-off one of the units, so it is down to 750 and we quit exporting that day. So now Avista and Puget Sound are not bringing in any more power from Colstrip. Just so happens, the wind stopped blowing that day, too. But this is that wind, this is the week-end in January that the wind wasn't blowing here in WA, it is producing a lot of energy in Montana. It is still intermittent but producing a lot. Next slide.

Okay, so now what we want to do is look at what does Avista's plan? What is their 20-year plan? This is a public document, this is their integrated resource plan, 2026 on the left and 2045 on the right. They are planning a bunch of hydro, they are continuing their wind and solar. They are going to keep natural gas for the Idaho customers and stop delivering natural gas to WA because of the Clean Energy Transformation Act. Then they are going to add what they call, with the light blue, some clean dispatchable source. They are not clarifying what that is, but it is some carbon-free dispatchable source. Probably nuclear. Then the orange line on top, that is energy we are planning to bring across from the eastern power grid. In Montana they are building a new high-cleans connector, or North Plains connector that is going to connect the two. They are planning on keeping their share of that 500 KV line, giving up their share of Colstrip because they can't import it, and bringing wind energy from Eastern Montana. Next slide, please.

So, then Puget Sound Energy, here's their picture. In 2023, the stack on the left, that's their source of generation, about 20 Terawatt hours, presently with wind hydro and some contract they buy and gas and coal. But by 2045, a bunch of wind, a lot of solar, more conservation and then some hydrogen and some bio-diesel combustion turbines for their back-up. So, a couple of things. They are getting rid of coal and gas, and then they are almost doubling the amount of electric energy they are going to use. This is their engineer's calculating to meet the needs, here's how much energy we are going to need. The thing I liked about this, it is not a marketing document, this, the PSE Engineers following federal regulations to calculate how much energy they are going to need. They are saying they are going to double. Next slide please.

So then if you look at their peak generation, today they have in the bar on the left, about 6 gigawatts or 6,000 megawatts of generation. The load is a little bit less, about 5,000. Their peak load is going to go up to 7,500, but you can see they are going to triple the amount of their generation. Again, that is back to that effective load carrying capability. They have to over-build and this is their calculation. Next slide please.

Okay, so what we are looking at here is the amount of transmission capacity that they are going to have to increase. Right now, there's a 2,200-megawatt line that comes in from Eastern Montana, from Montana. Puget Sound owns 750 megawatts of that. They are going to have to increase that to 1,550. They don't presently own that capacity. Likewise, they have about 4,250 megawatts coming up from the Tri-Cities and they are going to need to almost double that, as well in the next eight years. So, a pretty significant increase in transmission capacity. Next slide please.

So, now another study that I did. I looked at replacing the Snake River hydro-electric with wind, solar, gas or nuclear. So, what I looked at was the material in the generation. So, the hydro is a low-density source. Eight thousand, no, eight million tons of concrete, occupies 34,000 acres of submerged land but it will last 100 years. Wind turbines about 600,000 tons, just for the part above the ground. It doesn't include the foundations. Multiply that by about 20. It occupies about 115,000 square acres, so a lot of land, and it lasts 20 years or so and then you have a recycling issue to deal with. Wind, you can see the numbers there, not as much material, not as much land, but a short lifetime and then the smallest footprints are in natural gas and a nuclear plant. So, next slide please.

What I like to remind people is there is no such thing as renewable energy. Every single energy conversion damages the environment. We just have to make the choice as to which is the best for our situation. The wind turbines will last about 20 years. Most of it is recyclable but the blades are not. Epoxy and fiberglass are now presently chopped up and buried in many instances and this is about 100 blades in Wyoming. If we built the Snake River using the Vestas B-90, there would be about 1700 blades for that solution. Next slide please.

I found a study a few weeks ago, done by the Discovery Institute in Seattle and they said, "What is it going to cost to comply with the WA and Oregon Clean Energy Act?" So presently you can see the mix of generation up there. Hydro, Thermal, Nuclear, etc., and our rates right now in WA and Oregon are the lowest in the country, almost. Eleven cents a kilowatt hour for residential rates. If we use wind, solar and battery, to comply with WA SEEDA and the corresponding Oregon laws, you can see they are building a lot of solar, a lot of storage, and lot of wind, and the total cost is just under $550 billion and electricity rates would go from $.11 cents a kilowatt hour to $.28. It is because you have to over build. Remember that low effective, effective low train capability. In fact, the Puget Sound did the calculation and the effective load carrying capability for wind and solar is under 10%. So, it's expensive. Then the Discovery Institute also did a study that said, what if we used nuclear and natural gas. Then the number comes out to be about $.13 cents a kilowatt hour.

Julian Matthews – So is the natural gas, coal and all the other sources from private industry?

Bob Morris -The producers, yes, they are often, so like Colstrip is a privately held that runs the plant, trying to remember the names,

Julian Matthews – Yes, I think that is great thing because the Snake River Dams are run by the government, because I think that's what is the issue. I don't think you can calculate it.

David Gibney – Can we do questions after he finishes?

Bob Morris – I've got two slides to go. So then nuclear and natural gas, about $.13 cents. Next slide please.

So, then our regulators, we have regulators for the Western grid, Western Electric Coordinating Council, the WECC. They took all the plans from all the utilities around the region, 150 utilities, and they calculated the risk we are at for outages. Because we are retiring generations of coal and gas faster than we are building the other sources, our risk is increasing for black outs. So, they said if we continue on the trend we are now, last year we built 53% of the planned sources but we retired everything. So, our margins are dropping. They said if we continue that we are going to have over 900 hours per year of potential blackouts in the western region. Next slide, please.

Similar story nationally. This is taking all the plans from three thousand utilities, and they are projecting that our reserve margins are going from 26% down to 7%. I know you can't read it but on the second one from the bottom, we've got, that is WECC-NW, that's us, we've got 34.5% extra margin right now. If you go all the way to the right of the slide, in 2034, it is 5.9%. You need about 25% and we are going down to 5.9%. So, they are basically sounding the alarm that what's happening is we are replacing these dispatchable sources on plan and then we are planning to replace them with intermittence, but we are

not building the intermittence fast enough. So, we are at risk of power outages. Next slide please.

So, to wrap up, the key here is balance. We need the balance of a mix of all resources. They are all important, they all have their role, but we need to make sure that we are keeping the lights on by having resources built before we retire other ones and that we need to look at the pros and cons of each. We've got the intermittent sources, we make carbon, which is good, but you'll see relying on them solely increase costs and risk of outages and raises electricity rates so what we need to do is strike a balance. I can answer any questions you might have.

Dave Gibney – Thank you, Bob. We will let the Commission ask questions and then we will let the public. But I would prefer that we have questions that are about what you are talking about which is the balance and the sources and consumption. Let's start with Bill.

Bill Myers – Why specifically do you think that one company has chosen the proposed area and in the middle of a dense rural area with all the wide-open spaces?

Bob Morris – This is just a guess. There is reasonable wind resources here, not the best, but reasonable and there is some access to transmission lines so they can get the power out. I would think that that would be two of the major factors.

Bill Myers – Where are the best places in the Pacific Northwest for wind and how do we compare it?

Bob Morris – If you include Montana in the Pacific Northwest, Eastern and Central Montana is the best and it is electrically a short distance from here so the effective load carrying capability or capacity factor for the wind here in Eastern Washington, say 20% or so, it's about 40% in Montana.

Bill Myers – I should specify WA state, beings that is where our mandate is. Where are the best places in WA state?

Bob Morris – Obviously, the Gorge and probably the Palouse based on transmission lines and wind velocities.

Julian Matthews – Where do you work at?

Bob Morris – I'm at Montana Tech in Butte, MT.

Julian Matthews – Oh, you live in Montana? I live in Pullman. What I was wondering about was on this, I noticed even when you said energy, the one slide said fossil fuel and nuclear but to me, fossil fuel is, I don't think that drives electrical energy. To me, fossil fuel and

nuclear looks like it would be more, I don't know what. It just seemed kind of odd. I don't know if you can bring that slide back.

Dave Gibney – The purpose of what he was talking about was what you can control the fuel versus what you can't. Dispatchability.

Bob Morris – We are transitioning from, we are retiring coal plants and we have retired a lot of nuclear plants. Those are dispatchable sources with high inertia rotating machines.

Julian Matthews – So, you are unbiased on whether, because realistically the reason I'm here is to support, to look at the ordinance,

Dave Gibney – Okay,

Julian Matthews - And let me talk, I want to talk, I'm on the Commission. So anyway, I'm here to look at this, revise this and I don't really see how that, what you are talking about is you're giving us different aspects or your opinion or your research on different forms of energy and so,

Dave Gibney – We did not ask Bob to come here to advocate for any given part of our kind of energy. We asked for facts on how the energy is and can be moved around.

Julian Matthews – Okay. Thanks.

Dean Kinzer – I really don't have any questions. It is pretty clear how energy is produced I appreciate his presentation.

Tami Southern – I'm with Dean, I don't have a whole lot of questions. But thank you for coming. I appreciate the information that you gave us.

Dave McKeirnan – I agree with everyone. Thank you for your time and the education on how the State was moving forward, kind of restricting everything. Very knowledgeable. Thank you.

Brian Davies – Yes, Bob, thank you for coming and I don't really have any specific questions for you other than what is the condition of the grid and I think you laid that out. What I'm seeing is the potential of blackouts coming. Are residential customers going to be denied natural gas going forward at a certain point in WA?

Bob Morris – According to the legislation there is a restriction on using natural gas in new construction, but you are probably more familiar with that than I am. But the study by the Discovery Institute shows that space heating is going to be a major driver for increases in electricity. That is because of the legislation. Whether someone will be denied or not, I don't know but the trend is to head that direction.

Brian Davis – Thank you.

Weston Kane – I concur with almost everybody. Thank you for your time. I really do appreciate the information on this.

Chris Melhus – I don't mean to sound repetitive, but I really appreciate the information, easily digestible and well laid out. Thank you.

Dave Gibney – Okay, can we place your presentation on our website?

Bob Morris – Yes, you may.

Dave Gibney – I also want to thank you. There is a lot of good information there and as I said it is the information about the upcoming needs and what options we have. So, we are going to, looks like Ms. Black wants to talk. You will have to share that hand microphone.

Carol Black – Can you pull up those two slides? In one of your slides you had land mass needed to be able to accommodate the renewables. It was like the two little green things at the bottom but I couldn't quite read it.

Bob Morris – Yes, thank you. I forgot to mention that. So, the land mass required for the wind generation to meet the WA and Oregon SEEDA was 25,000 square miles and the solar was, I think, 9,000. So I was just referencing, if we were to build the wind and solar in eastern WA and Oregon it would take up 30% of the land mass east of the Cascades.

Carol Black – Thank you.

Tom Thompson – A quick question. Say the legislature or the governor would wake up and say, "Holy cow, we have a crisis here. We are going to remove all artificial constraints in energy generation." What would be the fastest, quickest and the least expensive methodology to go with?

Bob Morris – Presently if we want to build transmission generation right now, the quickest way to get there is natural gas. If you have enough natural gas infrastructure and it is half the carbon emissions of coal. We know how to do it. You can have a natural gas plant up and running in 18-24 months, assuming you have the gas transmission line and the electric transmission to get it on. It is the quickest path.

Dave Gibney – Where do we get our gas mostly?

Bob Morris – Right now, the natural gas in WA State comes out of Canada and then also from there are a couple paths. There is quite a bit of natural gas generation on the Seattle area, there is some down by Boardman area, but our natural gas with a couple routes to

come in, certainly one from California and one from Canada. I don't think there is another one from the east.

Julian Matthews – Didn't the person from Avista say that we get most of our natural gas from Canada and if they have a bunch of tariffs on and it will cost us a lot more to bring that natural gas down here?

Bob Morris – Yes, that could be a problem.

Dave Gibney – We will do one more an then we then,

Mark Webber – Great presentation. Did you have any data that would reference the utilization of the dams? The local dams as well as the utilization of Grand Coulee Dam? How much capacity is being used and the trends of that as the trends are going downward? It does appear as though the water is being held back more, maybe the generation is not being utilized as much with the available energy because of toxic algae accumulating behind the dams. Is that because they are not utilizing that generation as much?

Bob Morris – Well, I can speak a little bit, answer part of that for the Snake River. So, the Snake River right now averages about 900 megawatts annually. It is capable, if there was infinite water behind those dams it is capable of 3300 megawatts. So, it is 900 out of 3300. In an emergency, the planners plan on 2300 megawatts of what we call "firm peaking power." That is all the water stored behind those four dams can provide 2300 megawatts, for 5 days in a row, 10 hours a day. The 900 megawatts has come down over the years, it has come down. Part of it is for fish migration but that is as far as I know. I don't know about stream flows and that. About 900, 2300 in a pinch and infinite water, 3300. Again, I think it is a matter of stream flow and more flow for the fish survival.

Dave Gibney – Thank you Bob, we really do appreciate it. I hope you enjoyed your trip back to the Palouse.

Bob Morris – It has been my pleasure. It is always a treat to be here and thanks everyone for the opportunity to contribute.

Audience applause.

Dave Gibney – Our second presentation is Raylee Flodin who is our WC Assessor talking about the revenue income and the tax of renewables.

Raylee Flodin – We will be talking about assessments of renewables today. You all know the Assessor's office assesses and the Treasurer's office collects it so, so the revenue goes to the Treasurer. We will let them have that right.

I think I have probably talked to most of you. Some of this is going to be a quick run-through of the presentation I gave last year. Some of you haven't seen it yet.

Dave Gibney – There are only three of us that were here, then.

Raylee Flodin – Okay, next slide please. So renewable energy, specifically discussing the windmills that are already in production in WC. The Bill 5910 was passed in 2022 which is how we assess your renewable energy, your windmill projects in WC right now. Basically, this is a lot of verbiage that tells me as the Assessor how am I going to assess this. What is the depreciation schedule going to be. Next slide please.

This is Trend RG. So, the Department of Revenue, they hand us our depreciation schedules for personal property which your wind generation in WC is on personal property schedules. At age 1, so the year they are built it is appreciated at pretty slow rate but quickly runs through that depreciation factor by age 5, they are depreciating almost all the way out and when we get into 25-year range which is what I understand to be the life span, they are generating not a lot of tax income. We are on 15 years of this project now. Next slide please.

So, this is very specific to Palouse Wind's project. They have 60 towers. (they actually have 58 towers) They have transmission lines. There are four districts that the project is current in and tax districts are what tell us what taxes are going to collect after this assessment. So, District 110, 117, 130, and 131, we are going to see those on the map soon. In 2014, which was the first year that the project was completed, we started adding new construction and then switched to personal property. So, their assessed value was $74,298,000. In 2024, and I apologize I did not include 2025 information in here, their assessed value had fallen to $55,163,192.00. They self-report this information to us. They have their depreciation schedules for their tax purposes just like any of our farmers who are reporting personal property to us, or your business owners are reporting personal property to us, also include their depreciation schedule that they file with their taxes. Next slide please.

So, this is tax district 110. The neon blue area is where 110 lies. So, of the wind towers in that district we are collecting taxes for county current expense, developmental disabilities, mental health, veterans relief, county road, the Port of Whitman, Whitman County Library, Cemetery District #5, Fire District #7, EMS #7, Parks and Rec #5, so that is Rosalia, School District #320 has two levies and then the State Schools have two levies. Prior to this project being up and running, you can see our levy rate per $1000 of assessed value for all the taxpayers in that district was $18.59, which is astronomical. You don't have any levy rates that high right now. The project got started, you can see the levy rates start to fall and it gets down to a much more acceptable $14.22 that was after the full install and it has come down $12.29 in 2024. Next slide please.

Same thing you are going to see in the next three districts. Again, this is a little bit up higher in the County. You have different school districts, different fire districts, different cemeteries but still the same layout for your levy collections. And pretty much the same picture. This particular district, 131, they were not nearly as high as our first district that we looked at. They were in the $13 range. They have now fallen to just under $13. They probably don't have a lot of excess levies. Next slide please.

Here we have the projected Harvest Hills area. The districts that lie in that area of coverage and what their levy rates were in 2024. So, you can see District 64, District 57 and District 68. They are all at $11.30, $12.81, $12.67. That is per $1000 of assessed value. You take your home, your farmland, you divide your assessed value by 1000 times the levy rate and that is the amount you are going to pay. Next slide please.

Senate House Bill 1756 provides an exemption, a personal property tax exemption, for wind generation. This exemption will be on facilities that will be constructed after 2023, so it is not in application in our County yet. But it would provide an even greater tax reduction to a wind farm, not the current one, but any potential wind farm. There is also pending legislature regarding how to tax wind farms and it is a lot of gray area that has not been put into play yet. They still have a lot of kinks to work out in that. We are just looking at what we are currently doing. Next slide please.

I know one of the big questions that came up regarding this new wind farm is, can we change how we tax that land that the wind farms are going on? Current wind farms have open space land all around it. Anywhere there is currently a windmill sitting on that land, it is still in the open space taxation, which means we didn't remove the acreage that the windmill is sitting on. We did not remove the acreage that the roads in and out are sitting on.

There is only one parcel in this entire project that has not gotten a current use classification on it, and it is one acre, and I believe it is set aside for the windmill shop that they have out there. Everything else is still in open space. So, the classification for open space is for farm and agriculture or for parks. If you think about Steptoe Butte. Steptoe Butte is a park that is an open space program whereas your farmland is open space for farming and ag. This is a legally binding agreement between the landowner and the legislature that they will maintain that property for commercial agriculture purposes, so it needs to be either actively farmed or in CRP in some type of agriculture program. You can also see honeybees, anybody who is raising honeybees on 5-acres or more, that is an agriculture use. Vineyards are an agriculture use. We do have a little bit of that in our County, but we are predominately dryland faming. Next slide please.

This is our current project. These are all the parcels that have windmills on them. As you can see, we have basically at least quarter of the sections, township and ranges that are in this project. There are 1,994 acres that are in soil class valuation. Again, only one acre out of this entire project is not in soil classification. That means that they are in a soil range

between 1-5 whether they are excellent which is soil 1 or they are pastureland, which is soil 5. Next slide please.

Removing that from open space would be the only way to change the valuation of those farmlands. The open space removal, it generates compensating tax, it generates additional tax, penalty and interest and the reason for that is you've been turned into a legal binding agreement with the legislature to be in this program, you're going to be taxed for all the years past that you were in the program to change that use. If you are going to farm it but you don't want to be in this program that keeps you from building a home on it, then you are going to pay the open space removal fees. This is statewide, it is not just our County and there are a lot of WACs and RCWs that dictate on how that is going to be maintained. It is a very, very small use. You could probably zoom on that part in the corner of the page. This little removal request in the corner is a 15-acre piece. We basically made up in our system so you can see what the calculations would look like. Fifteen acres, say it was only in the program for this year, what would the fees look like if we were to remove it, two hundred and10 days into this year.

So, ultimately it comes, you will have an additional tax of $59 in an interest rate of 2%, interest due of $1.18 and then another additional tax of $80.24 for the remainder of the current year. If this was any traditional farmland in WC, this is thousands of dollars. This is just a small 15-acre piece for one year. You are looking at thousands of dollars for ten years for all the prior years that it has to be removed, just to come out of that current use program. Next slide please.

Lastly, Alan asked me what do house values look like in the current wind area? In the Assessor's office we are kind of obsessed with sales, because sales dictate what our assessment needs to be. In tax code 131, 110, and 117, we have homes that have multiple sales over the course of the life span of the wind farm.

Case A, in tax 110, sold in the year 2013 for $220,000 and again in 2023 for $585,000. So, by year, that is a 6% increase to value according to the sale of that particular home.

Case B, in 131, sold in 2007 for $190,000. In 2018 it sold again for $314,000, and again in 2021 for $365,000. That is 4% per year for the first range and a 3% per year increase to the value for the second range of the sale. That was the only one I could find in any of the tax areas that sold more than twice.

So, the last two are a little wonky, but the first one sold for $300,000 in 2021, for $375,000 in 2023. That is a 10% increase per year to the value of the home.

The last one sold in 2011 for $178,000, and in 2014 for $220,000, which is a 2% increase. So, if you average those out, I would probably take the 10% out but you're looking at about a 4% average increase to the assessed value of the home on the market. That would be my presentation super quick. Do you have any questions?

Dave Gibney – Let's start over here this time with Chris Melhus.

Chris Melhus – Thank you very much for the presentations. I don't have any questions for you. The presentation was thorough and answered a few questions for me.

Weston Kane – Thank you for the presentation. I do have a couple questions. So, the State Bill 1756, so that basically, then there is no property taxes on new installs?

Wraylee Flodin – There are property taxes, they just have a reduction to the tax they pay on purchasing that product to install it. So that is outside of our office. It is another tax they pay.

Weston Kane – Okay, then on the home values, has inflation been taken into account because I know like I live in the middle of nowhere in Lacrosse and my home value has gone up four times since 2017.

Wraylee Flodin– This is strictly based off the sales of those homes. There were not major changes made to any of the four homes. They are regular old farmhouses in smaller districts like Lacrosse. Two of those at least, have a viewshed of the windmill project currently but all are in those windmill districts.

Weston Kane – But no inflation wasn't accounted for because mine has had nothing done to it and it went from 150 to 500 in that timeframe so, that's my concern with values.

Wraylee Flodin – Mine has done the same thing.

Weston Kane – So, you know where I'm coming from. Thank you, Wraylee.

Wraylee Flodin – Yes.

Brian Davies – I'm good. Thank you, Wraylee.

Dave McKeirnan – When you are talking about tax evaluations and levies and where it's going, we can't see that the grand scheme on here. Wasn't 695 small taxing districts will increase their budgets by 1% per year, so, you bring all this in, and small taxing districts don't pass their levies, and it drops everybody's taxes, it depreciates out in five years basically, now the small taxing districts have to pay the price to try to bring themselves back up. Is that correct?

Wraylee Flodin – There are a lot of limitation factors on the levying process. The levying calculations spreadsheet has levies at least four in the top half of it and then there is a whole second page. Those limitations are based on the local taxing authority, specific

limitations. The 1% levy increase is widely misunderstood but there is a 1% increase to the highest lawful levy which has additions to that calculation.

So, 1% increase to the regular levy, (inaudible), plus the addition of any increase as to state assessments plus the addition of any new construction. So, when these windmills go on, they go on and take construction the first year, that bumps that highest lawful levy up. It generally bumps it well above the local authority already was or their requested amount. We call that based capacity but then it grows by 1% per year. The highest lawful levy calculation grows by 1% per year.

Dave McKeirnan – But they depreciate out, (inaudible)

Wraylee Flodin – (inaudible) yes.

Dave McKeirnan – So, what is sold as, is going to be a huge boost to the economy, and the patrons is really nice for the first 5 years but after five years the taxpayers and the school districts and stuff that are used to having that money are kind of left hanging paying that bill.

Wraylee Flodin – Yes, you would expect to see that difference happen in the levy rates. and the four things we talked about in the levy rate were really high before this project started. They came down to kind of where we, all the districts run right now, and they basically stayed that way. We are 15-16 years into the project. You don't see the levy rates going way back up to where the project first came into existence. They are staying consistent, which means that there is enough growth in that tax district to account for the depreciation of the windmill. It is kind of a teeter-totter.

Dave McKeirnan – So we are going to get a boost with these windmills and then hope that we build more houses, and we have more development in the County to offset as they depreciate out.

Wraylee Flodin – Yes.

Dave McKeirnan – So, we really aren't gaining much.

Wraylee Flodin – No, in the four districts we currently have in the project, it just leveled out and stays there. I don't see a lot of new construction, like you don't see the whole new construction that you would see in Pullman, in Oakesdale. That is not happening. So, in another district that is maybe a little more incentive to build homes and take on our homelessness, they may see a higher growth rate that would offset the windmills to appreciate even greater.

Dave McKeirnan – I was just figuring these tax rates in different tax zones, and we hear that these things are going to be the cure-all for all the taxing agencies and the road

department, and it doesn't really look there is much benefit. The taxpayers are going to be left hanging paying it five years down the road and they depreciate out under personal property.

Wraylee Flodin – Yes, it is just with the 15-year project, we haven't seen that happen. We have seen it leveling it out and just a consistency there. At the end of the project, at the end of the lifespan, if they don't replace all of the windmills, they are like debunked, we are going to bury them, that is when you will see a bigger adjustment to that levy rate.

Tami Southern – Yes, that is kind of where I was at so, thank you for your presentation.

Dean Kinzer – Same here, thanks for the presentation. Dave asked the questions I was thinking about. Thank you.

Julian Matthews – Yes, thanks.

Bill Myers – Okay, just trying to get a grasp of, let's say you take these parcels out of open space, rezone them industrial, what just on a percentage basis, what would be the increase to the County in tax revenue? Just a rough percentage.

Wraylee Flodin – If those farmers walked away from their farmland and it was industrial, the only industrial valuation we are currently doing, I can give you a current answer on that, is in Pullman. Pullman's industrial land value is $10 a square foot where the residential land value is $7.00 a square foot, based off the sales alone. So, what percentage increase is that, probably not close enough to what your land zoning change could be. It would not matter zoning-wise what any of that farmland is zoned.

If they are in the classification program, if they are in open space, they have the right to have a lower taxation rate on that land, because they are in that legally binding agreement. It is separate from the zoning. It could be zoned industrial, could be zoned ag land and it is still going to be taxed the way it is right now with the current use program. They would have to remove in order to see a change in their taxation.

Bill Myers – I've just got something nagging me in the back of my head. I can't formulate into a decent question, but I might, but thank you very much.

Grace Di Biase – Are we accepting a hand raised from zoom?

Dave Gibney – That is not a member of the Commission, but we will let the hand raised go first and then we will take the people in the room. But one of the things I noticed is if one of those, if a person currently owning and farming a parcel of land, 1000 acres for some reason or other, wanted to change that to an industrial zone it would cost them ten years of deferred, thousands and thousands of dollars to pull it out of that open space?

Wraylee Flodin – The zoning doesn't matter. If they were removing it from open space classification, then they would pay penalty and back taxes and so on.

Julian Matthews – Okay, like say I have a little parcel of land and whatever 10 acres and I want to lease it to Palouse Wind Project then the amount that they pay me, that would be based, what I'm getting at if it is my land and I want to put a wind turbine on it, I have that right, to lease it to Palouse Wind Project.

Wraylee Flodin – I can't speak to that. As far as the taxation goes, it is not going to change how we tax you. That is a separately owned improvement on your land. So, there will probably be a different tax bill for that. It doesn't change the assessment of your land.

Julian Matthews – So, if Palouse Wind's project leases my land, then do I pay the taxes or do they?

Wraylee Flodin – You pay the taxes on your land, and they pay the tax on their windmill.

Dave Gibney - So there is an individual on zoom.

Shane Roach – Thank you guys for the presentation tonight. It was very informative. I just want to make a comment and a question. The comment is on the State House bill 1756 is that my understanding is that only affects the State portion of the taxes of the renewal projects. So, the County portion that you are reporting on remains unaffected. What happens with the State portion is instead of paying a state property tax and the assessor's property tax gets waived and then the excise tax is replaced. All that excise tax actually goes back to the County so the County is really getting more money than they would before.

I do agree the depreciation schedule is pretty strong on these projects and there is a lot of movement on the State legislature on fixing this and we are hoping in the next legislative session that there will be fix on the County portion as well to make it a flat structure.

My question is on the open space act, I appreciate you presenting. This is the first time I have heard of it. In your assumptions, when you look at wind projects, we're only impacting one acre per turbine and the rest of the acreage is still being used as farming. Are you assuming that all of the land that is being leased is being taken out of production or is it just like the individual, the small amount per turbine infrastructure?

Wraylee Flodin – In this County we haven't removed any of the land from classification for windmills that are currently sited. They are still paying for that acre that the windmill is on as though they are farming it, so they are paying the same rate for that one acre as for all the rest of the acres in that particular parcel. I believe the question is more if it gets zoning changes will there be a change to the valuation and that wouldn't affect anything in the current program.

Dave Gibney – Just to be clear, I did not know who that was that was going to come forward. There was no bias there or anything like that.

Tom Thompson – I see there are four residences up there. You mentioned two of them were within the viewshed. Do we know the distances between the house and the nearest turbine?

Wraylee Flodin – No, I can tell you that with a little more time, but I don't know.

Tom Thompson – Are those the only four houses that sold?

Wraylee Flodin – These particular homes sold multiple times which gives us the ability to establish whether or not they devalued in sale price or increased in value. There were hundreds of sales in those four tax code areas, but they were sold only one time. So, I didn't really have a way to compare and see if their values increased. But in that particular tax code area, a lot of individual sales were to people from Spokane County trying to get a little bit lower levy rate, get a little bit lower value home moving to this area. So, you normally see a fair sale transaction, but I feel that they were just a little bit skewed, especially after Covid, you probably see a higher price range in that area just from Spokane County.

Dave Gibney – We have to share the microphone for the recording.

Con Banister - I currently live in Pullman and my question for you is kind of a two-part but first, did you look at other data for the County or statewide as what housing prices increased on average or what the devaluation was and was this significantly different from that? That is the first part.

Wraylee Flodin – I actually don't think this is significantly different from anywhere else in WC specifically. This information was thrown together today. Alan bought it to me. I might have gotten a voice mail yesterday, but I just read it today. I just looked at those tax code areas, but the sale prices that you see here, especially in 2023, 2021. Those are not outside of the range of the sale prices of WC right now.

Con Banister -The second part of my question is that the current wind projects in WC are much, much smaller than the one that is being proposed. These are going to be like 600 plus feet, have you looked at data from other towns around the nation with similar size scale wind projects, if that is how you impact specifically the evaluation. Because I do think there is a huge difference in size and scope.

Wraylee Flodin – I have not done much research myself. The Assessor's group meets a couple of times a year and this is our biggest topic of conversation. There are existing solar and wind projects in other counties where they have seen, although they see an increase in the total price of the sale in today's market, they have seen a decrease in that valuation.

I've heard a lot of concerns in a lot of these meetings, locally. You know, my house value is going to go down but sales so far don't seem to indicate the house prices are going down.

Alan Black – I doubt you have an answer for this question. But how many new construction, how many new house permits were in the area of that wind farm? Do you have any idea?

Wraylee Flodin – I do not have any idea.

Bill Myers – Back to the zoning question. Say we change the zone parcel, we pull it out of open space, but it still taxed the same?

Wraylee Flodin – The choice of the open space is going to be what the predominate use of that land is and the landowner choosing to leave the open space program.

Bill Myers – The basis of the question, there have been several occurrences where there has been a residence or a rock pit and they have had to pull a whole parcel out of open space. I'm just curious what the rationale is when in this case as far as renewables. Is there a law that precludes the change in tax rate?

Wraylee Flodin – I'd have to do some digging on that. Most of the removals that we see, there is a reason for them. Whether they are subdividing and it's going to be smaller than the five acres plus, or they are no longer to meet the minimums for the incoming requirements to stay in the program. Mostly that is why we see removals. Generally, the big quarter sections don't get removed for this type of situation. But I'm happy to do some reading on that.

Bill Myers – Okay, thank you.

Westin Kane – Okay, I'm just not super familiar with open spaces and what it takes to get it removed. So, what kind of structures, if we wanted to build a shop on like my 50 acres. Am I able to do that and still leave it in open spaces?

Wraylee Flodin – Yes, that can happen so that is expected in the force of doing that type of business, a lean to, a barn, a shop. Generally, there is a home site value so the one parcel has one-acre of homesite value is likely set aside for that shop that they are running out there. In your particular instance and many of the WC farmers, you have one-acre homesite value is a much higher value than all the other acreage that is in the land classifications.

Weston Kane – So if somebody had enough ground they could split off to do a homesite, they would have to pull that out of open spaces to build a house?

Wraylee Flodin – Not necessarily. If they were short platting to make a 15-acre piece and the kid is going to build a house on it, that doesn't need to come out of classification

because they are still predominately farming it and it is contiguous with some that are already in the program.

Rick McNanny – I've got a question for you. You made a comment a few minutes ago that piqued my interest. You made a comment about Alan providing you with information. I'm not implying anything here, I just want to make sure the numbers we are seeing up here, how did you come up with these four, were there more samples or were there four that were hand-picked. How did you come up with these?

Wraylee Flodin – So the Assessor's Office maintains a data base with all the sales in WC. Whether that is industrial, single-family residence, gas station down the road, I pulled a query of all of the sales, broke it out by districts, only chose the four districts that windmills are currently in, and then looked for sales that had multiple sales on the same parcel number over the years of electronic file that we have.

So, our electronic information goes back to 2011. Of that, I was able to come up with these four. Every other sale in those four districts was just a single sale in that whole year range. Does that make sense. There were hundreds but they were just one sale so there wasn't a way to compare if the sales had increased in any way. A lot of those transactions are not your special warranty deeds. They are quick claim deeds, they are people transferring for life estate, they are not handshake transactions so we kind of disregard those when we are looking for this type of information.

Rick McNanny – My goal here is not to be accusatory I just want to make sure the list we were given wasn't hand selected, cherry -picked for anything specific. It was in fact a true sample of all the sales.

Wraylee Flodin – Yes, the selection was produced from the information in my office by me. Alan only requested if we could look at sales if we had access to that information, which lucky for me, I do. That is information that we maintain.

Con Bannister – Does this account for changes in the quality of the house if they were home improvements done things like that? I took a basic statistic class when I was in high school and four doesn't seem like that big of a sample.

Wraylee Flodin – This is basically just straight information out of our query what was the date, the sale amount, and then the parcel number. So, if there were any changes to quality and conditions most likely they were depreciation in this area. I did not see if they built a new deck or put a pool in or something like that. In this particular area that is not generally the case so likely the assessment of those homes depreciated with the quality and conditions although the sale prices went up. It is very basic statistics.

Dave Gibney – To be clear this question was asked yesterday and seen today so there was no opportunity for detailed research, and we are probably lucky to have a sample of four.

Wraylee Flodin – I was surprised there were four to look at.

Chris Melhus – You may have already mentioned this, but I was out in the sun all day, spraying, so I may have missed it. Out of those four examples, what two houses were in the viewshed? You happen to know?

Wraylee Flodin – I believe it is the one that sold three times and the one right below it, but I would have to double check.

Julian Matthews – I was just wondering like say those four houses that sold how was that in relation to the assessed value to the property taxes?

Wraylee Flodin – The assessed value was very low. The assessed value is very low in all of WC, including Pullman. The assessed value of these homes is probably 65 % of the actual market value. Just I happen to know that district has not been in physical inspection yet, so it is probably very low.

Dave Gibney – Thank you very much. I learned more on this second time than I did the first. I really appreciate it.

Wraylee Flodin – Thank you for the opportunity. I am happy to come.

Dave Gibney – We are now at 8:15, and we usually try and not go a lot past nine o'clock.

Julian Matthews – Are we going to start working on this? One thing I'd like to say, a lot of these issues that seem to come up have more to do with like talking about the levies and that. It's not really like I don't see taxation in here or,

Dave Gibney – Okay, and today,

Julian Matthews – That's what I would like to do. I'd like to work on this.

Dave Gibney – And we will do that. We were asked to have some more presentations at our last meeting, and as everybody can see, it has used up a fair amount of the time to do the actual work that we are here for.

Last time, I really do appreciate everybody that is cooperating with the procedure that I am trying to use in the last few meetings. Last time we did progress up to *19.61.55, Micrositing Corridors.* We did receive a new document from Jack Lein. We will put that in the record and take a look at it. It does have some comments in there on the area that we have already discussed and we will take them into concern but we are not going to go back to it tonight.

Where we are at right now is *Section 19.61.060 – Development Standards and Criteria.* This section includes the various studies and data needed for the SEPA project, the development of the EIS and information on the Hearing Examiner to evaluate the conditional use permit. It is a large section, and I doubt we will finish it. It would be nice if we could get through the setbacks and height limits section and even some of the site access and traffic. Some of the later ones are fairly short and again, they are very specific to the studies that are required for the SEPA. I will note that the visual resources is #13 at the very end of this section so we probably won't get into a lot of viewshed discussion tonight.

Again, to re-outline the procedure, we are going to review each section, I will read the existing language, we will let the County Planer make a comment, I will ask the Commission to briefly comment, we will ask for public comment, we will limit speakers to three minutes, try to alternate the sides, we hope that the speakers will stay on the topic within the time and not to repeat.

We are not going to do a lot of Q & A during the public comment period. We will try to address the comments at the end of that. If we have time, we may allow additional speakers, then we will ask the County Planner to respond to the public comment, we will go back to the Commission, and then I will attempt to summarize and provide direction for the draft language as we go forward. I'm going to read through the whole section of Setbacks. Then we will discuss that.

Section 19.61.060 – Development Standards and Criteria

1. *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.*

a. *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.*

b. *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.

c. *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.*

d. *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.*

e. *For purpose of this section, any consents to visual setback distances of less than 4X turbine height form 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.*

Dave Gibney –So that is the existing language for the setbacks. Alan?

Alan Thomson – When we first created this ordinance, we did a lot of research into how to come to these decisions as to how far back things were. We looked at the Horizon Wind Energy project in Kittitas County, that went all the way to the Washington State Supreme Court. That was determined at that time that four times the height of the turbine. That's where that came from. It came from that lawsuit, that case.

So, we basically did what the EFSEC and the State Supreme Court agreed to. A lot of work was put into that by EFSEC and the State Supreme Court to justify why that would be an appropriate setback to protect public health, welfare and safety. So, we thought that was a good idea. The BOCC at the time agreed to that so that is where it came from. That is why we have those numbers in there. That is the history of that.

Chris Melhus – No comment at this time.

Weston Kane – Right now, it looks like if somebody wanted to give permission, they could shorten it up, as well. Looks like letter "e" they could,

Alan Thomson – Yes, so that refers to an adjacent landowner, a non-participating adjacent landowner, where there is no residence on that parcel. If they wanted to build something within that distance that says in the code here, they would have to do that as it is stated here. They would have to have a notarized agreement filed with the Auditor in order to do that. So that choice is there, for non-participating landowners.

Brian Davies – No comment at this time.

Dave McKeirnan – No comment.

Tami Southern – I do wonder if four times is enough just having to look at fields just next to the one outside of Oakesdale, just in the last couple of days. When you stand next to it or close to it, it seems two times the height, that is a lot, and so I wonder if four times is not going to be enough if it needs to be a greater distance from a non-participating landowner. It is insanely large to think. Those are around 300' in length and to go twice that high is insane.

Dave Gibney – It works out to be over a half a mile.

Tami Southern – It is still a fair distance away approaching these turbines, when we were looking at these fields in the last couple of days, that still just seems like it is a small distance.

Dave Gibney – I've been driving by and watching windmills since this came up, too, so I understand.

Dean Kinzer – No question in my mind, I would with the scale of these proposed turbines I would prefer that if we have to accommodate them in any way shape or form, that I would prefer at least 8 times the setback rather than 4 times.

Audience applause.

Dean Kinzer – I realize that would basically put a moratorium on the project but that is where I am coming from. The scale is enormous. On my farm the lowest part of the farm is 300' to the top of the highest part. I have extremely steep hills, and from the top of my hills I can see all of the Blue Mountains. To my southwest is that entire project of wind turbines over in Columbia County and in Garfield County. That entire horizon lights up at night constantly blinking and I can see Steptoe Butte and Kamiak Butte and Bald Butte from that hill. It's a wonderful view, Moscow Mountains and so I prefer 8 times if we have to accommodate them.

Julian Matthews – So is the current project up by the rest areas, how far is the closest turbine from the highway right by the rest stop?

Alan Thomson – It is fairly close, but it has to be at least the length of the turbine plus 100 feet away from any property line or public road.

Dave Gibney - The four times is the amount to occupied buildings.

Bill Myers – I see here there is a provision for cities, about a mile setback. It seems to me difficult for me to see the rationale why people in rural area would have to have lower setbacks than people living in the city. A lot of the health studies that I have received from the Planner have addressed annoyance and many of them, years, a mile as the distance which the annoyance which is quite a bit less or is acceptable. Annoyance meaning a not just a simple aggravation, it is a legal term denoting not being able to enjoy your property, lack of sleep and other problems like that.

A mile is not unreasonable when you are also looking at, or 8 times, it comes out pretty close. The one thing about 8 times I like is these things are going to get bigger, and we've got more projects waiting in the wings. People are receiving mail all up and down Union Flat Creek and there are areas have been mapped out from the Colton-Uniontown, the Idaho border all the way to Pullman. It is not, I think it behooves us to, if we are going to write a document, to write one that is going to last beyond, that is looking to the future. There are more of these coming. We need to have a good law here and 8 times,

Dave Gibney – That's what our job, clarification though, Bill, the setback to an incorporated is four times the maximum height of turbine, that is Section "c." and the occupied building is four times the height of the turbine in the current code, so that is the same. That is not different.

Bill Myers – Okay.

Dave McKeirnan – So what, I guess I don't really like the non-participating adjacent landowner's property line, it is the height plus 100 feet. I think it should be four times across the board if that's what we are going to do is four times, we're going to do four times. Because it does affect, if somebody wants to build a house on their property or something, let's set it at four times the height and make an even playing field across the board if that's how we see fit. But,

Dave Gibney – I want to ask Alan, if somebody was willing to build their house inside the, up there in Oakesdale within the four times range, they would be permitted to?

Alan Thomson – With a waiver, yes.

Dave Gibney – Why even a waiver? They aren't the ones that are being non-compliant. They are making a choice to, and the windfarm would be grandfathered in so would they not actually be outright permitted to put a new one in? I don't read that in the code. I don't read that new construction has to comply with the setback.

Alan Thomson – No, new construction, someone wants to build a brand-new house?

Dave Gibney – Someone wants to build a brand-new house.

Alan Thomson – That is what "e" is about.

Dave Gibney – No, that is about somebody has a house within the four times range, but they are agreeable to have a lesser setback.

Alan Thomson – No, I'm going to disagree with you. This is for the purpose of somebody wanting to build a house. That was the reason we put this in. Otherwise, you would be correct then you would be denying an adjacent landowner the ability to use their property as they wish. So, this is specifically for someone wanting to build a new residence. If they are willing to be less than four times the height of the turbine, put it down on a piece of paper and get it,

Dave Gibney – It doesn't say new, it says non-participating,

Alan Thomson – It does not, but that was the intent. Then if we need to modify that language to say new, then fine. But that was that intent, because as Denis Tracy will tell you, any attorney will tell you, you would be denying that person that adjacent landowner to build on his property. So, that was the reason.

Dave McKeirnan – That was why I brought up the four times the height across the board is to protect the neighboring property rights, too.

Alan Thomson – So the one times the height of the turbine plus 100 feet is to adjacent property lines. That means it is a field. It is an ag field. The intention there was you don't want to have a turbine falling on a neighbor's property. So, what do you do, you make sure it is one times the full height of the turbine plus 100 feet, so it won't fall over there. There is no house involved with that land there.

Dave McKeirnan – Not now, but I'm saying if there is a house then it is 400' setback so if is it my property I want that stuff to be four times the height away from my property so that I can build a house just like if it was pre-existing.

Alan Thomson – Dave, that's not how zoning works. You can't book something in advance there. It is illegal. You know, first come, first serve for zoning. If you build a house somewhere then the current code states there are setbacks to anybody adjacent to you. That's how it works. You can't just say, "Okay, I might build a house here ten years down the road, therefore I'm booking that house right there." And nobody else can build anywhere else around it? That's not how it works. I'm sorry.

Weston Kane – But it is not illegal to set our zoning to where all our setbacks are 4X or four times?

Alan Thomson – You can certainly do that but then you will prevent any project from happening and that would be illegal. You are making setbacks so large that no landowner would be able to put a turbine on their property. There is the balancing act that we have to work on here. What is fair and reasonable for the people that want to have turbines on their property. They have rights also.

Dave McKeirnan – I understand that. I was just looking at the property rights before they aren't involved, too.

Dave Gibney – We've heard that.

Julian Matthews – I just like to say it is really strange to me how we or the government, it is kind of un-American to telling people what they can do with their land. I bought my house in Pullman. It's my land, I don't feel any government should be telling me what I can do with it or what I can put on it or build a house or build a garage. That just seems kind of really bad for us to be dictating to people what they can put on their land. If they want to build a store, they can build a store, but we're not going to go after them because it is not just that unpopular as wind turbines. I just think it is really sad that we sit here trying to tell landowners and property owners what they can do with their land. That's really sad.

Weston Kane – The current code says I can't build a house on top of a hill.

Alan Thomson – Dave, this is just the basics of planning in this country. There is this thing called police power which gives the local governments the authority to regulate land as long as they are doing it in a respectful and good manner. So that's where zoning comes in. We have the regulatory power, every government has that power to regulate land and make setbacks, for instance, for building your house and building your business. Zoning, you can't build in certain places, you've got to keep industrial areas away from residential areas, whatever. That is the police power that is granted to us,

Dave Gibney -For the purposes of health, safety and welfare.

Alan Thomson - Yes.

Julian Matthews – I understand that, but I guess what I'm getting at, too, the total number of people here sixty people, ten people, seventy people, in WC are making these determinations and that's what I think is sad, it is unfair. It is really unfair to the citizens of WC to have, there are many decisions to be made to the WC Commission.

Dave Gibney – We are not making any decisions tonight. Okay, public comment on this section and the setbacks. We will take Ms. Black. We are going to limit you to 3 minutes and try not to spend more than 15 minutes at this.

Carol Black – Okay, I'm reading from the same document that I gave you last week or whenever. It is the same document on setbacks. There are no changes. I am actually suggesting that you simplify this and pretty much get rid of c, d, e, f, and g. and make it simple and talk about a minimum of an occupied structure or incorporated community. Like you were saying, make it the same. There is no difference between my house and somebody else's. I like property lines, definitely better than occupied structure.

Based on some of the data that is coming out on real estate values that we talked about a little bit today, the impacts are happening to properties that are within 1.25 miles of turbines. That data is based on shorter turbines than what is being proposed here. The property values are being impacted out to 1.25 miles. I believe it should be 1.25 miles or a person could have a waiver.

My other public comment is that the 5th amendment of the US Constitution does prohibit the governments taking of private property. That means my property values that are reduced. The real estate value may go up for that house but it would have gone up even higher had those turbines not been there. So yes, my property value when we bought our place, many years ago, it has gone up. But it would go up even higher if these turbines stay away.

So, again the 5th amendment does protect my property right and we do have inverse condemnation on the government needing to pay me or the turbine company has to compensate for that loss of that property value as well. So the document that I passed around this from the proceedings from the National Academy of Sciences, what I would like you to do, is not looking at the details but I think as we look at the environmental impact statement that is going to be required for any future project in the County that the individuals have to provide a visualization of each individual residence that is being impacted, where the base of that turbine is that is going to be near it, where the base of that house is and how big that 700' turbine is as I mentioned last week from Ace Hardware to 400' above the hospital in Colfax. So, I have given you both these documents, I thank you for your time but we do need to have a visual representation of what this is going to do to neighboring landowners. Thank you.

Ken Duft – My wife and I enjoyed living in WC for about 60 years. In an attempt to stay within the time constraints allowed us I would like your permission to read my comments. I come before you this evening because I fear that our county's three natural wonders will not be adequtly protected by a simple revision or editing of the current code relating to setbacks. I respectively ask the Planning Commission to direct the County Planner to construct an entirely new and separate section of the code referencing the minimum setbacks to Steptoe, Kamiak and Palouse Falls. Our planner certainly has the skill and the

knowledge required to construct such a new section. The Commission has both the authority and the responsibility to issue that directive.

The pure size of the 700' tall wind turbines sort of boggled my mind. I'm a simple man and I'm trying to think of a 700' tall turbine. So let me help you a moment with a more developed accurate image of their physical presence. Image first, the Statue of Liberty. Now we all know what the Statue of Liberty looks like. Now let your visual image of the Statue of Liberty include the construction of forty-five 700' tall giant turbines adjacent to or nearby this national monument. Does your image change? Oh, yes, the Statue stands only 305' tall, less than half of the proposed height of the windmills we are talking about here.

Now let us move a little further west to the gateway arch at St. Louis. I was born within eyesight some 84 years ago within eyesight of this structure and standing on the columns of in the whiskey flat area, I could easily see the arch being constructed twenty miles distance. Now imagine this iconic skyline for St. Louis if forty-five 700' tall turbines were constructed adjacent to or nearby the arch. Oh, yes, by the way the arch stands 630' tall, shorter than the turbines being proposed.

Finally let us imagination a move to Seatle closer to home and the Space Needle. What if the turbines were constructed nearby this historical world fare structure. The Space Needle stands at 605' tall, almost 100' shorter than the turbines that would be constructed near Kamiak Butte.

Protecting the viewshed of or from our three natural gifts is warranted by a special section of the setback code. The separate section must contain at least three basic components in my opinion. First, Steptoe, Kamiak and Palouse Falls must be specifically named thereby avoiding confusion with lesser- known natural features.

I like Pampa Pond but I'm not going to stand before you for its protection. Secondly, the setback minimum must be expressed in terms of nautical miles or portions thereof. Thereby avoiding the confusion of linear miles measured over an irregular terrain. Third and finally, the setback must be expressed as a direct function of the height of the proposed turbines. Thereby avoiding the prospect that a 300' turbine could later be replaced by a 700' version resulting in no setback consequences. My request for the separate treatment of our three natural wonders is personal but likely reflects the view of thousands of other WC residents. Remember you alone have the authority and the responsibility to protect the welfare of our citizens. Thank you for your kind attention. Mr. Chair, if I have any time remaining I will happily pass that on to the next speaker.

Dave Gibney – You went a bit over.

Tom Thompson – Thanks for this opportunity. So yesterday morning I sent Mr. Thomson a memorandum via email along with some attached documents. Each one of you should

have gotten my memo to the Planning Commission. Two main topics, #1 the renewable energy information on the Counties' website is very one-sided. The first three documents are basically from the American Clean Power Association, and guess who the president is of that, there is a lower being and she is president of the Vestas North America and she is the chair of the executive committee of the American Clean Power. It is always good to know who did the study, who did the documents, etc.

So, I attached eight different sources on here, you have the links on the documents, because to popular belief, the documents you see on the website there are health issues that have been documented. Even on the ones that are on the website, it is very interesting, because the word, "annoyance" it occurs in every single study. Now, the determining factor is whether or not the people doing the study consider that annoyance to be any major thing or not. So, 2017, Vermont Department of Health had the report titled, "wind turbine noise and human health." This is #5 on that sheet.

I am going to quote from it, it says, "The use of the term annoyance should not be confused with our everyday use of the term to indicate a minor nuisance or something that causes a slight irritation." Basically, what it is referring to is annoyance in that report is dealing with migraines, cardiovascular symptoms, high blood pressure, sleep disturbance, etc.

Let's go on to another study. This is actually done by a doctor who is on the payroll on the American and Canadian Wind Energy Association. He didn't have any conclusions that wind turbines were harmful but interestingly enough there was a group living within .87 miles of wind turbines and they reported worse sleep and they were sleepier during the day and they had a worse SF-36 mental component scores compared to those living farther away as in 3.3 kilometers or two miles away. So, just a hit on the setbacks, you guys have the information. You can read on that.

I think #1 we need to have healthy setbacks for the health of the community. Good setbacks. We need to protect the home and property values as Carol Black mentioned. We need to also emphasize viewsheds as in the Comp Plan. That is an important factor. I think going off occupied buildings that's not the way to go. You are basically and for lack of a better word, you are screwing over that landowner from future development. Right? It should be off the property lines. That is what the distance should be determined. I recommend a mile or more.

Dave Gibney – Thank you.

Con Bannister – I'll keep it brief. One thing I took away from this Supreme Court case that was referenced is that it doesn't have to be four times. It can be over that. It just can't be under that, is my read of that case. I think that looking at some other states and some countries do it at five times or more. I think we should consider that we should do more, especially considering how much larger these turbines are going to be in comparison to what we currently have. I really don't think that any of us will be able to fully comprehend

what this is going to do to the viewshed of Kamiak, to our neighbors until it is here and by then it will be too late.

The other thing that I would want to inquire about further, Alan, you mentioned that it would be impossible to do the project if it was set at four times even for non-residence property lines. I'm curious if you have data or facts or any specific knowledge of why that would be impossible and if that was the case why wouldn't it be closer for a residence. I grew up here in WC my whole life, I hope to stay here, but I would not want to develop land here if I know that wind turbines are going to be put up right next to it and if I want to put a house there in ten years, I wouldn't be able to. That's just, I wouldn't feel good about that. That is pretty much all of my remarks, thank you.

Mike Dymkoski – We've got to cut through the hyperbole here. Mr. Thomson stated that it would be against the law for you to recommend setbacks of four times the height of the turbines from property lines instead of occupied dwellings. That's absurd. You could do that, and you should do that. He kind of gave away his game when he said that if you did that, we'd have no commercial development for wind turbines in WC. That's not true. We wouldn't have 700' tall wind turbines. We could have 300' wind turbines if they had to work within an appropriate setback.

Developers aren't guaranteed the right to have unlimited height industrial wind turbines and in doing so impact the property development rights of non-participating landowners. Mr. McKeirnan had it exactly right. If we have to preserve opportunities for ag land to be developed for commercial wind turbines, we also have to preserve the right for ag lands to be developed for residences, as well. Setbacks are always from property lines.

My son owns the property adjacent to mine. He has 15 acres across Parvin Road, he has a rural housing certificate that requires a 200-foot setback for a residence from a property line. From the adjacent property line, not from an existing dwelling. Commercial wind developers are not a special class of private developers. They should be restricted just like any other private developer, including home builders. Four times the height from property lines from occupied dwellings, all that does is impact any landowner from future development of their property and it is not breaking the law to do your job.

Jacob Segebart – I'm from Viola. I've owned and operated a crop-dusting business, an interlock air business for eighteen years now. So, I was working down in the Waitsburg-Dayton area when they were doing those turbines and saw how it affected ag and our businesses. If a farmer hires us to come and work in a field and I like the eight times setback, even at eight times, it makes our job more difficult, a pilot dies almost every year from wind turbines. So, it makes it more expensive.

We have to charge the farmer more. If I flew one of Mike's fields that was next to them, we have to charge them more because we are not near as efficient, because of how we have to stay down below them and turn and it just takes forever. So, it costs the farmer more

money to have us fly his field. Rob McQuire north of here, has lost close to $100,000 a year now because of those wind turbines and he is just not able to fly that field anymore. So then the farmer loses money as well. Thanks.

Rick McNanny – I just don't understand why it is that you value the code is written to value the citizens of Pullman, their property line rights more so than residents. The lines, you have to be four times the height away from the city limits of Pullman. That is the way it is written, but yet for my property line, it is only one times? Why am I not as important?

If I decide to someday build another house or something on or near my property line, I will be in violation of the ordinance. It just doesn't make sense. The other thing that I would like to point out is that you brought up, #1, it irritates me, this goes way back when you basically said that dams are ugly. That's an opinion. How many times a day do you look at that dam? We will see these things every fricking day. I will see them out my front window. I will see them out my back window, I will see them out my side windows all day. All the time.

Dave Gibney – Okay,

Rick McNanny – This is my time, and I'm sorry

Dave Gibney – Okay, I'm sorry but, there has been direct comments to the individual, the Planner, that is his job, but we are not really taking direct comments to this, the personal comments are not appropriate here.

Rick McNanny – You talk about projects.

Mike Dymkoski – You can't regulate the content of,

Dave Gibney – I can ask for peace and,

Rick McNanny – Okay, I'll bring it back in, I'm sorry, this is a little bit emotional.

Dave Gibney – I understand.

Rick McNanny – You guys, you are tasked with a tough job. You really are and I don't envy you, but you were put in place, and you were hired #1 for the citizens of this County, not for wind turbines. Not for development, you are there to look after the rights of the citizens. Another thing that irritates me is you talk about neighbors and everything else, Pullman decided they didn't want a gravel pit outside their city limits because of what it would do with the traffic and everything else. They also decided they didn't want a biodiesel plant. Just take that into consideration when you think about these things, so that's what I take into consideration. Because that does upset me. I am a proud NIMBY. "Not in my backyard.")

Dave Gibney – I understand. Thank you.

Mark Webber – I'm from Pullman – I agree you guys have a tough job and I appreciate what you are doing. I think just a really simple point to begin with, a point was made earlier that for this region we need to specify land of sight as the 4X or 8X whatever you end up choosing. Because if you use a measuring wheel you go downhill, you eat up 2400 feet really fast going down and up hills. So, it should be line of sight, when somebody has to look out the window at one of these ugly things, we need to respect the property owner's rights.

Also, I agree that the 4X or 8X rule should apply to the property line. I don't think it is fair to compare this to standard building codes because we are not talking about standard buildings. We are talking about something bigger than the size of the space needle. What in the world are we doing trying to compare this to commercial buildings in terms of the code. It should be from the property line to respect the landowner's rights. Thank you.

Dave Gibney – Thank you.

Tucker Senter – I'm from Palouse. I'm not copying my peers before me but first I want to say you guys have a tough job before you. I don't envy you by any means. But what I will say is someone who has a lot of experience in leadership and as leaders yourselves and that's the one who is seeking the leadership position in this County, myself, I don't think anyone that has spoken before us today has asked you guys to break the law, by any means. They have only requested that at least you follow the will of the people within the bounds of the laws.

But one thing that I will also bring up is that it isn't against the law to work to change the laws and regulations to better fit the will of the people you guys represent. I will reiterate and say that I agree with Mr. Kinzer on his amendment to this, bringing the minimum regulations to eight times the height of these turbines. I also agree with the gentlemen, who I think is in the corner there as well, as many of the people that have spoken today, that the regulations should be not just occupied buildings, but instead to just occupied private land in general. Thank you.

Babs Pfaff – I'm from Oakesdale. I don't know if you've heard from anybody that lives in Oakesdale, but we bought our home 40 years ago and now out my living room window I see 32 blinking lights. We farm around six of those turbines. We are on the Rosalia side. I can't tell you about the inconveniences that have caused for farming, the promises broken. We don't own them. Our landlord does not live in WA. He agreed to put them on the property, because he saw that as a means of retirement. He quit his job, based upon the contract he had. Well, as soon as they built the roads up to where they were going to put the turbines, they declared bankruptcy. I think it has declared bankruptcy three times since. So now Avista them and his contract has been null and void because it wasn't the current company's contract. It was the previous company.

So, the amount of money he receives is a whole lot less than what he was originally promised. The only reason we know that is because he told us because we were farming and we were going to be losing farmable land, based upon the turbines and the roads that we would get a percentage of whatever he received. Our percentage has gone down so we know his has also.

The turbines, my understanding is once the company had full release they can do as they please. I just ask that you please be very careful. I don't understand the need for the huge ones. My husband and I went up there a couple of nights ago to watch the aurora borealis, and we were about a quarter of a mile, we were on our property that we lease, because of the height. We could hear the swish, swish, swish and it was annoying as you guys have talked about. Have you considered the noise of a 700' one? If you ever have the opportunity, please go to Oakesdale and see those turbines. I have photos, I have a picture of our tractor sitting next to one. You can't see the tractor.

Okay my last comment is, we are entrusted to this land by God. We are to preserve His land. We may own it but only for our lifetime. He isn't going to make any more agricultural land, so please take care of what we have.

Dave Gibney – Thank you.

Tresa Bannister – So a question for you to ponder. It seems like some of your intent might not be to represent the people.

Dave Gibney – For the record, we do not, this Commission is responsible to the BOCC. We don't represent either the developer or the public. We are an advisor to the BOCC and that's our job to advise them.

Tresa Bannister – You have come across a little biased, a couple of you do. We can hear it, we can see it, it is very obvious to us. It is a very stressful situation for all of us. So, in addition to setbacks that are very concerning for all of us residents that live in the area, just the viewsheds, etc., has anyone done any tribal consideration? Have you spoken with the tribal people and gotten any of their needs and wants for this? Because you know, the viewsheds cannot be disrupted. I know you know that, Alan. Right? Are you aware of that?

Alan Thomson – If we ever did get an application, the tribes would be very much involved.

Julian Matthews – I'm Nez Perce, and I went up and talked to the Coeur d'Alene tribe, and they won't do anything at all until there is an application. You know, the tribes should have been consulted on a lot of things, but I don't think they were. The long-term impact of electrical generation so, but I did talk to the Coeur d'Alene tribe and the Palouse was basically, the Palouse band of the Yakima when they inundated Palouse villages on the Snake River to put in the dams, they lost a lot of their villages, and burial sites and

everything and so that is a good point that you brought up because, but they won't do anything until there is permit.

Tersa Banister – But notification would have been good. They would have liked that so that they could be at this table talking with all of us and with you.

Alan Thomson – So all of the tribes have been notified.

Tersa Banister – Not the Colville Tribe. I just talked with them today.

Alan Thomson – Well, I have a list of them. I was asked,

Tersa Banister – I would like to see those names, please.

Dave Gibney – Okay,

Alan Thomson – I was asked to notify the tribes and which I did. Probably about nine months ago. But, we don't have an application, we don't have a code so there is no reason to follow up on that.

Tersa Banister – You could let me know who you talked to if you talked to them recently. Because the Coville Tribe said they had not talked to you at all.

Alan Thomson – I will send you an email.

Tersa Banister – Thank you I'd appreciate that.

Alan Thomson – You're welcome.

Tersa Banister – Was that from the Council or who did it come from?

Alan Thomson – It came from me.

Tersa Banister – From the Colville Tribe, because they are the stewards of the Palouse Indian.

Dave Gibney – Okay,

Alan Thomson – I'll check the email and see if they are in there.

Dave Gibney – We will get the clarification. We are not going to go back and forth.

Tersa Banister – With the viewshed between the two buttes cannot be disturbed. It cannot be disturbed. It is a cultural viewshed that you are not supposed to disrupt so it is another

consideration to have about the people and the significance. You talked about the dams, etc. we already know. Thank you.

Dave Gibney – Okay, we got one online?

Shane Roach – With Steelhead. We are the developer of the Harvest Hills Wind Project. I just want to thank you guys for the time tonight, and the work you guys are putting in. I have enjoyed the presentations and the comments. I agree with some of the key points that Mr. Morris presented earlier on.

We are here because the Palouse does have good wind resources and access to transmission. But, taking a step back we are here as presented because we need more energy. Wind is one of the most affordable sources of power and we are ready to build. As a follow up to the natural gas question I'd be curious to know what the lead times are for procuring commercial scale- natural gas turbines. I think the questions as we are asking kind of developing coordinates and stuff, this project I think a lot of people are asking but this or what else would you rather have to create energy?

I've been working in this County for over three years and truly believe that this will benefit everyone in this community, as we have seen in every other project we have developed. This is from the tons of millions of tax dollars in revenue that protecting and preserving family farms through weatherproof income and the creation of hundreds of jobs during construction in multiple long-term jobs throughout the lifetime of the project.

The setbacks in the current ordinance have been used successfully in the previous project and balance responsible development in protecting the rights of our landowners. The current use taken into account taller turbines because they are a factor of total height. I want to be able to permit this project in this County but an increase in setbacks will prevent our ability to do so. Thank you for your time.

Dave Gibney – Thank you. Did you say that Denis was online?

Denis Tracy - Did you have a question for me?

Dave Gibney – No, I just wondered if you wanted to chime in at this point. If you don't that's perfectly okay, too.

Denis Tracy – I can say this, there is obviously going to be much more discussion I would say in this Commission and then later in the BOCC.

Dave Gibney – I will ask a question. If we were to increase the setbacks to such a point that it was affectively impossible to build any wind here, or could the wind that they desire to, where are we on that taking versus, there is a point if somebody's land is affected by the

neighboring change, would that have to be, how would you codify that to compensate that if something like that occurred?

Denis Tracy – Could you ask that question again?

Dave Gibney – Okay, it has been stated that if I put a wind turbine on my land, that and negatively affect my neighbor, I owe them compensation. Is there an effective way of doing that and how would it be codified? If we were to do the setbacks to the adjacent property owner, of course a solution for the developer on that would be to include that property owner in whatever deals they are making. But if they weren't.

But if we were to go to eight times, which is effectively a mile of the taller ones, that would certainly increase the expense because again they would have to be contracting with a greater number of people. None of it actually makes it effectively impossible but it does increase the expense to the developer and the practicality of it. We are at that question of taking and what is our ability to exercise that health, safety and welfare clause that all these actions are under.

Denis Tracy – Such good questions and I can give you a more full answer in the future. I can give you a brief answer. I respectively disagree with the lady, kind of hard to see on zoom, maybe it was Ms. Black, suggesting that she might be able to compensate, that some property owner might be owed compensation because her property value or that property owner's property values was decreased because the project such as a commercial wind project went in nearby if the commercial wind energy was following the law, following the County zoning code.

I disagree there would be taking, no violation of the 5th amendment, but I will say this, being a lawyer, I take great comfort from the fact that all of this is going to be litigated and there will be lots of lawyers getting paid lots of money. But I can answer more generally aside from that specific and give you the lawyer's answer which is it all depends on I go back to, Alan Thomson's comment about the current code was developed about 10-12 years ago and at that time, the big factor was the State Supreme Court decision that noted that the Kittitas County Project that ended up with four times height of setback that the State Supreme Court said that that four times the height setback requirement had been developed in a sensible manner. That it had been developed in a reasonable manner and it wasn't an arbitrary and capricious standard.

The fellow who, one of the audience participants, noted that that court decision did not mandate four times the height, to be the rule for all times. It just noted that the agency that developed the four times the height minimum had not acted in an arbitrary and capricious manner. They had looked at the available scientific information at that time and said that four times the height setback was a reasonable number in balancing the landowner's constitutional right to do with their own property what they want and the health, safety and welfare of the nearby residence. That means the process by which that agency developed

the four times the height was approved and of course, implicitly the four times the height setback was ruled to be constitutional. That it wasn't too much of a restriction on the property owner's rights to do with the property what they want.

If the Planning Commission wants to follow commissioner Kinzer's suggestion about eight times, for instance or any other number for that matter, five times, whatever it might be. If the Planning Commission wants to adopt a number like that, if you only base it on the audience members input of "We are not going to like this," then I think that that would likely be found to be arbitrary and capricious.

I don't know if it would be for sure, but it would likely be arbitrary and capricious. But if there is some studies out there upon which the Planning Commission can relay to say that, "No the 300' tower or 400' tower, four times the height would be okay but here is a study that says a 700' tower just has a really overwhelming impact on the surrounding neighborhood much more so than a 300' tower, and more than just the relative height difference. Because of course the setback you are talking about is in the terms of the relative height of the tower.

So, a 700' tower is going to be setback much farther when you're just talking about four times the height. But if there is a scientific study out there, saying that, "No, if it is 700' tower that has more of an impact than just that would be expected in the four times the height setback." Then that would be something that I suspect that would reveal in court would say. "That is not arbitrary and capricious." That is the standard that this Planning Commission has to follow. Is it reasonable, necessary for the health, safety and welfare of the County and that is the standard that the BOCC is going to have to follow when and if they make any changes here.

You have a standard that is lawful, that is not arbitrary and capricious, that's the four times the height. It is in place now, it worked 12 years ago. There has been some dissatisfaction with it, but by and large it worked, and it is constitutional. If you want to increase it, the only way I believe the court would say that the increase is not arbitrary and capricious, is if you base that increase on some kind of objective information. I don't know how close I came to answering your questions.

Dave Gibney – I think you have been helpful. I'm not going to go back to the public tonight. We also are not going to, it is clear we won't come to any conclusion tonight. I would love to put it to a vote and say what we are going to do tonight. But I don't see that is feasible at this point. So, what we will do is continue with the procedure which is to let Alan have another talk. We'll hear from each of the Commissioners, and then I will be wishy-washy.

Alan Thomson- After Denis's talk there, I don't think I have much more to say, other than I agree that the standards we have right now are good and workable

Chris Melhus – I think Denis answered the questions for me. At the same time, I think before I have a lot more to say, I'd like to go home and do some deep thoughts on this and be more comfortable on what I'd like to be as a setback and where I'm not comfortable.

Weston Kane – I would kind of concur on that as far as we need to have research to back what we are going to do if we increase these. The only one I question would be a question for Denis. On "d" could we just make the four times setback across the board? So, it is all property lines, instead of just occupied buildings. That would one thought I had.

Denis Tracy – I would like to do more research before I give an answer on that. I suspect the answer would be "yes." At least there is more room for the PC to make changes there than to go with doubling the setback. I have great respect for Commissioner Kinzer, and maybe it ought to be doubled. I'm not saying that it can't be, I'm saying that if you were to make such a drastic change, you would, it is not just a drastic change here, I think you would have to point to specific objective information.

Weston Kane – Thank you.

Brian Davies – I think I just need to chew on some of this and the other data that has come in at the last moment and in two weeks we will discuss it again.

Dave McKeirnan – I agree. I think there has been a lot of good information from presenters, our attorney, the public and I need some time to go over it.

Tami Southern – I would agree I think more research individually amongst all of us is warranted in regard to discussion of the potential of whether or not it is feasible to increase the setbacks. There was a lot of good information tonight. I feel with the height of these and the potential height of anything coming in the future, it is hard to envision that four time is adequate. It feels small in comparison as to what is coming up so. It definitely needs more thought and consideration before we go ahead.

Dean Kinzer – Thank you, Denis, for your input. You are absolutely right. We need more objective information on reasons for increasing the setback and it will give us time to work on that. There is no question in my mind, the setback needs to be larger than it currently is in the code so we will be working on it.

Julian Matthews – I agree with that one.

Bill Myers – We need to go back over our studies and pay more credence to the term "annoyance." I think annoyance should be the standard as opposed to a side observation. And yes, the setbacks need to exceed four times, double would be my suggestion.
Dave Gibney – I have to say that as I've been driving through wind farms and across the last bit and when I drive through one and I double it in my mind, I find it significantly different. But where we are right now, we don't have an agreement as to what we are going to do. We

don't have a, we have a direction that we might be increasing it, but we don't have any non, any justification for doing that other than this, it seems like a good idea, so we need to come with some basis if that is the pathway we are going to go.

Audience--Maybe a bunch of people need to go down,

Dave Gibney – Okay, please the first point is whatever you say not on the microphone can't be, but we are not going to go there anyway. Please, not tonight.

Audience – A bunch of people need to go down and see what we are dealing with.

Dave Gibney – So the suggestion was that some kind of field trip to where there are existing large ones. I am pretty sure the County isn't, I don't get paid to sit here and I'm sure the County isn't going to fund my trip either. So, at the next meeting, this is homework for the Commissioners. Come and say that this is what you would like to do and have some background as to why.

The Staff is available. I'm sure Alan loves me throwing him under that bus, that is his job. Our attorney, it is his job to protect the County. I think we have beaten tonight, I hope I can be here in two weeks, but I do have a niece scheduled for a cesarian the day after, so you may have to excuse me. That may or may not be a positive thing in your mind. But thank you.

Denis Tracy – If I could say one last thing. I don't mean to minimize or downplay all the comments that the public had made, because they are very significant comments and very significant concerns. I was just saying that in my view, a court would probably not uphold doubling of the setbacks based on those comments, the very serious concerns, that they would have to be some other objective standards that you could point to.

I think you have to be realistic and recognize that the turbines at 400' and four times the setback have worked. I don't know enough about the wind energy field but if somebody wanted to put 400' turbines on the breaks of the Snake on their property, would you want to forbid that? Keep in mind that you are writing a code for the whole county and not just for the Harvest Wind Project.

Dave Gibney – Thank you.

MOTION by Weston Kane and seconded by Brian Davies to adjourn the meeting. Motion passed.

Adjourned – 9:30 p.m.

WHITMAN COUNTY
PLANNING COMMISSION
Public Service Building
Workshop
Auditorium
June 18, 2025
7:00 p.m.

MEMBERS:

Dave Gibney – Chairman
Tami Southern - Garfield
Chris Melhus - Rosalia
David McKeirnan - Pullman
Julian Matthews - Pullman
Brian Davies – Vice-Chairman
Weston Kane - Lacrosse
Bill Myers - Colfax
Dean Kinzer - Pullman

Staff: Alan Thomson, WC Planner; Grace Di Biase, WC Assistant Planner; Brandon Johnson, Public Works; Elinor Huber, Clerk.

Zoom: Eric Slusher; Ken Duft; Denis Tracy; Ashley Hartman; Nicole Frazier; Shane Roche; Shelly Chambers Fox; Emily Pearce; Mark Weseman; Jason; Michael Echanove; Collin Bannister.

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

7:03 p.m. – Dave Gibney opened the workshop. That brings us to our unfinished business of our conversation about creating a solar energy ordinance, battery storage ordinance, and reviewing the County wind ordinance. Do you guys want to talk about the short course?

David McKeirnan – Yes, I won't be able to attend the short course next Wednesday.

Dave Gibney – Just for the context, tell us what it is, Alan.

Alan Thomson – There is a short course on local planning in the State of Washington. The Department of Commerce puts that on. They have the ability to create meetings like the one we have next week, but they have a regular schedule, and they do this throughout the State.

I got them specifically to organize this for us, for WC. There will be people from all over, probably attending. It is not just for you guys. Anybody, members of the public, members of any of the agencies, anyone can attend it. So, Commerce puts this on, you can go to their website, and you can get into one of their meetings, and there is a schedule there.

So, they will have that throughout the whole State but, this is specifically for us here, because most of you PC members have not gone through that course. This gives you the basics in how planning works in the State of Washington. It is kind of important for Planning Commissions members because you are dealing with planning in the State of Washington.

Dave Gibney – I have been through this course on several occasions, being a member of this Commission, and also the Pullman Planning Commission. It is very valuable information. This is kind of short notice, but.

Dave McKeirnan – I'm going to be out and away from Zoom and everything else and will not be able to attend. If it is county-wide and we can zoom it, any of us can do it another time. It would be great, but I think we didn't hear about it at the last meeting, and we just got thrown a third meeting for this month. My family takes priority, so.

Weston Kane -I'm about 50-50, I may be here, I may not. I'm in trainings all next week.

Dave Gibney – I will probably be Zooming it. Okay, let's get going. First of all, I am happy I can be here tonight. My niece's pregnancy has improved and the early C-section schedule for tomorrow is going to happen on time in about four weeks.

I appreciate the cooperation with the procedures we have been going through. We continue to make progress. At our last meeting we had an extensive discussion about the setback Section of 19.61.060 of the wind ordinance. It was really clear that there is some interest in revising that section. Also, that any revision of this section needs some careful thought and planning so that we are not acting in any arbitrary or capricious manner.

On Thursday after that meeting I sent several questions to the Planning Director, County Prosecutor, and County Director of Public Works, asking for clarification on several aspects of this area. Last Friday I sent a note to the members of this Commission, that included those questions and the initial response. This will be available in the website documents, if it is not already. A thorough response to these questions and maybe others is going to take some time, so tonight I will leave the setbacks on the table and talk about the later sections in that part of 19.61.060.

As I mentioned last time, this section includes the various studies and data needed for the SEPA process, the development of the EIS, and the information the Hearing Examiner will use to evaluate the Conditional Use Permit. It is a large section, and we are still not going to get it done tonight, but I hope we can work through several of these starting with #3. I am skipping the Height Limits also because height and setbacks are so closely tied.

We will start with #3. Site Access and Traffic Management: #4, Noise; #5. Air Quality; #6, Vegetation and wildlife construction limitations; #7, Overhead electrical transmission and collector lines; #8, Avian and bat studies and requirements; #9 Stormwater; #10 Geologic

and Flood hazards. We are probably getting to the end of where we might get. #11 Water Resources; #12 Cultural Resources; #13 Visual Resources.

I will start by asking the Commission to make any initial comments and then we will do perhaps 30 minutes of general comments from the public and then we will get into the meat of our work.

Chris Melhus – I have no comment at this time.

Weston Kane – I do not have any comments.

Brian Davies – Just to be clear, the questions you asked of Denis are sort on the back burner for now? Correct? Because the expert is not in the country and he doesn't have the answers to those questions.

David Gibney – It is my understanding that Staff met with the experts earlier today, and that they are planning on having something for us preliminary or even complete by our meeting in July. Mostly there were legal questions and what kind of procedure and safeguards we have to make sure that what we finally recommend to the BOCC is defensible, should it be appealed by any sign of a wind project.

Dave McKeirnan – So, for clarification, we are going to table the setbacks for tonight until another day. At what point do we let the patrons know when we are going to be discussing those topics so they can come prepared for those issues?

Dave Gibney – I hope that we will be doing that at our July 2nd meeting. If not, I hope it will be the second meeting in July. There is a lot in this other stuff, too.

Dave McKeirnan – I just want to make sure the patrons have an opportunity to come prepared for the sections that we are going to discuss the night of, so that if we are going to table it.

Brian Davies – I would think when we get to the end of tonight, we will know where we are at, and we can probably plan where we are going to be in two weeks.

Dave Gibney – It is a valid request and concern. A lot of it depends on how far we get tonight and also how far along the Staff gets on the reports. They may not have a full answer, but I am certain that they will have something for us on this subject at our next meeting, whether or not we get back into full revision of the setbacks or not.

In my opinion, take a look at the questions I asked. If we are going to do a thorough job of changing those setback numbers, we have to have some best science and health and legal advice on just exactly what we can and cannot do and what are the parameters.

Dave McKeirnan – I agree with you 100%. I just know that even for myself I have been doing some research trying to figure out how you could defend this, how could you, the 4X the height. It was discussed at the last meeting, and I saw your emails come through and it gives us a chance to prepare. But at the same time, we are moving to this section, and we are almost done, and moving on to this section and when we have these meetings, it is partially to keep these people involved and give us their feedback, because we represent them, and we come to a meeting. So that is all I was asking.

Dave Gibney – Honestly, I hope they have lots to tell us about the sections we are going to talk about tonight.

Tami Southern – I have no comment at this time.

Dean Kinzer – Neither do I.

Julian Matthews – No, comment.

Bill Myers – I sent you some information,

Dave Gibney – We did get that yesterday and we didn't get it sent out yet today to the rest of the Commission. We will be sending that tomorrow.

Bill Myers – No rush on that, because if we aren't going to talk about setbacks for a while. This is pertinent to setbacks. The information basically takes the 12 most posed questions by wind companies in relation to infrasound and other sound related issues. A study by Punch and James went over a period of 4 decades and they were instrumental in establishing a 1.25-mile setback in Madison County, Iowa. I believe it was adopted by the Department of Health in Iowa, itself, whether or not the remaining counties use it, how it stood up in court.

I know that Dr. Punch has presented in legal proceedings and has been successful in defending his work and these larger setbacks. While we examine ways not to be arbitrary and capricious, I think, proven work some of the studies are peer reviewed, some of them are evidentiary they are, anyway they bear examination as we explore larger setbacks and to be able to defend it. That was more or less what was presented by our county attorney that we needed to do. If we are going to increase setbacks, we need to be able to defend that so this information would be helpful in that.

Dave Gibney – I agree with you completely that is exactly the kind of concerns we need to have as we go forward on this issue. We need to find that out on some of these others too, because we can't do any law arbitrary and capriciously. Okay, does anybody out there want to talk? Please identify yourself.

Tom Thompson – I know the moratorium is going to be ending here July 7th and I am fully aware it is the BOCC that will be making that decision. I wanted to check with the Commission here, obviously it looks like we need more time than just a few more weeks. I hope that the Commission will encourage the BOCC to extend that it another six months minimum. What is the thought on that?

Dave Gibney – I'd like to say we, I have made it very clear to the Planning Staff and hopefully they are passing that on to the BOCC that we will not be done with this project on July 7th. In fact, it is now pretty much impossible because I believe we are already too late to schedule holding an ordinance revising public hearing on July 7th. We are close to 20 days from that.

Tom Thompson – Excellent. Great, thank you. The other thing concerns going over this section 3, with the site access, and that type thing, will we have a chance to respond according to the end of the time?

Dave Gibney - We will do section by section and there will be Commission thoughts, public thoughts. I'm just wanting to give the legal and professional staff to be of assistance in this.

Julian Matthews – I was just wondering, I am kind of new to this whole thing. So how many moratoriums can they have and then what how will that affect, because can't they just go to the State and say we want to do it anyway?

Dave Gibney – My understanding is you can moratorium indefinitely, but you are not going to be able to do that forever.

Mark Storey – I think you can do as many extensions as you want but I would have to verify that. I do know that on Monday the BOCC took action on setting up a hearing to extend the moratorium with the intent of doing so, but they still are required to do a hearing and a process before they vote on the extension. It wouldn't just be the moratorium it would also be the interim control that they enacted a couple of months ago.

So those are in place, as far as your question about if somebody wants to go to the State, they can go to the State right now, anytime. There is no time limit on whether say, Harvest Hills, for example, would apply to the State for EFSEC for approval. If they want to go through the County process they have to basically wait until we are done with the moratorium process. I just didn't know if everyone was aware the BOCC are taking steps to extend the moratorium as we speak.

Dave Gibney – Thank you. It is my understanding that Harvest Hills has informed the County that they have at least preliminary started the EFSEC, they are talking with EFSEC.

Mark Storey – That is correct. They have started, whether they go in that direction completely or not, I don't think anyone could tell.

Dave Gibney – Correct.

Weston Kane – Just for clarification for everyone in the room, we are going to be 3 minutes again as we have previously.

Dave Gibney – Yes.

Carol Black – Do you know, is the BOCC considering the interim control level moratorium or a regular moratorium, since I don't understand. I know there is a difference.

Mark Storey – It's both. They do intend to do those in early July.

Dave Gibney – Okay, I'm going to read and review the procedure we have been using. We are going to review section by section. We will start with #3, Site access and Traffic Management. I will read the existing language, we will let the County Planner comment on the section, giving facts or details.

I'll ask Commission members if they want to briefly comment on that section. We will make public comments. Speakers will be limited to three minutes. I'd like to hold it to a maximum of three speakers on each side. Again, I hope the speakers will stay on topic within the time and not be repetitive. We will try not to do questions and answers during the comment period but to answer the questions at the end. If we have a real interest, I may allow additional speakers more time.

After that I will ask Alan to respond to the public comment, the Commissioners will be given a chance to comment and I will try to summarize what we have come to, our conclusions and intent on the section. I know this is a real sensitive subject, but I will not allow personal attacks on Staff, proponent, opponent, or any other party. We are going to conduct this in a professional manner,

Chapter 19.61.060 -Development Standards and Criteria

3. *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 compete or acceptable to the Public Works Department based on state law and prevailing rigorous industry standards. Required elements of the plan shall include:*

a. *Public roads to be utilized by the applicant shall be identified in the application. 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.*

b. 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.

c. 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 rights-of-ways, overweight and oversize loads, weight restricted bridges and structures, haul route agreements, etc.

d. 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.

e. All weather access roads (including graveled roads) suitable to accommodate year-round emergency response vehicles and equipment, shall be provided to within 50 feet of any built structure or surface activity area.

f. Engineering studies, plans, reports necessary to substantiate any engineering related elements of the plan.

g. Planned phasing requirements of the traffic management plan (if required) to accommodate multi-phase or multi-year construction plans.

Alan Thomson - It is pretty self-explanatory. We've got to have a plan. With the initial application we will see site plans of what roads will be used, but the detail comes later, just prior to construction. That is controlled by the County Engineer. All of that detail, the County Engineer will be responsible for.

Chris Melhus – No comment.

Weston Kane – I don't have any comment.

Brian Davies – What kind of a franchise agreement, Mark? Is it like a 30-year franchise agreement?

Mark Storey – Franchise agreements are approved by the BOCC, not by the County Engineer. They are simply replacement for utilities within public rights-of-way, whether they are buried or above ground. For example, we just executed a franchise agreement for

Y-fiber. I can't remember the term, I want to say they are 20-25 years, typically, but they are allowed to maintain their fiber optic systems in county roads.

That is kind of like a planning code. It allows it but they still have to design, inspect, and install everything else, the exact places they are going to put these particular utilities. Then what that also does, it allows the County for example, if they need to do a road improvement project, to be able to tell the utility what they need to do to accommodate the construction project. They are very common.

All the counties across the State have franchise agreements for utilities. It basically sets down liabilities, conditions, responsibilities and things like that for utilities. Whether it be power or information or water, sewer or whatever. Avista has a franchise. Inland Power has a franchise. A lot of fiber companies have franchises. It just allows us to talk civilly towards each other when we don't agree.

Brian Davies – So that is being used still like it was 50-100 years ago, because I've seen all those old franchises with the Washington Water Power Company. So, we are still following that same agreement protocol that the counties have always followed.

Mark Storey – We are with a few weird exceptions. A couple of the old telegraph companies that converted into, like AT &T, they are exempt from franchise agreements under state law because they existed prior to the state. Essentially, we are doing it the same as we were when we started as a state.

Dave McKeirnan – No comment.

Tami Southern – No comment.

Dean Kinzer – Does the County Engineer have the latitude to ask these construction companies to curtail their work during heavy harvest load or spring work or something to that effect?

Mark Storey – So, use, misuse, non-use, restrictions are always under the County Engineer for county roads. That is true regardless of who the user is. An example is a bridge that is deteriorating over time, and we have quite a few, and at some point, it cannot carry legal loads. If the bridge can carry legal loads, and the roads can carry legal loads then it is a public road and open to all the public.

When you have a heavy user like a big construction project or something, we create a Haul Route Agreements. Those are special conditions for extraordinary use. That is also under the purview of the County Engineer. I mean we don't tell farmers when they can harvest or not harvest.

Dean Kinzer – Yes, but we were there first.

Mark Storey – However, in the spring we do have in the county spring break-up. Every year the roads freeze from the top down and they thaw from the top down and if we let a lot of traffic on the roads during that spring break-up, we can do hundreds of thousands of dollars of damage in a matter of hours. So that is when we have special provisions for things. So, yes, we would be able to restrict it, but not for use but for weight.

Dean Kinzer – Okay, if they damage the road, then it makes it difficult for ag traffic to get over it. Are you able to repair it and get it back in shape for us to use?

Mark Storey – The answer is yes, but it is not always on a time frame you like. For example, Palouse Wind damaged Oakesdale Road. They did, I can't remember the number now, 100 plus thousands of dollars' worth of damage. We had to basically wait until spring to do it.

Another time with that particular project, a problem they had is one of the turbines burned up, if you remember the big candle stick that happened. That happened like a week before we did our road closures for spring and they wanted to bring in new parts and we said, "No," for months. In fact, you might have been a commissioner at that time, Dean. We basically said no because they would do more damage than is reasonable for the road because of the weight.

Our roads have several months a year when they are just too susceptible to damage and we reserve the right through the state law, through the County Engineer's office to restrict that. The repairs, Sand Road for example, had some damage to it last spring. It might have been the spring before. The damage occurred in March, and the hot mix plants didn't open until May.

So, we had roads that were in super bad shape, and we had no ability to get the material to fix them. So, the timing doesn't always work out. Then bridges are even more problematic. When somebody breaks a bridge, which has happened a few times, you can't just go in and replace a bridge in a couple of days. Does that kind of put it in perspective?

Dean Kinzer – It does. I just wanted to draw attention to it.

Julian Matthews – No comment.

Bill Myers – I'm just wondering if there is a bonding process for that damage and if there is a possibility of either a, for the general public, the denial of use financial impact, has that ever been examined or written into these codes of any kind? These are kinds of special projects, and they put us at a huge disadvantage. If you take a bridge out or a key bridge, there is going to be an effect of the expense of getting crops to market and obviously expense to the County. Something we may need to think about. There could be problems if there was a bond for that, perhaps, any of these surprises that didn't have to be incurred by the residents or the County.

Dave Gibney - This code right now does not have any bonding in it. That might be a thought to have. We would have to explore the potential legalities of making such a request. I know that the heavy farm equipment can also break roads, and we do not ask the farmers to give the County bonds for the roads that they travel on. It is certainly a valid thought.

Julian Matthews – I'm curious about, are the franchises are they free or,

Dave Gibney – The franchises are for the utility access to the right-of-way.

Brian Davies – It is just an agreement to use the county right-of-way to put stuff in.

Dave Gibney – I don't know whether the franchise holders pay a fee to the County or not.

Mark Storey – No, there is no cost for the franchises. The cost is, and part of that is the desire of the County Public Works Department to have people want to get the franchises so that it protects both sides rights. It is more of a contract than a financial tool.

The financial side is when the County has need to do something on a county road where there are utilities, then they are able to ask that company to do that without charge to the County. An example would be a road widening project where there are several power poles in the right-of-way. If they are inside the right-of-way, they pay to move them outside the area of impact. If they are outside of the right-of-way, and we are expanding the right-of-way, we pay for that. Really it is just setting legal conditions under which they get to use it. There is no cost to it to the bearer.

Dave Gibney – If my memory is correct, cable companies used to pay cities for some of that access, but they don't anymore.

Mark Storey – Correct. Cities have different laws than the County. There was legislation a couple of years ago that would allow counties to start charging franchise fees. We have chosen not to go down that path. We think we are more interested in being partners with the utility companies, which is 99.9% of what they are. It is the Avista of the world. We would rather create a partnership than a source of revenue.

David Gibney – Members of the public?

Carol Black – This is from my submission to you on May 21, 2025. In the opening paragraph, basically, it was talking about the industries standards. I would suggest that you add to the roadways, waterways as well as transmission lines, because the transmission lines were just noted and are often right along. That needs to be part of the assessment.

Then under paragraph A on the public roads, need to be identified for the application and then it was within 30 days of the completion. I think they should also have to do an

assessment before construction occurs. Again, because of the season and the impacts on our roadways with our climate and the road conditions.

Back on a point that was just mentioned. Is there any way to make compensation for individuals that are impacted if there are roads that are closed? I suggest a new section that says, a compensation plan must be provided for any economic impacts to the agricultural practices during the construction phase such as, farmers who reside in the corridor and the negative impacts on them being able to do field preparation, seeding, fertilizing and harvest.

The comment just a minute ago was, there aren't too many places where compensation plans have been put into place. The one place I know this has occurred is for the aerial application industry within Illinois. Because of the turbines that went in there, they precluded the ability to use aerial application in certain areas because of turbines, and then the wind company had to compensate those farmers for the lack of access to be able to use the tool that they needed for rust out brakes and things such as that.

Two more points. Two more new sections that I would suggest that the applicant needs to identify the existing power lines adjacent to and crossing the roadways. We've had issues where power lines across the roadway have been impacting the people that are living there and actually blowing up their stoves and things like that. I think it is power lines that are crossing roadways and adjacent to them that could be impacted because of the height and the size of the vehicles used. I think to get around corners they have to crane things up so it not just driving something down the highway. That needs to be addressed in any shortcomings.

The last new section is the applicant shall identify how often they need to close the roads. They will know how many pieces of equipment is coming in and which roadways would have to be closed, and they should have a schedule to where those are known as the County Engineer. Thank you for my time.

Dave Gibney – Thank you and we do have that document.

Tom Thompson – Starting at #3 where it says, *"Site Access and Traffic Management."* It says: *Prior to commencement of construction,"* I would like it to say, "**At the time** of the application these things should be provided."

Quite frankly, these companies are in the area three to five years before the project even breaks ground. They have already done multiple studies on the topography, the roads, the utilities, and there is no reason why they shouldn't be able to present a detailed plan exactly what the impacts are going to be on the roads.

I would agree with that idea that Mr. Myers made about having a bond in place. It is one thing to have your heaviest piece of farm equipment, that's nothing compared to a big

mega load coming in with 60-yard turbine blades or longer in the heavy loads that are needed to transport the materials.

Another point on #b. it says: *"Ingress and egress points shall be located and improved (if needed)...."* Who does the improving and who pays for the improving? That is what I am wondering. Does the County need to go in and improve those or is that going be on the applicant's tab?

Dave Gibney – I'm pretty sure that is on the applicant's tab. Anyone else? Okay, Alan?

Alan Thomson – A lot of what was discussed can be taken care of during the Conditional Use Permit application, rather than burden down the actual ordinance. That is what the SEPA process is about. That is what the CUP is about. All that conversation can happen at that time and conditions can be put on the permit. I think that is the appropriate time for that rather than putting a whole bunch of stuff in the ordinance.

Dave Gibney – We will let the members comment.

Bill Myers – No comment.

Julian Matthews – No comment.

Dean Kinzer – No comment.

Tami Southern – No comment.

Chris Melhus -I think the concerns I have would be verification that the company would be responsible for repair or improvement rather than that burden fall on the County. The second thing would be what we need to do to put in place so there is some sort of way of making them cover themselves so the County wouldn't be responsible.

Alan Thomson – There is a Road Haul Agreement that we put in place which covers all of what you just asked about. That is a contract, and the applicant is 100% responsible for repairing and paying for.

Dave Gibney – I want to thank you all. The comments, especially the written stuff from Mr. Thompson and Ms. Black will be part of the record. We will take a look at it. The idea of a firm guarantee of money actually being there is something to think about. So, we will take those as we go forward. I'm not saying that they will be adopted, but.
Carol Black – Can I get a point of clarification? Last meeting, I believe, and this meeting you just made a comment and I'm not processing it well. Where you said that it, something can be put into place, but it not necessarily needs to be in the ordinance. I'm trying to get a definition in who makes the decision about what can be. I feel like we should be putting

things to control in the ordinance, not left up to an individual that can make the decision on whether or not they can require that or not require that.

Dave Gibney – I know that the conditional use permit for Palouse Wind has been placed on our website. That was adopted under the other ordinance and I'm certain that you will find that it is far more detailed in the ordinance. That is placed, these are all conditional use permits, the Hearing Examiner and the public testimony at the time is how those conditional use permits get developed. That is where something like this would, the meat and the teeth and all that gets placed. Because without the conditional use permit nothing happens, and it is not a given that is it going to be granted. The Hearing Examiners are very thorough and professional people, and it is a job that I wouldn't want and know I can't do.

Alan Thomson – Just to add to that, I would encourage you to read the SEPA for Palouse Wind and the conditions, like Dave just mentioned. The short answer to your question is that the Hearing Examiner is the one responsible for making those decisions. We, the County, can put forth some suggestions as to what we would like to see happen, but the Hearing Examiner has the ultimate decision making and this is an experienced attorney who has done many conditional uses and SEPAs for this kind of project. It is very detailed.

So, the whole SEPA process reveals a whole bunch of issues, and you, the public, are involved in that every step of the way. Your comments will all be recorded and put into the submission that we make to the Hearing Examiner. That Hearing Examiner has to address all of the public comments. When you look at that Palouse Wind application, you will see how it is all unfolded. It is voluminous, there are simply hundreds of comments that had to be attended to. The short answer is the Hearing Examiner makes that decision.

Dave Gibney – So, moving on to #4.,

4. *Noise: State noise standard compliance: During construction and operations, the project shall comply with applicable state noise standards.*

Dave Gibney – I don't believe the County has noise standards of its own.

Alan Thomson – We have adopted the State Standards. WAC 173.60. Washington Administration Code.

Dave Gibney – On that section, anybody on the Commission have any comments?

Dean Kinzer – I realize that the State of Washington doesn't recognize infrasound as a problem but there is a disease called VAD, Vibroacoustic Disease and it is a condition caused by long term exposure to low-frequency noise (LFN) and high intensity sound vibration. I know that the EPA and Washington State Ecology Department don't want to touch that because it is something that would take extensive study. They don't want to get involved, because they would have to double their staff and do a lot of research.

But according to the research I've done, VAD can affect various systems of the body, including auditory, vestibular, neurological, muscular and cardiovascular systems, potentially leading to disorientation, confusion and even accidents, Atrial Fibrillation, and certain heart conditions that are not good for any of us. So, I don't know if we can put this in the code, but I would sure like to. I found multiple websites that have done testing and are documenting how it is affecting people.

Also, the fact that we have low frequency sounds that are now being put into movie scores and that is for the purpose of generating anxiety, unease and even physical discomfort for the audience during a horror show or something like that.

Then you have multiple countries in the world that are researching infrasound for weaponizing because they know it affects people and the ways they function. Most of these articles sited wind turbines as generating some of these infrasound noises. So, I am concerned that we don't have something addressing that. I said before, I realize the EPA and the Ecology Department in the State of Washington don't recognize it as a problem, simply because they don't want to get into studying it because it is so hard to study.

Julian Matthews – So, right now, mostly it is decibels, you know a construction company can't be producing a lot of decibels or what is the measure right now for noise? The state noise standard compliance.

Dave Gibney – That would be the WAC that Alan stated.

Julian Matthews – A lot of people may not know, in the audience, too.

Dave McKeirnan – I understand what you are saying, Dean. What is your recommendation? What would you recommend instead of what we have currently there?

Dean Kinzer – That is part of my argument, going to be for a nice big setback. That is the only way I know to protect our citizens is to have a larger setback. That is why I am coming in at 8X the height for these reasons. There is no question in my mind it does have effects on people and also, being we don't know all the causations and you can't tune in whatever produces those infrasounds, so that they don't produce harmful sounds. They don't know how it is going to affect you in your house in any way, shape or form.

Dave McKeirnan – I was just looking for a suggestion as to how to go forward. Thank you.

Dave Gibney – I'm not making an argument really, either, but I'm certain that the County doesn't have all the financial resources to do what the EPA and the Department of Ecology are willing to do also.

Julian Matthews – The EPA isn't going to be lasting long anyway. I'm just saying with the current turbines I go by the rest stop all the time. They could measure that. Is that the deal?

Dean Kinzer – They set their terms for audible decibels so they would have to research which frequencies of infrasound are harmful and set limits for those.

Bill Myers – The information from Punch and James addresses this comprehensively. Infrasound can be measured in decibels, and they are sizeable. We just can't, then there is also the impact of every time a wind turbine blade passes the tower, it makes a pulse that is you can actually feel. Some people are more susceptible than others. The young, the elderly the problem with a lot of the studies that have been done, if it is not audible, it is not deemed measurable. So, this information is out there, and it is very comprehensive.

Dave Gibney – We will definitely get the email that you sent out on the document site. Anybody out there?

Denise McCardle – I think on the sound it might be a little bit easy with, I got some customers that I sold a house on Chesapeake Road. They got all these wind turbines right behind them that I don't know if you guys have gone and looked at that. I think it is only a 20-minute drive from here. You all go down on a field trip. Go and take a look at those people's house. Go look at, I'll show you pictures of it before, what I sold them without knowing that the turbines were going to be behind sticking right up above them. I think those people, I have not talked with them since I sold the house. I had no idea until this year that those turbines were back there. This is 2013 when I sold that. I think you could do that.

Then Greg on our website, he was talking about we can go out to field trips to maybe look at these 700' turbines. You do also realize that they do have thousands of ones now, so they could put those in too. I'd like to know if anybody has checked into the money from the military doing the low flights in WC, the low flights over our hill, if you found out how much money we are going to lose from that.

Because there is a contract with the US Military. We've all seen the big airplanes come over and they are really low. I mean I've seen where they, I could practically touch them. So, have you done that? Have you done the research on how much we are going to lose from the military flights that we have agreements with? We do have agreements with them. That's all.

Dave Gibney – Thank you.

Carol Black – Just for a reference if you want to do a little homework on the noise standards, on the WAC 173.60. Please consider including the end of that which is .040 and

make that requirement the Class A EDNA. Then it will specify how much they can exceed for what periods of time, not just the decibel limit. Thank you.

Tom Thompson – About the sound, that is a controversial point as Mr. Kinzer mentioned. There are numerous studies out there that are showing there are effects and impacts from the sound of wind turbines, both of which you can hear, but also what you can't hear because of the lower frequency. I do think you guys have had a lot of materials sent to you. Look at those.

There have been studies from different nations that show those issues with the noise. I think at the end of the day the best way to alleviate this fuzzy gray zone is, so to speak, since there is a lot of different controversy on it, we have adequate setbacks that protect the citizens. At the end of the day, it is on the BOCC to protect the citizens, not the rush of development here, but to protect us. Not to err on the side of the developer but to err on the side of the citizens. I don't care what the court says. You know the court precedents are being set back and forth right as we sit here tonight. It's going back and forth, something that was decided back 12 years ago, doesn't necessarily hold water right now. Please keep that in mind. Thank you.

Mark Weber – I'm curious if this section is discussing the noise during construction or is this during normal operation?

Dave Gibney – During construction and during operations.

Mark Weber – Is there going to be another section that talks about light pollution as well?

Dave Gibney – Actually that is #13, that is later on.

Kevin Akesson – The telecommunications industry establishes standards through, I think, an environmental review process for radio frequency energy and siting cell towers in neighborhoods. You could possibly gain some insight from what has gone on in the telecommunications industry since it is a similar type of scenario.

Con Bannister – When I was thinking about noise in regard to wind turbines, I actually think about when I was living on Main Street in Pullman, they did their construction project there. There are a lot of different city ordinances that regulate construction, but a lot of those weren't followed in regard to their 4 a.m. construction going on. The city ordinance said 7 a.m., until a few of us at the apartment building started calling and saying the construction is waking us up at 4 a.m. that wasn't something that was being enforced as a city code.

I think for you to consider, and you should consider as well in this section, is enforcement. What enforcement looks like and how it looks like to measure the sound and the decibels and the different things like that. I think that it is no secret that for construction projects

and just in general and maybe broader projects, not all those ordinances are followed to a point, so I'd really like to know how the County plans to enforce that and measure it.

Julie Clarkson- Gulick – In the letter I sent you today, I included links to seven different ordinances. The focus, of course, was on setbacks because that was the topic tonight but most of those ordinances also address the sound levels many times, 30-35 decibels were listed. Some ordinances required studies before any construction began so that they had the levels recorded before the wind turbines were put in so that they could be monitored for changes after the turbines were put in.

Also, in my May 7th letter, I included a reference to the US Airforce Institute for National Securities Studies book, Non-Lethal Weapons, it addresses acoustic infrasound as being an item that is a non-lethal weapon recognized by the military.

Dave Gibney – Thank you. I'm sure that email will be forwarded to us, but it came in too late.

Dean Kinzer – If such an issue should come up that EFSEC commission decided that 8X setback was not feasible for them and it set it so we had to accept the 4X height setback, then I would recommend that we have in our code that the turbines must be turned off by 10:00 at night and not start before 6:00 in the morning for protection of the people from those infrasounds that we can't seem to get a handle on what the acceptable amount is.

We do that for rock crushing situations and construction in different areas, and I think I haven't talked to one single person out there that wasn't willing to pay less for their hydro energy at night when those wind turbines are turned off. I think we could handle that besides the fact that they have never developed a really good battery to capture all that extra energy that a wind turbine might produce at night. If we get to that point, I'd like to see it put in our code that if we have less than the 8X height setback that the wind turbines need to be turned off at 10 p.m. and start at 6 a.m. the next morning so people can get a good nights' sleep.

Alan Thomson – There will be sound studies done and the C-scale is what you are talking about for infrasound and low frequency noise. You can do studies, but we aren't going to be able to do that until they know where the turbines are going to be and where the non-participating residences are going to be. At that time, through the SEPA process, I intend on having some studies done at that point.

Bill Myers – Comprehensive studies have been done on infrasound.

Julian Matthews – I was driving by between here and Spokane I had the idea of going and checking them out. I don't know if we can do that. I think,

Dave Gibney – We are welcome to go as legally close to a turbine on our personal time as we want to. Legally close, if you're not trespassing on the private land, sure. Excuse me, we can't have people speaking from the crowd and I don't think we are going to organize a field trip with the Planning Commission somewhere. We are really having a bit of trouble getting everybody together and interfering with their lives already.

Brian Davies – Have we had noise complaints and problems from Paulose Hills with all the communities and the development that has gone in around those wind turbines? There has to be, it sounds like there are tons of houses and communities being developed around these areas, but no, there's not. So how many noise complaints did we get from Palouse Hills?

Alan Thomson – None.

Brian Davies – None. Thank you, Alan.

Dave Gibney – What I've heard is there is some interest by members of the commission to see what we might be able to write into here about infrasound and additional noise studies and some other stuff. Like the setbacks, that is going to run into a situation where we need to be really careful as to what we are doing so that we remain defensible in the courts of law. That has to be a factor, we have to consider that. We don't just say to the court that we aren't going to pay any attention to you. Actually, we can but the BOCC can't. We will now move on. I did stop the public time but go ahead. Come on up. We have time.

Babs Pfaff – I just want to make this comment, that you were talking about accessing up to the turbines to do a field trip. They are gated. As long as you are on the County Road, you are okay. But the actual roads up to the turbines are gated.

Dave Gibney – It may will be that Palouse Wind is amendable to giving tours. I have no idea.

Babs Pfaff – I know that farmers have to have permits in their vehicles.

Kevin Akesson – The issue of defensibility and arbitrary and capricious, I keep hearing this over and over and I just felt compelled to say something about that because we have a 4X standard that came out of a 2008 Supreme Court decision. Has anybody read the decision?

Dave Gibney – Yes, it's on,

Kevin Akesson – Is that arbitrary and capricious?

Dave Gibney – No, that decision is one of the materials that Alan has placed on the website. The court has stated,

Kevin Akesson – Where did 4X come from?

Alan Thomson – I can give you the history of that one. It came out of EFSEC and the Kittitas County case back in the early 2000s. The State Supreme Court sanctioned that. Today, with the Benton County project, the State Supreme Court has not made a decision yet, but EFSEC and the Governor, 4X the height of a turbine is basically the standard in the State of Washington by the Governor.

Kevin Akesson – Based on EFSEC.

Dave Gibney – The courts have stated that that particular standard is not arbitrary and capricious at this time.

Alan Thomson – I recommend that you read that decision because the words are in there.

Kevin Akesson – Let me read a portion of it to you. *"EFSEC's use of evidence outside the EIS in its final certifications decision does not render the FEIS inadequate."* So, they went outside the FEIS to determine the 4X standard. *"The County points out that EFSEC eventually approved the setback of 4X turbine height relying on testimony from the applicant's expert."* That is what it is based on. The applicant's expert.

Dave Gibney – But it is a State Supreme Court decision that we,

Kevin Akesson – Okay, it's 2008, that is a long time ago and things have changed including the economic viability of these projects is changed, and the implementation of the IRA,

Dave Gibney – This is exactly why I have asked our attorney and others to give us some guidelines on how we should go about if we do changes, coming up with them such as they are not subject to be arbitrary and capricious.

Kevin Akesson – (Inaudible) it can be very difficult.

Dave Gibney – I invite you to read my comments that I sent to them. Okay, we need to move on.

Tresa Bannister – So, you were talking about comments, about the Oakesdale project from 17 years ago when that started. First of all, we didn't have social media. We weren't connected to bring the crowd together like we are now. Also, Oakesdale area, that is a tiny area where that, that is a small project, tiny towers compared to what we are looking at now. Have any of you ever, do any of you know how many people are in our area, why are you smirking at me, Kane?

Weston Kane – I'm not smirking at you. I was laughing because his phone went off.

Tresa Bannister – This is very upsetting. This is a horrible project, in case you didn't know that. So, rurally, there are homes every quarter to third mile out in our area. Everywhere. Pockets of homes all over the place out there. How many homes are in your Oakesdale project? Alan, do you know the answer to that?

Alan Thomson – No.

Tresa Bannister – Well, that would be a good thing to come up with compared to what we are looking at now. How many people are going to be affected. Also, Kamiak Butte right there, a major hiking area. Steptoe is not the same. Steptoe's fame is photography. Look what direction they point their cameras. Towards Kamiak. You don't see very many pictures in our 40,000-photography group online in the opposite direction. It is all between the two buttes. The beautiful buttes.

Dave Gibney – Thank you. You are right, there wasn't social media to bring together a bunch of you people and the public during the conditional use process but there will be next time.

Tresa Bannister – Right. That is why we can't compare this project to the last project. That was 17 years ago.

Dave Gibney – But you can, I believe you will have a lot more opportunities to make comments in a subsequent procedure than you did back then.

Tresa Bannister – Yes, thank God we can. But we can't continue to use data from 17 years ago. You can't make a comparison of the Oakesdale project to this project. It is vastly different. Thank you.

Weston Kane -Being from the rural parts of the County, I do have to say yes to 17-year thing, I do somewhat agree with. That is old. However, just because it is Kamiak does not make it any more important part of the County than Oakesdale or Lacrosse. This is county-wide. It is all in the same county. I'm not trying to shut down what you said. I just said it is county-wide. It is not one area.

Dave Gibney – One of the questions that I did ask was based on Mr. Duff's suggestion that we might find some specific significant areas of the County and do we have some pathways to protect those. That is another one of the questions I asked our staff. Hopefully, we will get an answer there, too.

> *#5. 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 rod standard for dust control and erosions. The applicant shall maintain a water truck on-site during construction for dust-suppression.*

Alan Thomson – Pretty self-explanatory. They are going to have to take care of the impacts with dust, and whatnot and that will be a part of the conditional use permit.

Denise McCardle – So, they are going to have to have their own water truck. Any verification on where they are going to get that water? Because everybody, if they are getting it from a farmer who has a well, there is only so much water that can be taken from that well per day, for the concrete, all the water trucks and stuff like that, is state law. I don't know if they understand that, but somebody is going to have to be watching to make sure that that rule on 5,000 gallons a day is going to be upholded by these landlords.

Con Bannister – One of the concerns especially with water, off of what she was just talking about is that Pullman's water table lowers a lot. I'm sure that is true in other parts of the County, so that is why a big part of the reason why the bio-diesel plant didn't go through in Pullman. So, I would really like to see how the County is going to enforce and measure that and make sure that that's upheld.

The other thing I wanted to talk about is back on a discussion on the last item, was talking about setbacks briefly, specifically the Supreme Court case. I actually remember what the attorney mentioned in the last meeting that the 4X was not actually the standard that you have to go about. It is the process that you have to go about. That is what the Supreme Court in Washington established that you have to have a process of setting that standards that are reasonable so 4X plus the height is not a requirement. You do not have to do that across the State of Washington.

You just have to have a reasonable standard of finding that. Just because that was found years ago in 2008 for a much smaller wind project doesn't mean that that applies for this wind project, which is much larger and much different. I think that it would be arbitrary for the County to go off of that if they are not willing to specifically look at starting using different things to measure what the actual impact would be and how to do that.

Dave Gibney – This is why I have asked our attorney to tell us what kind of processes we can go through to make these changes. You are correct that we don't have to stay with 4X, and it is also a minimum, it can always be increased by the CUP process. But what you have stated is exactly why I have asked that we be given some guidelines and guardrails about how we might go about making those changes, and why I'm not talking about it tonight because I need to give the staff time to come back.

Con Bannister – I just wanted to clarify on that because Alan had said that it had to be 4X plus a hundred,

Dave Gibney – What we have right now is a court precedent that that particular standard was established through defensible means. I want us to have, whatever we may do, we need to make sure that we are going through a similar process such that we can get such a court decision, if it ever comes to that. I appreciate your comments.

Con Bannister – Just not being tethered to that 4X height. More tethered to the process that results,

Dave Gibney – That is what is in that ordinance right now, so for us to make any changes up or down or whatever, we need to go through a defensible process. If we do nothing, the 4X is the standard that is there and will be there. If we are going to make changes, we need to make sure that we are doing it in a manner that is at least as defensible as what was done in the court cases for this Kittitas project, which I think was probably bigger than Palouse Wind. I don't remember.

Alan Thomson – A lot bigger, initially.

Dave Gibney – The one in Kittitas, if you have driven SR 97 south from Leavenworth down through Ellensburg, you see these. It is a lot of area.

Mike Dymkoski – The County establishes the standards, the setbacks, the height restrictions. The County is the code authority.

Dave Gibney – That is correct.

Mike Dymkoski – If somebody wants to challenge that down the road in court, that's fine. They can do that. Nobody comes back and sues you. Nobody comes back and imposes a fine on the County for imposing standards on that and then gets overturned by a court. I don't know why you are worried,

David Gibney – That, that

Mike Dymkoski – Let me speak. I don't know why you are worried about what a court might do after the fact. The Planning Commission and the BOCC, their job is to establish standards and restrictions that the County at large wishes to see. If it is challenged in court later that is fine, but they don't come back and take your birthday away. They don't come back and fine you. There is no penalty for imposing a restriction that the County at large wants. The court simply overrules it and allows the developer to proceed with a different standard.

David Gibney – Any other, aside from the fact that water is a significant concern of all of us in this County, and its use for dust control does need to be monitored. I didn't notice anybody, any other changes or thoughts on air quality at this time.

6. *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.

Alan Thomson –That is going to be a standard thing. We will have the WDFW guidelines that we need to comply with. They will be part of all of this. So, Fish & Wildlife are going to be very intimately involved with this process, and they will make us aware of their requirements, what they would like to see in a conditional use permit.

Dave Gibney – They are part of the expanded SEPA checklist process?

Alan Thomson – Yes, they are. So, this is all about the Critical Areas Ordinance, which is a standalone ordinance, so we have to comply with all of that. The WDFW and Ecology will be very involved in how this gets done in the CUP. That also includes Palouse Prairie. Right now, Palouse Prairie is being evaluated, because I asked for it to be evaluated. Even though the project may never come our way, it is being done.

Dave Gibney – They are evaluating the potential area for Palouse Prairie.

Alan Thomson – Yes, it is very important. There will be no impact to Palouse Prairie. Zero.

Dave Gibney – For the record, Palouse Prairie is an endangered habitat that is protected under State Law and our Critical Areas Ordinance, and it is relatively well defined, and it is almost entirely gone from WC.

Dean Kinzer – Is there Palouse Prairie in this proposed area?

Alan Thomson – Close by, yes, but as far as I know right now, because I don't know where the actual turbines are going to go. Most of the land is farmland, ag land, but there are going to be roads to get built, access roads and whatnot, and we've got Rich Old out there with the Harvest Hills people making sure that nothing is going to get impacted. That will be part of the report. Whether it comes through us or whether it goes through EFSEC, it is going to be taken care of.

Dave Gibney – An additional benefit to that is no matter what, we will get the information about where there is any additional Palouse Prairie in that neighborhood.

Bill Myers – The areas are well defined on a map someplace? Well identified? Palouse Prairie? I understand this ridge,

Dave Gibney – It says they will be identified.

Bill Myers – Yes, but are they now?

Alan Thomson – There is no mapping. No good mapping of Palouse Prairie.

Dave Gibney – So the entire area needs to be evaluated for at the time of the application and we are being proactive about having that done sooner.

Bill Myer – Okay, thank you.

Dave Gibney – We are doing the Commission first.

Julian Matthews – I was just curious about say, for instance, that one of the turbines are going and there is an area where there is some endangered butterfly, do they have to mitigate that somehow or something? Is that what you are referring to?

Alan Thomson – Yes, there will be studies done to find out what is out there. Animals, birds, vegetation,

Dave Gibney – Some of that is in #8, too.

Alan Thomson – It is all going to be reviewed and we will find out what is there and what is not there. And avoid it as best as possible.

Dave Gibney – Okay, anything else from members of the Commission? Okay, go ahead.

Carol Black – Regarding areas with more native cover, Palouse Prairie, is there from the DOE, is there an acceptable setback from those that are set or is this,

Dave Gibney – That is covered in the Critical Areas Ordinance.

Carol Black – The setbacks are established in the Critical Areas Ordinance?

Dave Gibney – How close you can actually be to it, yes.

Alan Thomson – I don't know if you are familiar with Rich Old, or not,

Carol Black -I am very familiar with Rich Old.

Alan Thomson – It is in his hands.

Carol Black – It is in his hands on how far the setbacks will be.

Alan Thomson – He will tell us how it is going to be protected in his report.
Carol Black – All right. Thank you.

Con Bannister – One of my thoughts specifically on environmental protections, and this might be something that is more appropriate in a different section of the ordinances, but something that should really be considered is the possibility of what if the company that

puts this project in goes bankrupt in 20 years and the turbines become non-operational or let's just say the energy market being volatile and continuing changing, you know, has a massive change and they are no longer operating this project.

Dave Gibney – The main reason that the ordinance really got reviewed is the decommission portion of the existing ordinance was inadequate. We will get there. We started that work with our solar battery work and I promise you there is significant greater teeth in the requirement that all the money needed to fully decommission the project will be guaranteed before the building begins. But that is an upcoming section. We can talk about it then.

Con Bannister – Yes, I'll add more to that when we get to that section, but I do have a lot of concern given that this company is not actually Vestas. It is like a subsidiary company.

Dave Gibney – There is a requirement for surety bond that will be such that it doesn't matter how bankrupt they go, the money is available to do the fix.

Con Bannister – And specifically for environmental,

Dave Gibney – Again, we will get there.

Con Bannister – Again, but this does pertain more to environmental is that making sure that when things are taken out, if they are, that it's not just covering up,

Dave Gibney – It is supposed to be restored to the original, to as it was originally, which requires records of what it was like.

Kevin Akesson – The decommissioning bond and the ability to restore the environment,

Dave Gibney – Again, that decommissioning is section #14 coming up. We will, and like I said, that is, that was the original reasoning that this came back to us at all as we were working on the solar ,a new solar ordinance and we realized that this was not the language that we could have. So, we will discuss that,

Kevin Akesson – Just one thing, really quick. I understand the County reviews those on an annual basis, and I'm wondering, I guess I don't wonder, I just want to point out that the current bond for Palouse Wind is based on a 2020 estimate, with no adjustment for inflation or anything. If the County is responsible for restoring the environment, if Palouse Wind was to go bankrupt and inoperable for a year, at that point the turbines come out and the bond is based on a 2020 estimate.

Dave Gibney – That is definitely an improvement that is planned for the decommissioning section. The last language that I saw was either an annual or two-year review, I think. So, we will get there. Anybody else on vegetation and wildlife?

Tresa Bannister – So the expanded SEPA checklist, who is doing the SEPA checklist, Alan?

Alan Thomson – SEPA checklist?

Tresa Bannister – SEPA whatever.

Alan Thomson – What is your question?

Tresa Bannister – Who is doing the SEPA checklist?

Alan Thomson – Who is doing the checklist? The County does the checklist.

Tresa Bannister – You talked about Tetra Tech last time I talked to you. What is their role in that?

Alan Thomson – So, if we move forward with this, there is going to be a consultant that the applicant hires and that would be in this case, Tetra Tech. They work for the consultant, for the applicant, however, they work for us through the County. So, we the County have the check on that one, because we are the ones that are going to be making the decisions. Not Tetra Tech. So, they will do the research, Tetra Tech will do the research, and we will check with what they are coming up with, and so that is basically how it works.

Tresa Bannister – Are you aware at the issue with Tetra Tech,

Dave Gibney – Okay, I'm not,

Tresa Bannister – This is under #6, you cannot take my time. This is my time up here. Correct?

Dave Gibney – Yes, but,

Tresa Bannister – I am asking a question of the commission board, whatever you call it. Are you all aware of Tetra Tech, the issues that have been all over the news with them? This is a public record. It needs to be on there. Is anybody aware of Tetra Tech up here?

Dave Gibney – I'm not.

Tresa Bannister – Look them up, the news. They were part of the Wenatchee Badger Mountain project, and they were found to be completely incomplete, and because of their incomplete survey that they did at Badger Mountain the project was put on hold. It has been on hold for a long time. So, the Colville tribe is part of that project, and their archeologist caught a lot of their stuff, that they just completely left out. Basically, just, I don't even know the right word because I'm so upset about this whole thing, obviously. So, just be really aware, the County should not be allowing such a thing with a company like

that. Alan, you yelled at me last time, you said, "conspiracy theories," when we were out talking on the side. All you did was give me a sneer about that.

Dave Gibney – We are trying to avoid personal back and forth with people.

Tresa Bannister – I'm just making it clear here, what is happening, and this is going to be a big part of our expanding checklist.

Dave Gibney – The other thing I was going to point out is that the SEPA process itself is an, is part of WC ordinances, it is earlier than this. I think it is 2004 or 19 something in the first couple and it is the process of state law of doing the state environmental,

Tresa Bannister – Your choice of who you hire doesn't sound like that is state law. Correct, Alan?

Alan Thomson – We don't hire them.

Tresa Bannister – You love hiring them?

Alan Thomson – We do not hire them.

Dave Gibney – The consultant whoever it might be, and yes, in this time, you might believe it is this Tetra Tech company, but you don't know that for sure at this point.

Tresa Bannister – That's what Alan said. It's not what I know, it is what Alan said.

Dave Gibney – Again, they can't, they are not hired to do this project yet because this project isn't applied for yet. They may be working on another,

Tresa Bannister – I'm just hoping when it gets to that everyone is very aware that is not a company that we should be dealing with, doing an environmental study for the Palouse. Thank you.

Dave Gibney – Any, okay, so I believe we are at the commissioners for comment on this section. Seeing none, I basically heard some concerns about the fact that the County be thorough during the SEPA process, and that perhaps some control, or some approval which I believe is there already, of who the consultants are going to be. So, I don't see any changes that have been suggested for this particular section.

> *#7. 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.*

Alan Thomson – Again, something that will be done to Fish & Wildlife, and their requirements just like #8, where they are doing bat studies. We will follow their recommendations.

Dean Kinzer – Mr. Chairman, would we be allowed to require them to put all their transmission lines underground?

Dave Gibney – That's not a question for me as the chairman, but, and I, however I would guess, I'm just speculating, that such could be a condition in the conditional use permit. Dependent on the circumstances at that time. I don't know.

Alan Thomson – I don't know either.

Dave Gibney – I sent questions to our attorney and our staff. You are all entitled to do the same.

Dave McKeirnan – Something that I pay a lot of attention to is wildfire and fire stuff and we are really starting to see a big push towards underground power to get away from the wind. A tree falls in Malden, things like that happening, farm equipment hitting them. It might not be towards this project or wind energy, but it might be something that the County as a whole looks at towards being kind of a leader in anything besides a residential occupancy, that we see pushing towards leading to burying all the power.

Brian Davies – Best practices for fire mitigation?

Dave Gibney - For what it is worth, the residence that I own in Klickitat County, the power gets their underground from, I don't know exactly how far away.

Break - 8:43-8:50 p.m.

Dave Gibney – We will get started back. I think we were just about done with #7, I think there could easily be arguments to encourage underground placement and keeping the power lines down out of the way for multiple reasons. Not just this project. Anything, and this is going to sound really, okay, #8 is long. If we at this point somebody might do a motion to adjourn, but I would rather try and get one more of these done. A motion to adjourn will be out of order until we are done with #8.

> *#8. 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 recommendations by the Department of Fish and Wildlife must be reasonable and objective and address project impacts. The following conditions and requirements shall be mandatory:*

a. *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.*

b. *The facility shall use bird flight deflectors on guy supported permanent meteorological towers or use un-guyed permanent meteorological towers.*

c. *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.*

d. *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.*

e. *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.*

f. *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 USFW on a quarterly basis, unless and until these wildlife agencies waive or reduce this reporting requirement.*

Dave Gibney – Alan?

Alan Thomson - A while back I gave you the, Fish & Wildlife had looked this over and given us their input and so there is a number of changes that we made here. So, we need to refresh your memories about that and re-send that to you. But they have given us a brief going over of all of this and updated it and pretty much we are going to follow what Fish & Wildlife are requiring us to do regarding birds and bats.

Chris Melhus – I'm comfortable following what they have given.

Weston Kane – I also agree with the following of Fish & Wildlife recommendations.

Brian Davies – I would too.

Dave McKeirnan – I agree.

Tami Southern – I would also agree.

Dean Kinzer – I guess I'm surprised that they don't require some mitigation if they find some problems. I know I shouldn't bring that up. But if they are killing more hawks and bats and whatever out there, then what is happening prior to the project should they be establishing some bat houses outside the project to increase the population and likewise for hawks and eagles and whatever.

Dave Gibney – If I had remembered, which I probably should have, that Alan had sent us on Fish & Wildlife from here, I should have had that with me here tonight so I could read that new proposed language rather than this language.

Alan Thomson – I'll send out the recommendations for Fish & Wildlife.

Dave Gibney – I'm not saying that I know there is or isn't mitigation in the newer language but there may be.
Julian Matthews – I think that is important too, because I guess if you sent what they recommended, is that what you thought that Fish & Wildlife has recommended we put in there. Yes, I would like to see that, because I think it is important, because although they might not be endangered or delisted or anything like that, I think it is important to make sure that we aren't dealing with any issues with other types of like bats and hawks.

Alan Thomson – The studies are going to get done. I don't know if they have done their studies already, but they will need to find out, is there a bat colony here? Is this a bird flyway? All of that gets done in the SEPA process. Then we know what we are dealing with. And if there is going to have to be mitigations involved. We don't know what we are dealing with right now.

Bill Myers – I don't have anything additional.

Dave Gibney – Okay, you know I'm going to take a daring leap and ask that we put this section back on the table and we will pick it up at our next opportunity. Let's see if we can get through stormwater before we get out of here. Which is the next section.

Tom Thompson – So, back when Harvest Hils and Steelhead Americas was here at the Louis Alumni Center back in early February, Mr. Dave Phillips, their biologist, one of the executives from Steelhead, I remember him saying, "Oh, yes, for every raptor, every bird we kill, we will replace with two of them." Words to that effect. I think that is a very good idea, Mr. Kinzer, we need to have something in there that states, if there are changes, they need to make up for them. Thank you.

Rod Hubner – I'm from the Oakesdale, Garfield area. Anyway, it is a wildlife area out there at Kamiak Butte. I don't mean to beat the infrasound to death, but years ago, I had grain bins, and I got these little boxes and put them into the walls for infrasound, and it kept the mice out of the shed.

A few years ago, I had a whole bunch of sparrows come into my machine shed so I spent $500 on a box to put out an infrasound, drove the birds out of the shed. So, I am just wondering how much this infrasound does have an effect on deer, coyotes, birds, whatever else. It is bound to be having some effect. That was my point. Maybe it is worth looking into. Thank you.

Dave Gibney – Thank you.

Kevin Akesson – If there are areas in the County that support wildlife, maybe we would want to consider as a County what Turnbull has requested and received approval for in Spokane County. Turnbull is a wildlife refuge for avian species, and they requested a 5-mile setback. Spokane County Planning Commission agreed to that.

Dave Gibney – We definitely will take a look at the proposed language from Fish & Wildlife.

Brian Davies – That will give us more information.

Dave Gibney – Okay, so we will get back to that.

> *#9. 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.*

Alan Thomson – That is standard operating procedure in there. They are going to have to come up with a stormwater runoff plan and the erosion plan. The State requires that, and we require it also.

Brian Davies – Does that guy require it over there?

Alan Thomson – That guy has something to do with that.

Brian Davies – So you have it covered?

Mark Storey – I think so.

Dave Gibney – Okay.

Dean Kinzer – Even though the best laid plans of mice and men we know what happened this year with our rain on frozen ground. Our roads have millions of dollars' worth of damage, and so we will do the best we can.

Tom Thompson – So, that sentence ends with, *"large rainfall or snowmelt events, and take corrective action as necessary."* So, who takes the corrective action? Who pays for that corrective action? Is this, the applicants have made all these plans and roads and this that and the other thing out there, who is going to follow up and clean up the mess? Say, the following year we have a hard winter, hard spring, who is going to clean that mess up. That goes back to the County, right? Or who is going to go out there and clean it up?

Dave Gibney – The applicant, the operator of the wind farm.

Tom Thompson – How do we enforce that?

Alan Thomson – Conditonal Use Permit.

Tom Thompson – After the project is complete?

Dave Gibney – The conditional use permit is a permit to build before and to operate and if a project or a windfarm is not following that permit, the permit can be withdrawn, and they are told the decommission time is now. That's not going to happen. You know, they are going to do the work because it is far more expensive to decommission and stop doing it, but it is on them.

Tom Thompson – Okay, if I understand correctly, the conditional use permit is really for the lifetime of the project, then.

Alan Thomson – Absolutely.

Tom Thompson – As soon as that, if there is an overstepping or an under stepping of the commitment of the applicant, that can be cancelled by the County, correct?

Alan Thomson – Corrective action.

Tom Thompson – Okay, so can that be overruled by EFSEC, though?

Brian Davies – EFSEC only sites.

Alan Thomson – You are mixing two things up.

Tom Thompson – I was just inquiring, because EFSEC has quite a bit of constitutional overreach as it is right now. If they can overreach there you would think they could come in and as an emergency condition and circumvent,

Alan Thomson – The County is issuing the permit and EFSEC has nothing to do with it.

Tom Thomson – Okay, it is only prior to the conditional use permit.

Alan Thomson – You are either going down one pathway or the other. It is either the County or EFSEC. The two do not intersect.

Tom Thompson – I understand that, but the point being EFSEC can determine the siting and can overrule local zoning and ordinances for the siting. Once that is done, though, they wash their hands and leave, correct?

Alan Thomson – Maybe we shouldn't let EFSEC take over.

Tom Thompson – May be EFSEC shouldn't be taking over period or have the authority to. But that is another time.

Dave Gibney – That is a different form.

Con Bannister – My questions about specifically the professional engineering in this section. Who, how is it determined, what is the process for hiring the professional engineer? Is that the applicant that hires it or the County?

Alan Thomson – Mark, do you want to take a stab at that one?

Mark Storey – Just for clarity, we are talking about the onsite stormwater for the applicant? They hire them. We do not, we merely review and either approve or not approve of their work.

Con Bannister – That would be something of concern to me, as well, is making sure that that work is really inspected and done well. Because again, I think that going back a little bit further with Tetra Tech and stuff like that, just making sure that a project does not, making sure that corners are not cut. That would be something I would really emphasize and something that I think should be looked at more in terms of hiring the professional engineer. Maybe looking at some specific language that adds some more teeth to, what does that really mean, professional engineer? Thank you.

Kevin Akesson – To put into the code a standard, a design standard that is required to be met by the professional engineer, may help to answer that question. I would suggest that we utilize the DOE Stormwater Management Manual for Eastern Washington, and that it be included in the code, that all the stormwater plans be designed in accordance with that manual that is a state standard.

Dave Gibney – That is probably a really good suggestion.

Alan Thomson – I believe I, and Mark correct me if I am wrong, I believe that is the standard that we go by.

Brian Davies – So we already use that?

Mark Storey – Yes and no. It depends on the complexity of the project. If you have a large project like that, we always use the Eastern Washington Stormwater Manual. If somebody is making an addition to a house, some of what is in there gets to be quite onerous for a very small project, so we kind of mix it up a little. For something like this, we would use the Eastern Washington Stormwater Manual developed by Ecology.

Dave Gibney – That is basically a standard operating procedure for any project, not just these.

Mark Storey – Yes, I get to review stormwater submittals on a regular basis.

Brian Davies – Like out at the WSU Dairy?

Mark Storey – Yes, I looked at that one like the Amazon, excuse me, the warehouse facility. The box on a hill.

Dave Gibney – Yes, I was involved in the City of Pullman's early stormwater stuff and the requirements are that the water that flows out of the City of Pullman is cleaner than what comes in. The suggestion that I get here is that perhaps, and especially since we are in this wind energy facility with a specific reference to the Eastern Washington Stormwater Code, probably wouldn't hurt.

Brian Davies – That is, the standard is always good.

Dave Gibney – Doing it here, we wouldn't be putting the standards on the guy building the barn next door. We are making good time, good progress.

Brian Davies – Are we done with stormwater?

MOTION by Brian Davies and seconded by Weston Kane to adjourn the meeting. Motion passed.

Adjourned – 9:11 p.m.

WHITMAN COUNTY
PLANNNG COMMISSION
Public Service Building
Workshop
July 2, 2025
Auditorium
7:00 p.m.

MEMBERS:

Dave Gibney – Chairman
Weston Kane
David McKeirnan
Tami Southern
Bill Myers
Dean Kinzer

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

Zoom: Eric Slusher, Ken Duft, Emily Pearce, Allie James, N. Frazier, Tammy Storey, Zayne Hunter, Jamie Anderson, Rick.

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

7:05 p.m. – Dave Gibney opened the workshop. We will continue our unfinished business. I wanted to go in a different order. Last week, there was a short course on local planning held in this room. I did want to ask the Commission what they thought.

Bill Myers – It was a beginning, those people had degrees and stuff. It was enlightening. I can't say I necessarily enjoyed it, but it was, that is one of the things in coming when you are new at something and you don't understand how things work, or your responsibilities are. That is where it benefited me.

Dave Gibney – I was on Zoom so I couldn't see who was here.

Tami Southern - I was here in person. It was good, a crash course on the Open Public Meetings Act and things like that. It was a good reminder of things that maybe we forgot or things that you didn't know. He said you still might have questions. It was good to hear and just outlining the planning commission and why we are here and what our mission is.

Dave McKeirnan – I'm still going through all the emails that Alan sent. I'm trying to get caught up.

Dean Kinzer – It was a good fundamental course. Things that I didn't think they hit on at all was the aspect that we are supposed to be considering the health, safety and welfare of our County and I didn't think that got hit on very well. I wish they would put something like

that into their presentation. Otherwise, I guess I did learn a few things about the Open Public Meetings that I hadn't seen before. Because while I was on the BOCC, of course we had to stay updated on that, but things have changed evidently. Taking personal notes was never something that was supposed to be able to be accessed by the general public but apparently it is now.

I went home and looked it up and there were some websites that disagree with that. I don't know where we stand on that, and it doesn't make any difference. I don't take notes that anybody should see anyway. As Tami said it was a good refresher course in many ways, and I got a few extra things out of it. Some of them I didn't think were pertinent. Overall, it was okay.

Weston Kane – I was not here, and I haven't had a chance to, Alan said it was on the website, but I did not receive the email. It is on my to-do list to look it over.

Dave Gibney – One of the things that I really do, I've always thought was important about those is the aspects of the open public meeting and the public records law. We are here to be open and above board with the public and not be hiding anything. That is what that RCW and legislation, it was all established by an initiative of the people, so it is important to know that what we are doing is we are not keeping any secrets. We are not keeping anything from anybody. Some of the legal aspects of why planning happens and some of the difference between our Growth Management Counties and non-GMA Counties are useful to us all.

Dave McKeirnan – (Inaudible) I was trying to listen to the BOCC meeting the other day, with the moratorium and, David, the Chair representing us. I have to thank you for representing us to, that we have been taking the public input and taking into consideration. Personally, I feel as complex as this is to an extent we are taking in a lot of considerations from the people that we represent. I think that is really important as we go through this. I think you did a great job in expressing that to the BOCC. I want to thank you for that.

Dave Gibney – Thank you. One of the, they did ask us to make progress, and it is also true that we have to be able to show that we are making progress or they will have a reason to extend that again if it would happen to that.

Traditionally, this Commission does not meet in August, which on the timeframe that we have now is a consideration. But the other side of the timeline is to accomplish, for the Commissioners to be passing an ordinance at the time of that expiration or shortly thereafter, we have to be pretty much done with our work in November. We have to be holding our hearings in November. That said, I'd rather that we not meet in August, but what is the,

Bill Myers – I would just as soon we don't meet in August, as long as we are making progress and operating in good faith to bring forth. I'm a little bit ignorant of how this

process is supposed to work. We review line by line. We don't vote on anything. How does this get assembled after we have reviewed everything? Do we go back over it again? That would probably influence whether, in my mind, I would think personally about meeting in August or not. How much work do we have to do?

Dave Gibney – I hope that we will be, we are making a first pass in a workshop trying to come up with consensus. We will have the minutes and then the Staff gets to draft what we think. We haven't actually voted on, but aside from the setbacks question and some of the other more specific details, I haven't found, I don't recall us greatly disagreeing, the existing language is holding up fairly well.

So, we will have to make a pass through a draft document, hopefully we can do that fairly fast. We may not get as much public comment during that second pass. Then, at some time in early November, following notice and the SEPA, we have to hold a public hearing on our recommendation.

At that time, we will make our adjustments and an up or down vote on what we are going to pass forward to the BOCC. That takes a 20-day notice for that hearing, once we have what we think we will be going forward with. So, that hearing could take more than one meeting.

Bill Myers – If we were not of one heart and one mind, so to speak, that should be, should drag on, would we be able to avail ourselves of an additional 6-months extension?

Dave Gibney – I cannot speak for the BOCC. That would be their judgment and, but if we are on track, and have a draft and ready to hold a hearing, that would be, we would be fulfilling our job of showing good solid progress. I would hope they would consider that. The other side of that, if we make some fast progress and conclude that we are or are not going to make certain major changes, which is, I am waiting on some legal help, we could get something ready to pass forward sooner.

We can get through quite a bit tonight. I know Alan sent out, we didn't get it on the agenda, Alan sent out the decommissioning language which is the next section. We previously beat that too good and solid when we were talking solar. So, we could be close, you know, this meeting and the next meeting we could be ready to make another, to start that last pass in September. Maybe the second meeting in September. We might be getting ourselves back up to speed from the time off in August. I think it is tight. I think it is doable.

Tami Southern – I'm okay if we don't meet in August just with the harvest hours like most of here on the Board. Hopefully we can continue to make decent progress. If we are not, then we need to meet in August. I am not opposed to meeting in August.

Dave Gibney – We would have difficulty in asking you guys that are harvesting to take the day off. Can you Zoom from the combine?

David McKeirnan – I'm 100% in support in taking August off. I honestly, we have made great progress so far, and we have had a lot of public input on every subject. The subjects we are waiting for are the subjects you have reached out for legal counsel, the setbacks and things. Maybe that gives them more time, also. I really think that we can do that and most of the Board, we all signed up for one Wednesday a month and now we are going to two meetings a month and we have lives too, so we are here as volunteers.

Dean Kinzer – I would prefer to take August off too. But as Dave said, we signed up for it and so one way or another I will make accommodation if we decide to go ahead in August.

Dave Gibney – We don't have to decide tonight.

Weston Kane – I can make accommodations. If we have an August meeting, I can make it work.

Dave Gibney – I won't be harvesting either so I can. We don't need a quorum to continue these workshops but, those of you who aren't here don't get the benefit of the discussion and then we end up repeating some of that during the final pass.

I got a document just now and one of the things it states is that we aren't discussing these documents we get during this meeting. I can't in good faith ask the members of this Commission to discuss a document that they just received tonight. We are, all of the documents we get are part of the public record. We are expected to take a look at that and use them in our deliberations as we do finally draft that code. But it is not reasonable for us to take time tonight and read three pages and then discuss it. We will get a chance. I will make public comment in a minute. In fact, do any of the members have any input on the subjects that we will talk about tonight? Then we will do the public for 3 minutes each.

We will start an open public comment on any part of the wind ordinance. Preferably looking at what we will talk about tonight.

Jack Lein – I presented you with the 3-page hand-out. It was not intended to review tonight. All the ones I have provided on March 5th, June 4th and one tonight hoping that you can take these home read it and discuss later date. In my 9-page March 5th hand-out I presented a lot of research and studies and information. I spent a lot of time reading, researching and trying to prove that as an unbiased presenter in the community. I didn't expect you to read this tonight.

Dave Gibney – While it may give the impression that we are not reading what we got, we are. You are correct, we should try and have some discussion about it, and we will probably will as we make our next pass through this document.

Jack Lein – Again, setbacks is a good example. Alan has done research. I'm not sure where he gets it from, but we have also from some independent research on setbacks and tried to present that to the Commission in an unbiased manner.

Dave Gibney – Thank you.

Todd Imeson – These are open public meetings, I was just curious why the doors are locked? Why are the doors not unlocked for these public meetings? The door jamb does get kicked out and it gets locked, and it has happened more than once. Thank you.

Dave Gibney – We will make sure the doors are open. Thank you.

Tom Thompson – I appreciate your work. It is a lot of hours and, of course, all of us groupies here, so to speak, we are involved in putting in a lot of time, as well, because it is a community effort and it is important to have community input. I also think it is important not to feel under the gun.

Harvest Hills, they were supposed to get back to me with a written email with some technical questions that I sent them. I have been waiting over two months for them. They shouldn't have any problems with us doing what we need to do and doing it thoroughly to the benefit for the residents of WC and not feel like we have to hurry up or we are going to get our butts kicked because the man is looking down on us and he is going to go to Olympia.

I think at the end of the day, you guys are responsible before the citizens of WC, as well as the BOCC. Obviously, we don't want to play politics and push the boundaries too far, but we have a duty to stand up before our State Government, local governments, to advocate on behalf of our citizens. There is a big push without much consideration to get certain projects through the State, and I think as citizens we have to in good faith and say, "What is the right course, what are the right policies?"

Things have changed a lot since 2009 and bear in mind one of the reasons Harvest Hills came here was because our wind ordinance was "favorable to them." The words right out of Dave Phillips' mouth. That is my encouragement. Hey, let's just do it right. There is a lot of material. I'm tired of going through it myself. I get that, but we owe it to the community.

Okay, I'm stepping out and I am taking another name right now. My name is going to be Carol Black. She is overseas currently, and she asked me to read this statement. She sent a letter on June 21st to everybody, but she wanted me to read this because there was an addition to that. She wanted it for public record. This is under Section 13, visual resources, and viewshed assessment. The new section to be added is:

> *"The applicant must present data on the impacted views in the immediate vicinity of each turbine. This must include a human field of vision of each turbine at various*

distances from key observation points and note the field of view of a human eye, basically 136-degree ark with turbines located at .5 miles, 1 mile, 2 miles, 4 miles and 7 miles."

Another addition in this section:

"Set flicker limits by distance. Northern longitudes have more severe sun angles. It may be necessary to time limit flicker exposure during certain times of the day or year. The applicant must provide a graphic visualization using GIS terrain analysis of each turbine by GPS location. Specific evaluation elevation of the base and its height in perspective to the landscape is viewed from the neighboring properties and residences of non-participating landowners and key observation points that are well-known for photography and Palouse Scenic drives. Note Harvest Hills earlier illustration this Spring was not founded on properties within the publicly discussed corridor nor were the basis of turbines in the schematic set at the actual elevation where turbines would be installed. Also, discuss the type of glare the facility will produce in the distance from which this is seen."

I would just add my own note. I know from that visual presentation last July by Harvest Hills, that they had misplaced turbines. Bill Clark was looking at the picture and said, "Hey, that turbine is on my property." So, I'm just putting that out there. We need to make sure that an accurate data is presented by the developer. Thank you.

Dave Gibney – On the time pressure, I agree that we need to do a good job. I am acknowledging the request of the BOCC, I've said several times, we may be working on the ordinance for the project after Harvest Hills, rather than the Harvest Hills project. That is just a factor the way I hope we are working on a project for Harvest Hills, but it might be for the next solar, wind and battery projects.

Carolyn Imeson – What you just said, upsets me. I get the impression that for coding the Harvest Hills, I've heard Shane in his interviews say that Harvest Hills does not run the turbines. That this whole outfit is going to be sold and we will not be dealing with Harvest Hills. So, I don't understand why we keep aiming at Harvest hills and not have a wind ordinance. I'm not against that but I worry what Harvest Hills,

Dave Gibney – I meant to say exactly what you just said that we are working on the wind ordinance for the projects. We may not get it completed in the timeframe and Harvest Hills may go to other alternatives.

Carolyn Imeson – That would be a good thing as far as I'm concerned. I have no problem with the ordinance. I'm just zeroing in on what Harvest Hills wants and likes and it really seems wrong.
Dave Gibney – That is not our focus. The timeline is the only thing that is affected by that.

Carolyn Imeson – Whose timeline is that? Is that Harvest Hills?

Dave Gibney – The alternative that is available to any energy siting project in the State of Washington is the EFSEC. They are the conditions and rules that Harvest Hills or any other project would have to follow under approval by EFSEC is quite likely to be significantly more lenient than what we will have in our ordinance.

Carolyn Imeson – If we start low, we can't go high afterwards.

Dave Gibney – Anybody else? As far as I've noted, the BOCC did extend the moratorium and the interim controls until January 7, 2026. They asked that we show solid progress. I've already said this, we really need to be, if we are to do it before the interim expires and I'm not saying that we have to do that. I'm just saying that if that is, and for now that should be a current goal until we find out that we can't do that or that it is more complex. We may find out it is more complex depending upon what kind of advice we get when my questions to legal counsel are answered.

If we were to be trying to pass an ordinance before or at the time of expiration, then this body needs to be holding hearings on the final draft in November. That's all I'm saying. I'm not saying we are going to make that, saying that is the way that timeline would work.

Is Mr. Tracy on board? Okay, I did ask him where we were, and he is still in discussion with the attorney that he has hired and not ready to give me an answer to my questions. I will leave the setbacks on the table again and continue with the development of Section 19.61.60. At the beginning of last, somewhere in our discussion last time, it was pointed out that we did have a number of statements by WDFW in this section and that, particularly in the avian and bats. Alan did send that out again. I wanted to re-start with discussion of those.

Alan, do you have a copy of the code that I can look at? So, the WDFW sent us this memo of February 27, and we did use it when we were discussing earlier portions of 19.61.020. For example, in the pre-conditional use meeting they suggest that we add, "**and partner agencies,**" to the pre-conditional use meeting and GIS to the permit application and things like that. I know that this is what we are, so we are reminded of this at the time of #8 when we got to the avian and bat requirements.

What I do see also, is they started with Section 4 on Vegetation. They suggest that in Section 4 on Vegetation that we add an additional point that, **"The County shall reference WDFW wind and solar guidelines as amended to establish appropriate vegetation mitigation for projects specific impacts. Mitigation should be conducted appropriately for each affected wildlife and vegetation species habitat, arid lands connectivity value and a description of reasonable efforts made to apply mitigation sequencing percent to WC Critical Areas Ordinance Chapter 9, Mitigation Sequency."**

I believe they're suggesting in the vegetation piece that we make that reference. The current language only has consultation with the County Weed Board. Are there any commissioner comments?

Bill Myers – Yes, we need to hear from more than Weed Board on this matter. We've talked about it before, but the native Palouse grass areas need to be well marked and not compromised.

Dave Gibney – I apologize if anybody didn't take a look at this ahead of tonight. Alan, do you have any comments on that part?

Alan Thomson – Brandon, I sent that to Fish & Wildlife. You can bring that up on the screen so the public can follow.

Dave Gibney – I'm starting on the middle of the second page.

Alan Thomson – On 19.61.060 Vegetation. I agree that WDFW should be added after the Weed Board. That definitely is a positive there. Then just in this addition below we recommend the addition of points. We are referring to the WDFW Wind and Solar Power Guidelines. That is an actual "yes" we are doing that.

It talks about our Critical Areas Ordinance, which is an independent ordinance, and it will be applied anyway. So, everything that is in the Critical Areas Ordinance is on board with this project. It will be reviewed by WDFW and everybody else during the SEPA process.

There is no need to mention this in this code, because independently the Critical Areas Ordinance applies anyway. It talks about mitigation sequencing. So, we don't need to repeat language again in this code because it is already covered in the Critical Areas Ordinance. We will be reviewing that and WDFW will be following along, in fact they will probably be guiding us in that process.

Just to make sure that everybody understands, Fish & Wildlife are going to be on board on this project right from the get-go. They will be involved, and they will be guiding us as to what kind of reviews need to be done and how things need to be laid out.

David McKeirnan – Just for clarification, WC sent this to WDFW.

Alan Thomson – Actually they contacted me.

David McKeirnan – And they sent this back with their recommendation. They sent this back with their recommendation for us to change the code.
Alan Thomson – They sent it back as a recommendation for us to review, yes.

David McKeirnan – Okay.

Dave Gibney – Like Commerce in the Critical Areas Ordinance we have a bit more flexibility in following their,

Alan Thomson – We will follow their code, their guidelines all the way through this process because they have in-depth experience dealing with this kind of thing. We will follow what they want us to do. They will be there right from the start, and they will be giving us their recommendations as to what kind of conditions we put on the project and recommendations for the SEPA, as well.

Dave McKeirnan – So what would be the downside to the recommended additional points that they point out here? What would be the downside of adding to the code just so there is some redundancy so that it isn't in there not once but twice? Does it really hurt to have what the State has recommended to us?

Alan Thomson – No, but when crafting ordinances repetition is not necessary. We don't want to repeat things. It is already known, it is already taken care of, why duplicate it?

Dave Gibney – One of the issues with repeating sections of what amounts to be law is that when you go back and are changing one thing, you have to find where you said it on the other 7 or 8 places. It really is a balancing act of not referencing codes but making sure you don't reference it so frequently that it is a maintenance nightmare when you get back to it.

Dave McKeirnan – The reason I asked, I understand exactly what makes total sense, because let's say EFSEC comes in and we don't have this in our code and the State has recommended it be in our code. That's why I was asking to put it in there.

Dave Gibney – I think what Alan, specifically this one, I heard that this stuff is in our Critical Areas Ordinance, so it is already in the code. I'm not, I haven't checked the Critical Areas Ordinance to confirm that.

Dave McKeirnan – The state might not have read that far into that code.

Bill Myers – When an applicant comes in and reviews our code, there may not be, just as Harvest Hills did and found our code to be advantageous to them. An applicant comes in and reads the code if the complete language is not in the code, then, they're probably not going to dig around in all the different areas to get the complete code. They could get the wrong idea of what our code is.

Dave Gibney – I would consider that not doing due diligence.

Bill Myers – Okay, so the responsibility is on the applicant to hunt down all these threads. I'm not necessarily worried about their convenience, but we are to be in the business of regulation and not accommodation and if all the cards are on the table, it's in the code and

they pull it up and it's there. It may have an influence on their decision, and it may not but if it is not there it may very well be an issue that somebody will have to deal with it. Maybe I don't have a clear enough perception of those initial processes, but it was obviously before that a lot of people had any idea that they were cruising around looking at codes.

Alan Thomson – Dave, that begs a response. The applicant is going to know exactly what they need to do when they apply because they are going to be told by Staff. This is in the Critical Areas Ordinance. The applicant knows they have to follow the Critical Areas Ordinance. So, it is unnecessary to be so repetitive.

Keep in mind that they are relying on Staff guiding them through the process. Again, this is not necessary to have this language in this particular code. They will be informed the Critical Areas Ordnance needs to be applied and Staff is the one who guides them through that.

Bill Myers – When you say, "staff," is that their staff or our staff.

Alan Thomson – When I say "staff," I mean myself and my assistant.

Bill Myers – Okay, so that is, just taking, I'm digressing obviously, but in case of Harvest Hills, when did they approach you to do their due diligence?

Alan Thomson – They haven't approached us because they are not applying, but they are doing they due diligence already with Palouse Prairie. I insisted upon that initially, and they complied. But they don't need to do anything like that until they actually have an application and there is no application right now.

Bill Myers – Okay, so they have been operating on a certain amount of assumption, and it shows the location for their own reasons.

Alan Thomson – They know they are going to have to do this. They are not unfamiliar with the process, and they are not unfamiliar with what is going on in the State of Washington. The Critical Areas Ordinance is an integral part of Washington's local law.

Dean Kinzer – Would it satisfy everybody if we just had a little statement in parenthesis that said, "Refer to the Critical Area Ordinance?

Alan Thomson – Again, it is your choice but as the Planner, I say no, it is not necessary.

Dave Gibney – No, that gets into some of the, "where we are going to go when we are done with this," and hopefully, we aren't going to have a large number of great changes. We are going to change specific numbers and add some language. When we get back to that, we all need to have taken a look at the code and our minutes and our discussions and say that

this is the consensus to what we think we are going to be when we come back to that. I know that is work.

Dave McKeirnan – I got the email too, and I read it a few times. The only reason I asked the question is because we got a letter from the State making recommendations, and so that is why I am asking the question as to why would we not put something in there if the State recommended it?

That was where my question was targeted. It wasn't directly targeted towards Alan. The State has sent this with what they would recommend. That's why I was asking, why wouldn't we do what the State has recommended?

Dave Gibney – Okay, good question.

Weston Kane – What date was that email sent? I was just looking for it.

Dave McKeirnan – February 27, 2025.

Dave Gibney -But that's when they sent it to us. Alan forwarded it to us back then and then he just forwarded it last week.

Alan Thomson – The actual date is February 27th. That is when they sent it to me.

Dave Gibney – I want to move to the yellow there, where this is a part of our ordinance, it says,

> *"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."*

What they want has to be reasonable and objective and then Fish & Wildlife says, "That is a bit subjective," and it is like who and what is going to do that? I think that Alan's answer is going to be that the Staff is implementing the ordinance and the SEPA is going to be the one to do that, and of course, the Hearing Examiner would be the final adjudicator. But it is correct, the language is subjective.

The, one of the things, I learn this as I go to, we have places in this ordinance that are very detailed requirements, and they may well be repeating something that is a part of the Critical Areas Ordinance or is part of the SEPA process, or is part of the general State SEPA process.
I don't know exactly where the line of that detail is where you are putting too much into an ordinance that is clogging it up, because there is other stuff covered elsewhere, and how much should be placed in here. In the existing ordinance there are places where the avian

bat stuff is quite detailed where some of the others aren't. I don't have a good answer to where that balancing act lies.

Alan Thomson – One is in the SEPA process. This is all entirely about the SEPA process. In the SEPA process we reach out to the agencies and consultants and experts to craft the decision making for the SEPA and for conditions to put in the conditional use permit. But those decisions are the County's decisions.

We probably will follow any of the agencies' recommendations, such as WDFW, which we are discussing right now, but that language was originally put not just in our ordinance but in other ordinances to put the decision making firmly in the County's place. The County and the consultants and our legal consultants.

So, we will take these recommendations from WDFW, Ecology, and USACE. They are not dictating anything to us. They are just recommending whatever they would like to have in there and for the most part, we accommodate that. We do. That language in green there is just language that we found in other ordinances that gives we, the County, the responsibility of making decisions. Not WDFW dictating or Ecology dictating things to us.

Dave Gibney – So, would you say in general, when we get to the details in these sections about the SEPA, the sections about the bats, we are adding additional information specific to this kind of a project that wouldn't in general be a part of the SEPA?

Alan Thomson – No, it would be. All this stuff we are going to ask WDFW, what are your recommendations when we are going through the SEPA process. They are just lining up right here. But we are going to ask them this, and they will tell us that. Then, more than likely we will put it in the SEPA decision and the conditions. That is exactly what we did with Palouse Wind. So, WDFW guide us through the whole process.

Dave Gibney – I'm going down the other way, why do we have any of the specifics in our wind since it is going to be part of the SEPA?

Alan Thomson – That kind of is my point. It is not necessary because this is going to be a conversation with WDFW once we start a project.

Dave Gibney – Or it was felt to be necessary in 2009 because it is here. Not necessarily their recommendations but the stuff we have in our ordinance as an example under "Avian and bat," and we have sub items a-f which is specific requirements of what I'm hearing should be left to the SEPA process.

Alan Thomson – Let's take one for instance, "*Before initiating field surveys, methods and scope should be discussed with WDFW....*" Well, duh, yes, we are going to do that. So, my point is, why are we putting that in there? Why are they putting that in there? I've already

talked with them about these additions anyway and told them that we would be consulting with them throughout the whole process.

When you start this process, you come up with all these points here and I'm going to say, "Yes, let's do it." But why put it in the ordinance? I guess it is "belt and suspenders" kind of thing, as far as WDFW are thinking. But we are going to accommodate this when we get into the SEPA process. They are going to consult with us and say that we want this in there and we will probably put it in there.

Dean Kinzer – If we don't put the recommendations in are we violating any State Statues by not complying?

Alan Thomson – Say that one more time in a different way?

Dean Kinzer – Okay,

Dave Gibney – Does WDFW have the authority to tell us to put this in our ordinance?

Alan Thomson – No,

Dave Gibney – Is that what you,

Dean Kinzer – Yes, that is what I asked, and would there be any penalties if we didn't follow their recommendations?

Alan Thomson – No, they don't demand things. Neither does Ecology. We are the ones who create the ordinance, and we would be wise to follow their recommendations, and we do. But they don't have the authority to say, "Thou shalt put this in your ordinance."

Tom Thompson – I'm a little confused with that letter. Is that letter posted on the County website?

Dave Gibney – I hope it is in the documents. It is an older document. It is dated February 27, 2025. I know that we had it in front of us or some version of this when we discussed the earlier parts of this ordinance. I remember talking about some of these specifics that are in the earlier part. When we got to the avian last time I was reminded of this, which is why we are back tracking here.

Tom Thompson – I look at that document up there, the numbering is completely off. Section 19.61.060.8, Avian and Bat Studies. That is not how it shows.

Dave Gibney – The formatting of the reference may be different but avian and bat studies is section 8.

Tom Thompson – Yes, that is true, but earlier on, some other stuff out of whack and I'm trying to figure out where does this fit into here. The vegetation that was off showed it as .4. So, I think everybody is confused. I am and maybe, you are too.

When we come into these hearings we should have this, there should be something even in the agenda that references this letter so the public can come in halfway informed, and we can understand and we don't waste time going "huh," and we can work with you in a constructive manner.

So, please pardon my frustration on that, but I'm just wanting to be an active intelligent participant, and I understand the difficulty of your work. I'd love to see that letter because I'm still kind of wondering, how does that fit into the actual code?

Dave Gibney – It is recommendations from a state agency about changing,

Tom Thompson – What wording gets put into the where, that's really what we need to understand. There is a big section here, that makes sense, is it a bullet point or what? That's what we need to know. We have to know where does this fit in there. It would be so simple to do beforehand, in the meeting, put it in the agenda and say, or write it up and say that this is what we want to insert to follow the Fish and Game outline or recommendations.

Dave Gibney – I hope we will be there. The version that Alan gave me here does have #8 as avian bat studies and subsection "a" is, *"The applicant shall conduct project..."*

Tom Thompson – Yes, and that is what my code reads. But the earlier section was what got me confused in the vegetation because that is 6.6 on the actual code,

Dave Gibney – I agree, that is correct, what we have here.

Tom Thompson – I won't belabor the point. The other thing I want to mention is I agree, we don't need to have lots of redundancies, if something is quoted in one section of the code you don't need to go back to point 10 and put it back in there. But here is the deal, if you don't have it written in this code, it ain't written. It's not legally viable.

The Hearing Examiner is going to be looking at this. It's like with any contract. I was involved with the multi-million-dollar purchase of equipment, and you bet I went through that, and I made sure that contract had the lettering and the wording we wanted. If you leave it open for interpretation or the staff will explain it, they will explain, we don't need to put that in there. No, you need to have it written in there just the way the County wants it.

If it is vague and open, it is going to be vague and open, and you can drive a wagon through it. That's my input. We got to nail this down. We can't just leave it to the Staff. God bless

the Staff, nothing against the Staff. What if the County Planner gets hit by a train, God forbid, or anybody. Then all that's gone. We got to have it written down. Thank you.

Dave Gibney – I would caveat that it needs to be written in some part of the WC code. There is a separate section, I think, in #4 about the SEPA process. The main part of that references back to the RCWs of the SEPA process. The project applicant is obligated to follow all the laws from, not just because they are doing a wind ordinance, it doesn't mean they aren't obligated to follow any human resource laws that we might have.

Tom Thompson – Exactly, and I just wanted to mention one other thing. That yellow line there that says, *"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."* That should be struck.

Dave Gibney – That is pretty much what their recommendation is, if you scroll it a little further.

Tom Thompson – Thank you.

Dave Gibney – This is when they are asking us, "What do you mean there?" We are not making much progress and some of that is my fault, so.

Todd Imeson – I agree with the redundancy portion of it because if there is not redundancy something might be missed. Alan has been doing this for lots of years and stuff and with the years comes experience and knowledge. If he decides to retire before we go through this process again, and they have a new planner, they might not have all the knowledge and stuff and something could get overlooked. That is the concern I have.

Kevin Akesson – I've been scrolling through the Critical Areas Ordinance and I'm not seeing the quoted sited WDFW guidelines that are stated there. I was wondering if I'm not finding it here, or is there a section in the CAO that specifically references those, and if not, I would recommend we provide that wording that is showing there in red.

Dave McKeirnan – Can we call on Mark Storey. I want to know what Mark's input is on the WDFW as the Public Works Director of WC. He deals with them a lot and I'd like to know what his input is, with the recommendations they have put down towards us.

Mark Storey - Fish and Wildlife has a lot of rules. They are the ultimate rule makers when issuing a Fish and Wildlife permit. They are not the rule maker of when we issue a permit. They recommend what we might adopt or accept but they don't require us to do it. They only do that for their permits.

But my overall comment listening to this, I think Dave has it fairly correct. We might just disagree on small issues, but you have to be careful that you don't start having the same

language in different parts of the law. I deal a lot with RCWs dealing with the roads, roadways, and bridges. If you start putting bridge stuff in roads sections and road stuff in bridge sections every time you make a change, you are going to miss something. That's why you don't want to have a lot of duplication.

I don't mind a little bit of a reference kind of like what Dean was suggesting, saying, "See these other ordinances." If you start repeating the language in a different ordinance, it gets very messy very quickly. So, does that answer your question? Fish and Wildlife does have a lot of rules, but it is for their permits and just because you have a law in one place doesn't mean you can ignore the next law, even from a different agency.

Dave McKeirnan – I was just wanting your professional experience and your recommendation because I know you deal with this day and day out. Everybody else in this room doesn't deal with this agency that sent these recommendations. So that's why I am asking. Thank you very much. I really appreciate that.

Mark Storey – Hopefully that was helpful. Any other questions? Just be cautious if you add duplicitous type language from one ordinance to another,

Dave Gibney – Duplicitous is "an intent to deceive" word. I know I talked about how we are really arguing to make another pass at this. So, at that point we will have to have some draft language, some suggestions that we all make. Basically, that is a review of the minutes or our earlier discussions and some communication back and forth with Alan, if you so desire.

We shouldn't exchange it amongst it ourselves, being the method other than being up here because of what we learned last week. But that does not mean that we cannot individually talk to Alan about sections of this language. I wanted to when we talked about the avian stuff last time, I was pretty much reminded of this stuff that the WDFW wanted to add to it. I think we really need to do a little more careful look at that. Maybe offline and I'm just thinking if we go on to, my numbering system is wrong too. If we could maybe, did we do stormwater or geologic flood last time?

Alan Thomson – No, I don't think so.

Dave Gibney – Maybe we can finish up these sections. Number 4 is the stormwater, and I'll get back to asking for public comments and the Commission. To be honest, I found this last bit of discussion confusing myself. So, on today's agenda, 8, 9, and whatever, aren't the correct numbers. They are incorrect in these notes I made for myself, and they apparently are not always correct in what WDFW sent us.

So, reading the existing language of stormwater. The entire section we are working on is 19.61.061 Development Standards and Criteria, which is part of the requirements that the

Hearing Examiner uses to develop and analyze and approve or disapprove the conditional use permit, which is the ultimate process.

As Alan has said several times, when an applicant comes around and the conditional use permit starts up and the SEPA process for that, everybody in the County and all the public and everybody gets to talk and make their comments about the specifics of that project and which land is being used, and "there is a hornet's nest over there that you have to be careful with," and that sort of thing. So, we are doing scaffolding and then the CUP is far more on the foundation and the framing. I am not a carpenter so I'm going to quit using construction language. Anyway,

> *9. 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.*

Alan, do you have any comments on that section?

Alan Thomson - That is just telling us that we need to do a stormwater runoff plan which is going to be conducted by a professional engineer and checked by our engineers. That is essentially it.

Dave Gibney – And subject to stormwater laws in WA state.

Alan Thomson – Yes, and it doesn't need to be any more detailed than that because we all know that a stormwater plan has to be done and reviewed and then put into the SEPA process and then put in as a CUP.

Weston Kane – I don't think I have anything to add to this.

Dean Kinzer – I don't have any comments.

Dave McKeirnan – My only question would be the stormwater plan only comes into effect after construction, not during construction?

Alan Thomson – There is a state requirement that there be a construction permit during before and whatnot, so the State requires that. So, during the process and obviously after the process is done, it covers both ends.

Dave Gibney – That second sentence extends this to after construction and the first part of it is,

Dave McKeirnan – The second line says after construction,

Dave Gibney – But the first sentence is the whole thing. After construction they have to keep doing it.

Dave McKeirnan – I was looking at is as talking about when they have to close the roads and the hillsides and the stormwater is after construction. That is why I was making sure that there is something to protect the erosion and the creeks and the neighbor's property from erosion.

Dave Gibney - So adding as part of the application which is kind of implied from this.

Dave McKeirnan – If you read the first sentence and the second sentence says that after construction, they monitor on a regular schedule as approved. These projects aren't six months projects.

Dave Gibney – It can be read to not apply to the pre-construction trades or during. I wouldn't read it that way, but it can be.

Tami Southern – I have no comments.

Bill Myers – No comments.

Rob Hubner – One thing, I have been around the windmills up at Oakesdale and I think they have big problems. They have like a three-lane road coming down into the saddle and there have been huge ditches washing down both sides. That may be something that you need to address, if this goes through. There is a lot of erosion from those projects. I don't think they knew about it, but.

Dave Gibney – I would think you could draw their attention to our Department of Public Works on an existing project.

Mark Storey – There was a plan for the Palouse Wind project, and it was all reviewed. If there is mud coming down in one spot that is something that is news to me. Is it on the private part or is it on the public road?

Rod Hubner – It is on windmill road (inaudible, no mic.)

Mark Storey – I can also assure you that this winter in February, the County Road system suffered a lot of losses too, and we thought we had it in okay shape, anyway. But if they have a problem, they should be addressing it. I can go take a look at it. It should have been covered in the original stormwater plan.

When you do a stormwater plan, there are two phases. The construction phase and the post-construction phase. During the construction phase is when you put all the straw bale dikes and all those little temporary ditches and the silk fences and everything else. Then

once grasses and other things re-establish you supposedly don't need that, then you are into the long-term stormwater program which is basically, they are designed for a 25-year run-off event. That's where you have the permanent systems.

If there is a spot getting overwhelmed, the engineering with stormwater and runoff isn't perfect, it happens to us, too. I can take a look at it but if it is on private property then it starts becoming part of the permit issue. I don't know if that answers your question. Even when we do 100-year storm plans, sometimes they get washed out.

Tom Thompson – I think it is a good idea to put it in there. The statement basically requiring the, concerning the stormwater to have the, all the standards have to be according to the WADOE, both during the construction and after the windfarm being in process and online. I know Pullman went through quite a lot with Ecology here a few years ago. You might have been in on that, Dave, and that was kind of crazy, but at this point it is good to have them involved. So, it is better to pay them now than later.

Kevin Akesson – I think at the last meeting you mentioned in response to a question about who the professional engineer would be, maybe referencing a standard that the professional engineer whoever is designing the stormwater plan would abide by.

Washington State has a standard for Eastern Washington. The DOE developed that and that is the Eastern Washington Stormwater Management Manual, and it applies to both construction stormwater management and permanent, and that could be referenced in the code as the standard that needs to be met with the design.

Dave Gibney – Comments, Alan?

Alan Thomson – No.

Dave Gibney – I was a part of the fun when Pullman had to do its stormwater runoff permits. I even took the case over to the Legislature. Frankly, this is a place where I wouldn't, I would see a reference, to the state law and permitting as an improvement to the language. Okay, moving on.

> *10. Geologic and Flood Hazards: The applicant shall design structural foundations and buildings in accordance with appliable International Building Code requirements for the relevant seismic zone. Compliance with all appliable local requirements is required.*

Alan Thomson – I agree.

Kevin Akesson – This references the International Building Code. (inaudible) generally to do with building structures and the State Building Code is the actual code that is referenced by local building codes. You might make reference to the State Building Code. I haven't

done my homework on this, but somebody should see if the International Building Code even applies to this type of structure. I think it may not be and there may be other structural codes that would apply better. I don't know what those are, but it would warrant looking into.

Dave Gibney – There would be two pieces here. One is any of the building, buildings that they actually produce, which is a no-brainer, standards construction and all that. But the foundations of the turbines might be a different animal. Anybody else? Seems like we can maybe, we did get some references here but,

Mark Storey – Can I just clarify one thing? The State pretty much requires the Counties to adopt the International Building Code after the State has adopted it. So, we don't actually reference state codes. We reference the IBC. It is usually three years hence from the issue date. We are required by the State to adopt it one year after it is established by the State. So, we do that every three years and that applies only to buildings.

The tower industry has its own standards through the Structural Engineering Associations. They don't have anything to do with IBC.

Dave Gibney – To be correct we should be referencing,

Mark Storey – Reference IBC current standard use by the County. Then for structures, it is all independently designed through industry standards. It is not as much of a life safety issue as an occupied building is. The building codes are basically set up for occupied buildings for life safety. It doesn't mean they are not designed. It is just a whole different set of standards. If you start going down that path, I think you might regret it.

Dave Gibney – It certainly would be worth the research to see what might be the applicable standards.

> *11. 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.*

Alan Thomson – Pretty self-explanatory. Follow state law.

Bill Meyers – There may be made, as far as addressing a water truck and the whole, there is lot of water that gets used. As far as the wells that it gets pulled from, whether or not that would compromise a local well in a specific area, there ought to be some credence paid to that. Sometimes when you start pulling a lot of water, "there's a nice well, we'll pull out of that," it could compromise the surrounding residents.

Dave Gibney – The water law is pretty specific from what you can pull out of a well and the amount they would be using to mix the concrete. That's going to be a large amount but it

still, the state and local requirements are very specific as to how much water you can pull out of any given well over any time period.

Tom Thompson – Concerning water resources, I think it is really important that we have written into the code the requirement for the applicant to note what their water usage will be. They should be able to figure that out pretty well, get a good close approximation somewhat. They know how many turbines, 45 turbines, at least that is what they are saying now. They are going to have a really good idea how much concrete they need for each one of those, and they should not only note their estimated water usage, but also where specifically they are going to get this water.

We have a water shortage here in the Palouse. I think everyone knows that. The aquifer is going down year by year by year. The Palouse Clearwater Environmental Institute and the aquifer, I forgot the name of that, but Moscow-Pullman area, this is a huge thing. We need to make sure they put that information down. So, everybody in the country knows what is going down, how it is going down.

That could really severely impact our local water level here for many people, local residents and the community with their wells and everything. I think that is only reasonable. They can figure it out. They are engineers, they've specked this project. You can bet they have it pretty well drilled down how much they want to spend. How much they don't want to spend.

Kevin Akesson – Just to support Tom's statement, they provide an estimate of their use and their source and maybe we should put that in the ordinance that that information be provided. Also, in the enforcement end of it, to ensure they are not exceeding their limited use they probably have to meet an exemption.

In the State Law there is a limit on how much you can use and still be exempt. If they go over that or if they plan on going over that, they need to determine where they are going to obtain their water rights. This is water for concrete and for site development and depending on how they schedule their project they could feasibly exceed the State exemption.

Dave Gibney – I am just speculating now, but I'm certain they are not going to drill a well at the turbine and mix the concrete there. They are probably going to be importing the concrete from an existing commercial concrete facility which is, as far as I know, a regulated water use industry.

Tom Thompson – That is a very good question, because there is all kind of speculation going through the County whether they have their own site picked out or if they will go through a local concrete distributer.

I can tell you when SEL built their PCB factory in Moscow, that would not have been going in there if they had used traditional methods of making PCB boards because the traditional factory takes like 30,000 gallons of water a day, and the SEL factory takes in about the equivalent of what a household uses. In fact, the actual process, production process takes less water than what they use for their employee's bathrooms and hand washing.

Alan Thomson – Water usage in the State of Washington is regulated through Ecology. There is a SEPA process. We alert Ecology about all of what is going on and we will get a response from Ecology, and they will regulate and ask them where they are getting the water.

So, Dave is right. The source will come from whomever is making the concrete. So, Motley-Motley, Atlas or whoever. That is regulated through the State and so again, it is not necessary for we, the County, to add to Ecology's efforts here. They will go through Ecology. All the water sources will be identified and how much water. That's done by Ecology.

Boyd Jeffries – This water thing, Alan just said there about regulation on this. I doubt, I don't know because they haven't said, but the commercial concrete plants probably can't supply that much. I would wonder if they didn't have their own batch plant and regulation on that consumption that is a big deal.

Something else, as we go through this process, something that hasn't been discussed, I don't think it is in the code. Where is the regulation on the amount of these projects in the County? When does that come into play? When the next developer comes and wants to put up another 100-150, next guy, I mean is there no limit? I think this should be addressed.

Mark Storey – Just a comment about water. I would caution the Board that trying to regulate water in any way other than informational purposes for Ecology. Other jurisdictions have tried to make some kind of local regulations on the water. The State will have none of that. They exclusively regulate ground water in the State. Information, yes, how much are they going to use? You can ask those things but be careful, don't put it in saying that the County is limiting what they do. I want to make sure everyone understands that. It has been suggested on many occasions in the past to monitor or limit people's water use. We have to be careful of that.

Dave Gibney – Anymore on the water?

Dean Kinzer – I just want to say that we are aware there are basically two aquifers in this area. Wanapum and the Grand Ronde Aquifer. The State monitors those fairly closely and they are particular about who gets to use them, so I'm confident that that will be monitored.

12. 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.

Alan Thomson – I don't have much to add to that. That is pretty thorough. We'll go through a cultural resource assessment and that is part of the SEPA process. Then it will go into the CUP as well.

Bill Myers – Noticing the reference to Department of Archaeology and Historic Preservation, I don't see any reference to the Tribes.

Alan Thomson – The Tribes don't do the research there. It's the archaeology people. The Tribes will be notified obviously, and they will be looking at the studies, and there will be feedback.

Dave Gibney – So, that is a function of the Department of Archaeology.

Alan Thomson – Yes, they are the ones who do these resource evaluations. Not the Tribes.

Dave Gibney – Yes, absolutely.

Bill Myers – The Tribes are included in this? That was my main concern.

Alan Thomson - Yes.

Tom Thompson – So, I know that Tetra Tech was in an earlier agreement, purchasing agreement with the County and that the County was planning to hire to do the EIS, which involves the cultural resources. I'm also aware that Tetra Tech has been caught up in past scandals with several employees, falsifying data, and went to prison. That was some years ago. But I know that recently with the Badger Mountain Solar Project that Tetra Tech did the EIS there. I know the Tribes are not very happy because they skipped over a number of cultural properties and that type of thing.

I think we need something in this section here. We are leaving all this up to the applicant to do the hiring. It is kind of like letting the prosecutor of the defense do the jury picking. It

just doesn't come out right, does it. We are letting the developer pick all these different people to do stuff. Oh, they're going to pay for it, but they get to pick the jury. There is no independent objective observer on site here to go, "OK what is the truth, what is fiction, what is fact?" What is reality?

It is so easy, I've been in the corporate world. I know how it goes. You get corporate buddies, hand in hand. Birds of a feather flock together. I think we need to have something in here, a stipulation that goes, "The county at its discretion may choose an independent third party to conduct the cultural resources survey and the applicant will pay for it." That is fair and simple. That shouldn't be a big hurdle for the applicant. I think that is fair.

I hope that makes sense that if you have one party picking all the key people doing the evaluations, that is a one-sided affair in my opinion. I mean, you got the figures, you got to look up numbers but, how does that go? Figures don't lie but liars know how to figure. I'm not saying anybody is a liar, I'm just saying, I know how a good part of corporate work at times. Or I should say international corporations.

Kevin Akesson – I just suggest that an inadvertent discovery plan also be provided and reviewed and approved by the County.

Alan Thomson – That will be done. Responding to Mr. Thompson. We've gone over this before. But we do have a prosecutor, and we have a consultant that the County has, independent of Tetra Tech or the applicant. That has already been discussed, and you've been told about this. We have the check on that.

Any contractor, whatever, they can make mistakes, or they can do it deliberately, but we check that. We have the ability through the contract that we have with the applicant that we can hire our own independent consultants to check anything. That is already written in, so we do have a way to check the work that is being done by any contractor.

Tom Thompson – May I ask where that is written into the code. If that's not written in the code,

Alan Thomson – It isn't. It is not necessary to be in the code because it is written into our fee schedule, which is part of the County Code that says that when we are dealing with a renewable energy project like this, over 5 million dollars, we, the County, will have our own independent contractor and attorney to take us through that process.

Tom Thompson – Will that be at the applicant's expense or the County's expense?
Alan Thomson – Always at the applicant's expense. Always.

Tom Thompson – Where is this exactly written down?

Alan Thomson – I will send you a copy of that tomorrow.

Tom Thompson – Okay. Thank you.

Alan Thomson – You're welcome.

Dave Gibney – One of the things that I caught there is the County fee schedule for hiring independent consultants in whatever period. It applies to more than just a wind farm or a road project. It applies county-wide so it's appropriate for it to be in the County code, but not necessarily appropriate to be in the specific code for the kind of project.

I read the Tetra Tech and as near as I can tell, the process caught them and they aren't, that is being delt with and those projects are remediating that issue. So, in some ways, the fact that they, that we know that they did some wrong things, shows that some of this process actually does work. Because they got caught.

Todd Imeson – A quick response to what you just said, yeah, they got caught. Now what if they hadn't gotten caught? Why is it worth taking the chance that they might pull something like that on WC. This is our home. We should have a say. We shouldn't have to accept anybody that they pick and that would be one that you shouldn't pick. That's just my opinion.

The other thing, all this stuff you are talking about tonight, it keeps coming up, SEPA process, SEPA process, SEPA process. SEPA process isn't Whitman County. This is WC's code, this ought to represent what we want. This is our home. This isn't SEPA's home. If this doesn't represent WC, then why do we have a code. It ought to be SEPA's code and we shouldn't even be here tonight. Thank you.

Dave Gibney – There is a section of the zoning code that, I believe it is 19.4, is the County's SEPA and yes, it does mostly reference the State. But that is the place where these things are, the specifics of the SEPA process are more specifically stated.

Alan Thomson – Can we take a quick break?

Break – 8:44-8:50 p.m.

Dave Gibney – I everyone doesn't mind but it appears we've had our break, and we need to start now. One of the things that, or Grace just brought it to our attention, there is a SEPA checklist somewhere on the County's website. Alan has put the Palouse Wind SEPA, the entire CUP and the checklist and all of that, on the website as a review and example of what part of that is. Grace was saying, that,

Grace Di Biase – Just that, obviously what Palouse Wind had to provide as far as their SEPA submission went, was a lot of detail. But they also wanted to look at the most basic checklist that is on our website too. It would address a lot of the specifics that people want to have in the code, that when Alan references that it would be covered in the SEPA. It is

because those are topics that are requested to be answered in the checklist. So, checking out what Palouse Wind provided would probably be helpful to folks to see the level of detail that the applicant has to provide.

Dave Gibney – I've been a member of a planning commission for a long time. One of the things that I always, I sympathize a lot with you folks in the public because you run into planners and developers once or twice or maybe three times in a lifetime in general. So, there is a lot of confusion and a learning curve that Staff developers and even long-term planning commissioners know.

So, we do need to do what we can to make sure you have all the information that is possible. It is a complex process. I really appreciate your time, and I really do sympathize with most everything that is being suggested is good and good information. We are not trying to stone wall when we say, "Yes, it is good, and it is over here in the other part of the code." We have an obligation to check and make sure that I was stating what I believe to be true, really is. We've been a little more disjointed tonight, and I apologize for that. Any more on cultural resources?

Tami Southern – Just to clarify, are the affected Tribal lands and tribes given the opportunity to have adequate representation or representatives in this process? Are they included in the process of going through any potential historical sites and allowed to have that voice in the documentation?

Alan Thomson – So the Tribes are notified right away when an application comes in or even before the application comes in, that there is a potential application coming your way. We notify all the Tribes and then we are in constant communication with them. They will look at any cultural resources that have been, permits that have been granted, and so they can review all of that, all the way.

Just thinking about the case for Tetra Tech and the previous other case, we would be reviewing what the consultant comes up with. We will show that to the Tribes, as well. If there was something that was off kilter, the Tribes probably would be the ones that notice that. Whatever studies come in the Tribes get and they can check it themselves. If there is something that is going on that is not right, they will let us know. That is all covered.

Tami Southern – I just wanted to make sure they were afforded the opportunity to have somebody on, one of their professionals or whatever to be able to represent their best interests.

Alan Thomson – Yes, absolutely.

Dave Gibney – Okay. The last section. I will note that Mr. Thompson read Ms. Black's suggestions for this area.

13. Visual Resources:

a. The applicant shall prepare visual simulations of wind turbines from key viewpoints, chosen in consultation with the Planning Office.

b. 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.

Dave Gibney – Fish and Wildlife has suggested that an additional sentence, *"Unnecessary lighting should be turned off at night to limit the attraction of migratory birds and bats.* Alan has stated and told me that that the existing technology and the potential applicant is willing to use. It includes radar lights on the, only put the lights on when there are planes in the neighborhood that might need to see them.

c. 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.

d. To the extent practicable, and subject to industry standards and requirements to meet the FAA's daytime lighting and marking standards, the applicant shall choose paint colors that are a non-obtrusive color such as white, off-white or gray.

e. 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.

Alan Thomson – I think that is a good point with the lighting. This is a relatively new technology that wasn't available with Palouse Wind. They have this system that is a radar system that they can put on the turbines so the lights can come off at night, unless there is an aircraft flying close by. Then they are activated, which, I think, is a really positive improvement for wind farms. Harvest Hills has agreed to put such a system in their turbines, if they ever get an application, a permit.

Dave McKeirnan – So, I'm not familiar with that technology. It sounds like a great idea. Is it just for commercial aircraft?

Alan Thomson – Any aircraft. It is radar.

Dave McKeirnan – So would that be something that we would want to put in here for county-wide, that any windfarm in WC has to be fixed with this radar lighting technology?

Alan Thomson – It is a thought.

Weston Kane – So, Dave, I really do think we should do that. Because it is Idaho State law because of all the windfarms in southeast Idaho. They passed it into law. I think we need to look up this Idaho House bill 146 that they passed into law. I think we should be able to do something like that here.

Dave Gibney – I am going to agree that we could put it here, but it is another one of those things if it is something that is going to be brought up as part of the CUP SEPA process, and quite likely written into the conditional use permit, do we need the detail here?

Dave McKeirnan – This 13b goes into, "*shieled, hooded, orientated towards the ground*," etc. a lot of detail. If we just put, they have to be lighted with radar technology to light them up, it takes care of all the FAA stuff and it's done.

Dave Gibney – I understand, and I agree. I am really trying to understand what is the right level of detail in code versus what is going to be in the CUP because of the nature of the CUP process.

Bill Myers – It didn't mention anywhere of what range? Miles or altitude?

Alan Thomson – I don't know that detail.

Bill Myers – That can be all as far as speed and other factors and just concerned about it being one size fits all option. Just a point of interest, what are the distance limits and if they come on. The distance limits, that would be my question.

Dave Gibney – I think that is a good question because is it going to be fast enough for that nighttime stealth jet that they are testing?

Bill Myers – I heard initially that it was going to be a slave to the ADSB system, the transponders, which concerns me because a lot of aircraft around here do not participate in that system. Then we might joke about stuff a little bit, but a lot of small airplanes are made out of, quite literally, fabric and wood and then they do not return much of a signature. I would agree that we should insist on it in the code. I would be interested to see how well it worked.

Tom Thompson – I think that is a great idea to have it in the code to require radar protection for lighting system on the turbine. Another thing I'd like to propose is, no turbines can be sighted on top of a ridge or a hilltop. We can't do it with your residences. My understanding is the County viewshed is protected, so I think it is sauce for the goose is sauce for the

gander. That is perfectly reasonable. Okay, so you can have your 700' towers here. We are not going to let you put it on top of a hill or a ridgeline. You have to be down in the valley but not on top. It is perfectly reasonable.

Why do we make an exception for an outside developer coming in here, making money. Partners are making money and non-participating members aren't making money. The public is not making money as you see those ugly monstrosities there. I think it is perfectly valid and fair for the rest of the residents here. At least they got to put their base where everybody has to put their base. We just can't have a 10-story building. I would ask you to consider that seriously. I'm not kidding. This should be in the code.

Todd Imeson – I plead ignorance, it has been a while since I read the WC Comprehensive Plan. Doesn't this go against the visual resources that impact, my understanding it would, because I thought we were supposed to prioritize the pristine views of the Palouse. I thought that was specific in there. That was my understanding, so how can you have this, that goes against the Comp Plan. That's my question. Thank you.

Alan Thomson – I feel like I am repeating myself from time to time. There are many conflicting parts of the Comp Plan that is in everybody's Comp Plan, has things that compete against each other. That is intended. So, if you want something to happen, you want to build houses in ag land you've got two conflicting things there. Ag and residences. The code would say to protect ag, and then the code also says you can build houses. The job there is to mitigate and to arrange things in such a manner that you can have both, not one cancelling out the other.

Same thing with houses on ridgelines and hilltops. That is a specific code for residences only. We don't apply that to turbines or towers. The towers, there is a specific code, 19.58 in WC code that deals with towers. So, we can't tell somebody who is putting transmission lines in that you can't build them on the hilltops. That wouldn't really make sense. So, there are separate codes for separate things. They conflict. I understand your confusion there, protecting the pristine views of the Palouse. That is a part of the code there. But you have to be able to build other things there as well.

So, it is just an inherent contradiction and conflict, but we try to mitigate each one of those conflicting things so that we can allow them to be on the Palouse somewhere and not get too obnoxious with each other. That is just normal for any code, and you are mixing things up, Mr. Thompson, you are mixing things up.

Tom Thompson – We are talking about the wind code, well, we will just put wind turbines, not powers, wind turbines, they go, they don't go on top of hills or ridgelines. We are not mixing apples and oranges. They are all oranges.

Dave Gibney – A comment on the viewshed laws of WC. This is my own comment but I, that as we all know, that ordinance has never been litigated. Nobody has ever come up and

said that I'm sorry I'm going to sue and make you allow me to put my house up on the ridgeline because nobody wants another $300,000-500,000 litigation cost added to their home price. Which makes it a slightly different thing. I hear where you are coming from. Fair is fair and all of that, additional complication of the particular specific.

Tresa Bannister – So to address that what you were just talking about. The Tri-Cities isn't allowing that at all. You know, the ridgeline project that forced Horse Heaven Hills, where they want to put all those towers, they are not allowing it. The County is fighting to not allow that. So why can't we do that? Why can't you give us that same respect since this is the County that doesn't want to look at these on any ridgetops or top of the hill, keep them down in the valley.

Alan Thomson – It wouldn't work. The case that you are talking about, yes, there were a lot of changes that happened to that original project. The viewshed, the ridgeline thing, was a big deal for that and EFSEC and the Governor, well EFSEC did anyway, limited it. That is something that can be done because the viewshed was pretty well impacted, so, that possibility is there.

That would be something that a Hearing Examiner here in WC would be the judge on that. So, that is not something that we would want to put in our code, but a Hearing Examiner could make that decision as did EFSEC, and the Governor overrode that decision and some more turbines were put back in place. That is the process we all go through, but it's not the County that makes that decision.

Dave Gibney – It is also one of the questions that I, can we specifically exclude certain visual and some of our better sites, specifically Kamiak and Steptoe or Palouse Falls, is a question that I asked.

Tresa Bannister – The Tribes won't be okay with anything in that viewshed between Steptoe and Kamiak Butte. I think you know that, Alan.

Alan Thomson – Probably, but that's a public,

Tresa Bannister – Not probably is a negatory thing for them.

Alan Thomson - That may be true but that is a question to be answered at some later point. Not to be answered right now.

Tresa Bannister – Right but my point was, Benton County Commissioners said, "No way is this happening." We don't want to look at this and we are all telling you and asking you as part of this code to please give us consideration and not let it be on the ridgetops, top of the hills, whatever. So, if we could get that ordinance in place, that would be wonderful.

Dave Gibney – We didn't say we wouldn't do it yet.

Tresa Bannister – Right, I'm just saying what Alan was saying is my point. Does that make sense?

Dave Gibney – Yes, and also the BOCC have not, there is a certain amount of direction we can get from the BOCC, and they have not told us to make windfarms impossible in WC,

Tresa Bannister – I didn't say make them impossible. I said, to not allow it on hilltops. That's what we are talking about, to be clear. Okay, thank you. I'd love to see them be green to blend in with the fields. They should not be white, they should be green.

Dave Gibney – I understand, I have to say I don't find white towers an obtrusive, like the language says the color is.

Tresa Bannister – Maybe we should take a county-wide vote on that like we have everything else, like our petitions are strong. I could petition for that. Thank you.

Tom Tompson – This will be short. I just wanted to talk about the litigation point and I know that is a concern for some of our county officials, but I think we have a duty before the public not to be so worried about litigation that we lose track of what is the right thing to do for the County.

What is the spirit of the law? I think we have a well-crafted code that protects the community. It may not outlaw wind turbines, but it protects our community, and it protects property and health. That is a starting point to negotiate with the State. If you don't have that, you are just giving up the whole farm and you are helpless, hopeless and hapless.

We don't have to be the victims. We can stand up to the well-crafted wind code together. If it gets pushed back, we will talk about that. We are so afraid of push-back, we are just going to wilt like a little wall flower, or that's what it sounds like. I think as citizens we can stand up. We have power here. We have more power than we think we have. Anyway, I'll shut up and let you get on with the meeting.

Dave Gibney – I honestly think that that viewshed protection is a taking against the landowner who might want to put their house at the top of the hill. I'm not afraid of litigation that might happen to WC. I think that if somebody wanted to sue and cause that, they could. I think it would fall on the side of you telling me I can't put my house where I want to on my land. If I were willing to spend half a million dollars extra besides building my house, I could win that lawsuit. An energy facility has deeper pockets than me trying to build a house on the hilltop, is my only point on that one.

Kevin Akesson – I agree with your comment on property rights. We are hearing a lot of people's property rights to put 700' towers on the top of their hills. That's inconsistent with people's property or property rights to put a house on top of their own hill. That

inconsistency could be addressed in the code, by either allowing houses on top of hills or just allowing towers on top of hills. With allowing towers on top of hills, that would open the County, I think, to more of a risk of litigation with the housing issue. What was the purpose of no houses on top of hills?

Dave Gibney – Before my time.

Kevin Akesson – I understand and in talking to the BOCC it was a particular commissioner's desire. It sounded like a desire to preserve the viewshed of WC after seeing what was happening in Latah County and not desiring that things occur here as it was going on over there. If it is just one person's desire, that's not a good way to develop code. It is inconsistent and it should be addressed. Thank you.

Alan Thomson – I can speak that because I was here at the time.

Dave Gibney – Is the commissioner still,

Alan Thomson – No, but to correct that story a little bit there. We actually put out, reached out to the public and asked them about building houses on hilltops. Latah County was kind of the focal point because we saw what was going on in Latah County and there were a bunch of houses on hilltops.

So, we put out a request to the public and we actually targeted a bunch of people that we knew and that the Commissioner and the other commissioners knew. The word that we got back from that study was that we don't want to see what is happening in Latah County happen here in WC. That is how it started, that was the genesis of how that was started and that was unknown to people. We didn't see any other ordinances to that effect.

So, usually through planning and zoning, how you restrict or how you craft where houses go, it is usually a parcel size. Five-acre parcel minimum, 10-20 acre, whatever that is, typically how zoning works throughout the country and the US. But through the discussion with the Planning Commission at the time, we thought about that too, that maybe we need to have a minimum parcel size in order to build a house on there.

Then someone said, "Okay, you have two 20-acre parcels sitting next to each other. One parcel wants to build in this corner and the other one wants to build in the corner there. Therefore, you have two houses that close together and that is what the public didn't want to do. They didn't want to see their neighbor. That was one of the things that we were told. So, we batted that one around in the PC for quite some time and then finally someone came up with that idea. "Why don't we just ban them from the hilltops?" That is how it happened.

So that was new territory there and we actually did contact a land use attorney in Spokane and asked him, "Are we going to get away with this or are we going to get busted?" Of

course, when you talk to an attorney you can never get a straight answer. The answer was that it wasn't tested, we don't know that for sure, but maybe. So that is how it started and what we have today, but it was the public in WC that did not want to see their neighbors. Like Dave said, it has not been tested legally.

Bill Myers – I just feel compelled to open my mouth on this issue. There is no mitigation for these things. There is no way to, as far as a viewshed, there is no way to justify them. The WC Comprehensive Plan is laughable and schizophrenic when you read it in relation to renewables. I'm just stating my own personal opinion. There is no way we can write this into law and there is no way we can really justify it downstream, to those we pass this off to.

I basically say all of this to re-emphasize that this is a matter of regulation, not accommodation. We are stuck in a trap here. I really don't understand where the State government can cram this down our throat, but we are in a position where we are seeing this technology run its course. We are also in a position to see where it is, they're going to be unfunded.

I'm wasting a lot of our time as far as writing this goes, but I think overall in general we need to, and when you compare a dwelling, these decisions were made a long time ago, obviously, and for legitimate reasons, as far as viewshed. That just highlights the ridiculous nature of this issue. That is one thing you will never sell me on. I can sit here and try to objectively agree with some of these code issues but when it comes to viewshed, that is an untenable position. This is almost, to me, it is a moral issue, and that is where I will conclude my comments. If there is any doubt in where I stand on this issue, it just wells up in me and I could not contain it.

Kevin Akesson – I wonder if anyone has put any thought into what the public thinks about seeing their neighbor's wind turbine on top of a hill. Maybe there should be another poll taken across the County. I don't know if the BOCC would do it or the Planning Commission could do it. Just to get an idea of what their thoughts are of seeing their neighbor's 700' tall wind turbine on top of the hill next to them.

Todd Imeson – Thank you Alan, for explaining that, because I personally didn't know that, so that is nice information to know. Since that is an untested thing, we hear all the time with these wind turbines and stuff we can't make the code too strict because we feel that it won't stand up in a court of law or we believe it might not. Well, where is the moxie behind the house on the hill? Let's try it. Let's do it. So, why can't we put something in the code that might be strict and then find out what happens. I don't understand what the difference is. Thank you.

Dave Gibney – That is a decision that the higher level than us here in this Commission, I don't know how many of you were at the Monday meeting of the BOCC where they

extended the moratorium. Those interim controls are actually quite simple. They say that we will not accept any applications for this kind of project.

And aside from the fact that such a statement would be inconsistent with the support that renewables have in our Comp Plan, the County, should they, the BOCC could easily just say, that is the code forever and, again we could be done. They haven't asked us to do that. They haven't stated what is going to happen.

We have been asked to craft some revisions and to review the existing code and add code. It's more important, about solar and battery because in those cases there was no code at all for any developer to say that we will follow your code or whatever. Those, a solar farm was an outright conditional use permit anywhere in the Ag zone, period, with no additional conditions, other than the standard SEPA and everything.

That decision could be made not at the level that we are talking about, not at this Commission's level. That is a decision that they, you know, and I suggested that over the Zoom on Monday morning. They didn't follow through with it, so. I'm not sure I agree with it either, but they didn't follow through with it.

Weston Kane – I feel I would like to add a little bit. It is getting late. Looking over, kind of transiting back to the solar energy, I know some of you probably don't have a copy of this. We do have a height limit section in that. I would be perfectly okay if we put something in along those lines. It may or may not be feasible.

But like in our solar energy code we wrote it to say, "*Building structure height limitations shall be in accordance with the standards established for the applicable zoning district.*" Then in #3, under height limits, on commercial solar energy facilities, *"All structures are going to be placed below the highest point of the immediate landscape and removal of trees to be avoided."*

Dave Gibney – What we were given from Alan was just the decommissioning part.

Weston Kane – Okay, so the new members don't have a copy. So, that is something that we have, we were working on in the solar energy code. So, to keep it below the highest point of the immediate landscape and removal of trees to be avoided.

The current windmill designs, when they are looking at 700' the immediate landscape would be Kamiak Butte at that point, which I think is kind of ridiculous. But technology is evolving to where if we were to write a code like that, maybe we can keep these big eyesores out and maybe future versions of wind energy might be still feasible. That will keep it, if we are going to do it in one code, we can make it fly in others.

Dave Gibney – Height restrictions, height considerations in the 19. 61 was the section after setbacks that I skipped as I waited for the legal comment. Actually, what it says, it only

talks about that they should be compliant with FAA regulations. It is not significant but it's there and we can get that.

So, we are running up against the, I've heard some suggestions about how we try and be fair and consistent and I don't know how they are going to work out but, we heard some good information tonight on these last sections.

The next section which we are not going to get to tonight, but I ask you not to move to adjourn quite yet, is on the decommissioning of these. We, the Commission that existed before all the new people came, did spend quite a bit of time and had a lot of feedback from Commissioner Handy and others.

The decommissioning portion of the commercial wind facility didn't have sufficient teeth in it. The intent is that there be enough money set aside at the time the project begins, such at the time it is over, it can be restored to as close as to the existing conditions as possible.

That was the intent, so, the hope is that we can take this piece of the proposed commercial solar energy facilities section on decommissioning and work it, pretty much shove it right in here under #14 with some wording changes. If it says "solar" it will say "wind" and things like that. I'd ask that we all take a good look at it, and we can talk about that at our next meeting, which unless I am, that will be on the 16th.

Then the last couple pieces of the current existing ordinance is decommissioning, public safety, inquiries and complaints which says you have to deal with OSHA and stuff like that and enforcements. Anyway, so it would be nice if we can finish this first pass at our next meeting in July. Feel comfortable with not meeting in August. Coming back in September, ready to review the final draft language and make our suggestions in the ensuing months.

Look at the minutes, review it, keep us all honest with consistent with what we already said we would do. If that is agreeable to the Commission, I think we can afford to not meet in August.

Dave McKeirnan – I wanted to follow up with Tom. I think everybody sitting here on this Board, we are taking the feedback in. Some of us are reaching out to you guys after hours, after these meetings, during the week. Feel free to come to us. The feedback you are giving us, the emails you send to Alan prior to the meeting, is really good information.

We are trying to, at least in my opinion, I can't speak about everybody, but we are trying to learn from what, went down in Oakesdale to make it so in certain areas in WC can have wind farms, but we want to, I want to make sure that if we do put them there, it has a minimal amount of impact.

So, other I guess for me, personally, I'm not sitting up here volunteering my time away from my family just to entertain you. I'm here to try to make a difference and you guys' feedback

means a lot to us. Then your, I look at it as I am your voice to the BOCC and then we kind of work together to come to a consensus. Don't think that we are not taking and making every adjustment that you recommend and just looking away from it. That's not it.

I take it real personal what we are doing here. And we have to make sure that we are trying to accommodate future wind energy, but at the same time current livelihoods that we have in WC, and we have to try to find a happy medium, if you will. But we are not here trying to, it is not us against you guys. I want to make sure that is clear.

Tom Thompson – I know myself and I think I speak for the vast majority of the people here that we appreciate your time. It is our time too, we are away from home. I know there are a lot of long hours that go into this, and this is really where our citizenship government starts. We read about it in schoolbooks, but this is really where it goes down. This is where local people have input, and hopefully local people can make local decisions and not have interference from higher levels, where it is not warranted. Thank you very much for your feedback. You guys have my respect. We understand there are a lot of ideas that get put out there and this is how you brainstorm. You put stuff out and you get feedback.

Changing subjects, I'll get done here. I know Commissioner Handy had his comments earlier in the year about the decommissioning portion and are they incorporated in this version now?

Dave Gibney – No, the section in the existing wind code is not the new stuff.

Tom Thompson – Is that in a separate area so we can get refreshed?

Dave Gibney – That was, it is in the proposed solar draft and that subsection was sent out late. We would be inclined to strike the whole existing wind decommissioning part and take the new proposed for solar, and wordsmith it in to make it fit. There is quite a bit of improvements to the ensuring of those funds short of apocalypse or loss of civilization would be there when things happen.
Tom Thompson – I appreciate pointing us in the right direction. Thank you.

Mike Dymkoski – You are on decommissioning. You are at the end, but you've forestalled the discussion on setbacks and heights, and I know you are waiting for some,

Dave Gibney – You are very correct, and if I make the assumption that we will have information on that subject by our next meeting, we would certainly, it will be made available to the public and we will certainly discuss that.

Mike Dymkoski – Have you gotten any promises from Denis for some answers for your questions? It's been outstanding for a couple of meetings now. Is he giving you any feedback?

Dave Gibney – He is actively working on it. I pressed him on it Friday and he said he wasn't ready for tonight.

Mike Dymkoski – Would it be good to have him at the meeting where you allow discussion on that, so that maybe the public could question him directly? Zoom is really tough. A lot of the folks out in the audience claim that we can't hear the speakers on Zoom.

Dave Gibney – I cannot, I think that would be a great idea, and I cannot direct our prosecutor to attend this meeting.

Mike Dymkoski – No, you can't direct him, but you could encourage him to attend.

Dave Gibney – I can ask him, I really appreciate you reminding me about that. I was getting eager to get done with this.

Mike Dymkoski – I know he is elected, so, and the setback but any height restriction discussion would really dovetail with viewshed concerns. And just a final thought about viewsheds, I think the PC would do well to reach a consensus on viewshed priorities across all types of developments in the County and apply it equally. And make there be no favored one type of development over another. If the priority is the viewshed then all types of developments should comply with that as close as possible.

I don't think you should be carving out exceptions for private developers that want to be on hilltops, because the wind is better on hilltop than down in the valley. The wind blows down in the valley, too. You can put a wind tower in the valley. That's not our problem as county residents, that it is not as ideal down low as it is up high. The views aren't as good down low for residences as they are on ridges, as well.

So, the priorities should be viewshed considerations, not what is best for any particular developer. So that it blends with setbacks and height restrictions as well. That will be a good discussion when you finally allow it to happen. Thank you.

Dave Gibney – I still think we can make good progress on the next meeting. If we find that we haven't, we can decide that we will meet once or twice in August.

Tresa Bannister – You do have six months, right?

Dave Gibney – That is how long the moratorium and interim controls were extended. Yes, we did talk a little bit at the beginning about the logistics of having something passed at the end of the current moratorium. Which there are two public hearings, two public notices and SEPA process and things like that have to, that take time.

So, if we, and I'm not saying that is the target we have to have, but if we take it as a target, then we need to be pretty much finished with our work and our hearings by the end of

November. So that the BOCC can do what they have to do. That takes similar time and notice for them to actually pass an ordinance by January 7th. But I'm spreading it out a little bit. I can't speak for the BOCC if they will or won't be willing to do another six months on the moratorium. That is their decision.

Tresa Bannister – Thank you. I just wanted to take the time to thank all of you for volunteering your time and doing this. It means a lot to all of us. So, if I personally am volatile, it is because this is such a horrific ordeal. I just want to make sure we get it right. So, I get a little heated. So, apologies, I can't help it. I have a brain injury. So, thank you.

MOTION by Weston Kane and seconded by Bill Myers to adjourn the meeting. Motion passed.

Adjourned – 9:42 p.m.

WHITMAN COUNTY
PLANNING COMMISSION
Public Service Building Auditorium
Workshop
July 16, 2025
7:00 p.m.

MEMBERS:

Dave Gibney – Chairman
Weston Kane
David McKeirnan
Julian Matthews
Brian Davies – Vice Chairman
Bill Myers
Dean Kinzer

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

Zoom: Ken Duft, Denis Tracy, N Frazier, Ashley Hartman, Shane Roche, Tresa Bannister.

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

7:05 p.m. - Dave Gibney opened the workshop. He asked Denis Tracy to talk to the members about the request for legal advice.

Denis Tracy – Good Evening. I'm the County's attorney. I give legal advice to the Planning Commission as well as the BOCC. I am not a specialized expert in zoning and so, I have employed a law firm that does have a specialty in zoning. I have asked a number of questions of them for specific advice, in particular about the areas of setbacks, and giving what I will call special protection to particular landmarks in the County, being Kamiak Butte, Steptoe Butte, Palouse Falls.

Also, issues about noise, issues about potential for negative impacts on land prices of the neighbors, and that could be said in a better way, but I think you get the gist of what I'm saying. So, that's where a number of questions, and up until late this afternoon I have not yet gotten specific responses. I had a couple of conversations with one attorney in particular that I've been consulting who is part of this law firm.

But late this afternoon, I did get one generalized memo which I have not yet had a chance to review. So, that is the status of things. What I proposed to provide you with is a memo from me and or this consultant's attorney. I hope to have that to you, either a comprehensive memo or a series of shorter memos. I hope to have that to you before the end of July.

I understand that it might be the Planning Commission's plan to take August off and so that would give you time to digest it over the break and compare it with your own notes and ideas and come back early in September.
So that's as far as I have progressed in answering your legal questions. They are important legal questions, and you need specific legal advice and that is what I intend to get you.

Dave Gibney – Can I ask if, by the end of July, would July 30th be a possibility and then I still ask the PC members if we can still take August off, but can we have a special meeting on Wednesday, July 30th to see your results and have discussion about them.

Denis Tracy – Yes, I will do my best to get you my work by,

David Gibney – It would be nice if it was the Monday before.

Denis Tracy – Yes, exactly. I will try for that Friday before but if not, then the fallback would be Monday, the 28th.

David Gibney – Thank you. So I will start right now with asking the members if they would be able to meet on July 30th.

Chris Melhus – At this point, I don't have any conflicts, so I would be available.

Weston Kane – At this point, I would be available.

Dave Gibney – I am available.

Brian Davies – I am not available. I have to run a meeting in Deary, Idaho.

Dave McKeirnan – I can't guarantee it. We will start harvest by Monday.

Dean Kinzer – I will be in harvest, but I will make every effort to be here.

Bill Myers – We will be harvesting.

Dave Gibney – I've only got three and perhaps four, and Tami, she would probably be in harvest.

Alan Thomson – That would be the optimal time because I am not available the whole month of September. But the show can continue on without me. I could try to be here. So, the next possible date would be September 3rd, which is our regular meeting.

Dave Gibney – Okay, so let's not try and catch up,

Alan Thomson - Let's play it by ear and see when Denis gets that information together and then closer to the time, ask the members if they will be available. The second choice would be the regular meeting in September.

Dave Gibney – Let's see where we are at for the first and third Wednesday in August. During the time that we weren't here, between these meetings, I asked Alan to find the Findings of Fact and some of the record from the 2009 ordinance. One of the reasons for that is when we are ready and are deciding to craft, this is the ordinance we will send to the BOCC for advice, and we need to have concrete Findings of Fact that support the changes that we wish to make.

I thought examples of the previous ordinance would be useful because we are the ones who are responsible, the Staff helps us to craft this, but we are responsible for those. I think we may have some changes that we are better to ask ourselves to make, rather than the Staff to make in terms of the Findings of Fact. That is why you got that email with those documents.

We are going to have the month of August off. I would suggest that we all take a look at the ordinance as it is and the minutes of our meetings and be ready in September to talk about the changes. Maybe including the setbacks but the other changes that we have agreed to, potential Findings of Fact that support those changes. You can each go ahead and do that for the setbacks.

I remember that we were asked by the BOCC to review this and specifically because of the decommissioning section that we will get to later tonight. We need to be looking at our commercial solar and battery. Again, the BOCC didn't ask us to come up with an ordinance that makes these projects unfeasible in WC. They can do that without us. They didn't ask us to make it any easier. We are still, we don't know exactly what Denis and the attorney will bring us, but we still have to do things that are in a legal and defensible manner and not act in an arbitrary and capricious manner.

I will turn it over to the members to comment. We will take general comment as we have before we get started on the decommissioning and then we can take a look at the decommissioning language.

Chris Melhus – I don't have any comment. I missed the last meeting. I'm playing catchup with you guys.

Weston Kane – I don't have any comment at this time.

Brian Davies – I was also not present at the last meeting. I did read most of the minutes. I'm just wondering where we left off. Was it at the decommissioning?

Dave Gibney – We are ready to do that. We were in the visual, we covered almost everything except related to the setbacks.

Brian Davies – I don't have any questions, so let's move ahead.

Dave McKeirnan – The only thing I would ask is as you talk about regrouping and everything that we have gone through, can we, or without going through every month's minutes is there a printout as to what has been moved and seconded as these are ideas that we should, certain sections that we need to highlight and think about?

Dave Gibney – I don't think such a summary exists at this point.

Brian Davies – We have draft language in some places.

Dave Gibney – But in most places we have listened and kind of taken small polls. Honestly, I could not conclude what we have or have not decided, without going through the minutes. That is probably part of what I will be doing in August.

Dave McKeirnan – As we are trying to expedite this process, for lack of better terms, come September when we regroup, it would be nice to know what changes the Board had said we have agreed on, things that needs to be looked at, so that we are not reading through it and, "What did we say," so we get together, and these are highlighted points that there has been public concern about, and this is what we really need to address and hammer out these couple issues. So, we can do this thing before the end of the next, expiration,

Dave Gibney – I'm going to get the comments on here and then ask Alan to comment on the feasibility of doing that.

Dean Kinzer – We did receive an email pertaining to my mentioning that vibroacoustic disease is caused by infrasound. The information that was sent out says that it doesn't come from wind turbines. I disagree, because I've read a number of reports that says that anything that produces infrasound can induce vibroacoustic disease, and I just want to let people know that.

I think that we are coming up against something that almost looks like the asbestos issues and radiation issues of the past. Until we get some definitive answers from perhaps the EPA and WA Ecology Department to safe exposures to infrasound, we don't know where we are at. That is why I would like to err on the side of safety for the citizens of this County and not be lab rats for this experiment and have a larger setback than what they previously have. I wanted to air that just a little bit to start off. Thank you.

Bill Myers – In the spirit of not making it too easy or too hard for arbitrary and capricious, we do have the possibility of another six months extension, if we need it. Considering Dean's concerns, a lot of that information is in study. Some of it has been pretty well nailed down

but we need to know these things before we, especially in regard to setbacks, that is the critical thing.

Infrasound has been studied extensively, and it has been used as a weapon. It is the real thing. Obviously, these things are not crafted with the intention of making people sick, but it has been demonstrated that they do. We need to know so that we can determine proper setbacks and we need to take our time.

Dave Gibney – I truly wish that those, I actually wish that I had asked those questions (to Denis Tracy) two weeks earlier than I did, to get that in process. So, Alan, what are your thoughts on pulling together some or all of at least of what we might have agreed upon?

Alan Thomson – Short of going through all the minutes, that's it. Somebody's got to do it, and I don't think that is a particularly good idea. There are a number of communications that we have had with the public that we can retrieve. All of us, I think, should be looking at them. Then we go through each page one by one, starting at page 1 and with all those notes and comments from the public in front of us, we can get through this.

Dave Gibney – Just to be clear, we will have a lot less public interaction during that pass.

Alan Thomson – Yes.

Dave Gibney – I had the belief that I was going to find some time in August and see what I could come up with. I also want us to be of a mind that what we are doing here, where it does apply to the solar that we worked on and the battery that we haven't gotten to, we do have some parallel efforts there. Let's spend about 30 minutes listening to anybody who wants to talk about anything.

Weston Kane – With a limit on 3 minutes.

Tom Thompson – I just want to remind you that Dave Phillips of Steelhead Americas told me personally that reason they came here was because of the substation connection close by and because of WC's wind ordinances being favorable to them. Really, we need to focus on making them favorable to the residents of WC. That is my prayer and my request of you folks up here. Your legacy is going to be on this and just like tobacco and a lot of other stuff, those things were approved by doctors in days gone by. I remember the ads. Now it is a different story.

I think you want to be on the right side of history. It is better to err on the safety of your residents than push something through because we have big corporate interests at hand. We shouldn't get rushed. You shouldn't be getting exhausted. We should have, take the month off, maybe you need to go down to one meeting a month if that's, you get to the holiday season.

We need to go through this wisely and not just rush this through, unless there is some other agenda going on. We have some time here. I just want to remind you if the law firm is Van Ness Feldman, I'm a little leery of that law firm just because they are tied closely with big wind. I'll leave it at that. I do think that setbacks, noise, fire, and property values are very important. Bear in mind that you have been given a lot of studies. Some of them have very pro-wind, some of them not pro-wind. The thing is there are still current studies coming out as of last month that I sent to the committee here, that show there are issues with infrasound changing the makeup of tissues in living creatures. That is something to consider. I think we need to get it right. We don't need to zone them out of WC, but we do need to protect the residents.

At the end of the day, we talk about court decisions. Court decisions are changing all the time. It has gone all around the country too. Green energy is not necessarily winning all these big court decisions. That is something to keep in mind. At the end of the day, whatever the decisions are made here we are going to have to live with as residents of WC.

I would urge you to carefully consider these things and not be rushed or pushed by artificial deadlines or pressure from up above. At the end of the day you answer to the BOCC, but you also answer to the residents of the community. I wish you the best, thank you. I appreciate the opportunity to give input.

Dave Gibney – Thank you.

Rick McNanny – I'm not here to complain. I think you guys have heard everything that we have to say, all of our concerns. I just ask that you take them to heart and do your due diligence for choosing what is best for WC.

One of the things I have noticed over the course of several months sitting and watching the proceedings here is, and take no offense to this, you guys have had some turnover. They have not been very continuant. There is no continuity in them, and I agree, I think you are on the right track now. What you need to do, in my opinion, is review the ordinance, document the changes, vote on that ordinance, and move to the next one.

My fear is somebody at some point, whether it be a judge or whatever is going to say, "What progress have you made?" You are not going to be able to show them any documented changes, or any progress. You have to have something documented. We've seen this in Garfield County where they just didn't appear to have any changes, and they just appeared to be dragging their feet.

So, I just think we really need to start documenting the changes that we make. Whether you get a transcriptionist to get help do that with you, your jobs are hard enough without having to take notes and write down everything. That is pretty much all I have to say. I would like to see it become more documented, so at the end of the meeting you can say we got

through this and this. If somebody asks you, "What did you do," you have something tangible to show them. I think that would go a long ways to help us or hurt us.

Dave Gibney – Just to be for everybody's information, the minutes of our workshops that we have been approving are pretty close to transcriptions. They are not summarized.

(Note from Clerk:) The minutes are transcribed verbatim so if you read the minutes, you will be up to date with everything that occurred during the meeting.

Doug Robinson – Part of the mission of this Commission is to decide where a development like this is most appropriately constructed. I'm going to suggest that where it is proposed is perhaps the least appropriate location. Aesthetics is an appropriate consideration.

If you look at Columbia County, they have authorized the construction of their windmill projects on the south breaks of the Snake River. Those are very visible even from WC. But if you drive into Columbia County, there are no windmills in the valley between Dayton and Waitsburg. There are none in the flanks of the Blue Mountains. They are where people are not, and that is on the breaks of the river.

The appropriate place here would be on the WC side of the river along the breaks and the south side of the County. And working down towards Little Goose Dam and Starbuck. At Little Goose Dam there is a hydro project, there should be plenty of ability to tie in there. There are obviously transmission lines running out of Little Goose Dam. There are probably wind studies that were done for Columbia County along their breaks, on the south side of the river which could be adopted or evaluated in doing a wind study for the north side of the breaks.

You are talking about land where the population is minimal or perhaps even non-existent in many places. You are talking about land which is of less production value than is the very fertile land around Kamiak Butte. When I proposed that project location to the Steelhead Americas people their response was simply, "No, we haven't done a wind study in that area." When I talked about tying in, they said, "The little Goose Dam transmission facility was full" with no verification of that and no wind study, those things cannot and have not been verified.

I think that this Commission should require those kinds of verifications to make sure that those aren't appropriate locations. Down at that location, Central Ferry Park could be used as a staging area. There are 100 acres in there that are available where they could stack their stuff. There are offloading points at Central Ferry for things that are barged up the river, so that the roads of WC would not have to be subject to trucking in those millions of pounds, millions of tons of equipment.

I think you would probably find I haven't talked to anybody obviously, but you might find that any objections from landowners who own property along the breaks of the Snake River

would be much more inclined to accept those wind mills there, and the power that the revenue they would generate, than the landowners here between Colfax and Palouse.

Todd Imeson – I believe it was end of February, first part of March I was here, and we were talking about the battery storage and the solar ordinance. I made the suggestion that it should be tied to the land. I don't know why we are wasting time on decommissioning again because it ought to be tied to the land. I don't know why the County demands there to be a bond. That should be between the landowner and Harvest Hills.

I wrote a letter to the BOCC about the Tetra Tech issue, and Art Swannack basically commented, he said, "It is a private business doing business with another private business, and they probably wouldn't have any say and legally be able to have any say in it." Well, Harvest Hills is a private enterprise and the landowners are private. It ought to be between the landowners and the Harvest Hills. If the project was tied to the land, and the people don't like it, they sell the land, too bad for the next person that buys it. That turbine, whatever it is, is still stuck to the land. Thank you.

Dave Gibney – Anybody else? So, we had some discussion earlier and we've decided that we can't, we are not going to try and meet on July 30th, but we might look at one of those other dates in August.

Now we are going to pick up in the ordinance, and the latest one that Alan sent out to us has the language that we have been talking about for decommissioning, and it did come from the solar. The point of having it here is that if we don't have something in our ordinance that says, "When the project is dead and gone, or not functioning anymore, that they can't just walk away and leave it."

I don't know if we can require that kind of language in the leasing between the landowner and the wind turbines, so we place it as a requirement for the facility, that once it is no longer useful something has to be done. So far that choice that has been made is that it shall be returned to what it was before anything happened. That's what this part of the ordinance is intended to do.

We did, the previous commission again, you are correct, there are a lot of new people here. We discussed this along with the BOCC to an extent and we recognized that the language in the wind ordinance was inadequate. That actually, the fact that it was inadequate is what led us to this revision in general and that part in specific. So, it's long, but at the beginning I'm going to read the new proposed language, in hopefully small enough chunks that we can discuss it. First, I'm going to go around the members. Does anybody, have you looked at what Alan sent us, and do you have any preliminary comments?

Julian Matthews – No preliminary comments.

Dean Kinzer – I do. I have a lot of comments. My comment is that this is some of the most convoluted and complicated solutions to the problem that I have seen in quite some time. Why is it not connected to the landowner? My proposal would be that the landowner be required to set up an escrow account to fully fund the decommissioning. And that landowner in doing so would also have a little more control about what is going on. If things don't come out with him with the turbine companies that he has a little more leverage, there.

This proposal looks to me like it has more legal holes in it than a warehouse full of Swiss cheese. It is going to be an administrative and a legal nightmare to impose this on anybody the way it is. That is why I think we should have it required that it turns out to be the landowner's problem, not the County's problem with the new code.

Dave Gibney – Just as a question, you are a landowner farmer. Do you have the funds to set up that escrow account?

Dean Kinzer – He would have to negotiate that with the companies he is dealing with and that would be his problem not ours. Because look at all the administrative and legal issues that the County would be responsible for. And what happens if one of those chain links break and there is no funding left to do decommissioning? Who is responsible for that? Is the County going to pay for it? If the State requires us to put up a wind farm out here, is the State going to guarantee the decommissioning?

Dave Gibney – If you read this language, it requires the project, the renewable energy project to provide that escrow for those funds. That escrow account such that if the company is the first who is supposed to remove it, then if that doesn't happen the funds are available to the landowner to do that. If that doesn't happen, the funds are available to the County. But it is a good shot at guaranteeing that the funds will be available and provided by the project, Harvest Hills or whoever.

Dean Kinzer – If somebody dies or goes bankrupt all this is out the window. It's too complicated. I think it should be simplified, and it should be the responsibility of the landowner. The oversite would be fairly simple for the County, administratively and legally, if that landowner was made responsible for it.

That is my comment, and I guess it brings up one more question. How much administrative work is the County going to be required to do if we adopt what was written there? It is going to be a tremendous amount. Are we going to charge administrative fees for each one of these turbines to keep up with all the issues that are involved, particularly each year when we have to figure out how much additional it is going to cost because of inflation?

Dave McKeirnan – No comment.

Brian Davies – No comment.

Weston Kane – I think the responsibility to some extent should come to the landowner. We need to make sure that some of these landowners don't live in the County. We need to make sure that they just don't take the resources and then "oops we're broke," walk away and leave it. We need to make sure that that scenario is covered.

Chris Melhus – I agree with Weston on that, for sure. I think that Dean makes some good points. Again, I'm a little bit behind so I am doing some catchup here. I don't have any other comments on this point. I have some work to do.

Julian Matthews – I was curious since we were talking about the decommissioning. Like right now, does that happen a lot or does the average life span of a wind turbine project like Harvest Hills? It seems like we are looking that they are going to quit or stop. I don't know if that happens a lot or if that is common.

Okay, Harvest Hills has been going a number of years, if they retrofitted the whole thing and the turbines didn't work, the motors burn up, they retrofitted. Would that be, what is the likelihood of it decommissioning of a project? Like around the area or down in Oregon and there are a million of them down around the river. Is decommissioning something that is really critical? Like you say, I don't really know if they will go for 20 years and then the whole thing will collapse. So right now, it is a new industry so they, we anticipate they are probably going to continue. That is what I don't know for sure about the lifespan of these things.

Dave Gibney – Thank you, Julian. Mark or Alan?

Alan Thomson- We haven't encountered, at least I haven't encountered any decommissioning. I am not aware of any in the State of Washington. It is likely that these projects are going to be repowered. But a tremendous amount of effort and time and money goes into building such a project. I think we are on the cusp of seeing that happening with Palouse Wind, that they are going to repower. They will put new turbines in or new blades in and so decommissioning is important. It can happen, and we need to cover it.

There is no ordinance that I have witnessed, either in the State of Washington or anywhere in the US where they do not have a decommissioning part in their ordinance. Pretty much the same standard language from one end to the other to cover the costs of it, and it is always the applicant that is going to be the one covering the cost and not the County or jurisdiction or the landowners. I haven't seen one like that.

It is always on the jurisdiction and the applicant. And in order to cover your bases with your jurisdiction you need to make sure you have language in there that covers that. That you are not going to end up holding the tab at the end of the day, the County is responsible for taking care of it.

Dave Gibney – One of the other things that if they win and if they put a new generator up there, it is my understanding that that lease sets the property, the personal property tax appreciation so that the revenue continues.

Alan Thomson – Yes, we already covered that one.

Julian Matthews – I grew up in Coeur d' Alene and my brother worked at Bunker Hill. When the mine shut down, they developed a corporation and just left. That to me was bad and the taxpayers had to pick up the tab.

Dave Gibney – That is why this says the funds will be in the bank to do it.

Julian Matthews -That's what I mean.

Dave Gibney – That is why we are trying to do an ordinance that says the funding to decommission will be available in the protected way such that they can't go bankrupt and just leave it there. Whether we can succeed in that or not is a different question.

Dean Kinzer – I just think it should be connected with the land itself. That way there is an assurance the funds will be there administratively oversite by the County and the landowners themselves. That money doesn't come out of there unless there is a decommissioning issue coming down the line.

That is the only way I can see that we can assure that. Because it seems to me there are just too many possibilities that something is going to happen with all the different issues you have in the proposed language. Things happen and it is also the simplest way for things to go forward and not have to involve everybody and their dog in the bonding and so forth in thirteen different areas.

Dave Gibney – That is sort of what the old language was.

Bill Myers – I agree. The land needs to be encumbered in some form to be the final guarantee. You can write anything you want here, and it may work flawlessly, but as we have seen in the history of our nation it doesn't always work flawlessly. We are coming, we need to consider the fact that this technology is going to be overtaken and probably relatively quickly. There are solutions waiting in the wings that far exceed the production of wind.

Right now, they look like pie in the sky but when AI kicks in, it sounds like you are betting on the come, but when that kicks in there will be solutions and they will come relatively rapidly. We don't want to be in any position where we have these as a boondoggle, not producing anything and the money disappears, and it can. The land is the final guarantor. I mean there is a precedence in this in WC. If you don't pay your taxes and the land is seized and sold if you don't spray your weeds, the land is seized and sold. It is not unusual.

Dave Gibney – On that particular issue, let's go to our language and see. Those were the real issues that were pushed upon us by the BOCC when we were doing this for the solar. There is a belief that those issues have been covered here whether it is true or not. I don't know.

Mike Dymkoski - What is odd about this performance bonding scenario is that such a bond that you are discussing would indemnify the permitting authority. I've never seen anything like that. I have been in construction a long time and I was on the Palouse School Board when we sued the surety company over the new gym construction back in 2004. That is why I got on the school board.

I had some exposure in my career to performance bonds and bid bonds and so I thought maybe I could help out with that. What is odd about this scenario is that the County, the permitting authority would be indemnified. Now how does that protect the landowner? If the County fumbles that in such a situation where a bond is utilized, or perhaps the responsible party, the developer isn't around to perform decommissioning activities, and there is the utilization of the bond, and whether it is a cash bond in an escrow or a surety bond with a surety company, it is kind of the same effect. How is the landowner protected from the County not doing its job and following through with decommissioning?

The reason I asked that is because nuisance abatement, I assume that's what would be the determination with a non-function or abandoned. Here's the other thing, whether the wind project reached its full-service life and was abandoned, or whether construction just got started and it was abandoned, there would need to be some bonding in place to take care of that nuisance.

So how, typically a performance bond or a surety bond would be between the developer and the person with the ultimate responsibility, and that is the landowner whose land is at risk for nuisance abatement activities that the County might pursue. Even though the County might have screwed up the decommissioning component on their own, the landowner is still responsible for the nuisance that exists on their property.

So that to me is what, and I'm not necessarily against having a bond in place between the developers and the permitting authority, but let's understand how this differs from what is typical in the industry with performance type bonds. Then address the potential pitfalls. I don't think any of the landowners that are involved with the Harvest Hills project know the first thing about bonds. I just don't think they do. Typically, people don't, and so they don't know enough to make that part of their lease negotiations. So, I think there should be a process in place as part of the permitting to protect the various interests involved. Thank you.

Dave Gibney – That's what we, then we are going to get going on this.

Tom Thompson – I agree with Mr. Kinzer and the others. I think it should be tied to the landowner. This is where you guys hash out the proper wording in this document. You don't leave it vague and pie in the sky so they can, you put it down there very clearly, it's not going to be a guarantee or irrevocable letter of credit. No, the landowner has escrow established between them and the applicant. There are very strict standards that should be put in place for that so the County can see it. You go with that, and you can't just say that we always do it this way.

Dave Gibney – I'm going to read nine pages.

Tom Thompson – I'm sorry, I digress.

Dave Gibney – I honestly cannot say that all of the issues have been discussed are here in this language. I can say a serious effort to do those issues was part of the process that we used to get to this language when we did the solar.

I'm just going to get going and there are 8 pages of this thing. Dean is correct, it is convoluted, a lot of specifics that are an attempt to make it very hard for the project to cease and not have the money or for the money to disappear. I've heard that that has occurred in the existing possibility but that is why we are here. This is going to be Section 14, Decommissioning.

Decommissioning and Site Restoration: Financial Assurance:

(1) The applicant is responsible for project 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 Board of Whitman County Commissioners for review and approval at least sixty (60) days prior to the beginning of the Site Preparation. Within sixty (60) days of receipt of the Decommissioning and Site Restoration Plan, the Board of County Commissioners 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 solar 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 County Commissioners.

a) The applicant shall, 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 end of

Commercial Operations of the facility. The decommissioning elements shall address, at a minimum,

- *i. Removal of all above-ground and below-ground project facilities, material, and infrastructure, including minimum depth of removal below-ground;*
- *ii. Safe disposal, recycling or salvage of removed project facilities, materials, and infrastructure;*
- *iii. Removal of project access roads;*
- *iv. Allocation of value for salvaged project materials;*
- *v. Appropriate worker safety precautions to be observed during decommissioning activities.*
- *vi. 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 the 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.*
- *vii. Any agreements with any underlying landowner(s) regarding project facilities, materials, infrastructure and roads that landowner wishes to retain.*

Dave Gibney – This is saying that they will estimate professionally what it will cost to restore the site to its original and a little later we will get to the, those funds will be available. The landowner can keep the roads and the buildings if he so chooses. Let's stop there and, Julian?

Julian Matthews – I don't know, it seems like there are a lot of conditions involved.

Bill Myers – In the removing of the facilities we need to be specific about the foundations and *"below-ground project facilities material, infrastructure, including minimum depth of removal below-ground."* They specify something, in a contract I was offered, it was three feet. I've heard four feet thrown out,

Dave Gibney – This is all of it,

Bill Myers – This is all of it. This means the whole 500 yards of concrete,

Dave Gibney - That was the intent.

Bill Myers – That was the intent. Could that be specified?

Dean Kinzer – I guess I wonder about having the word "applicant" in there because we know that as soon as they finish building the project, it is going to be sold to somebody else and will pass through several hands.

Dave Gibney – The point is it is the applicant who is doing it at this time because this has to happen before the project begins. Before they,

Dean Kinzer – I understand, I guess that is why my reasoning is that it should state the landowner is going to be responsible for all that. And knowing it is going to pass through several hands, specify that the applicant is responsible for all this, but you know down the road that the original applicant isn't going to be doing it.

Dave McKeirnan – I know I'm not making any friends with this comment, but when we are talking about, they have to take everything out and put it back to the way it was, it is their property. As Denis Tracy spoke before about property rights. If that is how they want to leave it that's how they can leave it. So, I understand what everyone is saying about putting it back to the way they found it, but does it really come back, does it ever come back on the County to put it back to us?

Dave Gibney – It actually does say that if for some reason the landowner who has one or more turbines on their land wants to continue to operate a commercial wind facility and not have the decommission happen, they are allowed to do that.

Dave McKeirnan – What if they don't and they are okay with having that concrete slab out there,

Dave Gibney – They are not okay with that. They have to be operating a commercial wind facility, or it has to come out. The rest of this is about how you operate a commercial wind facility but okay, I hear what you are saying.

Dave McKeirnan – Where does their property rights and where do we overstep our boundaries?

Brian Davies – Is this additional language, language that Tom Handy had us add in? Okay, it has all the bonding language and that.

David Gibney – We will get to that.

Alan Thomson – He consulted with a second attorney and that is the language they both came up with.

Weston Kane – Just a couple of things. I was here with the three older members that helped write this originally for the solar. Just a couple of concerns. I was under the impression that we were aiming for everything to be removed on solar but on this, we could get in there including minimum depth of removal below ground. So, we really don't spell it out that everything is gone. That in my mind we are saying three feet or something like that.

Dave Gibney – I hadn't noticed,

Weston Kane – Okay, so that I something we need to re-visit when we do the final version. The other thing, coming to Dave's concerns, there is under vii, that the landowner can make agreements upfront, "*regarding project facilities, materials, infrastructure and roads that the landowner wishes to retain.*" So, there is that caveat in there. That was kind of our hope that there was an option if someone wants to keep the buildings or even, I don't think it is spelled out if someone wants to keep the base to a turbine.

Dave Gibney – I think at this point, we are still talking about the estimate and the amount of money that is going to be set aside and so if they have an agreement up front they can put a little less money in the bank.

Weston Kane – Yes, that was just a caveat, I think that was where you were going. A little bit.

Dave McKeirnan – Yes, it was.

Chris Melhus– This might have been something I missed, that you have already discussed. My concern would be when we were talking about bonding for decommissioning, what we were planning for as far as price increases in the future, that sort of thing, because it is 100% right now, it will be 200% later on.

Dave Gibney – Later on we get to the frequency of revising this.

Chris Melhus -Okay, thank you.

Mike Dymkoski – Every road built has a companion drainage system with it. It runs right alongside the road that catches runoff. When a service road is in place that a developer is utilizing and maintaining, the County is protected from runoff concerns. Any landowner who wishes to retain a developed road that has a hard surface, crushed material is going to have to maintain the drainage system, and they are not. So, the County, a guarantee is with a landowner retained road is going to have runoff pooling issues, it would be a nightmare.

Cultivated fields for agricultural use kind of have a blanket exemption, if you will, from a lot of runoff issues, but fields that are uniformly cultivated don't have specific focused companion drainage issues that retained roads would. I don't think that a landowner should be allowed to retain a road that they are not going to maintain.

Dave Gibney – A valid point.

Julian Matthews – Right now with the lease agreements, are they in compliance with the,

Dave Gibney – There is no lease, Palouse Wind is grandfathered into their status now. There are no other leases in place. This applies to anything new.

Tom Thompson – I'm just curious, this form we see on the screen, is that available on the website? I knew that we were going to examine the decommissioning portion of the proposed solar ordinance which is listed on the website. I printed that off and mine is different than that. I'm just curious. We have got to come prepared to come to these meetings.

Dave Gibney – I asked that it,

Alan Thomson - Under the Wind Ordinance. Check the wind ordinance. This very version is on the website.

Dave Gibney – But most of this language is from the solar,

Alan Thomson – So, the solar one is up there too, with this language and the wind one is up there with this language.

Tom Thompson – The solar one has different language. I printed it off.

Alan Thomson – Look at the wind ordinance.

Dave Gibney – Okay, but he is asking at the time before, we did say that the basis was in the solar. Hopefully, the numberings is the vast majority of any changes and most of the language is, but as I was reading the word "solar" was still here, even though it is the wind.

Alan Thomson - It was a cut and paste, so solar is going to be in that language but look at the proposed wind ordinance online and it is there.

Tom Thompson – For the last meeting, I went to the solar ordinance. The other comment I have, I agree with the depth, I like that solar ordinance depth where they remove the entire substructure, and I think that needs to be specifically listed in there. You can't just leave it at minimal depth and leave that open. That needs to be specified, the whole kit and kaboodle.

Dave Gibney – So, this part of it, is before they do anything they have to make an estimate, know what it is going to cost to get rid of it and there are some of the specifics of how to get rid of it, and what has to be gotten rid of.

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 as a result of the project's Site Preparation, 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 Board of County Commissioners documenting all restoration activities and results. Within sixty (60) days of receipt of the final report, the Board of County Commissioners 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 small 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.*

David Gibney – I'm going to agree with something that Dean was saying. I have a memory of us discussing the applicant or their successors, especially when we got to this part of what's happening at the actual time of decommission. Because this one is, the first part (a) is the applicant before anything starts, but this stuff is when decommissioning is occurring and has occurred. So at least at that, I'm going to comment that we are not quite there on the language. I'm also where we have this, at least in the document that I have, is the yellow question mark after the 12. I think that language is a little awkward still.

Chris Melhus – No comment right now.

Weston Kane – No comment.

Brian Davies – I think it is very inclusive, so let's keep moving ahead and come back through, we can take a bigger bite out of it. It's a lot of language that we didn't have in the past. Let's move ahead.

Dave McKeirnan – No comment.

Dean Kinzer – I think this section is very comprehensive. I'd hate to have to try to accommodate all those orders, but I appreciate them. Good luck trying to accomplish all of them. That's all I can say.

Bill Myers – I didn't see a lot of studying going on and a lot of reports and soil scientist. I assume this is all supposed to result in the restoration of the original soil profile and the removal of the roads and all of the, it is basically authorizing the study. I don't see any language pointing necessarily to action. As many times things get studied to death and nothing happens. That would be my concern that we would have language as to what the purpose is of all this study. They tell us when we go camping to pack it in and pack it out and leave things the way it was originally. If that is the subject goal of all these studies, then fine.

Dave Gibney – Some of this is taking pictures so you know what it is supposed to be.

Julian Matthews – I'm kind of curious, was wondering if the turbines, so they produce any kind of leakage of hydraulic fluid or any type of, that this would cover also?

Dave Gibney – That is in the operation of it, and they are,

Julian Matthews – What I mean is if the soil is contaminated and they have to mitigate the soil.

Dave Gibney – If they, yes, if after at the Decommissioning time the check finds contaminated soil, I agree, that has to be undone too. I have to agree with Dean. This is a big order that we are placing on people 20-30-100 years in the future. But the alternative

would be to say you don't have to do anything. Somebody has to do something. We are trying to make it obvious.

Julian Matthews – Mike was saying about, I guess it would be more to your experience, do you think it would be better to say that to remove it all and there is no road cap, or no slabs kept, or does it make a difference?

Dave Gibney – I think we will get to some of that, and the roads question would be Alan or Mark but is there anybody out there that would like to talk about this section?

Carolyn Imeson – Like Dean Kinzer said, it ought to be the liability of the landowner. This applicant thing seems to refer to Harvest Hills. Why do we keep, it should be general. I just feel like you are putting so many limitations. It's going to be a big mess. All these words, Mr. Thomson, he gets excited when we want to add one word to something and here you got a paragraph for, you can't focus, I just don't understand it.

Tom Thompson – The prior speaker had a good point. Obviously, this type of thing covers both wind, solar or whatever kind of foreign structure we have on the fields, getting back to the soil. When I think ideally the landowner and the applicant responsible for the clean-up. However, having said that, plan B would be, we need to make sure we have stringent requirements, not just wording and studies, but stringent requirements so that there is no toxins left in the solar. Solar farms especially are notorious for leaving toxins on the soil. Wind has its own issues with the equipment, but I think it is vital. There needs to be testing done on the soil and toxins need to be removed and replaced with good soil.

Dave Gibney – Whether it is there or not the intent is, see what it is like before they touch it and when they are done, get it back, best pristine.

Doug Robinson – Perhaps I missed it or but who is going to come up with the cost of the Decommissioning 30 years from now, and how is that going to be assessed?

Dave Gibney – The requirement here is that before they start any preparation. that there is an accurate estimate of that cost that is approved by the County and the Staff, and such a bond for that is available. A little later we will get to where we revise that estimate on a periodic basis and increase the amount of funding available. But it all has to happen as accurately as they can. What would it cost today to undo everything and that has to be known prior to any beginning of any construction.

Doug Robinson – Okay, and then following up on Mr. Myer's comment, if there is a subsequent technology, it seems to me this technology has been around for 30 years.

Dave Gibney – A little later there is a definition for what it means for the project to be no longer viable and for the decommissioning to begin.

Doug Robinson – Okay, if 5-7 years from now they decided there is another technology that is producing power 25/7 regardless of the atmospheric conditions, and they declare bankruptcy and they walk away from it, it seems to me you are in a different situation then if it went for 30 years.

Dave Gibney – The bond has to be there before they even start, is what we are attempting to get to.

Mike Dymkoski – The additional problem that I see with having language that allows landowners to retain parts of the development that they wish to preserve, is the developer is going to say, "It will cost us $200,000 to take this road out. Hey, landowner I will give you $100, 000 if you just say you want to keep it."

And there will be landowners that take that parting gift. They don't care. The road was there during the life of the development. Who is going to turn their nose up at $100,000-200,000? Developers are just going to wheel and deal, and we are going to see a lot of these, most of the eyesores associated with these projects remain. That is the whole reason the County is requiring the towers to come down. They are an eyesore.

The only reason we would be allowing them is because they are producing electricity. When they stop producing electricity, they become an eyesore that we want to get rid of. Well, so are these gravel roads that are going to crisscross all these what used to be farm fields. If that landowner didn't have the ability to permit with the County to develop gravel roads across his property to begin with, he shouldn't have the right to retain them, especially if he is getting a big payoff.

I would respectfully ask all of you to make notes right now alongside of that portion of the ordinance, to strike the retaining of any portions of the development during decommissioning, and require the developers take it all and put it back the way it was. Thank you.

Dave Gibney – Thank you. Okay, this is our first seeing of our final, this isn't the final but this current draft of the language, too. It has been almost nine months since we last saw it.

> c) *The applicant shall provide the County 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 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 no electricity is generated for commercial use for the continuous period of twelve (12) months.*

Dave Gibney - There is a comment here to add to our definitions to what commercial operation means that it be, *"Commercial operation means delivery of electricity generated by the facility to the transmissions grid, also known as Western Interconnection, which is the geographic area containing the synchronously operated electric grid in the western part of North America and inclusive of the State of Washington."*

There is also a note, *"Unclear how the County will know this. Possibly consider that elsewhere in the code there be a requirement that the applicant provide the County with an annual written report on a specified date. The report should provide the name and phone number and email of the facility manager, and should detail the total MW of electricity generated over the year, broken down by month, the number of FTE and PTE at the beginning and the end of each year, the total number of man-hours spent by employees on site in the year, and any major changes to the facility or its operations. This can then be used to determine whether commercial operations have stopped in the absence of the operator telling the County."*

Dave Gibney – Those are new definitions, so we are changing either the chapter of the definitions, or we are going to pull those into a definition section of this ordinance.

Alan Thomson – We will probably add the definition section.

Dave Gibney – Yes, I have gone over with Alan about whether or not we should pull the definitions out of the main definitions section and make this subordinance have its own definitions. Like everything we have done recently or not, and until we had a change in the definition it could stay where it was. Now we have changes in definitions. In any case, that is what we have right now for how we will know it is time to trigger the time to start the decommissioning process.

Chris Melhus – I think the second comment there is unclear about how the County is going to verify that it is still in operation. I think that does need to be put in there, so the County is aware of what is going on, rather than every 12 months. That is a long time. I think every 3-6 months would be more aggressive. That is a good addition there.

Weston Kane – I would say, we need to spell it out like on Chris' comment there.

Brian Davies – I'm curious about what other jurisdictions have done with this kind of, how is the County going to know? How are we? What kind of reports do these facilities generate to the legislative authority of the County or wherever they are located. How often do they generate these reports? Do they come from the utility, or from, I'm not sure how this works. If I had questions, how are we going to know just because the blades are turning so they are generating power? I don't know if we could get a revenue meter installed at public works.

Dave McKeirnan – I guess I'm going to agree with Brian. Who is going to monitor this? Do we need another county employee to oversee these things to stay in compliance? Or is it one person that says, "Okay, that's good" and puts it in his inbox and cuts it loose.

Dave Gibney – I'm going to guess there are county employees monitoring many aspects of compliance in general. They might have a little more time.

Brian Davies – I'm guessing that the State and/or the utility, there would obviously be some kind of communication as to the viability of a power generation station that the area was depending on for the dependable creation of electric power so, there has to be some kind of guardrail there.

Dave Gibney – It's a good thing to be aware of.

Dean Kinzer – It just reminds me of how the administrative duties of the County pertaining to all of this, is just how many more employees does the County have to hire to always monitor this. This is going to be a challenge. Do we need to put in here someplace there will be an administrative charge because this is costing us a lot of extra money in this case.

Bill Myers – In relation to (c) it gives the applicant the responsibility of reporting the cessation of operations no later than 6 months prior. It goes on to further make an accommodation for not doing that. What is the use of the "Yes we want you to tell us 6 months in advance before you cease operations?" So why do we need absence of notice? Why would we presume that you are not operating any more if you haven't generated any electricity for 12 months?

I would suggest we strike that whole paragraph, because there is no reason for it. It is reasonable to assume a business like that would know when it is going to cease operations and give you 6 months' notice. Anybody that has leased or rented anything, you give them notice.

Julian Matthews – I agree that monitoring would be a big issue for the County. Like say, right now we don't get any information. Right now, how much are they generating and if there is a downturn for some reason or they can't sell the power for the grid, that's how do we know that?

Dave Gibney - Part of why we are revisiting this decommissioning is that such teeth are not applicable to the existing towers in the county right now.

Julian Matthews – But in the future,

Dave Gibney – In the future, my response to striking that is, then we technically if they just go away, we don't know if have ceased operation unless we have something here that says,

this is how we know it. So, I will go out to the public and then we will have a recess before we go on.

Tom Thompson – We have had Palouse Wind for about 16 years up north of us? So, who is monitoring that? What does that mean, once a year, how do you know when could possibly have a change of owner. A lot of questions.

Dave Gibney – Some of that is why we would be adding this language because you have a valid question. I think Mr. Thomson could help us understand that one.

Alan Thomson – Keep in mind that the language in the current code which is applicable to Palouse Wind does not have this detail.

Dave Gibney – So, we don't know if Palouse wind goes out, we have less ability to know if it ceases operation, then we will under anything permitted under this new ordinance.

Tom Thompson – I know this new proposed ordinance has more language, but I recollect the old ordinance always had some decommissioning language in it.

Dave Gibney -It does but it is skimpy. There may be some belief that we are here because there was a controversial wind project proposed. But we are here because it was recognized that the decommissioning portion of our existing wind ordinance was inadequate. That is the reason that was given for us to be asked to look it over.

Tom Thompson – I understand. I'm just curious about the machinery and how the gears turn right now with Palouse Wind. Does anybody know if the lights are on? Are they going to go out and is it a monthly thing?

Dave Gibney – That would not be anything that this commission would have anything to do with because they are under the grandfathered existing ordinance and County Staff are the ones who would be doing that. It is not under discussion tonight.

Tom Thompson – Exactly, my point being you have several questions and comments here. Those could be cleared up rather quickly. How many county employees would they need? I think that is pretty easy to answer.

Alan Thomson - Yes it would be and you're not, I think you are overstating the need for employee time here. So, I have a couple of contacts that I can keep in touch with for Palouse Wind and Avista. I talk with them regularly. So, if they were going to decommission, I think I would know. I'm in personal relationships with the company and with Avista.

As far as my time frame that is involved with reviewing these things and keeping check on things, the bonding, for instance, I contact these people at the headquarters. They contact

me and they say, "We are going to redo the bond, and we will send it to you, and you check it." It doesn't take that much time. It is not a very big investment in my time to do that.

So that mechanism will be what will happen here too. I'm going to be in touch with the headquarters of whomever and they will send a bond contract. We will check it out and then either agree or disagree and then move on.

Rick McNanny – I just, I think you guys are starting to figure out how time consuming and how much extra administrative responsibilities are going to come along with this. I would recommend that you look at it from the other side.

In other words, if the company continues to want, if they are not decommissioned, they need to provide you with monthly reports showing that they are still producing. We shouldn't have to go out and monitor to see if they are producing. We shouldn't have to go chasing them down. If they fail to provide these reports within three months, just like everything else,

Dave Gibney – That is generally what is in the suggestion that I read.

Rick McNanny – Okay, then basically then they are considered decommissioned. The same thing with the bonds. I know as a construction company, I've got to provide a bond, and I have to show proof of that bond every year. They should come to you with that, and you shouldn't have to go out and search for it. Maybe that is already being done.

I just see a lot of unnecessary language up here. One that jumped out at me is they are supposed to have provide a safe workplace for the employees. Why even put that in there? It is cumbersome. They already have to do that by state law. I'm just saying that we try to keep it simple, so you don't have 9 pages of stuff to go through.

Julian Matthews – I'm just trying to clarify something. Okay, so, like before they build this project, they have to give the County a 5-million-dollar check and they put it in the bank and then if anything happens, then is that how it works? That is what I don't get.

Dave Gibney – That, that, we will get to that and that is a simplified version of the intent. It's not a check for 5 million dollars and the County doesn't have it in the bank. But that is what we are trying to get, that there will be guaranteed funds of an amount needed by the estimates made before construction begins, and reviewed on a periodic basis such that in however many years down the road, that funding is there to do this work when it is needed.

Julian Matthews – The revenue generated by them with these wind turbines have no, to me that is a part of the whole deal, and that wind power electricity is not going in WC. It is going wherever they sell it on the grid to Avista. Just like the dams. It is being sold all over the country and it doesn't stay here. So that is one of the major issues to me. We are doing this, and it is going somewhere else.

Dave Gibney – We are talking about decommissioning right now.

Julian Matthews – I know.

Dave Gibney – As I said it is time, for a break.

Break – 8:37 – 8:48

Dave Gibney – So, we are at letter "d", and this is the frequency of revising the plan. I do think we need to have some language that ties this to the successors. The first bit is that it has to be there before anything starts but we do need to have something that ties it to the successors, whoever that may be.

> d) *The applicant shall deliver to the County Public Works and Planning Directors 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.*

Dave Gibney – I'm actually going to go through a couple of others. Here we do what we are going to do to pass it on.

> e) *The Decommissioning and Site Restoration Plan and the responsibilities thereunder shall transfer to and be fully binding upon any successor of the applicant, which transfer shall be approved in accordance with WCC Ch. 19.xx.xxx.*

Dave Gibney – The code doesn't exist yet. There is a comment from Erin Anderson, *"Add a section to Chapter 19.56 that sets forth the process for assigning the CUP and all other Project permits, authorization etc. to a successor or transferee. The county must be able to review the proposed transfer in advance of approval to ensure that the successor or transferee is qualified and capable of performing all of the obligation under the CUP, etc."*

So, when we finally do this now, we will be talking about revisions to at least three sections of WC code. That still is in the 19 so it is still under the Planning Commission. Here we are getting to some of the landowner stuff and what we have been talking about.

> 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 Whitman County Board of Commissioners, their financial ability and agreement to assume responsibility for all permitted facilities with the appropriate regulatory agency. Copies of the approved permit transfers must be provided to the Planning Department.*

g) *All references to applicant in this Section 19.xx.xxx.0 of the Whitman County Code shall include and be interpreted to include successors or transferees to the Applicant.*

Dave Gibney – So, assuming that language is good, I will withdraw any of my comments about what we need to do and lay this on the successors of the applicant.

Julian Matthews – No comment.

Bill Myers – No comment.

Dean Kinzer – I have no comment on that either.

Dave McKeirnan – No comment.

Brian Davies – No comment.

Weston Kane – No comment.

Chris Melhus – I feel kind of lonely here, but in Section "d," we do have every five years as far as updating everything, the decommissioning and site restoration plan. Is everyone comfortable with five years or would you like to make that a little more frequent? Again, my big concern is just the changes in technology, changes in the cost of clean-up, and that sort of thing. Inflation, whatever you want to call it. A lot can happen in five years. A lot of us are getting car loans at zero percent and no one is doing that anymore.

Dave Gibney – Let's see if we find a difference between the financial revision and the planning revision. I hear the concern that we need to have a good number there. The consideration there is if you need to request, it needs to happen at a frequency that will keep us informed and yet is doable by the firm that is doing it. If you say every six months, they are not going to be able to do it.

Chris Melhus – No, that would be a little overkill. Five to me, seems a little long. '

Dave Gibney – Okay so we are at 9:00. How much longer does everybody want to go? I would like us to at least take a look at the first bit through the revision. But the rest of it gets into these specifics that Commissioner Handy has asked us to do about exactly how this money would be guaranteed to be available forever. That is a longer discussion that we would want to look at in more detail. But I would like to get us to the end of this page 12 of 18. I won't promise anybody else's document has it as12 of 18. It could be my printer.

(2) *Except as provided at WCC 19.xx.xxx.3 below, the applicant is responsible for Decommissioning and Site Restoration financial assurance. The applicant shall*

maintain financial assurance in an amount documented to be sufficient to cover all costs associated with fully implementing the Decommissioning and Site Restoration Plan based on detained engineering estimates. The financial assurance instrument may be in the form of a surety bond, irrevocable letter of credit, or guaranty, as further described below. Whitman County must be named as an obligee or beneficiary on any financial assurance instrument. A copy of the financial assurance instrument cover page(s), showing the effective coverage dates, the amount of coverage, and identification of Whitman County as a obligee or beneficiary shall be provided to Whitman County annually. The financial assurance instrument cover page(s) provided to the County shall also clearly state that applicant and Whitman County are to be notified in writing, by certified, return receipt requested mail sent not less than one hundred and twenty days in advance of cancellation or other termination of financial assurance security instrument.

a) *The amount of the financial assurance instrument shall be adjusted annually as follows:*

   i. *During the period of the project's Commercial Operations, the applicant must annually adjust the Decommissioning and Site Restoration Plan cost estimate for inflation as determined by reference to the U.S. Bureau of Labor Statistics' consumer Price Index within sixty (60) days prior to the anniversary date of the establishment of the financial instrument used to provide financial assurance.*

Chris Melhus – No comment.

Weston Kane – No comment.

Brian Davies – Fine.

Dean Kinzer – It looks okay as long as everything works. I just don't trust the system with all the hoops you have to jump through and guarantees. Who is going to audit the banks to see that they are able to meet all of this? That's where I have my problem with this, and I prefer to have the landowner being the one that is responsible for it.

Bill Myers – The landowner is the backstop. This is fine with me. In fact, we were talking about that just a little bit ago with inflation annually. Then when you redo the bond in five years, if that wasn't fair with the inflation number wasn't, it could be adjusted with the new bond. So, every year you get an updated number, and it shouldn't fall through the cracks that way. Ultimately the land is what, that's what is real.

Julian Matthews – I think it is fair, I would like to make sure if they got the money there and also that it doesn't, say if this project or the applicant they go for a while, and ten years later they decide to sell it, at that surety bond or whatever mechanism they used to protect the

County and the landowner, is there. That is the main thing to me because you can't just have, "Oh, ya' we might owe it to you, I personally have cash in the bank."

This is about making money. They are making money off the power they are generating and so they should be able to put in money that the County can keep. I don't know exactly all about a surety bond, but the money needs to be there, so it is not.

One thing I don't really agree with is with the landowner, because if you have a landowner and the company dissolves it, whatever then the landowner if he is left holding the bag. These power companies, just like big business, have attorneys and some poor landowner is getting the shaft, told to remove it or however that works. I think it is important that they are protected albeit they have a lease agreement, I think the lease, I don't know if you can see them, but it would be nice to make sure that they have some type of clarity with this, the ordinance. So, it's not just, well we are making money and the landowner, if you dissolve it then we, you take it up with the County.

Dave Gibney – Most of the remainder of these pages is the language that Commissioner Handy and the attorney and everybody and us a while back, have to try and deal with those issues. I really don't think that we have the time, I don't think we want to continue on with that. I'm willing but if somebody doesn't move to adjourn, we will,

Mike Dymkoski – There are new members here. I spoke to the financial instruments' language into the revised suggestions prior. Surety bonds, the surety companies aren't regulated by a state insurance commission. We all know how tough it is to get an insurance company to pay on a claim.

The surety companies that provided the performance bond for the Palouse School District for their new gymnasium, our school district had to sue. It was a slam dunk case, and we had to sue them to get them to honor that bond. They still didn't, they turned themselves inside out finding ways not to pay. You don't just execute the payment on a surety bond. You have to fight them for it. We had to settle out of court with them for much less than the value of the bond because they know you don't have any leverage over them. You have to go through a long court case.

So even a surety bond, there is a reason bail bonds are in cash. That is because a surety, well, think about it. Bail bonds are cash and that is because the cash is there. There is no surety company that you've got to call up and make a request, "Hey we'd like to you to pay on this bond. The responsible party has failed in their duties, blah, blah, blah." The surety companies aren't guaranteed.

Now let's talk about an irrevocable line of credit. Are you kidding me? Every businessman up here knows that a line is credit is a loan. That's all it is. It is a pre-approved loan. If the irrevocable line of credit is issued to a company that has gone into insolvency, do you think that irrevocable line of credit is still going, that the issuer of that line of credit is going honor

that line of credit? Do you really think that is going to happen? They are going to be less inclined to pay on an irrevocable line of credit than a surety company is. Then a third-party guarantee? You got to be kidding me. This language was suggested by, was proposed by EFSEC. Does everybody up here know who the chairman,

Dave Gibney – This language was not proposed by EFSEC.

Mike Dymkoski – That is not my understanding. That Is not what I've heard. Tom Handy and the Commissioner Swannack reached out to EFSEC for their suggestions, language suggestions,

Dave Gibney – Okay, okay,

Mike Dymkoski – I want to speak about this. You have to understand who the chairman of EFSEC is. His name is Kurt Beckett. Write it down and look at who he is. That is why these financial instruments scenarios are being suggested because they are much easier to wiggle your way out of than even a surety bond, which is a fight anyway. So, please have that discussion about the level of strength that each financial instrument provides. Because they decrease rapidly.

Dave Gibney – I have no intention of not having the discussion, and I was just suggesting that we not have it this evening.

Mike Dymkoski – I'm not trying to be hyper critical, but you went around the table, and no one had a problem with the irrevocable line of credit, and you got to be kidding me.

Dave Gibney – I didn't read anything about irrevocable line of credit. I read the three varieties but the rest of this is the specifics of those and again, I had no intention of not going through the rest of this language.

Mike Dymkoski – Commissioner Handy came up here and endorsed those other flimsy financial instruments with no logical explanation of how they would enforce the pay out in that type of scenario. I think that is sort of a nuts-and-bolts discussion that needs to occur about how the County is actually going to go about getting the money out of whichever financial instrument is provided for by the applicant.

That needs to be a long, that alone needs to be a long discussion. What tools do we have? What tools do we have to actually get an irrevocable line of credit issuer to perform in the case of a claim? It isn't going to happen because I can't tell you the Palouse School Board spent a lot of money on legal fees trying to get a surety company to pay on a slam dunk performance bond. Thank you.

Dave Gibney – Thank you. I really do appreciate and understand the concerns and I am not a financial expert myself, so I didn't understand that this language had started there. I apologize.

Doug Robinson – Maybe it is in the issues or the paragraphs of the pages that we don't have time to take up, but I didn't see a remedies paragraph. What is the remedy if they don't give you that re-evaluation of costs for demolition at the 5-year point? What if they don't give you six months before they decommission. Is there any remedy, penalty,

Dave Gibney – I believe the general remedy in all these cases, is we revoke their conditional use permit, and they are not no longer to be entitled to be operating, and they get to start doing their decommissioning. I'm not, I am making some of that up because I don't know. In all these things the non-compliance is at the minimum a review of the CUP which could end their ability to continue their operation.

Brian Davies – The CUP is the stick.

MOTION by Brian Davies and seconded by Weston Kane to adjourn. Motion passed.

Adjourned – 9:07 p.m.

WHITMAN COUNTY
PLANNING COMMISSION
Public Service Building Auditorium
Workshop
October 1, 2025
7:00 p.m.

MEMBERS:

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

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

Zoom: Jim; Tony S; Ken Duft; Julie; Jamie Anderson; Shane Roche (Steelhead); Tom Handy; N Frazier; Elinor Huber; Denis Tracy.

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

7:06 p.m.- Dave Gibney opened the workshop.

Dave Gibney- So we don't have our presenter. So, we're going to continue the process that we have been on amending chapter 19.61 Commercial Wind Energy Facilities.

As I've stated many times, our actions here are not changing any ordinance or regulations ourselves we're making a recommendation to the BOCC. Our product will be a draft recommendation with supporting findings of fact, and we will have our final vote to forward that to them after a future public hearing as the laws require.

The discussion we're going to have will be among the members of the Commission and the Staff. Because I think there are some issues where we do not all agree I'm going to try and keep our deliberations more formal than we have been during our earlier information gathering phase. I really appreciate the summery motion guide that Dean provided us at the last meeting. It's going to be useful.

So last Thursday after the meeting I sent the PC and the Staff an email stating the statuses I sought when we adjourned. Before we adjourned, we postponed our main motion the existing ordinance to our meeting tonight with a motion to amend it awaiting a second. So, that's where we're going to pick up when we resume. Before we resume that do we have any members of the Commission who want to make a comment.

L-9

Dave McKeirnan- I'd like to make a comment real quick. I apologize for not being here at the last meeting. I did my best to Zoom in. But I really feel that we've done our due diligence for public input over the last few months, and we really need to get to work. Not saying that we don't need to hear from the public anymore. I'm not saying that, but we need to show that we're making some progress. I do not want to be a part of a fail. We need to be successful.

The one thing that I'm really concerned about is the two areas that we bypassed which was height and setbacks and we were waiting for legal counsel. And on those two issues we never had a chance for public input and discussion on those two issues and I think those are probably our two hot topic issues that really affect most of our patrons that we need to kind of focus on and it's kind of like ok were done we're down to time so that's my concern.

Dave Gibney- No, that's ok and you stated that previously and as I have said when we get to those sections as we go through this code, I will be more accepting of comment from the public at that time than we are going to be until we get there. Now once we get going again if somebody wants to move that we go directly to those pieces then we will go back to where we were and asking for more public comment. I would kind of like as you said, we do have some things that we need to talk about that were proposed prior or are parts that we're going to agree with so.

Dave McKeirnan- Like I've said, we've given public opportunity for a lot of the other issues and it's kind of like we've slid that underneath the carpet if you will and now we're wanting to make decisions because I really think that we need to get to work. We need to work making some decisions. We need to start voting we need to make some decisions and I hate to see us say ok tonight we're going to do this and we're going to try to stick this through in one night because.

Dave Gibney- No , I'm sorry. There is no intent what so ever to finish a review, an amendment of 19.10 this evening or there, I would like us to be ready.

Dave McKeirnan- I'm talking about the section. The section when it comes to setbacks and height restrictions.

Dave Gibney- We're not going to get there tonight

Dave McKeirnan- I know, but when we get there, I think that's when the public deserves due diligence to present their input on those because when those subjects came up publicly

Dave Gibney- I have repeatedly stated that when we get to that section, we will reopen it as we have to public comment

Dave McKeirnan- Ok, and we need to make sure we notify the public of that the meeting prior. So they can come prepared.

Dave Gibney- Ok, I agree with that. I do have some disagreement that we have not talked about the setbacks and the height because that has been, there have been comments by the public during the other times on that. But I again, we're not going to ram rod that section through without additional public comment because you're correct, we did say we're waiting on the legal advice, and we will go to that. So ok.

Anybody any other comments

Brian Davies- Just to be clear, more equal time for discussion for the setbacks and height restrictions

Dave Gibney- Right

Brian Davies- which is all in the design standards if I'm not

Dave Gibney- Yeah, it's in

Brian Daves- am I Correct

Dave Gibney- it's in section 19.61.060 development standards and criteria. Section A is setbacks and section B is height limits. So it's the first two and that picks up on page 5.

So, you know if we do happen to get that far tonight and I honestly don't believe we will then we will either pause there and get ready for it the next meeting or we'll start there and still have it in our next meeting.

Dave McKeirnan- Yeah, I just want to make sure that we've gone through every section over the last six months and I kind of feel like I don't want to say we've been wasting time, but we've been given a lot, taking a lot of public input, professional input over the last six months. We haven't been making any decisions. We need to show our commissioners that we're making progress. But these two, in my opinion, hot topics, we're kind of, we're waiting on legal counsel. Now we're going to move on and start making decisions and so I want to make sure that those two issues get their due diligence, so we have public input. On those that's my only concern.

Dave Gibney- Ok, I agree

Brian Davies- Agreed

Dave Gibney- Anybody else. Ok, so where we left off is we were, we had postponed the main motion to this time period right now and when we're done this evening, and actually approximately half an hour before we're going to stop or we're going to adjourn, I will ask us

to postpone again to the next meeting wherever we are at that point. And we will take public comment for a half hour on what we accomplished this evening at the end of our meeting. Until then the discussion is going to be up here.

So, the motion was made by Weston seconded by Julian then I made a motion to amend the declaration of intent and for those of you who don't have any more copies of it I brought my copy, I brought my copies again and that was at a waiting for a second.

Alan Thomson- Has everybody got one?

Dave Gibney- So you can, the panel, just set it in front for some somewhere for now. The panel can, ok, and to be clear the staff are members of this Commission.

The people who can second my motion are the members of the Commission. The Staff are ex officio members of this Commission they can make motions.

That's the commercial wind energy as it exists that's not the motion that I make Ok.

Brandon Johnson- Yeah, I know, do you want me to put that one on.

Dave Gibney- Yes, well if it gets a second

When we come to some of the places where the, for example, the wildlife department has asked us to include them in some specific places. It will be appropriate for the staff or a member of this Commission to make the motion that we indeed do that.

They don't get to vote. The staff doesn't get a vote. It's the nine members of the Commission who get to vote.

So, is there a second?

Dean Kinzer- For the purpose of discussion I'll second the motion

Dave Gibney-Ok, all right. I will for the purposes of, can I borrow that for a moment. For the purposes of that discussion, I will reread the amendment or the motion, and the motion is that we, that lines section A of section 19.61.10 which is lines three, sorry four through six of page one, be entirely struck and replaced by the wording in red up there.

To provide requirements for permitting, operating and decommissioning commercial wind energy facilities consistent with the support for renewable energy found in the comprehensive plan period. 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

Now anybody who wants to on the Commission or the staff can move to change wording in that amendment in the motion to amend. Dean

Dean Kinzer- Traditionally the maker of the motion should give us a reason why you want to change to that specific wording

Dan Gibney- Thank you and you're correct although I'm also somewhat overstepping bounds because chairs really should try not to make all these motions too often.

What I see that that does for us is that In the intent it removes any reference to any specific zoning district because that is in the code for each of those districts the conditional and permitted uses are available so we don't have to mention which specific districts it is here that's that that's in the other districts the other part of that is it does add some, it adds a little more strength to the mitigation and safeguards of the impacts and it mentions the comprehensive plan and the support for renewable energy that's that is in the comprehensive plan.

It starts out with an intent that we are going to be for this health and the safety of everybody but also that we are going to be following the guidelines in the comprehensive plan.

Anybody Discussion.

Brian Davies- Discussion

Bill Meyer- My concern with the amendment is the words consistent with the support for renewable energy found in the comprehensive plan. Reading through that when you read the comprehensive plan it discusses most all of the activities in industry in the county and it emphasizes things like our lifestyle, viewshed, agriculture, prime farmland and then as a, and then it seems then there's a kind of a special little carve out for renewables.

You know that seems quite contradictory to the, it shows even in the statement consistent with this support for renewable energy found in the comprehensive plan. My experience around Whitman County other than Pullman support for renewable energy is found only in the comprehensive plan.

I fear that pointing this out in the very law itself is going to leave us open to litigation and I base that on some activity last year about this time in King County where King County was sued successfully and went to the Washington State Supreme Coury where they were, they had an adult beverage ordinance allowing Wine tasting rooms and the like in Sammamish Valley where that was found to be contrary to SEPA and the you know the plan you know.

Let's see anyway, the um, this fits. I mean it's, it is contrary to the defense of prime farmland and the way that people in the county want to live and I think you'd be opening the county up to the possibility of if so funded I mean somebody's going to have to afford to do it but I can probably I can probably cite that activity with a little research but it was it was real.

Dean Kinzer- Right

Dave Gibney- this specific activity you cite is pretty far from the specific activity that we're talking about.

Bill Meyer- Actually it is less egregious than what we're doing here.

Carol Black- Dave we can't hear you.

Dave Gibney- Ok I'm sorry. In any case, let's give some other people a chance to talk

Bill Meyer- Ok, absolutely

Dave Gibney- And I, that was a comment basically to not adopt my amendment. It was not any attempt to amend my amendment with different language.

Bill Meyer- Not necessarily. Other than to strike the words consistent with the support for renewable energy found in the comprehensive plan.

Dave Gibney- OK

Bill Meyer- That would be, if I were to amend it, that's the rest of it without that in there it would focus more on the safeguards and the impacts of this of such facilities which is the main concern of the county

Dave Gibney- Let's get, let's let other members of the commission have a shot at any comments and then if you want you can, we'll entertain that as a motion to strike that. The end of my, the end of this. So, it said it will end at the energy facilities but first is there anyone else.

Dave Gibney- Ok, I can take Bill's comments as a motion to amend the motion before us.

To strike the words after facility through the period such that it would then read 'to provide requirements for permitting operating and decommissioning of commercial wind energy facilities'. Which is the purpose of the wind ordinance and then the language that's new, actually that whole safeguards and impacts and everything is pretty new from the original

language. The original language is at the top. So, is there a second to amend the amendment striking the language as Bill has asked?

Dean Kinzer- I'll second that

Dave Gibney- Ok. Do you, anybody want to speak for that amendment or against that amendment.

Brian Davies-I'm wondering exactly how the Comp Plan, phrases the support for renewables

Dave Gibney- The intent of my going through this exercise here was it was to follow through on the plan and intent that I have which would be that if this motion were to pass.

I would come back with finding, with findings of fact supporting the amendment based on the language and the Comp Plan.

We can ask Alan to talk to us about the language of the Comp Plan. I don't have it with me. I should have it with me.

But there are there are several sections in the Comp Plan where renewable energy is stated as a goal of our overall comprehensive plan. There are several sections in the Comp Plan which discuss our views and our Ag and all the other aspects of it but so there is definitely language in the Comp Plan supporting renewable energy of all the kinds.

Brian Davies- Right and we just went through an upgrade to the Comp Plan a couple of years ago and we had public hearings, and we had everybody, everybody had ample time to make comments about it so I don't know.

Alan Thomson- Mr. Chair,

Dave Gibney- Yes, yes

Alan Thomson- That is an accurate statement in there. So there seems to be a communal misunderstanding about what the comprehensive plans do or not do.

There are several sections like Brian said in a comprehensive plan and this is consistent with every comprehensive plan that is put together, and they seem to be conflicting.

But that is how it is done. It doesn't mean that you can't do something and then put it next to something else. It's just giving you, a comprehensive plan, It's just an overview of what the County wishes to see happen in their jurisdiction. So, number of suggestions. In order to have an ordinance you have to have it in the comprehensive plan. It has to have been

debated and placed in the comprehensive plan. Renewable energy is in the comprehensive plan. It is allowed and that's why we have an ordinance that facilitates that. So that is a correct statement that Dave has put together here.

It is not a conflict with what Mister Myers says with the other parts of the comprehensive plan. It could be a conflict if you misplace it, if you don't put it in the right place. Same thing could be said for quarrying. You know rock quarrying next to a house, not a good idea.

But you do allow those things in the comprehensive plan. All those conflicting things. But the job of an ordinance is to make sure that you place it correctly whatever the subject is whether it be renewable energy, a rock pit or whatever.

So that's the purpose of the ordinance, to make it work. But the comprehensive plan allows for all of what is written in there, including renewable energy.

Brian Davies- Thanks Alan

Dave Gibney- I guess in addition, as you stated all of our ordinances and especially our planning ordinances need to be consistent with some or all, some or more aspects not necessarily all aspects of the comprehensive plan

Alan Thomson- Right, yeah, and then public health, welfare and safety is the overarching thing. That's what we look at when we want to put a rock pit somewhere or we want to put a solar farm, wind farm. You need to take into account all of the public health, welfare, and safety aspects.

Dave Gibney- And as Brian stated we, our Comp Plan is pretty freshly updated and there was, I was here. There was support for renewables I believe stated in by at least one of those meetings. There was very little stated against renewable energy when we developed that plan if anything

Alan Thomson- We had a survey done, the consultant did a survey and I did a calculation of all the comments and it was roughly about 80% for and 20%, 15 to 20% either had no comment about it or didn't want it.

Dave Gibney- And that's also in the record when we develop that.

Alan Thomson- That's in the record for the creation of the comprehensive plan yes.

Brian Davies- Correct, thank you

Dave Gibney- I apologize for my personally not being as prepared to defend my position. As I probably should. Are there any other comments on Bill's amendment to my, to the amendment.

And I'm. I keep saying my, I don't, that once a motion has been made and seconded or it's not the maker of the motions anymore it's, it belongs to the total body and so I'm misspeaking when I say my amendment at this point. And I really don't want to consider my amendment. I really don't want to continue to be what's driving how we change things, the language we use so.

At this time if there are no additional comments, I believe the appropriate action would be someone to call the question and we're all to end discussion or we can just end discussion and we can place the amendment to the amendment to a vote.

Dave McKeirnan- I'd make a motion to move it to a vote. Start moving forward

Chris Melhus- second

Dave Gibney- OK actually a motion to end discussion doesn't, I don't believe requires a second so all in favor of ending the discussion on the amendment to the amendment please say I.

Bill Myer- I

Dean Kinzer- I

Chris Melhus- I

Dave McKeirnan- I

Brian Davies- I

Weston Kane- I

Julian Matthews – I

Tami Southern- I

Dave Gibney- Opposed

Dave Ok, so we will, so we will vote on the amendment that Bill has proposed to strike from the amendment as it's before us. The first sentence beginning with consistent through the period all in favor please say I. I need, I'm going to ask for a raise of hands.

Bill Myers- I

Dean Kinzer- I

Dave McKeirnan -I

Julian Matthews- What about me

Dave Gibney- Ok, and what do we have out there. Julian

Alan Thomson- and Tami

Julian Matthews- Yeah

Chris Melhus- I

Dave Gibney- You guys have to somehow raise hands, electronic hands and then tell me about it because I don't get, I don't see you guys at all in this meeting.

Julian- OK

Dave Gibney- Do you vote yes or no on the amendment to the amendment?

Julian- Yes

Brandon Johnson- and Tami

Dave Gibney- Tami

Tami Southern- I vote yes

Dave Gibney- Ok, I believe that Ok so do we have Bill, Dean and Dave and Julian and Tammy voting yes.

Chris Melhus- I was yes

Dave Gibney- Chris was yes

Dave Gibney- all against
Brian Davies- Raised his hand

Dave Gibney- Raised his hand

Weston Kane- Raised his hand

Dave Gibney- Against so we have three against and six for. The amendment to the amendment to the strike so the amendment to strike the consistent with the Comp. Plan it has passed

Dave Gibney- That, the whole point of putting that there was to start the ordinance with its requirement to be consistent with the Comp Plan. But that's OK. We now still have the amendment without as it's as the amendment has been made the amendment is now still to strike the existing language from section A and to replace it with what would now read to provide requirements for permitting operating and decommissioning of commercial wind energy facilities consistent with the support of. I'm sorry stop period

Brian Davies- Period

Dave Gibney-With safeguards at the impacts of such facilities on the health, safety and welfare to the people of the county are avoided minimized and mitigated accordingly.

Brian Davies- I move to accept.

Dave McKeirnan- I second

Dave Gibney- Ok, that's it.

Brain Davies- Is that right or wrong?

Dave Gibney- that well not that's a move to end discussion on the amendment

Brian Davies- on the amendment

Dave Gibney_ And so that doesn't require, actually require a second. All in favor of ending discussion on the amendment please say I

Bill Myers- I

Dean Kinze- I

Chris Melhus- I

Dave McKeirnan- I

Brian Davies- I

Dave Gibney- I

Julian Matthews- I

Dave Gibney- Opposed

Weston Kane- I

Dean Kinzer- Point of order, Mr. Chairman

Dave Gibney- Go ahead

Dean Kinzer- Essentially is the end of day is calling for previous questions correct and it does require a second

Dave Gibney- Ok, I appreciate that. I'm not so OK, so I did have a second

Dean Kinzer- OK

Dave Gibney- I appreciate that and Ok so did I. So the opposed, we had one opposed and everybody else so far voted I, so that's enough to end discussion which means that we will now vote on the amendment to the Code.

The proposed code as it was stated all in favor please say I.

Bill Myer- I

Dean Kinzer- I

Chris Melhus- I

Dave McKeirnan- I

Brian Davies- I

Dave Gibney- I

Julian Matthews- I

Weston Kane- I

Dave Gibney- Any opposed. Ok, so we have that. We have amended the, made a proposal to change the language in part A. I did have a couple of extra ones here that are still appropriate.

There's a motion, it is my belief that we should have the word commercial in front of wind energy in the first, in section B, and I think that we should change the title from declaration intent to purpose.

I don't want to keep making motions and be.

Dean Kinzer- I'll second it

Dave Gibney- Second it. OK, so the first motion that's here now is to insert the word each following, sorry, insert the word commercial following the word each on line nine of page one in the section. It previously would have said each wind energy facility. It will now say each commercial wind energy facility and then I propose that we change the declaration of intent to purpose.

We have a motion and a second. As the maker I find I'm wanting it to be consistent that we are talking about commercial wind in this ordinance.

There is a separate ordinance in existence for small residential wind and so I thought it was a good idea for us to be clear as to what we're talking about.

Weston Kane- Mr. Chairman, you know I believe these should. I'd call a point of order. I believe these should be split into two different motions because we were talking about changing a section and then changing the title.

Dave Gibney- I agree, they are so we will split the motion into two motions. We will pick up the first one which is to add the word commercial to paragraph B.

Is there a second?

Weston Kane- I'll second

Dave Gibney- Is there any discussion?

Weston Kane- Mr. Chairman I feel this would be a correct move to include the commercial to make that explained in this portion of the motion.

Dean Kinzer- Mr. Chairman

Dave Gibney- Yes

Dean Kinzer- I just have a quick question could you remind me or you or Alan what's the difference between commercial and industrial.

Alan Thomson- Probably not much but commercial has been a consistent label that I've seen in other ordinances.

Dave Gibney- One of the aspects of commercial in the, and there is a definition of a commercial wind in 19.03. I believe it involves being connected to the grid for purposes of selling the commercial energy produced.

I'm making this up as I speak but I can envision some kind of manufacturing or even a data center that wants to put some wind generation at their facility for sole use at their facility which would be different than commercial wind for sale of energy for wholesale to the grid.

I've mostly made that up.

Alan Thomson- Well adding to that too, there's a distinction and this applies to solar as well. You can have a private solar or wind in your home or around your business and what not. So when we created this small wind ordinance and the commercial wind ordinance that was trying to distinguish between the two. Commercial means like Dave said, is going to tie into the grid and then there is a small wind which is non-commercial that is private for business or residential.

Dave Gibney- Yeah

Dean Kinzer- I presume if you put industrial in there then we'd be looking at changing zoning to heavy industrial.

Alan Thomson- Well no, not just if you just include the word industrial. It's not industrial, a heavy industrial district. There's a distinction there.

Dave Gibney- So, what I'm sort of hearing is, you might not want to do the word commercial there and that and an intent might be to follow up a failure to change that to add industrial there.

Dean Kinzer- No, I was just trying to distinguish the difference in my mind. I have a different, a difference in that but for these purposes as long as it's consistent with everything I think it's probably OK.

Dave Gibney- OK
Bill Myers- If we already have an ordinance covering small wind and small solar

Dave Gibney- We do not have anything on small solar

Bill Myers- We do not, Ok

Dave Gibney- We do have a small

Alan Thomson- No we haven't gotten that far in this solar ordinance yet but there will be a distinction between commercial and residential

Bill Myer- Right, but we do have currently as far as wind is concerned, we have currently have that ordinance

Dave Gibney- There is currently a small residential wind ordinance on the books

Bill Myers- Yeah

Bill Myers- Perhaps to reduce confusion in the matter we should possibly leave it as it is and then other uses such as the aforementioned data centers and other possible uses of large-scale wind that may not necessarily be deemed commercial or industrial would have to adhere

Dave Gibney- That's a valid point against making the amendment.

Dean Kinzer- Oh

Dave Gibney- I don't agree with it but it's a valid point

Bill Myers- Yeah

Dave Gibney- OK

Bill Myers- I'd like to make that in the form of an amendment to the motion. Can't do that, OK right, not talking

Dave Gibney- No, you can. What we have actually, yes well, we have before is a motion to add the word commercial.

Bill Myers- Right

Dave Gibney- If you wanted to change the word from commercial to something else I think under the standard sort of rules that would be a significant amount of change of the motion such that it would be better for us to defeat this motion and you make an additional motion.

Bill Myers- I'm just proposing that we leave it as is

Dave Gibney- That would be just to defeat this motion

Bill Myers- OK, I've gotcha

Dave Gibney- Then if you wanted to change something else that would be an additional motion. If you wanted to add something else. Actually no, pretty much this is a single word change so there really isn't a lot of leeway to amend the motion. To amend this case as there was in an earlier one where I was doing a larger scale change.

Bill Myers- Ok, Thanks for the education, I appreciate it

Dave Gibney- OK, if there's no further discussion. I will ask that all in favor of the motion to add the word commercial at that location in section B raise hand.

Dave Gibney- So, I've got Dean Kinzer, Chris Melhus, Dave McKeirnan, Brian Davies, Dave Gibney, Weston Kane

Alan Thomson- We need something from Tami and

Dave Gibney- Do we have anything from Tami and Julian

Julian Matthews- Yes, I raise my hand

Dave Gibney- Yes, Tami indicated that she was doing on earbuds and doing work also while she's here so she may not be able to respond.

Tami Southern- I agree

Dave Gibney- She does agree. Thank you

Tami Southern- You're welcome

Dave Gibney- Opposed. Bill Myers

Dave Gibney- Ok, so we have an eight to one vote to add the word commercial to section B. Ok, and that's passed.

Dave Gibney- We split the motion. So, we still have on the proposed motion to change the title from declaration of intent to purpose. Is there a second?

Brian Davies- I will second that

Dave Gibney- OK, we have a motion and second. Is there any discussion on changing the title of section 19.61.10.

I'll state that I did that because as I looked through our code I found purpose a little more often than declaration of intent at the beginning of these chapters.

Brian Davies- More consistent.

Dave Gibney- Yeah little more consistent.

Frankly I find having a purpose for an ordinance is better than declaring the intent of the ordinance but that's semantics.

Any discussion?

Seeing none all in favor please say I.

Bill Myer- I

Dean Kinzer- I

Chris Melhus- I

Brian Davies- I

Dave McKeirnan- I

Dave Gibney- I

Weston Kane- I

Julian Matthews- I

Tami Southern- I

Dave Gibney- Any opposed?

We've gone through the exercise.
Alan Thomson- Mr. Chari

Dave Gibney- Yes

Alan Thomson- Haven't you struck out the word ultimate. Last sentence in B. The ultimate goal. In the version I have it struck out ultimate.

Julian Matthews- Yeah same here.

Weston Kane- Titles got a or the codes got a different ultimate in it.

Dave Gibney- That's a mistake on my part in creating the ordinance. The actual motion was I moved that the word commercial be inserted following the word each on line nine of page one such that it reads and it's a transcription error. Of ultimate.

Alan Thomson- the word ultimate stays there.

Dave Gibney- The word ultimate is still there

Alan Thomson- OK

Dave Gibney- Unless that's where we are right now.

The section 19.61.010 is now entitled purpose. It has the wording of the amendment of section A which ended at energy facilities it has the word commercial placed between each and wind in the second sentence.

Brian Davies- And the title of purpose

Dave Gibney- In some forms and in some worlds, we would have had up there on the screen and editing of the ordinance would be happening in real time.

I didn't pursue a long way of getting that happening today.

Alan Thomson- We will have that amended for the next meeting

Brain Davies- For the next meeting

Dave Gibney- Unless we are careful it will change the line numbers that we're using to reference. So, we can't use the living document to do our homework with, The one we're taking home with us tonight because it will change so what we come to next time we'll still be using the references of what you have and at some point we will publish another lined one with the date and say this is the one that we're currently using.
So, at some point we're going to need to add a definition section to this ordinance and that will be because we know we have some definitions that aren't in the existing 19.03. At some point we can have a motion to add a definitions and then postpone the discussion of

the definitions to the end of the process or we can just move along knowing that at some point we're going to have to add a definition section and will probably require us to pull in the 19.03 existing definition section where we will remove some or the definitions about wind are right now and we'll pull them out of that section and leave them here because we really don't want two sections of definitions in the set of ordinances where they get to diverge over the rest of eternity

Brian Davies- OK

Dave Gibney- The code is open for amendments by members on that section.

Brian Davies- So we're done with 19.61.10

Dave Gibney- We could be

Brian Davies- We could be.

Dave Gibney- It would be better that we not come back to it at future meetings but that doesn't mean we can't.

But we're not going to have any motions made from the public.

Carol Black- I misunderstood what you're saying, that's what I'm asking sorry

Dave Gibney- My statement is that we could be done with this or some member of this panel, this Commission could propose additional amendments to the language as we've reached it tonight.

We could move on to the section 19.61.020 if anybody is prepared to make motions?

Dave McKeirnan- I'd make a motion that we move on and we come back and review this at the end but let's move on to the next section. Let's make some progress

Dave Gibney- OK, does anybody. Somebody has a motion to change something in the next section.

Bill Myers- I have a motion to change section 19.61.020 C

Dave Gibney- Ok

Bill Myers-They have a provision for one informal community meeting in your current language, and I changed it to three informal community meetings withing the County to inform the public about proposed facility and provide opportunity for public comment.

Dave Gibney- OK

Julian Matthews- So where would you determine the three meetings would be held, just Whitman County or what?

Dave Gibney- The language that Bill is proposing is actually, I mean he says strike the whole thing and replace it with this, but the actual change is the words one to three.

Bill Myers- I've added 'and to provide opportunity for public comment'.

Dave Gibney- And provide opportunity for public comment.

Bill Myers- To explain to answer the question. The Planning staff will take responsibility to arrange the meeting so it would be up to their discretion.

Dave Gibney- That's logistical situation once the process is underway

Julian Matthews- Ok

Dave Gibney- So, yes there. Can I borrow your pen for just a moment. So, the actual changes are from about to and provide opportunity for public comment.

Brian Davies- OK

Julian Matthews- Alan, maybe you can answer. So the public comment, that's just let's hear your comments it's not is it binding on anyone or the planning committee.

Alan Thomson- No

Dave Gibney- These are informal meetings.

Alan Thomson- Yeah

Julian Matthews- OK

Alan Thomson- It's just to show what the application is about. It's just to inform the County and the public what's going on.

Julian Matthews- OK thanks
Alan Thomson- It's an informational gathering

Julian Matthews- Yeah

Chris Melhus- So we open for comment

Dave Gibney- We're open for comment on discussion on the amendment that Bill has proposed.

Dean Kinzer- Do we need a second

Dave Gibney- So actually that's correct is there a second

Dean Kinzer- Second

Dave Gibney- Ok, we have a motion by Bill and a second by Dean and now we're open for discussion.

Dave McKiernan- I would like to see, I agree with what Bill is saying here. I would like to see that there is some sort of a radius that these meetings are held so that the meetings aren't all held in Colfax. If this project's going on in Farmington or if it's going on in Lamont.

The patrons need to be informed. They have to drive all the way down here to give two bits or get the information. I think we should have it held, there's Grange Halls, there's schools these meetings can be held at and I think it's

Dave Gibney- You can propose additional language to Bill's amendment.

Dave McKiernan- I would propose that the amendment to Bill's would be the public meetings and information meetings are held within twenty nautical miles of where the project is proposed.

Dave Gibney- OK

Dave Gibney- Is there a second to Dave's amendment to the amendment?

Bill Myers- Proper for me to second that?

Dave Gibney- Yeah

Bill Myers- I'll second it

Dave Gibney- OK. So, at this point we haven't changed the existing language at all. We have Bill's amendment which adds, which increases the number and an explicitly asked for public comment. I understand that there wasn't a lot of public comment at some of these

meetings that have taken place in the past and now Dave is saying that they happened within twenty nautical miles of what the applicant is proposing or the potential applicant.

Any discussion on the amendment to the amendment?

I hope, I keep sitting back and I apologize for that

Weston Kane- So, just for clarification, you're thinking all three meetings to be in that range?

Dave McKiernan- Yes. I think those meetings all need to be held locally where the patrons are going to be most impacted. It's not fair for them to have to drive from Lamont to Pullman or to Colton. So, I think it needs to be held locally where the project's going to be taking place.

Chris Melhus- I think there's a lot of merit to both amendments. I personally, my feelings would be two meetings would be sufficient on at a central location and one in the locality that the projects suggested for whether it be a school or whatnot, just food for thought.

Dave Gibney- Thank you, that's useful discussion. The question that is on right now is the addition of twenty nautical miles and that's what we will vote on first and then we will rediscuss the two or three or whatever. So, you spoke in favor of adding the limits to the location of the meeting

Chris Melhus- Yeah, some local

Dave Gibney- Yeah

Weston Kane- I think I would agree as well. I think three of them in some of these towns might be excessive, but I think if we did like one local and one centralized. So, I guess I would lean toward voting no on the amendment to the amendment. So with that we can reword it.

Dave Gibney- OK

Brian Davies- I would support that also

Dave Gibney- OK

Chris Melhus- As would I
Dave Gibney- OK, so where we're at right now is we're about to vote on whether to add the within twenty nautical miles to the amendment that Bill has proposed. Which at the way it's been currently written would apply to all of the potentially three meetings.

All in favor of adding that within twenty nautical miles to the amendment

I've got four. Julian or Tami

Jullian- No

Dave Gibney- OK,

Tami Southern- I agree sorry

Dave Gibney- You agree with adding the twenty nautical miles. We're currently at four for it.

Tami Southern- Yes I agree

Dave Gibney- OK, All opposed

Julian was a no and then we've got three other no's here. So, we have added the within twenty nautical miles to the amendment as Bill has proposed.

We're now on discussion of that amendment language. We had some discussion on maybe the three was not the correct number and we had some discussion that perhaps applying the twenty nautical miles to all potential meetings wasn't quite correct as to what we want. So those things could be solved by adding words like at least one within the twenty nautical miles or we could discuss making it two instead of three or seven.

Chris go ahead. He was indicating now ahead of time.

Chris Melhus- I'd move to strike three and replace it with two with the informal community meetings and add that one meeting must be held within twenty nautical miles of the project site one at the public service building within thirty days.

Dave Gibney- OK, can you write that down

Brian Davies- Within thirty days

Alan Thomson- Within thirty days of what?

Brian Davies- Yeah

Chris Melhus- You can leave that part off

Dave Gibney- You know that that's getting a little complicated which is part of why I'm trying to push the writing and written.

Chris Melhus- I retract my thirty days.

Dave Gibney- OK, but you are changing it to two meetings and stating that one needs to be within the twenty nautical miles of the project.

Chris Melhus- The project site

Dave Gibney- But you are also explicitly stating that this facility here will be the other one.

Chris Melhus- Yeah

Dave Gibney- We're getting into a number of concerns, one of which is when the County demolishes this building in the future or moves the public service to some other facility we have to change our ordinance.

Dave McKiernan- You can always make it in Colfax. The county seat.

Chris Melhus- The County Seat, I'm fine with that

Dave Gibney- OK, Is there a second to Chris's motion that we reduce the number down to three with one being near the project site and one being at the County Seat.

Brian Davies- I'll second

Dave Gibney- Brian beat you to the second

Weston Kane- Yep

Dave Gibney- So, we are now discussing the motion which would in effect increase from one to two and require that one of them be within twenty nautical miles of the potential proposal and one be at the County Seat.

Any discussion on that amendment to the amendment?

Brian Davies- Could we read the new amendment

Dave Gibney- We can give It a shot.

Brian Davies- So the project applicant will hold a minimum of two informal community meetings comma, one within twenty miles of the proposed site.

Alan Thomson- Miles or nautical miles

Brian Davies- What's the difference

Alan Thomson- I don't know

Julian Matthews- I was in the Navy and nautical miles used for America. I don't know does anyone know on this panel what a nautical mile is

Bill Myers-15

Dave Gibney- I believe the bit is that also, is that the nautical mile. If we were in an elevation issue we might. I don't think it's going to make a difference.

Julian Matthews- I got a question how far is the Whitman County line north of Colfax?

Alan Thomson- That's a long way, more than twenty miles.

Dave Gibney- It's a long way.

Dave Gibney- OK, so right now the motion by Dave used the word nautical miles. Brian left it out when he was reading it but the motion that was made includes the word nautical miles. So, the other one was at the County Seat.

Julian Matthews- How did you come up with twenty miles? What was the basis of that?

Dave McKiernan- The basis that I came up with, that is just a random. Living in Whitman County, twenty miles from one point to another from Lamont to Colfax, Lacrosse to Colfax, we got to get these meetings local and keep it local and keep the patrons that we are representing informed and educated on what's going on in their backyard and we don't need them driving all across the county. So, twenty miles seemed like a reasonable distance for patrons to drive without having to drive from Lamont to Colton for a meeting. The way it was written you can hold these meetings anywhere in the County

Dave Gibney- Somebody could propose a wind facility at Lamont and hold the meeting in Uniontown and you want to not have that happen.

Dave McKiernan- exactly, I want it to say local and so the people that are going to be affected are informed

Dave Gibney- And twenty, a twenty-mile circle. I drive across this county an awful lot and you know Dusty is less that fifteen miles from Colfax, but the County line is another fifteen to twenty miles from there is the northern border probably around fifty-six or fifty miles

north of Colfax. The southern border from Pullman it's thirty and so it's about forty-five to the southern border. So frankly that's about half the distance to anywhere to any of the edges from Colfax give or take.

Alan Thomson You also have to keep in mind the size of the facility. When we did the Palouse wind one, we couldn't have it in here. This room was too small so we had to go to another location in Colfax that was larger that was available at the time. But that building is not available today.

So, the size of the building for a meeting because folks that don't live in that location likely want to go there too.

Dave McKeirnan- That's why when Chris said not necessarily the Public Works building. You know a facility could be the fairgrounds if they have to make it work it's still Colfax. It's the County Seat right here local for one of the meetings but there's the Grange halls, there's school gymnasiums all over this county that can be utilized to hold these meetings.

My biggest thing when I was going back, and I hate to backtrack because I know we were moving on, but we just need to make sure our patrons are informed of what's coming into their backyard.

Dave Gibney- I agree that insisting that making the requirements that a meeting be held near the impact is a valid part of the location. Twenty miles is as good a number as any. Nautical miles is as good as an addition or is not.

Alan Thomson- Well, are we going with nautical or not?

Dave Gibney- So far we are

Alan Thomson- OK

Dave Gibney- Ok, is there any further discussion on changing Bill's amendment from three to two stating that one of those will be within twenty nautical miles presumably of the boundary of the thing rather than the center of the thing.

So, because you could get anyway and that the other shall take place in the Whitman County Seat, that fits in the rest of it. The planning staff is still responsible for facilitating it with whoever the people are and if they have to rent a large field or something that's the way it goes.

All in favor of that change say I.

Bill Myers- I

Dean Kinzer- I

Chris Melhus- I

Dave McKeirnan- I

Brian Davies- I

Dave Gibney- I

Weston Kane- i

Julian Matthews- I

Dave Gibney- Any Opposed?

None

Alan Thomson- Can I get a read of the exact language please? Let's give me a second

Dave Gibney- I'll try and read it. You tell me where I'm missing it. Section C preconditional use meeting. The project applicant will hold a minimum of two informal community meetings. 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 comma, to inform the public about the proposed facility and provide opportunity for public comment. The planning staff will take responsibility for arranging these meetings as directed by the Board of County Commissioners.

Actually, that as directed by the Board of County Commissioners, it is also new language from the existing C.

Which now that I think about it is we don't need to have. We don't need to be telling the County Commissioners what they're supposed to do in law.

Brian Davies- So should we get rid of that last sentence?

Alan Thomson- It's not necessary

Dave Gibney- Ok, right now we have one I think we should but right now we have one amendment to an amendment so we're going to take care of that and then we will address possibly so.

All in favor and actually we passed that.

Brian Davies- Yes

Dave Gibney- We did pass that

So now I will ask is there further amendments to this amendment.

And explicitly I didn't notice that as that was additional language as directed by the Board of County Commissioners.

Frankly, the planning staff works for the Board of County Commissioners already and the ordinance doesn't need to tell the County Commissioners that they should do their job.

Weston Kane- Mr. Chairman I move to amend the amendment by removing the section where it reads as directed by the Board of County Commissioners because that is redundant.

Brian Davies- I'll second that

Dave Gibney- We have a second. Is there any discussion. Do you have any.

Bill Myers- No, I've seen at any, every opportunity to bring the Commissioners into the process. That may not be the way they want to do it but that's just always been my fondest hope and I was glad to see him ere at the meeting before last and I think they need to monitor a little more if not all of them necessarily one. You know that's a whole different issue. As far as their attendance at these meetings but there again just illustrating the ultimate responsibility of the Commissioner.

Dave Gibney- Ok, anybody else

Alan Thomson- Mr. Chair ordinances are not overseen per say by the Board of County Commissioners. They create the ordinances and staff implement them so that is redundancy. It doesn't need to be in there.

Dave Gibney- All right

All in favor of striking the beginning of as directed the phrase as directed by the Board of County Commissioners from the amendment please say I
Dean Kinzer- I

Chris Melhus- I

Dave McKeirnan- I

Brian Davies- I

Dave Gibney- I

Weston Kane- I

Julian Matthews- I

Dave Gibney- Opposed

Bill Myer- I

Dave Gibney- So we have one nay, and the rest are I by Bill

Dave Gibney- We'll give him a chance and so we're not going to do our final vote and we're not really going to discuss it while he's gone.

Alan Thomson- David, did you get all of that verbatim.

Dave McKeirnan- I will

Dave Gibney- And you and I'll check his work too.

Alan Thoson- Good yeah

Dave Gibney- You want to take a break. Solet's come back at three after. Five minutes.

Weston Kane- 8:22

Dave Gibney- 8:23

Dave Gibney- Ok, let's bring us back to order.

Thank you again for saving Dave's battery

Dave McKeirnan- The County Pickup too.

Dave Gibney- For what it was worth earlier this summer I ignored one of those and some vermin had stolen tools and other things from my car out in front of my niece's, and you know one of them was a toolbox that was quite heavy, and it didn't make it beyond the corner. But another one was a nice staple gun and it was replaced by my money.

All right so we are ready to I believe, to vote on the motion that it has been amended and as I've read, and I don't want to try and read it again.

So, all in favor please say I

Or did we, no actually we were there we finished that did we not

Brian Davies- Yeah

Dave Gibney- Ok, so are we done with section C of 19.61.020. At least for tonight

Bill Myer- Did we vote on the motion?

Dave Gibney- Ok, just for clarity he said I believe we did and I believe you voted against it.

Dave Gibney- Oh now we did not vote on the motion we voted, you're absolutely right, we voted on the amendment. So, what we have before us now is the motion to amend section 19.61.020 section C as we have amended Bill's amendment.

All in favor say I

Bill Myers- I

Dean Kinzer- I

Chris Melhus- I

Dave McKeirnan- I

Brian Davies- I

Dave Gibney- I

Weston Kane- i

Julian Matthews- I

Dave Gibney- Any opposed
None

Dave Gibney- Ok, we are at that point before we move to move everything and to postpone to our next meeting. As I mentioned, we're going to need to do housekeeping of putting a

definition section in. I did propose some language to Alan that he use to get that on the table before the body and then postpone any actual definitions until we know what we're going to do. So, Alan can you do that?

Alan Thomson- Yeah, you want me to read the motion here?

Dave Gibney- If you mostly agree with it.

Alan Thomson- I move that a new section of 19.61 definitions be inserted after current section 19.61.010 declaration of intent and before any later sections of 19.61

Dave Gibney- OK, and keep, run through the further moves.

Alan Thomson- OK, I further move that we ask staff to begin populating this section with applicable existing definitions from Chapter 19.03 definitions and those new definitions that we may suggest as we continue amending. I further move that we postpone discussion of this section until we have finished amending the rest of the ordinance.

Weston Kane- I'll second

Dave Gibney- Ok, we have a motion and a second and I said this is mostly housekeeping and 19.61.010 is actually now purpose rather than declaration of intent but is there any discussion or can we just dispense with this?

Dave McKeirnan- Do any of the other board members have a copy of those motions like we do the other ones.

Dave Gibney- I will be happy to pass my stack around. I didn't want to do this myself, but I was prepared to do it if I needed to. I appreciate Alan having us bring this up.

But basically, the intent is to acknowledge that we will need a definitions chapter when we first started doing this ordinance. We didn't open up the definitions chapter in the zoning code.

I am aware of at least one or two additional definitions that we're going to need and we'll probably need to change some of the existing definitions. When the original wind ordinance was proposed all of the zoning code definitions are in one chapter that's going on fourteen years ago fifteen years ago. Now the subsequent practices we've done with other ordinances has been to have a definition section in each of the chapters

So, that's where we're going but I also don't want us to get bogged down in doing definitions and then thinking we're done and then we'll get further out and we'll have additional

definitions. So, what we're doing now is making a placeholder and putting the issue before the body and then postponing it to the end. Dean

Dean Kinzer- I support this. I was reading a wind ordinance from some other state today as a matter of fact and it had a definition section in it that was gratefully helpful. So, this needs to be done.

Dave Gibney- Right, and for clarity and reference the existing 19.03 has some definitions that pertain to wind, and it has other definitions that pertain to whatever else and so identification of those that need to be moved to the wind ordinance is good because one of the things we really don't want is to have a definition in 19.03.104 or however it works and also in the wind ordinance and then for some reason or another we change it in one place and don't change it in another. So, all in favor say I.

Bill Myer- I

Dean Kinzer- I

Chris Melhus- I

Dave McKeirnan- I

Brian Davies- I

Dave Gibney- I

Weston Kane- I

Julian Matthews- I

Dave Gibney- Opposed

None

Dave Gibney- Ok, so now we do not have any amendments before us. What we need is a motion to postpone consideration of the main motion of amending working on the ordinance amending the ordinance to our next meeting which will be October?

Alan Thomson- Today's the first so the fifteenth

Dave Gibney- the fifteenth of October in this room

Dean Kinzer- So moved

Weston Kane- I'll second

Dave Gibney- Ok, all in favor please say I

Bill Myers- I

Dean Kinzer- I

Chris Melhus- I

Dave McKeirnan- i

Brian Davies- I

Dave Gibney- I

Weston Kane- I

Julian Matthews- I

Dave Gibney- Ok, we are done with our amendment process for this evening. We have approximately thirty minutes before our usual time of adjournment and so I will ask the public to come forward and comment on preferably what we've done tonight and also if you want on what's coming up.

So, go ahead Carol.

Carol Black- All right so first what's coming up. It's Carol Black, sorry. It's very difficult for us the public when you've got documents that you're reading from, that have been circulated if we could get copies of those because what we're looking at up here on the screen is not necessarily what you're looking at on your table and so just realize that we're not necessarily seeing what you're seeing.

Dave Gibney- We will try to improve your experience

Carol Black- Thank you, because my brain is already bad, just ask my husband. Alright, so regarding section or number B letter B where you have with safeguards that the impacts of such facilities on the health, safety and welfare of the people in the County. As we noted in our last meeting from the very important presentation from Mister Krupin was this is an issue that goes beyond health and safety. Our code needs to protect us beyond health and safety, we need to be worried about agricultural practices. We need to be concerned about the environmental quality within this particular county.

So, I would suggest that you consider where we have the statement where it's after welfare of the people in the County and before our avoided minimize and or mitigated that you insert the work the Agricultural practices which could include aerial application, microclimate changes, fire protection for example.

So agricultural practices would be included in there so it's not just the people but it's agricultural practices. Those land uses as well as environmental quality. So, insert agricultural practices comma and environmental quality and what I would put on why I am talking about environmental quality is the comprehensive plan is very explicit about view shed, open space protections so that needs to be. I don't think that's captured under welfare of the community.

So, view shed would be environmental quality as well as our ground and surface waters because from the presentation last week the concern that they were going to have to get water form Walla Walla truck it up but they couldn't buy it from Walla Walla they didn't have a source for water so I think that's somewhere in the beginning of this code we need them to identify where their source of water is and the volume. But I think that in your purpose area you need to stress agricultural practices and environmental quality. Thank you

Dave Gibney- Thank you Carol, miss Black and what I will say is that I would encourage you to find a less than majority of this body and ask them to make such amendments to the code. If they agree. Anybody

Tom Thompson- Tom Thompson, Pullman. Thanks for the opportunity to have public comment after the end of this. I appreciate that, I think everybody here does so just a couple of comments. So, I know there was the talk about the survey that had been done a few years ago here in the County. Where eighty percent of the people or of the survey participants approved of green energy projects and everything and that's really interesting. I know for me back, you know I've been retired two years. When I was working, a working stiff, I mean ten to twelve hours a day. I mean, I read newspapers I don't recollect being any kind of survey or anything like that and I think that we need to be careful not to make assumptions off of some past surveys that are very few small number of people have happened to have seen on a Facebook page and that type of thing and I think that you now myself I was not aware of this whole project until about a year and a half ago and I get three newspapers regional newspapers first time I saw anything about Harvest Hills was a Facebook page so I'm just putting that out there I don't think you can rely on a past survey from three or four or five years ago whenever that was as to really gauge the public perception of these projects. So just something to keep in mind.
So, the other question I had, because if I understand correctly, maybe I misunderstood tonight but only the Commission members can make motions and that type of thing correct, but nothing personal about Mister County Planner I just happen to if I understood correctly, he made a motion I'm just curious.

Dave Gibney- No, Alan the County Planner is an ex officio member of this Commission. I believe as the enabling ordinance says as such he does not have a vote but he does have the ability to make a motion and a lot of that is how we usually work is and for the most part what comes before us is not a controversial thing and it is the job of the staff to do the edits and propose them to us and then we discuss them.

So, Alan will be making additional motions. I would prefer that most of them come from the body that's making the decision but he does have the ability to make such motions. When we're voting on them he doesn't vote.

Tom Thompson- Great thanks for clarifying I appreciate it

Mike Dymkoski- Mike Dymkoski does he have the ability to second somebody else's motion?

Dave Gibney- I'm going to say no at this point

Mike Dymkoski- So, you're granting, you're just unilaterally granting the non-board member the power to make a motion

Dave Gibney- I am not granting a non-board member and I'm going to have to review the law myself but my belief is that he is a member, an ex officio member of this Commission if you want not it's not if you want if that works out to be incorrect then I will take it upon myself to make any such motions as they come up that I would expect the staff to be able to make the motion we all know the one we put forward was we all know we need a definition section.

Now you can have me make that or you can have him make it or we can have somebody make it it's not a controversial thing. I don't expect Alan or any of the staff to be making motions where it's an issue that we're going to have to discuss. I'm going to, we're laying that on the members of the body, and I would ask you to go refer to the Whitman County ordinance about amending the zoning code. Because you will find that it lays a great deal of the burden on the County Planner to propose to the County Commissioners.

Mike Dymkoski- I appreciate that, and I respect the County Planners' role as an expert resource to the board but he's not a member of the board. A motion is an official act as is a second as is a vote and so I, and I don't know the answer, I'm just asking you if there's some clarity on the legality of that his input certainly is asked like to finish my sentence his input certainly is warranted it's asked for and any one of the board members can then convert that into a motion but it just doesn't seem right to me that a non-board member could make a motion or a second .

Dave Gibney- You could be correct, It's also somewhat inappropriate on a larger body. It's not inappropriate for a board like this for me as the chair to be making motions but again to get things to happen we need to. We need to have some things that we do work with so let's not do a lot of repeating before we get the other people.

Tom Thompson- Tom Thompson, I did want to reiterate what Carol mentioned about agricultural practices and that type of thing. Since right to farm work is or the right to farm is a big issue all around the Country especially with the ever-increasing urban growth and suburban Growth so just to point.

Dave Gibney- Yeah, and some response to there I understand everybody has got lives and they're not necessarily paying attention to what's happening in government all the time the Comp Plan the revision of the Comp Plan which was a part of that survey that Alan was talking was a multi, I think it took a couple of years just over a year it took us at least over a year. Pullman was doing it at the same time. I sympathize that it wasn't as obvious that meant wind towers somewhere but that is, that the Comp Plan is as it is right now. It does have such support it was created with that kind of support and so yeah the validity of a survey by its age has some question of validity but we did spend a lot of time on a Comp Plan.

That was passed by the County Commissioners when it was passed unanimously by the board as the board as we existed at the time and It was a full board then. So, one of those members of that board is now a County Commissioner. Go ahead.

Kevin Ackerson- On the issue of the Comp Plan and support. Keving Ackerson Colfax, Comp Plan and support for renewable energy that will soon be outdated if it's not already outdated and that will need to be revised soon, I do believe because it's ridiculous.

Regarding design issues there are deficiencies in the code. In order to address proper design of these large industrial structures since the proposed commercial wind turbines are large scale industrial machines with footprint area and above ground space requirements far exceeding most commercial and industrial structures within Whitman County and since these structures could potentially become vital elements of the area's energy infrastructure it would be prudent for the code that regulates these structures to require the wind turbine structures be designed and certified by professional engineers that are licensed in the State of Washing to perform professional engineering. The various state-certified engineering disciplines that should be included in the design responsibility for these structures include geotechnical, civil, structural, mechanical, electrical and fire suppression.
All structures constructed within Whitman County are required to be constructed in accordance with the Washington State Building Code, as adopted by Whitman County. The State building code and the referenced model codes within the state building code do not specifically address industrial wind turbine design requirements. Industrial wind turbines

are large scale, significant structures that may have a vital role in our area's energy infrastructure. As such, it would be prudent to include required design standards that pertain to industrial wind turbine design within the County commercial wind energy facility regulations. I recommend adding wording to the commercial wind energy facility code that requires wind turbine design to be completed in accordance with International Electrotechnical Commission Standard 61400. The design review process should include wind turbine design submittals and third-party reviews to ensure that the necessary design standards are met.

I don't know if you received this within your documentation. I submitted through Alan.

Dave Gibney- You submitted that some time ago I believe. If it's not on our available as a part of the record it is a part of the record.

Kevin Ackerson- I'll just read it in directly

In order to encourage responsible use of materials and reduce embodied carbon within the very material intensive commercial wind turbine facilities, it would be prudent for the County to include within the commercial wind energy facility regulations a requirement for all structures engineering firs completing designs for turbines within the County to be signatories to SE 2050 Commitment Program as administered by the Structural Engineering Institute of the American Society of Civil Engineers. Structural engineering firms must submit Embodied Carbon Action Plans to the County for review and approval.

In order to reduce the embodied carbon emissions of industrial wind turbines proposed to be constructed within the County, it would be prudent for County regulations to required industrial wind turbine construction documents to demonstrate that the embodied carbon emission of the foundations, towers, blades, and nacelles achieve a thirty percent reduction in embodied carbon emissions from a project-wide static baseline using the carbon leadership forum 2023 material baselines or comparable industry average data sources when compared to the project's summed industry average global warming potential. To achieve this reduction, wind turbine projects must use project-specific material quantities and product and facility- specific environmental product declarations to demonstrate compliance. The wind turbine project design professional of record shall update quantity and embodied carbon emissions calculations based on product and facility -specific environmental product declarations from procured products and attest that they are accurate and comply with the construction documents requirements to the best of the design professional's knowledge. Thes calculations shall be verified as accurate with a letter stamped by a design professional of record. Anything less would be wrong, it would be hypocritical for the wind industry not to conform to embodied carbon standards that are within RCW state regulations

Whitman County planning guidance indicates that commercial wind energy facilities are useful for addressing the harmful effects of climate change and, as such, are expected to bring about improvements to the climate as they become more prevalent within our energy generation infrastructure. In order to track those improvements and to assist with the efforts of the National Oceanic and Atmospheric Administration and the American Society of Civil Engineers efforts to address the non-stationarity or climate hazards, it would be prudent for the County's commercial wind energy ordinance to require all commercial wind energy facilities completed within the County to construct and commission complete weather stations that conform to the requirements of National Weather Service Instructions 10-1032. Weather stations shall monitor and record the following parameters in accordance with the NWSI 10-1032:
-air temperature
-precipitation
-snow depth
-soil temperature
-pan evaporation
-daily precipitation
-daily air movement
Weather stations shall be required to be accurate and operational for all required parameters throughout the life of the wind energy facility project.

Thank you

Dave Gibney- Thank you, I know I read that and there was one thing that came before us with some expectation that we discuss in detail everything that's come before us as has been said we also have certain needs to do it. We are, I promise you that I am looking at what you tell us. That's the responsibility of everybody here. So, I appreciate the input.

Is there anybody else before your second bite of the apple?

Carol Black- OK, I've just got a question under the not the first purpose that we renamed the purpose but the other purpose that was A, so that purpose the following standards, You were there right there OK.

The following standards and regulations are necessary for health, safety and general welfare again we're health safety and welfare

Dave Gibney- Where?

Carol Back- So we're purpose A under section 02.00 you guys skipped over that and didn't have any edits to it

Dave Gibney- O, section 02.00. well so that's ok

Carol Black- So I'm just suggesting again that it's more than just health and safety. So, I would suggest, and I will find somebody to send some more information to that again we need to deal with beyond just health and safety because I don't know what convenience even means do you? Do you know what convenience means?

Dave Gibney- I appreciate the comment and the fact that a member of the board was ready with an amendment to section C does not preclude us from going back to section A & B

I am not going to try and speculate right now and work at it I know what convenience means to me. It's where I walk into a store and purchase a cupcake on my way to Dusty and Lacrosse. Two weeks from now.

So, anybody else out there?

I will say again I really appreciate everybody being here. This is where, we're not trying to do this in any kind of dark room or with smoke and everything. I'll admit I haven't noticed the sign since I started so I may have been overreacting to it at the beginning. I'm trying to have a process that eventually gets us with a code that is reasonable and that we can defend and that is that is something that is really important. Even if this particular project for some reason or whatever goes forth without before we're done with our work or whatever. The thing is that EFSEC is asked to pay attention to the code that we have and we want to have a code that is going to be paid attention to. I've said it many times, if the commissioners want something that says wind or renewable energy or whatever is not a part of Whitman County, they don't need us to help them with that ordinance. They need Mr. Tracy's help but don't need the Planning Commission and you know it is my opinion that all they need to do is strike the expiration date on the interim controls and the net effect of that will be the no developers will talk to the County again. Then they will take their project directly to EFSEC and the State. And they will not be required to pay any attention to any of our ordinances or the protections that we want to have we really do need to come up with an ordinance that is workable for the County and then that's the job we've been asked to do.

Any last minute or last comments from members of the board?

Then someone can move adjournment.

Brian Davies- Could we get something done?

Chris Melhus- I move to adjourn

Weston Kane- I'll second

Dave Gibney- all in favor say I

Meeting Adjourned

WHITMAN COUNTY
PLANNING COMMISSION
Public Service Building Auditorium
Workshop
October 15, 2025
7:00 p.m.

MEMBERS:

Dave Gibney- Chairman
Weston Kane
Bill Myers
Dean Kinzer
Brian Davies- Vice Chairman
Chris Melhus
David McKeirnan
Tami Southern

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

Zoom: Susie Hennigar; Denis Tracy; Jasona Rondeau; N Frasier; Darcy Wettersten; Ken Duft; Jamie Andeso; Thereas Doyle; Tony S; Shelley Chambers-Fox; Willard Morgan; I-Phone, Ashley H; Denis; Frankie's Phone; Casey Caruso; Shane Roche (Steelhead)

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

7:03 p.m.- Dave Gibney opened the workshop.

Dave Gibney- I apologize for the reaction I had last meeting about the sign. I misinterpreted that as another attempt at being disruptive. I should have remembered it's expressions of free speech, and I apologize. Tonight, we have Jasona Rondeau presenting on wind power sound effects. I want to thank Mr. Thompson again for making the arrangements, and I'll let him make the introduction.

Tom Thompson- Tom Thompson Pullman. Thank you very much there Mr. Chair, and I will introduce Jasona Rondeau from Blackie, Alberta, Canada, and I will let her go ahead and share her qualifications and experience.

Jasona Rondeau- Good evening, Commission members and everyone who is in the audience there. My name is Jasona Rondeau and I live up in Alberta, in a small town named Blackie. Our little area has become quite famous in the providence for renewables project applications and I've spent the last two and a half years volunteering with various landowner groups in order to help them move through the process of formally opposing an application and seeing it through the hearing process. Most of these applications can take anywhere from a year to two years to go through the process. Through this process, I came to know Dr. Ursula Bellut-Staeck. She also goes by Dr. Bellut so I will refer to her that way in this presentation.

L-10

I originally started learning about wind energy projects with a project that went through the AUC system last year, and it was titled the Fox Meadows Wind Project. That is where I originally was introduced to Dr. Bellut and where we originally filed her first appeal to the AC to spend more time considering the potential impacts to human health, especially given her very recent research and her publications that have been viewed around the world thousands of times. They are well regarded, and so it is my pleasure to be able to speak for her, although she can't be here because she lives in Germany, and the time difference is quite great. But if there was ever a desire to speak to her directly, that could be very much arranged which I'll come to later in the presentation.

So, my qualifications are actually I'm not an expert. I am an elementary school teacher by trade, an English teacher by trade, and what I can do very well is learn, and research, and analyze, and write, and form conclusions based upon numerous pieces of information that might be available. So, that is what my skill set is in this arena and I have been working with a legal team out of Edmonton, Alberta, who represents the landowner groups, and have learned a considerable amount about wind project applications. Amongst others but most recently, it has been in regards to wind and the potential of infrasound to have significant impacts on living beings. I'm not even going to say humans, because it's really anything that has a living cellular structure.

I did send a slide presentation, but I'm wondering if it should be something I just share on my screen or what should we do there? I'm not familiar with how you might handle it.

Dave Gibney- We can let her share it. You go ahead and share it.

Jasona Rondeau- Okay, let me just get that organized here. Should work. Okay, so I'll hit my share screen button, hopefully that will work. Screen share.

Alright, so, I've prepared just a brief outline of where I will talk about the qualifications that both I and Dr. Bellut have. Followed by a reply to the OHEM and Dr. McCunney presentation from September 10th and then I have what I've titled a new paradigm for consideration, followed by some recommendations and a conclusion.

All right, so my qualifications. As I said, I am an elementary school teacher. I'm just going to blow this up here to see how big I can get this to zoom. So, I am a formally trained teacher, and I have lived and studied all over the world. Like I said, I took specific interest in these types of proceedings because of what was happening locally in my area, and then wanting to become more of an advocate around the province because here in Alberta we experienced a moratorium on all approvals of renewable energy projects and an inquiry was held and a lot of changes to specific regulations have come into effect since August of 2023.

So, I'm not going to spend much time on myself, but Dr Bellut, she is a medical doctor. She lives in Germany. She has been practicing medicine here since 1984 and she is licensed in not only Germany but also Switzerland and when she is not working medically in the lab and around our local area she also works as a ship's doctor on sailing vessels that are on transatlantic voyages, where she runs the entire hospital for the voyage. So, she has an immense amount of responsibility and an immense amount of knowledge.

One thing I'll say about these documents, I just included a photo or a clip because I have actually also provided a Dropbox link to Brandon when I sent my slides. That contains references to all of these documents that I'm going to be talking about tonight. I thought it was important to be able to provide you with the science, especially seeing the advice to pay heed to the qualifications and quality of the science that's being presented. I think the major point I'm trying to make here is that we have a whole realm of science that you have not seen yet. So, I thought it'd be really important if I can provide very simple and easy access to those documents for you.

All right, so I'll slide on over here. For example, this document here was she was required to provide more information about her qualifications during the wind proceeding and then that proceeding is actually under deliberation right now. We're expecting a decision to be coming by Monday. It could be quite a pivotal decision, given the amount of evidence that Dr. Bellut had put on the record, and its quality. How the regulatory body will choose to treat her evidence, and we will very, very soon see.

So, let's just see here, she's worked in a number of different hospitals. The documents that are in the Dropbox folder are actually several pages long, so I don't want to spend too much time reviewing all of her very, very specific qualifications, because as we go forward, you'll be able to see the quality of her work in the items that I work to present to you. So, let's take this back out a little bit. Okay most recently, I will say, and this is also included in the package. In June this year Dr. Bellut published her most latest, excuse me, her latest article and it's titled, A fundamental basis for all living creatures.

Mechanotransduction is significantly endangered by periodic exposure to impulsive infrasound and vibration from technical emitters. In particular, cardiovascular and embryological functions. So, Dr. Olson has, you know, taken particular interest with this article. However, he's never actually been able to delve into the science that is presented, and he often spends time criticizing where an article is published, rather than what the content of the article is.

All right, so when I look here, we're moving now to the qualifications review for Dr. Olson. I have not completed a review for Dr. McCunney. Dr. Olson has been quite focused because in Alberta we want to ensure that our experts are actually qualified to be testifying and while Dr. Olson has testified for many years in proceedings, it has been with what I can say is now maybe the obsolete science and the new science that is also cumulative, which I

heard Dr. McCunney say that word many times, how important the cumulative science is. This science that we are seeing today and this year and last year and pretty much every year since 2021, when the Nobel Prize for Medicine was awarded for the discovery of these mechanosensors and mechanotransduction. So, since 2021 research has been taking place all over the world in many different areas, with scientists working to prove that the theories affect, in reality in whatever their specific field of study of study is.

So as part of my work on the OYAWIN proceedings, I took to examining Dr. Olson's CV. It was attached as part of his report that was submitted as an expert on this particular proceeding, he was working for RES Energy and one of the things that I find particularly interesting about his CV is that while he claims to have, this it's not a claim, he does possess a PhD in environment science. He often introduces himself as having a PhD in Environment Health Science or he is an Environment Health Scientist. But I don't believe that is actually present here in his degree specifications. I just wanted to bring that to your Commission, to the Commission's attention. Because one of the things that I noticed in his presentation as well, right when he began to start talking about health impacts is that he mentioned wind turbines were his bread and butter and I thought, you know, I know this is true because he works for a large number of wind turbine developers and I'm just going to quickly show you here, because it is stated right on his CV that he works for these 28 different developers. So, while I thought it was interesting, he also pointed out that he was attending this meeting on a pro-bono basis. I don't really think he's got much to worry about as far as expenses are concerned for covering these kinds of presentations.

The next part of his CV that I wanted to look at here is in regards to the proceedings that we have in Alberta, because I think it's very important that in his presentation, he did not make any reference to proceedings that he has done in Alberta. He did mention some in Ontario, I believe, but the proceedings that he has been involved with here in Alberta are significant for one reason. In Alberta our noise regulations place a 40 dB limit on noise emissions, for night and the daytime amount fluctuates depending on the amount of background noise present. But a 40 dB limit is something that he has repeatedly said is extremely restrictive. It's one of the most stringent regulations in the world for wind turbines. Yet he has testified many times on that sound level in Alberta yet has recommended higher sound levels to your group. So, I just wanted to make sure that I brought that to your attention.

Below here we have his participation, there's a fifth down below here in Environmental Review Tribunals. In Ontario when an application has been approved, if the local residents would like to oppose it, they have one opportunity to do that, and that is through the Environmental Review Tribunal. So, many of these Review Tribunals have been initiated because of the number of health complaints that are being experienced by local residents, or by people that the local residents know and who are bringing in to hopefully defend their position and their worry and concern for their health and safety and well-being.
All right, another point that is shown on this page here, it's under this title, Wind Turbine Conference Proceedings and with these I think it's important to note that there, I'm sorry,

that's not the one I wanted. I wanted right down here. Conference presentations on wind turbines and health. He lists a 2025 presentation here and another below it and then one here, the next in 2021. Both of these presentations in 2025 were for American Clean Power, which of course is the wind industry's largest supporter and biggest organization. These two particular conferences had Dr. Olson being questioned on another proceeding here in Alberta called the Stettler Solar and Storage proceeding, and there are slides and transcripts available from that in the Dropbox folder that I have mentioned.

I'm just going to see if I'm done with this slide, just one moment. So that brings us right down here to the next one. So, what I'm speaking of here is the Dropbox folder that I've created. It's named Whitman County References and Files. Under Dr. Christoper Olson qualifications I have listed the transcript where he was questioned about these two presentations, and the Aids to Cross, these were slideshows that we posted and Aids to Cross examining him, and I believe there was one image that was associated with it. But in the transcript, you can see exactly how the lawyer pursued these two conference presentations, especially in relation to his objectivity, lack of bias, and being able to provide information that is fair and accurate.

So, one of the things that I noticed, is also in his listings he omitted two presentations in 2024. It goes right from 2025 to 2021. A little bit of research online, on YouTube I was able to find two presentations that he's given for Nebraska Wind and Solar. One was in 2024 and the other in 2022. The one in 2024 I highly encourage if you have an opportunity to watch it, please do, because it will give you a lot of insight into a Dr. Olson that you did not see in your presentation, because this is a presentation to industry, wind industry representatives. It has quite a different tone and very different level of content than what was presented to you last month. The second presentation here from 2022 is titled Health Impacts of Renewable Technologies. In this presentation again he explains a lot of information, but it is to an industry-based audience, and he makes a very special point to talk about some of the experts that he has come up against in his work. So, it's also another opportunity, if you have the chance to find either of these links and view what is there.

Okay, let's keep moving along, I'll rotate. I'm just going to double check my notes as I've been running the computer. I want to make sure I covered the things that are important. Great, so I am just cruising right along. I hope everyone's doing all right. So, the quality of evidence page here, I basically wanted to respond to some of the issues that were brought forward in that presentation, and the most important one to me is this open access versus pay-to-play mentality. From as early as 2008, 2009, 2010 I have Ontario Environmental Review Tribunals, where the same argument has been put forward time and time again. This peer-reviewed document doesn't appear on the NIH's PubMed database and while maybe that was applicable 10 years ago, or 15 years ago, today we live in a very different age and having the terminology pay-to-play rather than using the words open access is significant, because the open access articles are done in such a way that the majority of the population can have access to them without having to pay a fee. Whereas other articles

that are indexed on PubMed, perhaps required a fee to be able to have access to it. Not every research Institution or educator or just layperson is going to be able to afford to pay for a number of these different articles.

So, I believe that scientists and researchers who are actually in the pursuit of providing information to the greater public work on an open access platform and maybe are not restricted by being listed only with one database and through the NIH thorough one Country. I mean it's a great organization, has a wealth of information and a library that is superb. But yet it does not contain everything because there is a gate in order to be published there.

So, we've talked there about peer review. I'd like to move on to affiliations and conflicts of interest, because if you are able to look at the ends of these articles that are written by supporters of the wind industry you will often see their conflicts of interest listed. The names of the companies who they work for and who provides their funding. Dr. Jeffrey Ellenbosian, he is a good example. It states very clearly who he has worked for whether it's in Venn Energy or NextEra or so on and so forth. So while I don't want to draw attention to potential conflicts of interest, I do want to emphasize that it is very important to consider those things when you are evaluating the documents that you have to evaluate and the affiliations that I have seen as well on documents are important in that the groups of authors are often the same and the lead author is usually the one that carries the most weight about the article. So, there are a number of factors that are important when you're looking at these articles and who has peered-reviewed it. Some of the articles state who has peer-reviewed it, and a few of Dr. Olson and his colleagues' examples I have seen how their peer reviewers are their coworkers, or their previous coworkers and that gives rise for concern for me

Another thing that I haven't mentioned here is in regards to Dr. Olson, because one of the things that has me concerned is that he is a one man show and in the challenges YouTube video the presenter there confirms that and says he does everything in his company, he does this, this, this, this. He doesn't have anyone to peer-review his reports that he is writing for different companies or his presentations, or anything. He doesn't even have a website. He has his CV posted online at a very obscure title. But to me someone who is relevant and credible would have a very significant online presence. But then again, maybe he doesn't need it because he has 28 different wind corporations as his clients.

Dr. McCunney and Dr. Olson repeatedly, and more than 3 times in the presentation, make reference to this list of 150 peer-reviewed papers that support the positions that they deliver. Through all of the AUC proceedings, this has been the same statement over and over again, but they have never provided this list of what these papers are. Sometimes it actually fluctuates sometimes it's more than 200 and sometimes it's 150 plus. So for me as someone who would be making decisions I would want a little bit more concrete evidence as to what these papers are and be able to evaluate them, because on the Dropbox that I

have set up for you to examine I have well more than many, many, many more times than 150 papers that support the impacts that are being experienced from infrasound. So, it really is considering both sides of the equation I think is ultimately so important because once you're able to look at the information, it is so much easier to be able to make decisions appropriately.

I'm a little dry and I forgot to get myself something to drink, so hopefully everything goes alright here. All right, so Dr. McCunney made a lot of comments about cumulative evidence, and I think it's absolutely correct. We do need to be considering everything here in a cumulative sense, because medicine is cumulative, human health is cumulative, research is cumulative, it doesn't take place inside a vacuum and one of the things that has come up because of the amount of cumulative evidence, this picture here that is in the white square is from a 4-page list of municipalities in Ontario which have adopted unwilling hosts and like I said this is 4 pages long, 40 on each page and in a number of these jurisdictions is where Dr. Olson has had no difficulty approving wind turbines and minimizing the impacts that residents were bringing forward at the time. Most recently, just this week here, Dr. Olson submitted a letter to Clinton County who I will be giving a presentation with tomorrow. He has taken the same position with Dr. Bellut's work, that it is alarmist, that is unbelievable, it is unfathomable that this amount of damage could be happening. It's just incredible it's too crazy. We can see, just even at the beginning of this letter, he says for the past year I have worked with NextEra Energy Resources to provide Clinton County Board of Supervisors with science-based, peer-reviewed research on the siting of wind turbines to protect public health, safety, and welfare residence.

He's been working with NextEra for a number of years and they have a very well-defined narrative. I'm not arguing with the evidence, just only with NextEra. I mean, Dr. Olson has a very well-defined narrative on how he presents his information and his evidence and if you were to review a number of reports like I have, you would see the repetition and often copy and pasting from one report to another and again, I don't want to focus on the negative, but I do want you to be aware that vetting your experts, while requires a lot of time, is critical. I wouldn't have expected to find the things that I did find, but I'm very glad that I went looking.

So, with this weight of cumulative evidence, I just wanted to quickly have a look at some of the work from Dr. Bellut-Staeck because she has some slides. This might not be it. No, this is transcripts, my apologies. Let me just see here. I'm not going to try to bring it up, but I can definitely speak about it instead. So, I'm just going to stop my share for a moment and talk about it. Well, I do have the slides somewhere, They're just not at my fingertips at the moment.

But I wanted to let you know kind of the history of how the research has culminated to where it is now. As I mentioned previously, Dr. Bellut and many, many other researchers are basing their research and new theories and experiments upon the research that was

conducted and awarded the Nobel Prize in 2021. This Nobel Prize research identified that there are sensors in even the smallest of blood vessels, or capillaries, or micro-blood vessels within your body and these sensors are sensitive to pressure changes, to sound changes and it is something that we do not need to be able to perceive happening to us. It is not something you can stop happening to you. It is an involuntary function of your body to have these sensors working at all times in order to be able to maintain homeostasis and health and not fall into disease or any kind of chronic Illness. So, the inside of each blood vessel is lined with what they call endothelial cells. It's a big word but it is actually a type of cell that regulates all different parts of the systems. This is where the mechanosensors are located. They come by a variety of different names, but the ones that we're focusing on with Dr. Bellut's research are the PS01 and PS02 Receptors. So, those numbers become important because pf where those receptors are found in the body, they're found in the circulatory system in the brain, and actually anywhere there is blood circulating. So, you can imagine the extent of their presence in the body. So, these endothelial have specific functions and they're mostly in charge of the exchange of nutrients and oxygen. They auto-tone, I'm sorry, auto-tune regulation of the vessel width, so they control how big or small your blood vessels are. They are very important for embryology and growth, especially in cell development. They transport hormones and allow for medications to be taken up into to the body to be effective. They provide the balance of fluids in your body so that things do not go all haywire. You want to have a steady balance of fluids, and they affect the entire immune system, because they can cause chronic inflammation in any part of the body and inflammation is the precursor to chronic diseases like cancer.

Alright, so just very briefly, I can kind of give you a small little picture here and we'll see if I can manage it. This is showing the inside of the blood vessel.

Dave Gibney- That just doesn't work

Jasona Rondeau- That doesn't work. That's not a problem. I'll leave it alone. I can't see behind it unfortunately but thank you for telling me that. It is definitely still contained in the other documents.

Dave Gibney- We do eventually need to see this as something we can put, make a part of our record. So, thank you.

Jasona Rondeau- Yes, okay. So the last bit that I wanted to talk about with cumulative evidence, this just happened this past weekend and I received a link to some videos that have been published from Copenhagen. They are published by two very prominent people. One of those is named Professor Ken Mattsson from Uppsala University, he's an acoustician and actually much more than that. I'm not going to do his qualifications justice because I did not write them down. The second person who released a presentation, his name was Hakan Enbom and he is a PhD, an MD, and ENT specializing in functions and degeneration of the brain.So, included again in the Dropbox folder, because I unfortunately

cannot play 2 hours' worth of presentations for you. I generated transcripts from both of these presentations that are presenting the most recent critical information. For example, Ken Mattsson's research involves purchasing of equipment that is used at nuclear testing stations to pick up infrasound. It's the most sensitive equipment that there is in the world. He has gone out and conducted experiments. Right at the very beginning of his video, he starts with a setback recommendation of a minimum of 5 kilometers, and even up to 10 Kilometers to be able to protect human health. So, again his presentation I would say is the most recent piece of information. He does have numerous articles published under his name and he is again a very reputable author. Dr. Enbom's presentation was delivered in Swedish, but I used ChatGPT to translate it and so I have also provided an English version of that transcript in the PDF files. Hopefully you'll have a chance to review them because the information is quite significant.

Alright, I'm just going to go back to my slideshow here. I will have to share my screen again, won't I? There we go, okay. So, down here just looking at the mention again, here I am of the folder created and this is just a short list of the articles that are available on wind turbine impacts, and the impacts to human health and the number of complaints that there are about them. One thing that I really wanted to focus on is the diagnosis of serious or potential injury from turbines, and primarily that has focused only on audible noise, and there must be a direct pathway that is shown. This diagram here has been reproduced from the night noise guidelines from the WHO and it is contained there.

But what we're seeing here now, and on the right side is the mention of an indirect pathway. This indirect pathway, when you follow down to the bottom here, they join. We have the direct pathway , which results in typical hearing loss. But over here is the indirect pathway, we're looking at disturbance of activities, sleep, communication, cognitive and emotional response, and usually resulting in a level of annoyance. So, these eventually come down to become stress indicators, and eventually we have some physiological stress reactions, and can lead to a number of specific risk factors, and these cardiovascular diseases. So, whether the impact was brought on in a direct way or if it was brought on in an indirect way, they lead to the same problems. Of note, these problems here, cardiovascular diseases. Dr. Bellut-Staeck has basically found a way to reverse engineer this process and explain how the indirect pathway that has been purported for a number of years, is actually a direct pathway when you consider Mechan transduction and the potential to damage beings at the cellular level, So, what was previously known as and indirect pathway can now actually be much closer to being proven as a direct one,

Alright, the last or next thing that I wanted to talk about here is the Health Canada Study versus what is also known as the Vacated Home Study. One of the difficulties that people who are trying to oppose wind turbines have is that this Health Canada Study is used consistently to say that there are no impacts, that the turbines are safe and so on and so forth. But this study, from 2014 and later here for 2015, when we go down says Health Canada has not published work on infrasound since 2015. So, this is from the Oyen Wind

project, a question that we've asked to the developer. However, there have been numerous scientific studies and peer-reviewed papers on the topic published over the past decade, so on and so forth. Health Canada has also not conducted any studies on the impacts of wind turbines on livestock health. So, the reason that many of us are concerned about the Health Canada Study is that it was never intended to be applied outside of the original study area, and it specifically states within that study that it should not be extrapolated out beyond the area that was studied. Yet for the last 15, well not 15, 20 years, or no, I'm sorry more like 10 since 2015, that is exactly how this study has been used. It's been used as evidence ro prove that the wind turbines industry is not providing any human harm when in essence it was never to be applied outside of the original study area. So, it makes it very difficult to understand how it has been used on such a global scale for so long, but incorrectly.

So, this Vacated Home Study I mentioned, because in November it's going to have its nineth edition published and it will make reference to Dr Bellut's work as the 9th edition is talking about how people who are in the survey experienced a variety of medical conditions and how they could be related to the most recent research. But if you have the opportunity, also within the Dropbox files, I have included all of the Vacated Homes Studies so that you can see exactly what went on here, and the experts associated. We have Carmen Crowe, who is very well known within the industry from Canada. She's based out of Ontario and has been working in this industry for almost 20 years. She's just about ready to retire at 83 years old. But I still speak to her every day.

Here we have Robert McMurtry, also very well known to people like Dr. Olson or Dr. McCunney. Here we have Ann Brill, who is an excellent writer, and down here, Mariana Elvis Pere, who is another person that Dr. McCunney chose to highlight in his presentation with Dr. Nina Pierpont. Both of them have outstanding credentials, if you actually look at their educational histories and look beyond the presentation factor.

Okay, so the new paradigm that we are hoping globally will be considered is that infrasound impacts do go down to the cellular level. They can be imperceptible. They result from sound pressure changes in wind turbines. It is from the blade pass frequency, so the number of times that the blade passes in front of the tower generates a frequency and the lower that frequency goes the more dangerous the impacts become and the more prevalent that they are. As turbines increase in height and increase their blade tip, that blade pass frequency changes. And the infrasound impacts move lower into the spectrum, where they are actually significantly more realized.

Dr. Bellut has a lot of information on what can I say, the future impacts of turbines increasing in size as she is facing turbines behind her home that are in the 7-megawatt range and are absolutely massive. So, she has been integral in doing research and trying to figure out how dangerous the new turbines are going to be, and what can potentially be done about it. I have furnished in the past, I believe through Tom, this very plain English

form of my explanation of the cumulative science, as I like to call it to this point. As an elementary school teacher, I try to make sure that the greatest amount of people can understand the information and so I did my best to put this information together, including different links that people could access. Because all of this information is accessible, and I just would like to highly recommend that they do get taken a look at. The last thing that I'll just mention here is another paper and it's just, I'm mentioning it because in Ontario there was a group there called Wind Concerns Ontario, who completed a FOIA (Freedom of Information Act) request to the Ministry of Environment, and in Ontario the Ministry of Environment handles the complaints that come from wind turbines. So, in their FOIA request they came up with a list of 50 different operating projects that had generated almost 7,000 complaints between I think it was 2008 and 2019. They have been waiting for additional FOIA requests to be fulfilled for the year's most current up to now, but they are having trouble obtaining them.

So, while Dr. Olson has not mentioned anything about complaints, a number of the projects that he worked on or supported were on that list of 50, so I'm pretty sure he actually is aware that there are many complaints about projects he has made setback recommendations on. I think that it's important to have that brought to your attention. The last point I would make is with AUC Rule 12. Like I said, their guidelines are much more stringent than what you're currently considering and Dr. Olson often relies on saying that AUC Rule 12, which is titled Noise Control, I should put that on there, is protective of health. But when I examine all of AUC Rule 12, there is not a mention of health in it whatsoever. ACU Rule 12 is the noise compliance rule. So, it's just to make sure that an operator is being compliant with what the noise levels are. So, there is no consideration for health impacts in the rule, yet it relies upon it quite exclusively.

Right so the last point I just want to quickly check it Dr. Ursula's paper, because here you can see exactly how popular it is. Currently, just since its publication, which was June 16th here, it has been downloaded 154 times and has had over 12,000 views. That is outstanding and says that there are a number of professionals around the world who are appreciating the information that has been shared here. Slide, page has moved here, I'm sorry, back to my this there we go. Okay so I'm right at the end.

So, to make a recommendation, I know that the recent research and actually the older research also supports setbacks of 10 kilometers, which is quite shocking, but even the Health Canda Study had registered participants who were experiencing impacts from infrasound at 11 kilometers. So, that study did collect data at various distances, and there is a number of studies out there that just are not being pushed forward that encourage and support, with evidence, a 10 kilometer setback. So, I am not able to make decisions, but I would just implore that is, although it's a very large number it is realistic and it is provable. As I said, I believe there's much more research to consider than what has been presented to date. Finally, if you desire any further consultation with Dr. Bellut-Staeck, I'm pretty sure that can very easily be arranged.

So, I think I've said enough there. I'm not sure if I hit my hour but I really appreciate the time that you've given me to speak, and I'm open for any of your questions that you may have.

Dave Gibney- Thank you and yeah, we will spend a little time with the Commission asking if they have, if there are any questions from the Commission.

I guess not. Yeah, appreciate your time and presentation. We do have a number of things we want to get through yet today. So, thank you again. I believe that prosecuting Attorney Denis Tracy has got some things to talk to the Commission about as you.

Denis Tracy- Yes good evening, can you hear me, okay?

Dave Gibney- Yes

Denis Tracy- Okay, So I wanted to talk about a couple of things I sent to the Planning Commission just today. Sorry for the late, that's one of my dogs saying hello as well. Sorry for the short notice or lead time on the memos, but I sent you a memo about setbacks from landmarks. Mr. Duft, I think might have been the first one, or at least the first one that I heard, the first person that I heard, suggest that the landmarks, in particular Steptoe Butte and Kamiak Butte, ought to have additional setbacks or some particularized setbacks in relation to them. So, a question was raised, well, would that be legal? And that question gets answered by me, your lawyer. The answer is, in my view, a resounding yes you certainly can and as detailed in the memo and as I've said a number of times already but to be the broken record you just can't act in an arbitrary and capricious fashion. If you act carefully and deliberately, and you consider the impacts on whatever it is that you want to do. Consider the impacts that might be had on a potential developer or the impacts on in this case landmarks, all the residents of the County and decide which is more important and enact a regulation that goes as far as you reasonably need to go. So, that's more of a summary than you really need, since you have the memo and it's not that long.

I also sent you a memo regarding adjusting the setbacks for non-consenting property lines. I don't like the term non-participating, frankly I think it's confusing. But so, I'm going to use the term non-consenting. I think it was Mr. McNannay who raised the question of, well so the current zoning code requires a minimum setback of 4 times tip height from the boundary of a town and yet it requires only a setback of 1x tip height, plus 100 feet from Mr. McNanney's property line. If Mr. McNannay is a non-consenting, if he doesn't consent to having a windmill next door to him. So, why Mr. McNannay questions, why should the town have more protection than me? Seemed to be a pretty good question, and the question was asked then, legally, well can the county increase the setback, push the proposed windmill project farther back from the property line that is adjacent to a non-consenting landowner? The answer again is yes. How far should you go? The particular numbers? That has to be

answered by the Planning Commission and again just using the careful deliberate process, and your decisions that you reach just have to be backed by in basic terms, good reasons. In other words, findings of fact that the Commission would adopt to support your decisions. Of course, the decision-making process or rather when you go through the decision-making process, you'll be reaching these findings as you go along that will support your final conclusions and the final action that you want to take. Adding on to this idea of enlarging the setbacks from non-participating, I use the term from non-consenting landowners I note that Dr. Olson anyway, I know that Dr. Olson spoke to the fact that it used be common for commercial windmills to be placed near occupied residences at no more than 1 times the tip height plus 100 feet, Dr. Olson said but experience has shown that's much too close. If the County keeps the setback at 1 times the tip height plus 100 feet from the non-consenting property line you are in effect, prohibiting the non-consenting landowner from ever putting a house there. So, you are limiting their ability already to develop their property. Now that's a common aspect of zoning. It comes up commonly where the effect of a zoning code is, well the first in time is first in right. So, the person who first goes and does something with their property may in fact impact or at least in practical terms limit what their neighbor will eventually be able to do with their property. Nonetheless, it is very worthwhile for the Planning Commission to recognize that that's what's going on. So, those are the two memos that you have from me today. I may send you another further memo about overall health and safety, although that's been discussed much already.

There are a number of what I see as language cleanup items in the code that I'm going to propose, and I'll do that in writing as well, hopefully before your next meeting. Let's see I think maybe that's all I have in particular, but I'd be glad to take questions.

Dave Gibney- I just want to clarify, can you say why you think that an action, if we do make that setback to the non-consenting property line, why that does say the individual who owns that property can't, by their own and free choice, build a house close to, that close to the windmill if they choose to.

Denis Tracy- Excellent point and I guess I'm speaking in practical terms. In, strictly speaking, the non-consenting landowner would be able to. The County would not be able to prohibit that landowner from building a house one times the tip height plus 100 feet from the windmill itself. I'm just speaking in practical terms. No one would ever do that, because it's recognized, I think it's widely recognized as being hazardous to someone's health. I suppose the county could enact a regulation that would prohibit it, but we don't, and we haven't, and I don't think that the County would do so. But in practical terms no one would ever build a house there.

Dave Gibney- Thank you. Anybody on the Commission? Okay Thank you, Denis and thank you Tom for the presentation.

Denis Tracy- Actually, I'm sorry, I did want to say one other thing in regard to the landmark setbacks. If the Planning Commission is considering imposing that, and when you get, if you get to the stage of picking a number I'm going to throw out there an option that you can do, and you don't all have to do this together, but that each of you might travel to the top of Steptoe and to the top of Kamiak with a map in your hand and looking out from that viewpoint pick out things that are 3 miles away and pick out things that are 5 miles away, so that or 1 mile away, so that you can get a good realistic view before finally voting on a number.

Dave Gibney- I guess I do actually have a bit of a question on both of these. Again, you state that the basis we use for our decisions is and I guess I'm paraphrasing, but it has to be more than just our personal opinion. We actually have to have some additional evidence that we can place on the record and somewhat more than it's ugly.

Denis Tracy- Yes, and like for instance, in regards to the landmarks, I laid out a number of factors that the Planning Commission might adopt, and there may and I did not intend that to be an exhaustive list of facts that might support whatever decision the Planning Commission eventually reaches. But there are a number of factors there that don't rely just on a Planning Commission member's own individual sense of what's beautiful.

Dave Gibney- And just to clarify, you stated in both of your memos, but these are examples that you are not yourself necessarily advocating the positions that we take.

Denis Tracy- That's absolutely true. I think it's very important that, although of course like any human being, I have my own opinions. But I am trying my hardest to keep my opinion out of the legal advice that I'm giving and the various individual possible facts that you know, examples of possible facts that the Commission might reach are just that, just examples, just possibilities. Not meant to be an exhaustive list and I'm not necessarily personally endorsing them. Nor personally saying oh they're bad either. I'm going to try and keep my views out of it.

Dave Gibney- Thank you. Okay, you know when I became the chair here, I knew this request from the BOCC to review this commercial wind ordinance was going to be difficult, perhaps contentious. That's why I devoted most of our first meeting on the 2nd to extensive public comment, and why we devoted several meetings, seven, to reviewing the existing code with additional public comment. It is true that to proceed at a reasonable rate, I did ask speakers to hold themselves to 3 to 5 minutes. If you go back to the record, very rarely did I ask somebody to wrap up their comments or interrupt.

We've also received a lot of information in writing, and some more tonight. Just for the record stuff out there in the Dropbox isn't going to be part of the record until somebody actually asks that it becomes so. The presentation yes but the additional files, we need to work. We need to get that as part of the record, as part of getting it as something we can

use for those findings of fact. We...it's been suggested that everything we received in writing that we should spend time up here talking about it. We're not going to make that effort. We don't have to. They're part of the record, they're available to every member here to make as part of what they use for the findings of fact when we make, when we support the amendments that we're going to work and we may, at that time discuss it amongst ourselves up here. The procedure for amending Whitman County title called nine, nineteen is specified in that chapter at 19.04 amendments and we are covered by the Open Public Meetings Act and RCW 42.30. We've gone very far beyond any requirements for public comments. We don't, we're not required to engage in an interactive mode. Tonight, we're going to do one more session of open public comments on subsections A and B of the Setbacks and Heights section of the 19.61.060, Development Standards. We have in fact received both written and verbal comments on these sections already but we did postpone them to await this legal advice that Denis has now provided us and so we will spend some time on it tonight. And so, at that point, at that time, to do that, I'm going to start that and we are not, we are not in our formal amending the const, the amending criteria, or the ordinance. As has been the procedure, I will read the existing code. We'll let Alan, the County Planner, comment on it. We'll let members of the commission comment on it. We will take public comment.

Alan Thomson- So, it's 51 or 60?

Dave Gibney- So, 19.61.060, Development Standards and Criteria. A, Setbacks. All setback distances established in this section shall be measured from the closest point off the tower to the closest point of the thing from which the tower is setback. 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 the height of the wind tower, turbine generator plus a hundred 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, hey Denis we've got them both. Excuse me.

Commercial wind energy turbine towers should be setback a minimum distance of four times the maximum height of the turbine measured to the blade tip at the maximum elevation from the non-participating landowners occupied building. Continuing, in view of the low density, rural agricultural nature of the zoning districts deemed suitable for commercial wind energy facilities, the minimum occupied structure visual and aesthetic standards shall be considered sufficient to address any visual and aesthetic impacts. 3, There shall be a minimum setback distance of four times 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 landowners' property lines. There should be a minimum distance of 1 times the height of the turbine generator, plus 100 feet from the property line of any non-participating adjacent landowner, including state and improved county right-of-ways measured from the ground to the maximum extent of the turbine blade.

And 5, for the purpose of this section, any consents to visual setback distances of less than four times the turbine heights from the non-participating adjacent landowner's occupied building, and less than the minimum setbacks from the non-participating 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. Alan?

Alan Thomson- Okay, on number 1. That is for the protection of the landowner who wants to have a turbine on his or her property. Obviously, you don't want the turbine falling down on an occupied building, so 1 times plus 100 feet away is the closest that you can get to that occupied building. Number 2, shadow flicker and aesthetic setbacks. So, this came from the State Supreme Court's decision, and the Kittitas County wind turbines, wind farm. They decided that four times the height at that moment in time was sufficient to protect any non-participating landowners from shadow flicker, and also to prevent a looming effect of a tower, you know, towards somebody's property. So, that's basically where the four times the height of the turbine came out, came from, from that decision and it has since then been adopted by EFSEC as well. It's pretty much their standard go-to setback there.

Number 3, well, we decided that, obviously you don't want to have a wind turbine that close to city limits and we applied the same logic to, four times the height of a turbine to occupied buildings, non-participating occupied buildings. That basically is the reason why we did that for incorporated towns and then the landowner's property lines, one times the height of a turbine, plus 100 feet. Again, and that includes roads, state and county roads, because there are property lines there, too. To prevent a turbine falling down on someone's property or on top of a road. So, that was the reason for that setback. Number 5, so, that is in there to give an opportunity for an adjacent, non-participating landowner, the opportunity to build something less than 4 times the height of a turbine away from say, perhaps, a residence. But they would have to document, file a fully executed, notarized agreement, and have that, filed with the auditor. So, that's the reason for that one. People can go closer. It's their choice and they would have to have a notarized document to that effect.

Brian Davies- So, if I was a non-participating property owner, and I wanted to build my house closer to a wind turbine, I would need something attached to my deed that says that I agreed to do that.

Alan Thomson- Yeah, basically that person would be taking that responsibility on, and allowing them to be closer than 4 times the height of the turbine.

Dave Gibney- We'll go to the commission, with the Commission. Do you have anything more, Brian?

Brian Davies- Well, more. Can I, can we go back to one, or?

Alan Thomson- Mmhm.

Dave Gibeny- Sure. We're going to discuss it. We're going to take comments from the Commission. Then, we're gonna take comments from the public.

Brian Davies- Should we take a recess before that?

Dave Gibney- You want to take, in between, in between...

Brian Davies- Us and the public.

Dave Gibney- Just, okay. Or, we can take a recess now.

Alan Thomson- Hear, hear.

Dave Gibney- Some, some biological reason. Yeah, let's take a... let's take a recess now. And then again, it's the same procedure we've been using on all of these discussions. We take some comment, we take comment from the Commission, we take comment from the public, we let the Commission have another bite at that comment, and then we go on to the next topic. And we're not making any decisions, we're not, we're not coming to a consensus during this part of it. Although, as I said in the email I sent out, I'm hoping that we can come to a straw poll understanding of where we're going to stand when we actually look for numbers on setbacks. But we got, you know, let's try and, you know, let's try and make our recess, like, 3 minutes, and come back at 21, 22 after the hour, after 8, and... go ahead.

RECESS

Dave Gibney- Okay. Let's, let's, try and get back together. I lost track of the time. So, okay. So, as I, again, we're gonna give the members, the members of the Commission a time to comment. We are running out of time this evening, although, you know, there's nothing that says we have to stop at 10. Or 9?

Alan Thomson- 9.

Dave Gibney- Or midnight. But just in terms of the existing text and your thoughts as of now. And if you want, we so let's anybody of the Commission got, go ahead Brian.

Brian Davies- Well, I think I was still, I was jabbering when we took a break. So, question, what, in number 3 there shall be a minimum setback distance of 4 times the maximum height of the turbine measured at the blade at its maximum elevation from the boundaries of incorporated communities. Can we include and unincorporated? Because we do have a number of unincorporated communities that could potentially need protecting from...

Dave McKeirnan- Johnson and Bald Butte, for an example.

Brian Davies- Yeah, there's Diamond, there's a lot of old communities that aren't incorporated anymore, but nonetheless, there is, there are residents, there are people moving into the more rural communities all the time. As they become more of a sort of a bedroom community too, Moscow, Pullman, Colfax, Palouse. But that, that was just a consideration, a comment of mine.

Alan Thomson- Brian, can we, let me comment on that.

Brian Davies- Please.

Alan Thomson- So, the rationale at the time, what the Planning Commission back then at the time, was twofold. So, unincorporated towns, maybe it's difficult to know where their community property lines are. So, the four times the height of a turban applies to any residence, including those in an unincorporated community. With the incorporated towns, we know where the incorporated boundaries are, so we set it to that. To, the incorporated boundaries. But the unincorporated areas are certainly covered because any house would have a four times the tip height setback.

Bran Davies- OK, that kind of covers what my concern was a bit. Thank you.

Alan Thomson- Yeah.

Dave Gibney- But aren't there a couple of the zones that are unincorporated community zones.

Alan Thomson- RCCs?

Dave Gibney- Yeah.

Alan Thomson- Yeah. So, you could. Well Steptoe for one is one that has a bunch of RCC1s and 2s and RCRs. As long as we know where the boundaries are. But it still would be included in the four times the tip height, to residences, any residence.

Dave Gibney- Right, okay.

Brian Davies- And thank you. So, thank you for that explanation. And what would you think about what happens when an incorporated community expands its boundaries. Potentially happened, it happened in my community, but...

Alan Thomson- Yep, it does. Well, the Planning Commission's take at the time was that, if you're thinking about Pullman especially, they have their wish list of places that they would like to annex. But those are in the unincorporated area. So, we have to take care of ourselves, we did not put an extended distance away from Pullman's city boundaries at that time because of that reasoning. I can't imagine that a wind company would want to be that close to city limits of Pullman anyway. And I might have some issues with that one, personally. So, yeah, you could, you could address that.

Brian Davies- Okay, thank you.

Dave Gibney- I guess contra-wise, it's also, if somebody plants a set of wind towers next to Pullman, and Pullman decides they'd like to annex it and take the revenue from the county, that would be their choice, too. Assuming that there's people in that area to vote to annex, which there are unlikely to be, so anyway, go ahead.

Bill Meyers- Well, just this, this whole discussion illustrates the need to reduce the confusion by these two different standards. Distance from the property line, if it was a uniform setback with the distance from, you know from a city would clear that up, even in the case of an unincorporated, you know, small town. Everybody's got property lines. Anybody that owns property got, and if they're part of that community, well then, you know, if you, there, if the setback is the same, it will keep, keep this, it will be a lot, it'll be a lot more well-defined, a lot clearer than having these two different standards. You know, as to what they should be. Well, we can talk about that a little later, but, I, I, you know...

Dave Gibney- I tend to agree that, on that, and the distance, to the residence inside the city versus the resident, versus the property line or boundary of the city is not significant. So, the four times to an unoccupied residence would still apply. Even if we, you know, did, as you said, make them, made them the same, or didn't have that difference, so, Chris?

Chris Melhus- Just a sponge right now.

Dave Gibney- Okay. Go ahead, Dean.

Dean Kinzer- I will definitely be making an amendment. I don't know if anybody will second it, but I'm going to be pushing for 8 times setback, simply because we haven't mentioned anywhere in this code, health aspects and, I'll try to make it brief here. The National Institute of Health, which is part of the United States government, serves as a federal

Agency for Biomedical and Public Health Research, they now recognize infrasound as something that is harmful to the health of humans. In their introduction, they say infrasound is common phenomena existing widely in nature and produced in numerous ways, such as wind, thunder and modern society has greatly increased the generation through man-made sources such as occupational conditions, industrial installations, vibrations, mechanical equipment inside, enclosed spaces. Like heating and ventilation systems, wind turbines, and transportation. So, it is recognized by the National Institutes of Health and to shorten up, my reasons, I'm gonna just read the conclusions that they have at the National Institutes of Health.

Exposures to high levels of infrasound more than one hundred decibels negatively interfere with cardiac function even as soon as one hour after exposure. It hasn't been researched if it's accumulative or not, but there are several studies that say it is accumulative, at lower levels, and causes the same problems. Numerous independent laboratories research from around the globe have been performed, resulting in similar findings supporting this conclusion. The effect of infrasound goes obviously beyond direct mechanical effects in increasing the cross-bridge breakage and involves a wide range of processes, such as calcium metabolism and mitochondrial integrity. These results should be considered when looking at environmental regulations. It is recommended, recommendation of the research groups to set the levels of infrasound no higher than 80 decibels. That is the maximum tolerated limit for chronic exposure. So, I'm, that's the reason that I will be, proposing an amendment at that time when it's available to us.

Dave Gibney- We'll get there.

Dean Kinzer- Fair enough.

Tami Southern- I mean, I'm in agreement as well. I mean, this obviously needs to be updated, especially when we're talking about the proposed height of what's going to be going in. I don't feel that the current standard is adequate enough to accommodate the height that we're potentially looking at, so.

Dave Gibney- You might grab your mic. Oh, you got it, you got it on?

Dave McKerinan- Is it there? Can you hear me?

Dave Gibney- Yeah, I didn't, I couldn't see...

Dave McKeirnan- My, my big thing on this, on this one is going to be, I agree with increasing our setbacks. Number 4, the setbacks from non-participating adjacent landowners' lines. It's a, it's one times the height plus 100 feet. Jared Segerberg, an aerial applicator, sent us a letter, letting us know that he charges an industry standard is $2 an acre for having these turbines close to their, the neighboring property line. That's an undue tax I feel on non-

participating landowners to do traditional agriculture in Whitman County. We need to make sure we set these things back far enough. That the guys that are not participating, that are doing traditional agriculture, granted we don't use aerial application as much as we used to, we still use it and for one person to be able to capitalize financially by putting these on, it should not financially impact his neighbor doing traditional agriculture, which is what this county's been based off of. So, number 4, the setbacks for non-participating landowners, I honestly feel should be the same as occupied dwellings, because it is affecting the livelihoods of those neighboring property owners.

Dave Gibney- Alright.

Weston Kane- I would concern with Dave on that, or agree with Dave on that, because I have similar concerns, because not only with the airplanes and everything, but future land use, especially when the area we're talking about, if there's any part of the county that's going to probably get growth between Pullman and Moscow, it's gonna be that Kamiak Corridor. So, I mean, it limits property owners on their future uses. So, I'm going to be kind of in agreement that we need to make it all match.

Dave Gibney- Okay. Well, we have some time for the members of the public and again, I'm going to ask that you limit your time.

Mike Dymkoski - Mike Dymkoski. I was confused by Mr. Tracy's remarks stating that the Planning Commission must arrive at a consensus that falls within some generally accepted scientific guidelines. He didn't say what would happen if you don't and my assumption is that that would perhaps subject the county to a lawsuit from developers, but I was sitting there thinking that if the county has the legal right to, to provide no wind code, they certainly have the legal right to provide for any restrictive wind code that, that in fact, does allow wind development. So that, that, I don't know if Mr. Tracy's still listening or not, but I have spent a long time researching any case law, relevant case law in the state of Washington, where a private developer has sued a county for not providing a code that they feel is scientifically defensible. I don't, there is none out there. The county is the, the county is the code authority for local land use. By statute and by state constitution and if a developer doesn't like a county's wind code, or a county won't provide for a wind code, the developer can go to EFSEC and EFSEC by statutory authority has preemptive rights over county land use.

And they're not gonna, they're not gonna file a lawsuit. They have no basis for a lawsuit. For a county not providing code they're going to go to EFSEC on a case-by-case basis, and EFSEC is going to probably preempt whatever the local county land use is. But that doesn't change the county land use code. And there's no civil action taken by any developer that is going to alter the county land use code. So, if Harvest Hills, if you enact restrictive, a much more restrictive wind code, and Harvest Hills doesn't like it, they're going to go to EFSEC, and EFSEC's gonna preempt the county code, but that doesn't change the county code.

The county code is still going to be what you and the County Commissioners determine it to be and no civil action either in a court is going to change the county code. The only body, the only authoritative body that can change the county code is the county commissioners. So, there is no, in my view, unless Denis, Mr. Tracy wants to step back in and correct me, there is no legal jeopardy to the county.

Dave Gibney- I guess I would ask, how is it useful for EFSEC to override the county?

Mike Dymkoski - I'm sorry.

Dave Gibney- How is it useful for EFSEC to override the county?

Mike Dymkoski - How what?

Dave Gibney- Why do you believe it is a good thing that FSEC gets to override the county?

Mike Dymkoski - Well, I, I believe they're a political, I believe they're a politicized body led bya, you know, they are led currently by a former, commercial wind lobbyist, so it's my suspicion that they will automatically, with, am I answering your question?

Dave Gibney- I don't want to get terribly argumentative, but I, from my point of view up here is that EFSEC is expected to give consideration to our county code, but yes, they can override it, but it is in our interest to have a county code that they will at least pay some attention to. So why is it in the, why is it in the interest as I seem to hear you advocating, that we adopt a code that automatically sends all the wind developers to EFSEC? That's, that's not what we were asked to do.

Mike Dymkoski- You're, okay I understand. You think that EFSEC will sufficiently respect existing County

Dave Gibney- It doesn't matter. Again, why should we adopt a code that is explicitly or not, always going to send the developer to EFSEC? How is that in Whitman County's interest?

Mike Dymkoski- I can't answer that. I just think that the individual members of this Planning Commission are going to arrive at personal appraisals of what is a suitable set of setbacks and height restrictions and there's going to be 9 of those individual appraisals and you're going to have to synthesize those into a consensus that might be deemed arbitrary by some outside developer. But you're still the code authority, so you do what's right for Whitman County, and for the taxpayers of Whitman County and you let the developers worry about their own business and let them go to EFSEC if they want to go to EFSEC. That's my point.

Dave Gibney- Thank you

Denis Tracy- Mr. Chairman, I'll answer questions about the law from members of the Commission. I didn't even understand Mr. Dimkowski's question to me, so I'll restrict my comments to if any member of the Commission has a question, I'll try and answer it.

Dave Gibney- I'm going to, I think I can ask that question in a way you might answer it, but I'm going to let the public continue for now and then I'll think about asking you the question as I understood it, which may not be the correct understanding, but first let's keep going.

Rick McNannay- Thank you, Rick McNannay, Colfax. I've got two real quick comments. After going through some of the documents and slides tonight one of the things I noticed is regarding the distances and where they're being measured from. It refers to, the codes refer to the tip height as being the measurement for the height. But there's nothing determining where the distance is measured from. I just think that unless you clarify that, that's going to open you guys, it's going to open the County up to some litigation possibly. It continually refers to tip height or the edge of the outermost edge of the tip. So does that also mean to the distance to the house? I just think that that's something to be aware of and maybe look at and clear up.

The second thing is regarding, and Mr. Tracy can probably, hopefully will agree with me on this one. If the County or if the County ignores relevant data out there, relevant scientific studies and sets the setbacks closer than what is recommended I also feel that they could possibly set themselves up for some litigation later from lawsuits if somebody were to develop some health issues that are directly related to the proximity of those blades of the wind turbines. So, I do think that you need to take that into consideration just to protect the County. So, that's pretty much all I had to say tonight.

Dave Gibney- Thank you

Carol Black- All right Carol Black. Couple of different things. I'm going to be all over the board. One thing that was in one of the 1, 2, 3, 4's was low density rural. I don't have a definition for low density rural, but if I look at the current corridor within a mile, or within the corridor that's been, you know, circulated, there's over 100 homes. To me that is not a low-density rural area. I don't know what that means, and so I think somehow that should be defined, what low density rural means and maybe the code should say , if you've got 100 landowners and only 15 and 10, 12 don't even live there that, that should have a bearing on the acceptance rate in the community that's being impacted. That's not anywhere in the code, but I think maybe that should be in the code.

Property values, I look at that as a personal taking when I lose the property value that I'm going to rely on for my old age, which we're getting closer and closer. Two more points. The Dr. Ken Mattsson from Uppsala University, in Sweden, I will send you this link. The presentation was very, very good and very dynamic. And he is a scientist who worked with NASA and other acoustics, and so he is well, got a very good reputation.

So, what I'd like to focus on is the Kamiak Butter corridor and the protection of our special areas. If we look at the law for the National Park Service under the Organic Act of 1916, and this is federal lands, and I realize we're not dealing with federal lands, but I think it's a pretty good place to have some respect for what they've done. Basically that Act is to preserve scenery and historic resources and the federal guidelines for the Bureau of Management and the Fish and Wildlife Services are areas of importance. I would say Kamiak Butte, Steptoe Butte, Palouse Falls, Rosalia Battlefields are areas of importance to this area, and they would actually list those as avoidance areas that would not welcome wind energy into those areas, and they specifically call out National Historic Landmarks. National, excuse me, National Natural Landmarks, which is what Kamiak Butte is, and National Registers based on the scenic-ness of those areas. So with that thank you.

Dave McKeirnan- Carol, Carol real quick question. When you reference the National Park Service and stuff in relation, and you say they wouldn't allow them. What do they recommend for setbacks on that?

Carol Black- They don't, basically the only one that is currently in place for a setback is 9.5 miles for Lava Ridge that was approved by the Biden administration, and so that was actually approved at 9.5 miles for the Minidoka Japanese Internment Camp and basically they pushed that because of viewshed, because scenic-ness, they pushed that back 9.5 miles for Lava Ridge. So, that's the only one that is currently in place, and some others have not gone forward because of it.

Dave McKeirnan- Thank you

Tom Thompson- Tom Thompson, Pullman. I'm not going to belabor you with a whole list of studies or anything like that, I just want to address a few things for the Commission. I appreciate your time and everything, and I know it's a lot of work on your free time.

I just wanted to emphasize, I think it's important for you to take caution. The science and the technology is advancing and evolving. I know back in the early 2000s, the term infrasound and health, adverse health effects from wind turbines were kind of a woo-woo, crazy tinfoil hat theory. That's how they labeled people that advanced those theories and with symptoms to prove them by various people, including abandoning their homes. I think now, we're seeing the science and more evidence as per Dr. Ken Mattsson, Dr. Bellut. There's other studies, Dr. Ben Johnson. I believe I had a number of those studies on a document that I sent to the Planning Commission and so this is, these are from medical experts and research scientists. I think the various setbacks from what I've seen in different studies range from a mile to a mile and a quarter to, as per Dr. Bellut ,6, 10 Kilometers, that's 6 miles basically. I think it's important to take a caution, because the science is advancing. There is something there to this infrasound thing. The thing that Dr.

Ken Mattsson's study mentions is that there's about 25% of the population that have a sensitivity to things like ultrasound. But I'll let you look at that yourself.

Another key issue is the property lines. I think the current wind code is set up, it's a taking on a non-participating or non-consenting property holder, because if their home is okay their primary residence is okay, four times the height from a turbine, we that turbine could be placed further on the other property's, property owner's land, so that if you go down the non-participating landowner's property line, it comes out to one turbine height and 100 feet away from that property line. That means the non-consenting property owner, he can't go build a house further down the property line and so those are just things to consider. I mean, that's a taking right?

And I think last an exclusion zone is very important. I mean Kamiak Butte and Steptoe Butte, that's the heart of the Palouse and Steptoe Butte's already been defiled on the north side there with turbines that you can see from miles around from many different directions and we need to preserve the cultural heritage and the historical heritage of our County. And a lot of it has to do with the landscape and once that's gone and what Dave Phillips told me about, oh yeah, I'll move in here, no problem. They can just, they'll just plow through hills and graze everything down that they need to get those 80-yard blades into place. So, it's going to change the landscape drastically. This isn't Iowa or Oklahoma, where it's just a bare flat land. They're going to have to do some carving up. That's just something to consider. Once it's carved up, it's never going to be the same, it won't ever grow the same either. Thank you.

Dave Gibney- Thank you

Kevin Akessson- Kevin Akesson, Colfax, I'd encourage the board to not disregard the importance of local land use planning. The Planning Enabling Act of, that the legislature created, understood with wisdom that local land use belongs to local communities and to try to mold an ordinance to fit a statewide system is irresponsible. We keep hearing about a Supreme Court decision in 2008 from Kittitas County, a long ways away and a long time ago and we need to address issues locally at the current time. It is not beneficial to go to EFSEC, for these projects to go to EFSEC over the local community. That's not the point. The point is that that's reality the State has input a system where there's multiple avenues of delivering these projects, one of them being going directly to the State.

That is why we're having to address this, and trying to form a code that somehow is going to make EFSEC happy or the Governor happy. We should not be concerned about that. If the Governor's going to come in and put wind turbines wherever he wants, he can do that and let him do it. But we don't need to be trying to as a community meet his desires there. So I would just encourage the board to understand the importance of the local aspect of this and regarding the Kittitas County decision, please read through that and understand that was very largely driven by economics and the economic viability for that local wind

developer and Chris Gregoire came down hard on that community, when she decided that there was a certain setback that made it economically viable. And please, please read through that and understand that. That's all I have right now. Thank you

Dave Gibney- Thank you

Teresa Bannister- Hi, Teresa Bannister. Just want to make sure that we remember to consider the tribal's, Colville's Confederated Tribes concerned in this matter. They can't come to the table until a permit process has happened, so you won't be hearing from them. So, I'll be their voice tonight. Anything that destroys the viewshed around the significant cultural area to them is not part of their wishes. The Palouse Tribe is one of the 12 tribes of the Colville Confederated Tribe and there's just a lot of considerations for them, beyond the cultural. I have a lot of notes here, sorry. Just the preservation of the area. There's a lot of questions concerning B13 on the SEPA checklist, is an example of something to look forward to, to make sure you pay attention to that, so that they're being honored.

This is a very special area, and we have a lot of significant history that's in all our U.S. History books concerning the tribes. So, they don't want this. Just so you know, and when you talked about we have to consider it not just being an ugly thing , I was talking to some of the tribal people just then when you said that, and they did not like that at all. I mean, it is ugly and they don't want that there. So, that's all I have to say about that. Any questions about the tribe's involvement?

Dave Gibney- Thank you

Teresa Bannister- No questions?

Dave Gibney- I guess not at the moment but we are definitely not finished with this.

Bonnie Brumley- Bonnie Brumley Palouse. First of all thank you to the Commission for being here and listening to all of us, for many nights, thank you. I would just like to reiterate what several have already, and some who in the Commission have already mentioned that they want to consider property lines versus residences, and I thank you for that. I just want to know that my 3-acre property, that is considered rural, is treated exactly the same way that a 3-acre property on edge of Pullman is treated, I think that's only fair for those of us in the community and really consider significant setbacks. Think about if your house was in one of these property zones what you would want the Commission to do for you because the next time it might be your home. Thank you.

Dave Gibney- Thank you. Okay I want to thank everybody, one of the things okay. I appreciate it when Mr. Duft asked us about the specific landmarks of the area, and that's part of why I asked Mr. Tracy to do the research to find out. I tend to agree that those are

areas that need protection. If we're going to protect our landmarks, that would be another section in my mind that would be another section of the code, exclusion zones, or permitted zone, you know, something like that. Special protected zone something. And we, you know, some members of the Commission have been researching that already. I was, you know, I'm really glad that Denis came in and, you know, that the legal opinion is that we can do that.

Now I'm going to try okay , and I'm going to try and see if what I understand the question about EFSEC, or our reasoning or it comes down in my mind, It comes down to if you, if we act arbitrarily and capriciously without a foundation for our decisions then there are consequences to that, and frankly, I don't know what they, I do know that the City of Pullman did have a developer come at them for, before I was a part of it, many, many years ago. For zoning code that was deemed arbitrary and capricious, and that's why all the time I was on the Planning Commission then, the attorneys of the time were very, very careful that we didn't act in that, what could be deemed arbitrary and capricious. But so that's why I believe and I'm pushing that we have code and reasons and supporting findings of fact for that code as we make these changes, so that we are not subject to that judgement of having been arbitrary and capricious. On the other hand Mr. Dymkoski may well be right that you know, we're not going to have anybody actually sue us. So let's just say that, you know, that setbacks need to be, you know, 17 times the tower height and or can't be within 50 miles of the County border, and see where, you know, okay, make that 75, because then it's whenever, you know, anywhere in the County probably.

But the other side of that is, that in my mind it is not in the County's interest to leave our seat at the table and deliver it to EFSEC, but and if we don't have code that attempts, you know, for example, attempts and does protect our landmarks and which is not in our code right now then it's not there for EFSEC to even think about. Now maybe they're going to think about it, maybe they're going to think about what we do and say, sorry we're going to override you anyway. But if we don't have something for them to at least think about that is based on some sound reasoning of health, safety and welfare or you know visual aspects, then and maybe we've wasted our time. I don't think so. I think that having everybody have a shot at inputting it is good. So, and the other thing that I would say is that and I understand the health issues, and it is correct that it doesn't explicitly state health in this in the current code but as Alan has said, and the interpretation that is that the height of the, okay, and I agree that we probably should say, you know, drop a plumb bob from the top of the tower or the center of the tower as the point of measurement for the tip. That's a little clarification. I agree that we should probably have a definition of what the low-density rural as part of our definitions in the chapter.

But so,1 times the height of the tower plus 100 feet as I understand it, is purely a physical, as Alan said we don't want that tower falling on anybody, and we don't want that tower falling on land on property that hasn't agreed to have the tower near it. Fine, the rest of this is the health issue, shadow flicker, visual, you know and also the place where the noise

ordinance is also noise is done. That in my mind, and again, I'm going to, I'm of the position that we're grandfathered and anybody is able to put their residence wherever they want, you know we're not stopping future, and we can't really speculate about what is future but the 4 times the height is what the courts and the science and everything at the time said and it's the health that's based on the health issues at the time. And I agree, I'm sure there's more research that Dean's got and others have.

But you mentioned 100 decibels. The decibel scale is I believe it's logarithmic or an exponential the Ms. Rondeau had 40, I believe what our current, the State is 60 or something. Anyway the 100 decibels is you know, Chris Ollson said, yeah that's going to hurt people at 100 decibels but that's why the noise and everything is down In the lower ranges, to prevent that level of harm that was known at the time, Now, whether there's more study that puts that lower now, we're ready to you know, sure. That's what we need to talk about.

Bill Myers- Could we revisit an issue?

Dave Gibney- Okay.

Brandon Johnson- I have a public comment of Zoom that needs to talk too.

Dave Gibney- Who, okay, I'm sorry I didn't ask for public comment. So there was somebody out there and so I'll, and since I'm doing that I'll ask your, we'll get your question too. Go ahead. Who, who's on the call?

Brandon Johnson- Willard can you talk now?

Dave Gibney- He's, his chat is saying his sound isn't working.

Alan Thomson- Is he on mute?

Bill Myers- While that's getting sorted out...

Dave Gibney- No, and I did actually, I didn't actually ask Mr. Tracy or Mr. Dymkoski if I had tried to interpret it but I would like Mr. Tracy to talk about the arbitrary and capricious and other stuff I babbled about, and then we'll go to you and then we'll go to you.
Bill Myers- I actually had a question for Teressa, that I didn't quite get formulated. Would the tribes consent to a list of concerns, suggestions, guidelines? Can they do that to help us? They can't do a thing until...okay, so they can't even kind of tell us what they...yeah.

Brandon Johnson- Can you talk in the mic?

Bill Myers- Okay.

Teressa Bannister- I can certainly pass any of your questions on to them and get some answers.

Bill Myers- It would be helpful if we had a foundation on which to consider what would be appropriate as far as...

Teressa Bannister- Turns out there's a whole SEPA checklist that is part of that process with them, so that's good to reference that, too. That could provide some good questions, and I could get some better answers for you, what they're, what they are saying.

Dave Gibney- Okay, you had a...

Teressa Bannister- I kind of forgot part of it since, but...

Dave Gibney- Okay, well let's let Mr. Tracy, no go ahead.

Teressa Bannister- It's quick.

Dave Gibney- Okay.

Teressa Bannister- I've been gone and I've missed several meetings that you...

Dave Gibney- You were about to say you didn't have it, so...

Teressa Bannister- No, I said I forgot part of it.

Dave Gibney- Okay.

Teressa Bannister- But I do remember part of it. I've been gone for a lot of these meetings, so I'm behind on what's been happening. So, with the 700-foot towers, are we talking, do we have new science addressing that? Are we taking that into consideration? Because the old towers, like the ones at the other side of Steptoe are four hundred and fifty

Dave Gibney- Four times the height of a tower is four times the height of a tower.

Teressa Bannister- Referring science, referring to the science of the sounds.

Dave Gibney- I don't, that I'm not aware of at this time.

Terressa Bannister- Because I would think that we have nothing until we have actual science off a 700-foot tower. We can't use old data to make considerations. That's my thoughts, that's just really logical.

Dave Gibney- That point has been, thank you and it has been made a couple of times.

Teressa Bannister- Okay, I've been gone, so thank you for answering that.

Dave Gibney- That's cool, So, he wrote his question?

Alan Thomson- I can respond to that. So, the question online is what about pig barns, or buildings which are occupied, or shops on property or the farmer out in his field what does the Department of Health and DOL say? Mr. Miller has 5-acre plots out by the fairgrounds that need to be protected. I would, in my understanding would be that the pig barns or shops are occupied and therefore need to be protected and any animals too. But you know the code doesn't say that. It doesn't give that explicit, you know, understanding, and that's something you could change, but as the you know the official in charge of SEPA, I would include those as occupied buildings. But we could put language in there and as far as the farmer walking around in the field? Nuh-uh, that's not a building. You know, somebody walking around the field, how could you protect from that?

Dave Gibney- Well you can protect the tower from landing on him, because he's not supposed to be in the other person's trespass.

Alan Thomson- That would be trespass at that point yeah.

Dave Gibney- Okay Mr. Tracy?

Denis Tracy- Yes?

Dave Gibney- So, I think I didn't make it as clear, but I did, I think it comes down to what are, what are our reasons that we should avoid acting in what would be considered an arbitrary, capricious mode, given that, especially given that we probably, we may well be overridden by a state agency rather than having litigation based on our code?

Denis Tracy- Sure, well, acting, or maybe not acting in an arbitrary and capricious manner is just another way of saying, using basic fairness and, good government. Not taking shortcuts that you don't have to take. Being careful. That's all it means. Basic fairness and good government and the Planning Commission should never abandon that. If you don't act in a careful and deliberate manner, well first of all, if you do act in a careful and deliberate manner, maybe it results in 5-mile setbacks from the buttes at 8 times tip height from any house. It's going to result in whatever it's going to result in, but why would you not want to act in a careful and deliberate manner? Why would you want to act in an arbitrary and capricious manner? No, don't do something, or not do something just because a developer says something. No, no, no, no. But just be careful, cautious, and deliberate. If

you're, if you're not, if the county is not, then that's number one not good government. Not a government that you want.

But number two, it would result in, or could, certainly could, not necessarily would, but could result in the county being sued by, you know, and here's the thing, the county could be sued by anybody. And sometimes it is, but if you act with basic fairness, basic good government, then the county's more likely to win that lawsuit. I don't know, that's a maybe more basic answer than you want, but sometimes I think we lose sight of the forest for the trees, and it's worthwhile to step back and say, well no, of course everybody wants the Planning Commission just to be calm, careful, and deliberate. To think about the different options, to examine the different arguments that are made, and then to use your best judgment, use your common sense, and come to the best conclusion that you can.

Dave Gibney- Thank you, thank you, Denis. Can I ask another sort of proceed... well, our relevance question? We all know that there is a potential project and there are documents, and there are maps and everything. How much, I mean, and I've always understood that we really shouldn't, when we can't really be writing our code in reference to any specific thing, no matter how close to the horizon it is and yet, that elephant is in this room, and I guess, do you have any advice on what we might be doing in relation to, you know, specific versus general projects?

Denis Tracy: Well, my advice is to keep in mind that this is a code, a county-wide code that'll be applied everywhere in the county, both down on the brakes of the Snake River, and as well as, north of Steptoe Butte and so, you know, the individual circumstances surrounding the suggested area that would involve, involve Harvest Hills, those individual circumstances, I think, are very useful, can be very useful to you, to the Commission here because it gives very specific examples of how this code works and how it will work, as it applies to a particular at least theoretical project. But you have to keep in mind that all these restrictions that you're writing, are gonna apply everywhere in the county and, maybe, yeah, that's all you need from me.

Dave Gibney- Okay, thank you.

Brian Davies- Thank you, Denis.

Dave Gibney- So, the evening's getting long, and I did want to get a sense of the members of this commission as to where we might go and maybe there is a, maybe there is some difference at the height of the tower, plus 100 feet for physical, versus the 4 times. The setbacks, for health and welfare and other things. But, just in terms of keeping those two different thoughts at this time, I would like to ask, and I'm gonna go with the health first, and I'm... heck, I'm just gonna say yes or no. More, more or less?

Bill Meyers- More, yeah.

Chris Melhus- More.

Dean Kinzer- Much more.

Tami Southern- Much more.

Dave McKeirnan- More.

Brian Davies- More.

Weston Kane- More.

Dave Gibney- Okay, so then we, so at some point, we will get to be doing a number and what we need to do, and I still think we need to have valid and good reasons for that and I, we need to, there needs to be, okay, I'm happy. Personally, right now, I'm happy with where it is. I wouldn't go less, but I'm happy with where it is. But that's just because that's what the code, so that, but the thing is, I just wanted to make my vote there, too. It's going to take a vote of 5 of us to make any changes to this code. So, we've got a, we've had an outside number of 800, 8 times right now. Is there, is that good?

Bill Meyers- I agree.

Dave Gibney- More than 8?

Chris Melhus- Not more than 8.

Dave Gibney- You're at 8? More than 8

Tami Southern- Not more than 8.

Dave McKeirnan- Not more than 8.

Brian Davies- Less than 8.

Dave Gibney- Less than 8?

Weston Kane- I'm definitely not more than 8.

Dave Gibney- Okay. So, we've got a range there. More than 4, less than 8, and we will get back to that at some point in the future. I really, we're done with the public comment for tonight, I'm sorry. Again I want to, us to have somebody be working on some language and support for how can we protect our landmarks, because we've, you know, that's certainly a thing. And, so, any, any final comments in the...

Dave McKeirnan- I, I have a, I have a couple of questions for you. As you look at the calendar here...

Dave Gibney- Oh, we're not gonna, we're not going to, we, unless we come next week with a, or our first meeting in November with a solid, this is, this is the number we're gonna go with. A solid, this is the language that we would like to use to protect our landmarks. We, I don't see how we have a public hearing in December and give the Commissioners a shot at passing this ordinance on.

Dave McKerinan- So...

Dave Gibney- What I, I guess what I, and I'm sorry to be interrupt, I'll get to you. One of the things that we could do, and I have suggested to the commissioners and everybody, is that we pass what we can, you know, right now. Which, and strengthen that ordinance by getting that decommissioning language in there that we actually did and maybe, you know, some of this other stuff and have that be part of the code that is going to be considered by EFSEC, if they, if it goes to EFSEC, and we, you know, continue this process for some time, maybe the, and I can't speak to how the commissioners or anyone else is going to react to the fact that we do have sufficient members of this commission to raise that limit. We don't, and for that matter, I don't think we have sufficient members of this commission to make it more than 8 times. So, we, there's a range everybody has to work with. But the code that, you know, if a developer goes to EFSEC tomorrow, they get the code as it is today.

Dave McKeirnan- So, Mr. Chair, as you asked for input from the rest of the board members. As you look at the calendar, we're running low on time here and we need to make some changes, and we need to show the county commissioners that we're making some progress. I would like to see us not have any more professional speakers, whether it's for or against, and we need to get down and put our nose to the ground so we can get something done here and if that means we need to add another meeting on the 29th of October, then let's do it. I hate to do that, because we all have other things going on in the 29th of October.

We need to start making some progress. I'm feeling pretty defeated around here. We've had months and months, and months of public input. The public has had their opportunity to speak. They're gonna have a chance to speak when we're going through this, you've given that opportunity, but I feel that we're wasting our time meeting after meeting, an hour after an hour, not to discredit any of them but the last thing I want to do is be part of a failing group that has made no progress on this code. We need to get down to the grindstone, and we need to set some deadlines. We need to hold ourselves accountable, so that when the commissioners ask at the end of this moratorium what progress we have made, we can show them that we've made some progress.

Dave Gibney- I agree, and if I haven't been clear, this, the fact that I did make a promise that we would talk to the setbacks of the public is the only reason that we spent that time.

Dave McKerinan- No, I agree with that.

Dave Gibney- And I have no, to the, as far as I know, we are not going to have any more presentations from experts. We're gonna do this deliberation. Now, the thought of having another meeting in October is new to me, so...

Dave McKeirnan- Well, I'm just trying to look at it as how can we, how can we get something done and be productive here without looking like a total failure to not just our Commissioners that we need to answer to at the end of this moratorium, but the patrons that we're representing. Because, at this point in time, we really have not made any changes to our code, and we need to, we need to really make some progress here.

Dave Gibney- Anybody else on the Commission?

Weston Kane- I move to add in a meeting on the 29th.

Tami Southern- I'll second.

MOTION by **Weston Kane** and seconded by **Tami Southern** to add an additional Planning Committee meeting on **October 29th, 2025.**

Dave Gibney- Okay. I'm gonna ask the staff, is that feasible?

Alan Thomson- Yep.

Dave Gibney- Okay.

Brian Davies- Better ask who can attend.

Dave Gibney- Yes, need to ask who can attend and I'm pretty sure that Brian...

Brian Davies- Nope, can't. I have another meeting that night I have to make it to.

Dave Gibney- And I'm, I'm going to, you know, we don't have to all be here at any of these meetings, except at the end, when we hold that public hearing. It's going to take a vote of 5 to adopt any and all of the changes that we do, or we, and again, we are only recommending, as the County Commissioners have to do that again, and, and I don't want to be direct, we don't have patrons.

Brian Davies- Nope.

Dave Gibney- This commission works, is advisory to the County Commission, and we have the whole public is who is giving us input. But as individuals, members, we do not have patrons.

Dave McKerinan- I apologize for the wrong terminology. So, why I'm getting excited about not making a whole lot of progress here. Mark, Alan, Dave, you guys attend the County Commission meetings. What is your general feeling?

Dave Gibney- I do not.

Dave McKeirnan- Oh, you don't?

Dave Gibney- I have at times but I do not as a regular basis. But Mark, they do.

Dave McKeirnan- What's your general feeling, from the county commissioners on how this board is doing at this time, and, and what's, what's your feedback that you're getting?

Mark Storey- I'm not sure I have very good feedback. They don't tell me that much, but they would like to see progress. That much I've gotten. What that means in measurements, as in on January 6th, will it be done? Don't know. I couldn't tell you. They would like to see some measurable progress. That's about all I've heard, and I sit in virtually every commissioner meeting. So, I wish I had a better reader, better feedback for you, but that's it.

Dave Gibney- Can, can I ask if you have a feeling as to the consequences if we, if, if we, if we do a few meetings, some meetings with amendments, and are making progress as to what we're going to do, but don't achieve that hearing in time for them to have a hearing before the moratorium, or shortly after it expires. Do you have any feeling, or whatever, of how they might react to that?

Mark Storey- I would say there are 3 feelings.

Brian Davies- And it's an election year.

Mark Storey- And it's an election year, which is a bit of a wild card. I would say the three of them are not together on what they're gonna do, and that's why I probably don't have a very good crystal ball.

Dave Gibney- It will be after that election.

Mark Storey- It will be.

Dave Gibney- And whoever the elected commissioner is will be in office before the moratorium needs an extension.

Mark Storey- Correct. I have heard them just discuss whether to extend the moratorium. But there was, I would call it, zero consensus on what that actually means. Like I said, you have 3 votes. Any 2 of them carry the day. It's kind of a weird dynamic. I've been watching it for a long time.

Dave Gibney- And so...

Mark Storey- And they don't, they can't talk outside of their workshops and meetings, because that's a quorum. So, they don't even get to share ideas unless they get into a workshop.

Dave Gibney- And as you mentioned that no more than four of us can talk...

Mark Storey- That's correct.

Dave Gibney- ...together, and we really should do avoiding of 3 over here, and 3 over here to happen to overlap to 6.

Mark Storey- And take it a step further, you can't have what's called a serial meeting either, where I talk to one, you know, and I've, I've seen this before, but many, many years ago on a, something that didn't work out, is one commissioner will talk to a staff member, and then the staff member goes to another commissioner. That's illegal also. So, you can't do what's called a serial meeting, where people sort of talk to each other in a chain. So, to that end, you never really know what they're going to do until they do it.

Dave Gibney- We can't use the staff as our conduits, but we can use the staff as our information, you know, requests for information and things like that. And, and, this, we don't ask you or Alan to talk to Dean and Weston for us.

Mark Storey- What I can and have done when I have three Commissioners, is I will talk to the chairman in workshop with the other two present and ask him for advice on how to proceed. That's as close as I can get to any kind of an opinion from the board as a group. And then the chairman will tell me, well, go ahead and prepare some documents, and the three of us will vote on it. That's all I can tell you. Now, I do make a pretty good messenger boy, though.

Dave Gibney- I just wanted to, because I have asked various, you know, up here and others to, yes, let's get some language in front of us. And so I just wanted that caution that it shouldn't be a quorum of this group that crafts any specific language that later comes before us.

Mark Storey- I will say, watching you tonight, talking about the big elephant in the room, which is, basically, setbacks, making some progress on that would probably go a long ways to settling them down into whatever they're gonna do. So, I thought we had good discussion tonight. No conclusions, but you're at least, and then I agree with Dave. Let's start working on it. We've, we've been listening to things for what, 8, 9 months now?

Dave Gibney- 8 meetings, 9 meetings.

Mark Storey- Yeah, that's a lot of information. I don't know who can keep track of all that in their mind. I probably could, and I'd have to keep going back into the notes. That's why there's notes and minutes and documents on the record.

Mark Storey- I'd say make some...

Dave Gibney- Which are available to everybody.

Mark Storey- Make some progress on what 5 of you can agree on, whatever that is.

Dave Gibney- OK.

Mark Storey- That's my advice.

Alan Thomson- There's a question online here. That I can answer. So, the question is, the blades are as big as a 747. So how does that work on setbacks? Are they from there?

Dave Gibney- Again, all the language that we've, I'm not, we're done with the public, but that question, at least at the, that was a bit arbitrary. I mean, I don't mean to mean that way, it is getting, like...the tip height of the blade is how far it is above the ground at the pine that is pointing directly up. And it doesn't, you know, it doesn't really matter how big it is. That's the point that's being used for the measurements and clearly 400 feet towers are less high than 700 feet towers but 4 times either of those numbers is also a larger number. And yeah.

Alan Thomson- We do have in the code right now a definition of how to measure. 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. Fully extended blade and then, the base of the tower. So if you put the base of the tower at a home and fully extend, whatever that distance is as a setback.

Dave Gibney- Okay. So, go ahead.

Dean Kinzer- Our farm element's starting to wind down, I've still got a week or two to go, but I would not be opposed to having a half-day or a full-day meeting if we need it.

Dave Gibney- Okay, that's another, but we do have a motion and a second to hold a meeting on the 29th and with the caveat that some people will not be able to be here at that time. All in favor?

MOTION CARRIES to add an additional Planning Committee meeting on **October 29th, 2025.**

Dave Gibney- Okay. Hopefully, you can get that on our calendar, Alan.

Alan Thomson- Well, do we... how many people are going to be available?

Dave Gibney- The only one is, I don't want to be, but I will be.

Alan Thomson- And we don't know about Julian

Dave Gibney- No

Alan Thomson- Okay, we have a quorum

Dave Gibney- And again we're, okay as we do this amendment thing, If it's fairly clear that only 3 of the people here are you know, I'm, if it's clear that we're going to make judgement calls as to whether or not that 5 for the change at the amendment process is going to be okay or not. But again, at the final public hearing where we adopt our findings of fact and make our recommendation to the Board of County Commissioners that will take a vote of 5 members of Planning Commission to pass that forward.

As we are right now, the consequences of anything short of the Planning Commission having adopted new code. Right now, the code that we have in place is what's in play for whoever. So, thank you, go ahead.

Weston Kane- I move to adjourn.

Dave McKeirnan- No, one second Mr. Chair. So, as we talk about setbacks and we have open public comment on setbacks what ae we doing with the height limits? Have we discussed that?

Dave Gibney- You know, you're right, you're absolutely right.

Dave McKeirnan- So, at the next meeting is that going to be our topic of discussion, to give that.

Dave Gibney- You, you I'm going to ask the committee, because I get, I get that, do it this way and do it this way more than once, and you're correct, I forgot about heights. Actually no, I was going to say, let's not adjourn, we were going to talk about it tonight. So, anybody got discussion? I'll read it, I'll do it. B, height limits. Subject to standards imposed by the FAA, height limits are not established for wind turbines, transmission towers, or wind data collecting devices, such as anemometers and devices that measure wind speed. Called Anemometers, yeah.

Brian Davies- Anemometers.

Dave Gibney- And building structure height limitations shall be in accordance with the standard established for the building structure for the applicable zoning district. Number 2 applies to the support buildings and is not to the towers. If I understand number one, it's we have a specific limit to the height of the towers. The height of anything in Whitman County, except that, the FAA does have jurisdiction. We already have some pretty tall transmission lines and towers. So, I'm going to go with the same procedure. Anybody on the Commission want to talk about it? Okay, anybody out in the public want to tell us that we should, about height limits? Go Ahead.

Mike Dymkoski- Mike Dymkoski, Whitman County has had the Naff Ridge project for, I don't know, 10 or 15 years, and its height is what it is. It's established, the County's gotten used to it, and that is an appropriate height to limit any future wind turbines to.

Dave Gibney- Go ahead Tom.

Tom Thompson- I'm going to agree with that, Tom Thompson. I'd agree with Mr. Dymkoski. I think the current height at Palouse Wind is good enough. This isn't to try to limit out any particular income, I just think, I mean, they are ever-increasing all around the world looking at upward 1,000-feet. So, wind tower like in China the wind company has some on the way. So, I mean, at what point do you stop and I think part of it, we've got to preserve our viewshed as per the Comprehensive plan. Thank you.

Dave Gibney – I could hear it was the confines.

Kevin Akesson- Kevin Akesson, Colfax. Communities around the country restrict height of structures of various kinds for various reasons, depending on local conditions, local community concerns, the ability to fight fire or whatever the issue is. And restriction on the wind turbine height to the existing turbines that are in place in the County is very reasonable, in my mind.

Brandon Johnson- Online, Morgan said the transmission lines in the County are not very high compared to 700 feet.

Dave Gibney- Fair, And I think I saw another chat there about the military flights.

Brandon Johnson- Military flights, we get paid for them to fly fire planes.

Dave Gibney- Any comments, Alan on how we got where we are?

Alan Thomson- If you increase or put a limit on the height of turbines you will prevent anyone from having an application, and it will go directly to EFSEC. The reason why we don't have a limit is that, take the Palouse Wind ones, they're going to repower them, that means they're going to go taller. So, that's the industry, that's how things work in that industry. You've got to go a little higher to get the wind. They're more efficient, more effective. So, just the point of information, not making any judgements here, but I think that's what's going to happen. If you put a limit on wind turbines and the height, then we're not going to get any applications.

Dave Gibney- And in reality, putting the turbine.

Alan Thomson- It's going to put it right into EFSEC immediately.

Dave Gibney- Putting the turbines higher may actually put that noise source further away from anything. Go ahead .

Teressa Bannister- Did Harvest Hills tell you that? Teressa Bannister.

Dave Gibney- It doesn't...Harvest Hills is not what we're talking about.

Teressa Bannister- Where are you getting your information Alan and did the wind change in our County ? Is it not going to be caught? Because you just said with the wind changes, so I don't understand.

Dave Gibney- We're not going to go with the personal talk...

Teressa Bannister- Okay well that was a good question.

Dave Gibney- ...and there is solid evidence that has been brought by other people out there, and everybody, that wind towers are getting higher. By other OK...

Teressa Bannister- Right because developers are making more money from them. It's a money catch. It's not about the wind changing.

Dave Gibney- Actually the science shows that the wind is less turbulent and easier to get at that level. That's what I've understood from what I've read.

Teressa Bannister- I would like to see that science then.

Dave Gibney- I would too. And I believe...

Teressa Bannister- So, publish that for all of us would be wonderful.

Dave Gibney- ...in any case the statement that was made is also in the record, and we're not going to go back and forth on individual people.

Teressa Bannister- Well, there's bold statements being made, they should be, there should be science to back that up.

Dave Gibney- Okay.

Teressa Bannister- So, I'm just saying we need science. You request science, we need science as well.

Dave Gibney- All I know is that many people out, many times, the public testimony has been that the towers are getting higher. So, that's whether it's scientifically or not, or whether their reasoning is not, that is something that has been a fact that has been given to us and so.

Teressa Bannister- But that's part of the financial gain of the developer. It's a development. It's a company making money, we can't forget that. Harvest Hills is here to make money. End of story.

Dave Gibney- And the purpose of zoning and development and everything else is to balance the economic benefits versus the harms. So, the fact that they may make money is, that's a truth. So, yeah. Go ahead.

Rick McNannay- I just want, It's Rick Mcnannay. I'm sorry. One of the things that I just want to point out is the reason that we're here is because Harvest Hills, excuse me the wind company, didn't choose the best spot. They didn't choose the best location. They chose the easiest one. My point is, they chose one of the most densely populated areas in the county. Which is why we're here, because there's more people that are being disturbed and upset by this. If they would have chosen another location that would been just as good if not better there wouldn't have been most likely, near the uprising that there is at this point, So I just want you to remember that okay. Okay Thank you.

Dave Gibney- Yeah, that's true, and again, it's an economic factor, is, your absolutely right. The location of the substation that lets the energy onto the grid is a big factor in where energy plants go. We've had several presentations that it costs at least a million dollars a

mile to add new lines to reach a substation from wherever a power plant is. That's another part of the economics. So, yes

Mike Dymkoski- I'm Mike Dymkoski. I don't think the desired evolution of the industry towards taller towers is relevant to the Planning Commission business. You're going to set the height at what you deem is appropriate for the public to endure as an impact, and the industry is going to have to adapt to those restrictions and if, I don't know what the heights are 499 out a Naff Ridge? Those have been producing power for a number of years. The industry may not get what they want with taller towers, and they go into taller towers, they condition the public to them one project at a time. And so, the next project's a little bit higher, and then the next project's a little bit higher. They get a little bit higher up in the wind stream, and so their profits are higher. But if you cap it at an appropriate height that is defendable, which these are, the industry's going to have to adapt to that, and they're going to have to just suffice with 499-foot tall towers, if that's what it is, I don't know. And tough luck if they don't get the 700-foot-tall towers, sorry.

Dave Gibney- And thank you for putting that in a non-personal manner that made sense. I appreciate that.

Teressa Bannister- Teressa Bannister, my last comment is, why should we be the guinea pigs for the 700-foot towers? They are not a common thing yet. They are not everywhere, so with such a beautiful region, let's protect that with capping that height, would be lovely, thank you.

Dave Gibney- Thank you, okay

Brandon Johnson- We get paid for the military, and the military needs to approve first, Harvest Hills got permission from them first.

Dave Gibney- That, okay, that...

Alan Thomson- It went to the DOD. They have to do that.

Dave Gibney- Yes, it's...that's...It's true that the ...any wind developer, I, not Harvest Hills or whatever, there's a lot that they go through, including discussion with DOD and FAA and a number of other 3 and 5 and 17 letter or acronyms before they get to the point where we're at and yes you're correct this one is in an area that is more convenient, and therefore, I've noticed that, yes, it's a higher density population and that's why you guys are all out there. I submit...I really sympathize that. You know, The Horse Heaven Hills is one that's... we had some discussion about it last time. There aren't...everybody in Richland is going to be able to see those towers but everybody in Richland isn't living in them. I drive the Horse Heaven Hills relatively frequently, there isn't a lot of housing out there. So, you're right, compared to what, you know, you're absolutely right. We have a higher area, you're absolutely right

that this project that may or may not happen has got many reasons of why they are choosing to possibly do it that, and one of those is the proximity to the....is the location. So, we're going to do our best to craft an ordinance that, hopefully will again, it's a balance of everything. So, and hopefully we will actually do something that is beneficial to the county in the long term. And I do really appreciate everybody, so thank you. Anybody else before I ask for this? Go ahead.

Bill Myers- Theres's no motion on the floor.

Dave Gibney- There was a motion that's not seconded to adjourn I said was out of order because it was pointed out to me that we had not finished tonight's business, so go ahead.

Weston Kane- It wasn't seconded so it died.

Bill Myers- I'm sorry, I didn't hear you.

Weston Kane- There was no second, so that motion...

Bill Myers- So okay. I'd like to move that the first item of business, in the next meeting on the 29th, be this section, and that we discuss setbacks, and that be that would, I think it's the most important subject. Then we can move on to things like decommissioning. Maybe we could establish an order of priority, but I think our highest priority would be, that's my motion.

Dave Gibney- That's a perfectly valid motion. The order of business that I've chosen to take us from start to finish is just...just that. Is there a second.

Weston Kane- I'll second.

MOTION by **Bill Myers** and seconded by **Weston Kane** to make the first item of business at the **October 29th, 2025,** meeting to discuss setbacks followed by decommissioning.

Dave Gibney- Okay, so we have a second, a motion and a second that we take up item 19.61.60, section A, Development Standards and Criteria under setbacks as our first order of business in our amending at our next meeting, which we have already agreed will be on the 29th of October. All in favor?

MOTION CARRIES.

Dave Gibney- Okay go ahead.

Weston Kane- I'll move to adjourn.

Chris Melhus- Second.

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

Dave Gibney- All in favor?

MEETING ADJOURNED

WHITMAN COUNTY
PLANNING COMMISSION
Public Service Building Auditorium
Workshop
October 29, 2025
7:00 p.m.

MEMBERS:

Dave Gibney- Chairman
Weston Kane
Bill Myers
Dean Kinzer
Julina Matthews
Chris Melhus
David McKeirnan
Tami Southern

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

Zoom: Shane Roche (Steelhead), Jamie Anderson, Denis Tracy, Toni S, Shelley Chambers-Fox, Ashley H, Denis, Rick, 3604814575, JL, Tresa, Beth St Marie

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

7:03 p.m.- Dave Gibney opened the **WORKSHOP.**

7:03 P.M. - Dave Gibney- Ok, so to start out, tonight, I'm going to start in workshop mode and after we have a little discussion, we will switch to making amendments to the code as we've planned after the last meeting, and Mr. Tracy is going to talk to us before we get into the main business, too but... After our last meeting I wrote to the BOCC, Board of County Commissioners, about some of the concerns and a suggestion about how we might get some of this work done before the January 6th expiration. My biggest concern is that a project application which has the current code grandfathered it in, without even the stronger decommissioning language could happen. I shared that note with the Planning Commission members. I also attended the Board of County Commissioners workshop portion of their meeting online Monday the 20th. As a result, we have the note from Commissioner Handy that I forwarded to the PC on the 21st. Representing the Board of County Commissioners' advice for immediate, before the expiration of interim controls and I'm going to...Read that now.

It was addressed to Alan and myself. Per our discussions yesterday at the BOCC workshop and this is from Commissioner Handy. Rick needs to be muted, thank you. I am writing this memo to address your desire for a list of the BOCC priorities for you work on the wind code in Whitman County. The County Commissioners desire to have your work submitted to us to the extent it is finished by January 6, 2026. We'd like you to prioritize the following things in the order listed. One, come to consensus and adopt proposed language for decommissioning, paying attention to the depth of removal of the project infrastructure

and subsurface construction materials first. To come to a consensus and adopt proposed language for setbacks from national landmarks if the PC deems any are needed from non-participating landowners. Keep in mind that certain aspects of the concerns are already regulated by other processes in law, most notably issues related to SEPA and EIS. Planning Commissions should work to develop code language and parameters which they, by consensus, feel is the best interest of the citizens of Whitman County for health, safety, and welfare of all citizens. Prosecuting attorney will advise and help with presenting justification to substantiate your decisions.

I have become just remembered to myself that I...that we had agreed that we would start these...proceeding with a flag salute. So, I would like to interrupt and do that now. I apologize.

Pledge of Allegiance

Dave Gibney- My apologies and yesterday, I also found

Alan Thomson- Dae Ken can't hear you.

Dave Gibney- Is...all of... I've been not speaking. I am right at the microphone now. Okay, yesterday, I also found a letter that Commissioner Swannack sent us last in March on some priorities. We do have a... some direction to prioritize the original reason we opened the code, decommissioning, and the rework the setbacks and protection of landmarks. At our last meeting, a motion was made and passed that we address the 19.61.061 development standards and criteria setbacks as our first order of business tonight, followed by section 2, Height limits. We can start there, as we did or somebody, when we get to the main, you know, action. Can move to table that for the...later in the evening, and we can talk to the decommissioning and see if we can get them both done, or not. But at this time, I'd like to ask, Prosecuting Attorney Tracy for the remarks that he wants to give us.

Denis Tracy- Hi, good evening, thank you, chair Gibney, a couple of things I wanted to mention. One as to decommissioning, as you approach that, here, there is some...what i...what to me is complicated language about bonds and, financial guarantees, in the... in, what's proposed to be changed here. That is what I would call half-cooked. With legal advice and by that, I mean number one, I am not qualified to advise this board or the Board of County Commissioners about bonding issues and complicated financial guarantees, and so I'm not even going to do that. What I have done so far, though, is the attorneys who are experts in this area, Van ness Felman, that I have hired to assist. They have provided some review of that language so far, and what I'd suggest is that the Planning Commission come up with language that you're comfortable with about all aspects of decommissioning, including language if you want to make...if you want to suggest changes to what is being proposed in regards to the financial aspects, great. Come up with a version that you are comfortable with, and then I'm going to take that, to my expert and try to finalize the...the financial aspects of that section. So, that's the decommissioning.

Then I just wanted to say again some words to start you off tonight and that is to remind everybody, including myself, that what the Planning Commission is about is determining what regulations on windmill projects are reasonably needed to protect the health, safety, and welfare of the residents of Whitman County. I...and... if those regulations that are reasonably needed to protect the health, safety, or welfare of the residents result in the ability for 10,000 windmills to be placed here and there around the county, so be it. That's the Planning Commissions role is, again, to focus on what regulations are reasonably needed to protect the health, safety and welfare of the residents. If those regulations that are reasonably needed results in, for practical purposes that there wouldn't be any place in the County that could...that could meet all the regulations that are reasonably needed to protect the health, safety and welfare of the residents of Whitman County. Then there wouldn't be any additional windmills in the County.

The Planning Commission, excuse me, The Planning Commission is not about trying to bring in any particular number of windmills, or trying to prohibit any particular number of windmills, not with this zoning code. You're focused, as you have been, on what regulations are reasonably needed to protect the health, safety and welfare of the residents of the County and the chips, as far as windmill chips have to fall where they may. I hope that...that...that word of focus might be helpful, maybe it's not, but there you have it. Those are the prepared remarks that I have for this evening, but I am happy to answer questions, and I haven't gotten any questions directly from...from members of the Planning Commission, except for the chair. I the members have more questions, they, you know, I'm in the book. That shows you how old I am, but meaning the number of the prosecutor's office is readily available. People can call, and they can email. If they're on the Planning Commission. Okay that's all.

Dave Gibney- Julian had a question

Julian Matthews- I was just Julian Matthews here. I was just kind of curious, like, you say reasonable. Cause that's...I think I asked that question before, okay, like, say is that like say this ordinance is passed and then people don't think it's reasonable. Is that... would that be the basis for some type of action against it, the ordinance, or, you know, like, with the State, they can come in and change it? You know what I mean? Like how do you determine what's reasonable? Like say, is a setback, is this setback reasonable? Is this sound issue reasonable? How would you determine reasonable, I guess, is the main question to me.

Denis Tracy- Right, and I think it's important to note that this is a legislative process and every member of the Planning Commission is presumed to be, and I think actually are, reasonable people. And as the old saying goes, reasonable minds can differ, but the Planning Commission is tasked with hopefully coming to, if not a unanimous decision, then some sort of consensus about the regulations and what is---what is reasonable, and I'd suggest that you do that by looking to the various studies.

You've been swamped by, in my view, with various studies and they don't all agree by any means. There are points of view that have been presented to the Planning Commission from all points of the compass and in general If there is a scientific, study to back something up, my view, is that it's from what I understand, I'm not a scientist, but from what I understand, studies that have been, that have been reviewed by the author's peers and...and generally accepted to have been conducted in...in a carful manner, that those...the results of those studies are often given a lot of weight. But it's up to each Planning Commission member to decide what weight to give to the—any particular item of evidence in front of you. So, if you have two different, scientific studies, and they reach opposite conclusions you should look to the authors look to the, any bias that, any author might have and you know, I'm trying not to use the word peer-reviewed, because I think that...that has...that...that has, garnered a lot of poor press in these proceedings. But it's...It is again, I'm not a scientist, but it's my understanding that is, a term that carries weight in... amongst scientists. If something's peer-reviewed, that ...that's how science moves forward and there's...there's all kinds of arguments, and I'm expecting and hoping that the different members of Planning Commission will voice their views and you know, I know I've heard from members of the public during the listening sessions well can't science be wrong? Absolutely, of course is can. Should you take that into account? Sure, absolutely. It's up to you to decide what...what's reasonable. The key thing is, you asked, well, can somebody challenge that later if it's not reasonable? Well, the key thing is that you go about your business here in a careful, deliberate manner, that you consider the different points of view, that's fine, and then have a reason for choosing one view over another, if those different points of view, you know, are different and if you're careful, even if you chose, if you choose a regulation that maybe most of the evidence out there, wouldn't fully support. If you're careful, and you give your reasons, and your reason for doing what you do makes sense then it's going to be upheld. That's called acting in, or rather, not acting, in an arbitrary and capricious manner, a careful and considered way.

You also mention the EFSEC process and I'm... I will repeat what I said long ago, and you've heard other people say it, which is that any developer of any energy project, but we're talking about wind can go around the local zoning code at any time they like. There's a lot of work for them to do. They have to put together a pretty thorough application packet, but they don't have to use the local zoning code, and they haven't had to, they won't have to in the future. The State has this alternate process, and in that process, the EFSEC committee has a specific task. Their task is to find more energy sources. That's written into the legislation that creates them. That's one of their primary goals. It's not this zone...it's not this Planning Commission's primary goal. The Planning Commission's primary goal is to develop regulations that are reasonably needed to protect the health, safety and welfare of the residents. That is not EFSEC's goal. But that's a whole separate process. We can't control it, Planning Commission can't control it. It's entirely up to any developer who wants to put in a project, they...they might stay local, and but whether they stay local or not is out of your hands. It's out of the Board of County Commissioners' hands and I'd suggest that the Planning Commission just focus on what regulations are reasonably needed to protect the residents of this County.

Dave Gibney- Thank you, Denis. I'm going to...I'd like to comment on that and correct me if I'm wrong but I've...I have read some of the EFSEC law, and although it is true that they can override and go around, our local code and that their goal is different than what we're at here. They do still have some obligation to consider our local code as it exists at the time of an application and I guess the other thing that I think I would comment on this time is that any application that actually does come through Whitman County and starts into the SEPA project process is quite likely to need to be pretty much as involved in application as that that a developer might take to EFSEC. So, anyway, but the...they don't... they don't just get to ignore us in it's entirety and in fact, we do get one representative on that council for projects that occur in Whitman County, so.

Denis Tracy- You, sir are an optimist, and I admire that in you, That's...but you're...you're entirely accurate as well. There is, one...the County gets one seat on a board of I don't know of the top of my head I'm going...I'm going to guesstimate around 10. And I think we're both right. They must consider the County code, yes, but then they are entirely able to, and from what I've seen, at least on occasion, absolutely do just ignore it after they consider it.

Dave Gibney- Thank you. Go ahead, Dean.

Dean Kinzer- Denis, this is Dean Kinzer, I had a question. So, if they decide to go that route with EFSEC, do we have the right to appeal the decision of EFSEC and defend our position?

Dave Gibney- I we the County, or is we the people of Whitman County

Dean Kinzer- The County

Dave Gibney- Okay the County Government

Denis Tracy- Yeah, I think that the County would have the ability to do that, and we saw that. Oh, I don't know what was it, 20 years ago or so, when Kittitas County, you know, everybody's seen those windmills along I-90. When Kittitas County, When those projects were going in, the developer went to EFSEC, and Kittitas County appealed all of that, and the State Supreme Court said, in that case, EFSEC, the...the statute that established the EFSEC board and the process, is entirely valid, and I'm...so it is a...it's a legitimate way for developers to go in and then the other thing the State Supreme Court said was they didn't actually say that a four-time setback was...was you know, the be-all and end all of setbacks. They didn't say that a four-time setback from a house is now going to be required. They didn't say more than four-time setback couldn't be imposed. They didn't say less than four times setback... four times the height in setback couldn't be imposed. What they said was the process that EFSEC went through in establishing a setback from residences of four times the height of the turbines in that project. The process that EFSEC had gone through was not arbitrary and capricious, because they looked at various studies, and they thought about it, and they gave reasons for their decision in which established, in that

project, the four times the height setback and so the State Supreme Court said the process that they went through that met, the requirements of...of the law. They weren't arbitrary and capricious. So, I tend to, you know, go on and on, sorry about that. Your question was, can the County appeal? Yeah. Would the County be successful? I...I number one, I'm not all that qualified in this particular field to give kind of an expert opinion about the results there, but I'll give you just my...my less-than-expert view, which is... I would...the County would have a small chance, but we're talking to early for that sort of thing, because number one, we don't know if a developer would go to EFSEC. Number two, we don't know exactly what EFSEC would say in their final decision and how they would go about reaching that final decision. And so would there be grounds for appeal? All those things would be looked at closely but I think the bottom line is, I'm not aware of, in the last however many years, where projects have gone to EFSEC, where any have been blocked. I think every single time, the EFSEC group and the Governor have approved the project. Right now, in Benton County is the latest one, The Horse Heaven Hills, and you all had a presentation from an attorney who's been involved with that project. That's now at the State Supreme Court, where Benton County is one of the appellants, I think the Yakima tribe is...is , on the...is another appellant there, I'm not sure if...well, yeah, I think there is a citizen group as well. So, they're all appealing, it'll be interesting to see what the result will be.

Dave Gibney- any, go ahead

Dave McKiernan- Dennis, Dave McKiernan here. As was referenced earlier in tonight's meeting, Art Swannack's email from March 4th and the taking being referred to on the property rights and for the neighbors and for the people that are wanting the windmills. Can you just give us a short recap as we try to move forward on setbacks what your understanding is as to what the taking is, because we've heard from you since March 4th, so I kind of...I kind of take it as the March 4th email from Commissioner Swannack you have had...you've had...you've given us more updated information, and as we try to move forward with these setbacks could you give us kind of a little recap on...on setbacks and the legal aspect as to what you see as... What is taking and not?

Denis Tracy-I'm...I don't have Commissioner Swannack's email in front of me, but I can refer you to the memo that I sent you all a couple of weeks ago about...about the...the setback issue from property lines and the setback issue from landmarks. Which outline the process that I,,, That I recommend and really, it's a series of questions that I...that I think is useful to ask yourselves as you go along. What is reasonably needed, and what's... what are the facts that would back that up? Why are you saying that this is actually reasonably needed to protect health, safety, and welfare? And on the other side, what would this regulation... what effect would this sort of regulation have on a property owner who would like to develop their land in this way and consider the impact on that other property owner that would like to develop. You're required to consider... the reason I'm...I'm harping on this not...not acting in an arbitrary and capricious manner, and instead acting in a carful and deliberate manner, is that is required at...that is one of the requirements to avoid having an unconstitutional taking of someone's property, if you affect their right to

use their property as they like without going through just a careful and deliberative process, then that can be considered a denial of due process, which is very similar, or more or less the same analysis or result as a taking. Now otherwise I'm if the County inhibits someone's ability to use their property in the manner that they see fit, or the ability to develop their land. If that is done and is not reasonably needed to protect the health, safety, and welfare of the residents of Whitman County then that could be considered an unconstitutional taking. However, in order to succeed on a plaintiff, a landowner who wants to develop their land, they would become a plaintiff, for instance and in order to succeed in any kind of lawsuit, they would have to show that the regulation isn't reasonably needed and they'd also have to show that the use of their land has been taken from them. More than just the ability to develop it in the future. They would have to show that there's no other, that the land has become unfit for other things as well and I am not describing this issue, very clearly or very well, but, what I'm trying to convey, I guess, is that Commissioner Swannack is very, protective and very careful, very protective of the Constitution, as he should be, I think we all want County Commissioners to be very protective of the Constitution. But what I'm telling you is that if you are...go through a careful and deliberative process, if you arrive at a setback figure that is reasonably needed and you are the judges of what is reasonably needed and you point to specific reasons for that ,that in my view, the County or rather the...The plaintiffs will not be successful. County can be sued by anybody at any time and I want to be...try to be as careful as I can to make sure that those plaintiffs are not successful, and I don't think that they would be.

Dave McKiernan- Okay thank you

Dave Gibney- Thank you Denis. Mr. Myers

Bill Myers- Denis, I have a question about taking and long-term leaseholders. An example most of us who farm in Whitman County, we have long-term leases with... with property owners, when our operations are altered and some of our practices are negated, by the activity of the landowner, is there a avenue for, or...or an issue of taking as far as long-term leaseholders.

Denis Tracy- So, if I'm understanding your question let's say for example Mr. Smith is leasing a ground from Mr.... from farmer Jones and Smith farms the ground Jones owns it and the Jones decides to develop the ground by putting in a few windmills in as part of a windmill project. Is that right?

Bill Myers- Yes, that's what... that's exactly what I had in mind.

Denis Tracy- And this sort of disenfranchises the long-term the... The farmer who's been farming that ground long-term. They've been leasing it from the landowner and now their ability to farm that ground is going to be impacted. Maybe they won't be able to at all or maybe it'll be reduced some amount. That's the question. My answer to that is that would be a contractual issue between the landowner and the farmer who's been leasing the

ground. Does the lease allow for the landowner to end the lease at any time and or to... to you know set up this other sort of lease with the wind developer. All that would be contractual issues between the private parties and would not involve the Government.

Bill Myers- would they... would the leaseholder have remedy in that process. Many of these contracts are written and they're fairly tight and don't leave much room for little surprises like projects like these. Is there... is there a possibility for remedy

Denis Tracy- It would... It would really depend on... excuse me, really depend on the language of the leases if... If there's another question out there of would the County be subject to liability. Could that long-term leaseholder sue the County for allowing, you know, for... for having a zoning code that allowed the owner to... to essentially stop leasing the land to the farmer and instead lease the land to the wind company. No, there would not be a cause of action against the County for.. because of its zoning code in that instance but I think any... any... any remedy would lie in the particular contracts of the leases.

Dave Gibney- Denis, could I take that to a slight side issue that has come up. If farmer Smith is farming and the adjacent land owned by farmer Jones has a wind tower or some other development such that some practices, like perhaps aerial application, become harder or problematic and aside from the fact that we do understand that the developers have offered to mitigate such things by perhaps paying an increase cost. Would the farmer Smith have any recourse against Jones for erecting structures or doing such things that make it harder or impossible for the current practices to continue?

Denis Tracy- See, I think this is... this is one of those questions where lawyers, you know, I hear that, and I'm thinking, boy, lawyers are going to get paid on this. I think there's arguments on both sides. I do think that Smith might well have an action against Jones. Well, yeah, against Jones and or the wind company, the developer, you know, who's ever operating the thing, I guess.

I'd also mention that I, and Alan could correct me on this, he's the SEPA expert much more than I. But I think that that issue can be addressed in the SEPA rules as well, where Jones or actually the developer excuse me not the landowner but the developer, can be ordered to pay some amount to Smith every year, to compensate for the difference in Aerial application versus, driving the... the land-based machines. My vocabulary fails me here, but you know what I mean. As long as Smith can show, hey, this is going to cost me and extra $3000 or and extra $300 an acre for this many acres and if Smith can show that that's... that's the fact then that the developer can be ordered to pay Smith that as part of the permit process, and I think it's handled it would be handled in the SEPA process. But I'd defer to Alan on that.

Alan Thomson- I wouldn't recommend taking it through the SEPA process, but it could be a condition in the Conditional Use Permit and that could be negotiated with the corporation,

the wind corporation and sometimes private deals are made behind the scenes, so to speak.

Dave Gibney- But the general thing is... is that could be done as a condition... that could happen as a part of the condition... granting the Conditional use.
Alan Thomson- It could, but I would want to make sure that the applicant would be amenable to that up front.

Dave Gibney- Right

Alan Thomson- yep

Denis Tracy- Another approach would be to require the applicant to... or require the hearings examiner to consider this issue and, and to, you know, issue some appropriate ruling. I don't have language in front to propose to you right now, but if it's not part of the SEPA process, then... then would it need to be specifically delineated in the zoning code in order for the hearing examiner to insert it as a condition.

Alan Thomson- Well, yeah, it would come up in the SEPA process, because there would be public comment and in that... so the SEPA rules do not allow for that kind of to be cemented at that point, but it would be known to us all that this is an issue. So, we would be familiar with that, and then, I think it could be solidified in the conditions of the conditional Use Permit.

Denis Tracy- So, you would want, you would want to... I'm you would want. Now I'm overstepping so... but if the Planning Commission wanted to, not rely on the good graces of the developer, but instead require that the developer pay for any increased costs of running, running a farm to the neighbor. If you want to require that the developer pay for that then I think you'd want to put it in the code.

Dave Gibney- And... and just to... I'm going to be... to be clear, that would probably be something in a different section of the code than the setbacks. That's not a setback thing in any case, is it?

Denis Tracy- Yes, true

Dave Gibney- okay, go ahead Julian

Julian Matthews- Okay, so then with, Julian here, so would that be across the board, or like say... say you got, I don't know how may landowners there are, but say there's 20 people, 10 of them say, yeah, go ahead and put them in, just pay me some money for my loss, and the other 10 don't want it, or would it be written so that everyone gets it or everyone doesn't get it, or... that's what I don't understand.

Denis Tracy- I would think some language to the effect that, that one of the conditions that the hearings examiner should consider the impact, the financial impact, on the production of any neighboring property in the Ag zone and that the developer and that if the neighboring landowner we're able to show, more likely than not a particular dollar value to, or to the cost of their production. If they could show, more likely than not, some particular value that the developer must be required to pay for it. Something like that.

Dave McKiernan- Denis, David McKiernan here. As a farmer, we don't know how many times a year we're going to put up airplanes, we don't know what it's going to cost us a year. Wouldn't the simplest thing, to keep lawyers out of it, be to set these things back so you're not impeding on the traditional practices of agriculture from your neighbors?

Denis Tracy- You could certainly consider that as a factor in... in your reasons, for setbacks.

Dave Gibney- Okay

Dave McKiernan- Thank you

Dave Gibney- Any other questions for Denis? Okay. It has...I just realized that I'm somewhat unprepared, because I don't believe that the document that Grace has before us for editing, and I don't need that red one now, at this point, one way or the other but the other one, I don't think it has the newer decommissioning language in it and so I'm going to ask if you could... if you do have a copy of the decommissioning language that was brought from the solar into one of these.

I'm sorry to be putting you on the spot like that. I should have been more prepared. So while we look into that, If we... if we do go forward with the decommissioning as Denis said, he wants the lawyers to have another look at it, and the bond attorneys. It still was pretty well vetted by the Commission when we looked at it. But it... It was for solar, so.

One of the remaining issues is just how deep that restoration have to happen? And I've suggested that, we use... We go to the depth of a Palouse Prairie Ecosystem, root system. The red language that was up, If we don't go there, if we don't do that, if we just go into setbacks the language that Grace had up there is red is a potential framework that I sent out that rearranges the setbacks. By the...In the, kind of a separation of what the target is, what the reason is, and what the amount is and I am anticipating that we will do a new included, or excluded zones for the landmarks type of thought and there was language in the setbacks about the incorporated towns. And I kind of suggest that whatever we say about the incorporated towns be done in the excluded zone portion. I... It's just an idea, if you guys want to follow it, that's fine, if not we can go forward with whatever answers and whatever you have.

So, I'm going to just ask the Commission, is there anything more you want to talk about before we start going.

Bill Myers- Okay is this, is this the part where we talk about setbacks?

Dave Gibney- No, well this is... this... sure, you can talk about setbacks, but this is not where we make a motion to amend

Bill Myers- Okay

Dave Gibney- And we'll have a lot of discussion when we are amending the setbacks.

Bill Myers- Well, yeah we had a motion carried to talk about setbacks. Anyway

Dave Gibney- We had a motion to have our first order of business once we start doing the amendments to be the setback section. And when we get there, that's what we will do.

Bill Myers- Having been the maker of the motion, I distinctly remember that our first order of business was to commence the discussion on setbacks, and you know.

Dave Gibney- As soon as we get to our first... to actual business, that will be what we talk about at this point, it is, does anybody else want to make some comments before we shift from workshop into formal amending. And as I said earlier, we... we have some direction from the commissioners that we might emphasize decommissioning soon.

We will go into the formal amendments, and we... and our first order of business will be the setbacks. If someone wants to move, that we table that and talk about commission... decommissioning first we will vote on that or not. Otherwise, we will go into setbacks, and then the next question will be... will be a discussion of the setbacks. But before we do that, and maybe I'm... maybe nobody else want to say anything.

Dave McKiernan- Well, Mr. Chair, I'd just like to ask you as we're talking about the process of...it's an open it's workshop. I really like your suggested framework and kind of how we're going to push this thing forward.

Dave Gibney- Then one of you would make a motion to use this framework.

Dave McKiernan- I'm just saying, I appreciate that. But I'd like to know kind of where we stand with how much more time we're going to give to public comment and public testimony going forward.

Dave Gibney- Okay, as I have said on many occasions now we are not going to be taking public comment during the times that we're doing these amendments anymore. We will spend a little time at the end of a meeting listening to the public if we have time and since this is a special meeting, we probably won't do that this evening.

Dave McKiernan- Okay, I just, I just want to make sure that...

Dave Gibney- Okay.

Dave McKiernan- We were clear, and they were clear that...where we're heading.

Dave Gibney- Alright, did...did you...did you find any of the decommissioning language?

Grace Di Biase- On the screen right now is the decommissioning language that you had for the solar ordinance.

Dave Gibney- Okay, I see.

Grace Di Biase- Is that the right stuff?

Alan Thomson- Does it have any comments from the attorneys on it?

Dave Gibney- Actually, that does look like it, because it's got the...

Alan Thomson- Yeah.

Dave Gibney- Okay, so we are now... we're ready to go either way. So, we will go into... the formal business if no one makes motion to go into decommi...to table the setbacks and do the decommissioning, we will do the setbacks. If at that point, someone likes the suggestions that I've made as a start, they can make a motion that we proceed in that manner. Otherwise, we will just go at it. So...we're now not in workshop. Is there a motion to shift to table the setbacks and do decommissioning? Seeing none...is there a mo... is there any motion, on amending the, 19.61.060 Subsection 1, setbacks?

Dean Kinzer- Mr. Chariman?

Dave Gibney- Yes, Dean?

Dean Kinzer- Mr. Chairman, I would move that we go ahead and use your suggested framework to work off of tonight for the setbacks. It's more convenient. Most of us probably have it in front of us, and it does address all the different setbacks.

Dave Gibney- Thank you. Is there a second?

Weston Kane- I'll second.

MOTION by **Dean Kinzer** and seconded by **Weston Kane** to start with the suggested framework from **Dave Gibney**.

Dave Gibney- Okay. A motion from Commissioner Kinzer and a second from Commissioner Wayne to start with the language of the framework that I have sent out to, and... and... and

so...Grace can now bring the stuff that was up there in red. The one that I... that I asked... the first one I asked you to take down.

Grace DiBiase- You want the one in red?

Dave Gibney- Mmhmm...and where's my copy?

Grace DiBiase- Do you want both up, or just...

Dave Gibney- Just that. And just to... so, what we have is a motion from Dean and a second from Weston, which is effectively to strike and replace the lines 32-50 on page 5 and 1 through 24 on page 6 with the... language in red up there. Just to... help everybody understand when I sent the... the... what the... what this does... and I don't have any of the language about whys. What this does is it separates the, various potential setbacks into the reasons for having them. Part of this is... it's my hope that when we get to that litigation point of view or whatever, if one section were to happen to be found not reasonable, the other sections would still be there. So that's why I did this separate... it makes a little more sense to me, but my mind is somewhat different sometimes. So, anyway, the language, would then read... in 19.61.060, Development Standards and Criteria, A setbacks, and it's on the screen, I hope everybody can see it. The setbacks in this section are intended, as Mr. Tracy said, to protect the safety, health, and welfare of the 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. Then I have 3 different setbacks. One, physical safety and damage and this one is pretty much exactly the way it was. Minimum non-waivable occupied building setbacks. Wind energy turbines, towers, shall be cited in a minimum of one times, and then there's a blank there for us to come up with a different number if we do, the height of the wind turbine generator plus 100 feet away from all existing occupied building structures. There will be a definition of building structures and as far as we know, according to what Alan had to say, that includes livestock and barns and things like that and B... and again, we're in physical safety and damage, non-consenting parcels. Wind energy turban towers shall be a minimum distance of the same from the property line of any non-consuming, non-participating adjacent parcels, including State and improved county right-of-ways.

Mark Storey- Is there a copy of this somewhere that the audience can have?

Dave Gibney- I, I believe... do we...

Alan Thomson- Copy of what?

Mark Storey- What we're seeing.

Dave Gibney- What we're seeing.

Mark Storey- I don't even know what we're looking at.

Dave Gibney- It could also be... it could also be, the Zoom. You can hit the zoom... you can expand that a little bit, such that it's readable.

Mark Storey- I'll go make some copies this is probably not enough.

Dave Gibney- Down in the lower... right there.

Grace DiBiase- Do you want it bigger?

Dave Gibney- Yes.

Audience Chatter- Thank you. Thank you. Yeah, that's perfect.

Dean Kinzer- Mr. Chairman, are we gonna take one item at a time, or are we gonna read the whole thing and then go back?

Dave Gibney- It's up to you.

Dean Kinzer- Okay.

Julian Matthews- Good point. So then, do we read the whole thing, and approve the whole thing?

Dave Gibney- No.

Julian Matthews- Or what? This section, I mean.

Dave Gibnye- Okay, first of all...I'm reading what is... I'm reading what is a proposed amendment to the code. As it has been proposed. Then we will have an opportunity to propose amendments to this amendment. By each of the... each and any of the commissioners. Now... I was gonna... I was gonna read the whole thing through, and then... ask us to pick it up piece by piece. If you'd rather I stop now, and we work on this first one. That would be fine. I... the...

Dean Kinzer- I think it'd be less confusing if we did just take them item by item on the first one. Let's work on that. I'd prefer that.

Dave Gibney- Okay.

Weston Kane- So, Mr. Chairman, I would disagree, because I feel that the motion was made as a complete statement, and it's only, like, 5 paragraphs. We can go back and do it all. We can piece it up after it's been read through.

Dave Gibney- In the general... Rules of Procedure, a motion, once it's made, is read. In its entirety, and then we... and then we pick it up, so...

Dean Kinzer- Okay.

Dave Gibney- I was getting a little dry mouth, and I... and I apologize that, that we are at this point right now. I... I did not send this out as a... motion by myself, because I was hoping... I didn't want to be fully driving this. So, what we have is... two... the two pieces of physi... for physical safety. One that says is to any buildings and just to be clear, that applies to buildings on the land that has got the wind tower on it and the other is to the parcels that don't have the wind tower on them and they are intended that no part of the wind tower can fall on something that's got... that's not consenting. Number two is, health, but not only sound, vibration, and shadow flicker, including, but not only, sound, vibration, and shadow flicker. So, this is the health... the first is the safety part, the second is the health part, the third is the welfare part. And this one is, again, what we have right now. Wind energy turbine towers shall be a minimum distance of 4 times, or blank. The height of the wind tower generator from any non-consenting, non-participating landowners-occupied building structures. Number 3, and this is the set... ascetic... I have it as aesthetics and quiet enjoyment. Wind energy towers shall be a minimum distance of 4 times, or some other number, the height of the wind turbine generator from the property lines of any non-consenting, non-participating adjacent parcels including state and improved county right-of-ways. And... what this... okay. And then finally, a waivers, which says... If somebody doesn't want it they can formally not want it. It says, any allowable consents to setback distances less than stated in this section, which... and the one that's not allowable is the physical safety, except for non-waivable setbacks in 1A. 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. And basically, that's saying if you own some land, and you grant a waiver to one of these setbacks. It goes with the land as you sell it, and that's... we do that in the clusters, so...I have read it.

Dean Kinzer- Mr. Chairman, I would move to amend the motion by striking out 1 times and inserting 8 times the height of the wind turbine generator and also a minimum of 1 mile.

Dave Gibney- Okay.

Bill Myers- Second.

MOTION by **Dean Kinzer** and seconded by **Bill Myers** to change the minimum setback for physical purposes to 8 times the tower height or a minimum of 1 mile.

Dave Gibney- So can... can... can Grace... and we're talking about... in a...and let's just discuss it here, and then if we want to do it in the others, we will go for that. So, if Grace could change one times...or just put, yeah, just put in, in that blank 8 times, and, and then, at the end, or, right, a minimum of 1 mile. And that would be striking the plus.

Dean Kinzer- Yeah, strike the plus 100 is what I'd prefer, that way it doesn't make it so confusing, and yeah.

Dave Gibney- Okay, it's... It's hard to see the strikethrough but it's there on the screen there. And we... so we have a motion and a second. To change the minimum setback for physical purposes to 8 times the tower height or a minimum of 1 mile and... discussion?

Weston Kane- So, Mr. Chairman, I have a question on this. In 1A, we were talking about occupied structures that are on the property owner's consented land, correct?

Dave Gibney- That is correct.

Weston Kane- So, we're talking about somebody that owns the land, has contracted with the company, and we're going to tell them that they need to be 8 times away from their own house. I mean, me personally, if they want it next to their own house, I don't really care. As long as it's their own house, not somebody else's.

Dave Gibney- Julian?

Julian Matthews- That's a good point, because I noticed further down it says non-contenting parcels, so you can put whatever you want in there. Well, like, say if it's my house, and I think, you know...

Dave Gibney- And, and then, and we can, we can make the same motion later on. If it's the... if we decide to not do it at this point.

Julain Matthews- That's what I'm getting at. You can put... you can put, you know...

Dave Gibney- But we're talking about Section 1A, A1A at this point.

Julain Matthews- Whatever you put in there, that's great, because...well, we read the whole thing, right? The whole context, like you said, in motion, so you can put 10 in there and put 2 prime miles away, but then, if it's a non-consenting, then...

Julian Matthews- You're correct, Julian, we can do that. Well, that's what I mean, that's what we've got to consider reasonable. Because it has to flow with the rest of the... this has to be in line with what's below, because that's what I was getting at about... okay, 10 people don't care, 10 people do for the payment, you know, whatever he was talking about, the attorney, so... I don't want to get paid for any losses, because I think the money I'm making

off... for instance, if I was making money off the wind turbines, and then, I don't care if they pay me with my spraying or whatever, because it doesn't really impact me, but then 10 of them do, so then you're going to have to be arbitrating a bunch of different, like, however many people, some want it, some don't want it, so.

Dave Gibney- I'm going to... i'm going to ask, Dean and Bill if, first of all, if they realize that by doing this amendment here, they are actually talking about the landowner on his own land, and he has decided that he wishes to have a tower. If you want to continue this, the next question is going to be how do you physi... how do you justify Physical safety and damage at 8 times or 1 mile from the turbine. From the knowledge that we have. And so...

Dean Kinzer- First of all, the information we have in front of us does not state that that is for the owner of the property, and so that's where the confusion may be here. I was not aware that that was, A, was just for the owner of the property and, if you want me to go through...

Dave Ginbney- That's not clear in that. It was more clear in the original.

Dean Kinzer- Yeah. And, if you want me to go through my reasons for having a setback of 8 times for health reasons, I can do that. It'll take me a couple minutes, but...

Dave Gibney- That would be down in number 2 when we're actually getting to the people that are not participating.

Dean Kinzer- Okay.

Dave Gibey- So...

Julian Matthews- We're not taking any action on this one are you going to the next one.

Dave Gibney- No, we're... we have a motion to amend on the floor and we need to... Either fix it, withdraw it, or we will vote it down and the next thing I'm gonna ask, after we... it's clear... it seems clear that this is...we got... I know everybody wants to increase setbacks somewhere, and we will get there, but this one... this section is explicitly It, from the previous language addressed at the...In saying that even though I own a piece of land, I want a wind tower on my land, I am not allowed to plant it such that it can fall on my house. And... and so it would be... it would be good to, to... we'll take a quick vote and say we don't want to do this amendment as it is, and is there some language that we want to do that?

Dave McKiernan- Can I ask a question real quick?

Dave Gibney- Sure.

Dave McKiernan- I think I might have an old copy of this code. But...

Dave Gibney- It doesn't... it doesn't look like it very much at all.

Dave McKiernan- This one?

Dave Gibney- Yeah.

Dave McKiernan-Is this...

Dave Gibney- That's, that's, that's what... that was...

Dave McKiernan- That's the current code?

Dave Gibney- That's the current code.

Dave McKiernan- So it says, under number 1, minimum, non-waivable occupied building setbacks.Wind energy turbine towers shall be decided a minimum of 1 times the height of the wind turbine.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 consists to the location.So, this is not just consistent with who owns the building. Am I wrong?

Alan Thomson- Mr. Chairman? You're wrong. You're absolutely wrong.

Dave McKiernan- So I read that wrong.

Dave Gibney- Well...

Alan Thomson- You're understanding it wrong. You read it right, but you're understanding it wrong. This is intended to be only for the landowner who is wanting a turban on his or her land. Non-waivable is the key wording there. You can't have a non-waivable to someone that's four times away. It doesn't make sense, but you could clarify that language, but this is intended for the landowner alone. You don't want the turban falling down in his or her home. So a minimum, it could be more than 1 times, plus 100, but it can't be any closer.

Dave Gibney- And I... I... Yeah, so you're... you're correct, I did... I should have brought that bit of language forward into this, but I really wasn't trying to do the final thing and whether it says it or not, the intent... is... To protect even... The consenting landowner Or... well, and it's also, he can't put it... he can't put the tower next to the structure that he rents to somebody else.

Dave McKiernan= And I understand what Alan's saying, but I also understand what I'm reading here, regardless of whether the occupied building structure owner consents to the location. Maybe we need to re-edit that... that section, because it kind of...

Dave Gibney- Well, and that's actually where I wanted to go, is we need to clarify that this is apply... what this applies to, and... And again reading the whole thing, it is... You can't...Even... no matter what, you can't...consent to have a wind tower such that it can fall on you.

Dave McKiernan- Well, I understand that, but the way it's written in the county code...

Dave Gibney- They weren't perfect then either.

Dave McKiernan- No, but I'm just saying, it contradicts what we're saying, that this is just to protect the property owner.

Dean Kinzer- Yeah.

Dave Gibney- Okay.

Alan Thomson- Then amend it.

Dave Gibney- Okay, then we'll fix that. But first, I'm going to say, are we in agreement that we don't want to make the amendment as it was explicitly per...First proposed by Commissioner Kinzer and Myers.

All in favor of adopting it, say aye.

All of... in favor of not adopting it, say aye. Aye. Aye. Motion... fails.

We're ready to... is there any other amendments that anybody wants to make to this section? And there should be something that makes it clear that we're talking about a...

Weston Kane- Mr. Chairman, I would like to add the language at the end of A to read, regardless of whether the occupied building structure owner consents to the location.

Dave Gibney- And then that's the language that was in the existing code that I failed to bring forward here. Is there a second?

Dave McKiernan- You would like to strike that?

Weston Kane- No, I want to add it. ...

Dave Gibney- add that language.

Weston Kane- Because the proposed amendment does not include that language. The original code does. So I want to add that code to the proposed amendment. So, my

amendment to the amendment would be to add The line, regardless of whether the occupied building structure owner consents to the location.

Dean Kinzer- Seconded.

Dave Gibney- Okay. Is there any...and we can do this a couple of times to get the language right, so is there any... is there something about that that doesn't get you guys, say. We're talking about the... owner of the land that's going to have a tower and the structures that are on it.

Bill Myers- So, that's... That's the language is specified as far as process goes, now do we have an opportunity to amend this amendment.

Dean Kinzer- We're at a second level

Dave Gibney- We're at a second level, so we really don't. if we turn it down, we can propose a similar amendment to the amendment with what you would like to say. And as you discuss this, you can say I would rather it say something and this is why.

Bill Myers-Is it proper time to have that discussion?

Dave Gibney- Yes

Bill Myers- I'd say, you know, it wouldn't be unreasonable to go two times, you know, if I had a tree,

Dave Gibney- That's not appropriate

Bill Myers- That's not appropriate, okay, that was the question.

Dave Gibney- Because we're not talking about the number yet, we're talking about the language.

Bill Myers- I have no. I think the language is, you know, to specify that this applies to the participating landowner on his land. I'm in agreement with that

Dave Gibney- And have we sufficiently done that. Okay all in favor of the amendment by Weston to add the pre... the language that was in the existing language to the new one of falling...and so we would be...we would change the...from all existing building structures, comma regardless of whether the occupied building structure owner consents to the to this... to the location. Consents. All in favor? Aye, aye, aye Opposed? Okay. You might want to stripe to the location because it's redundant, but we can also work that out some time.

Does this clarify tat we're talking about structures owned by someone who has consented to a wind tower on their property. The wind tower still has to remain whatever our setback is away from their... their house, or their barn. You know you can't... you're not allowed to put a wind tower up such that it can fall on you. Okay.

Now you wanted to change... consider changing the distance

Bill Myers- Yeah, I'd like to amend that further by striking 1x and putting 2 times.

Dave Gibney- Okay, is there a second

Dean Kinzer- Seconded

Dave Gibney- Okay, now we can discuss that, and I would like to point out, as Mr. Tracy has said we're going to need some study or reason, something that is reasonable such that we make that change and that's all I'm going to say, you know is... but what is, you know, what do you want to... how do you...is that what you want to do? And anybody can talk on it. But the maker of the motion gets to just say first.

Bill Myers- I'm speaking from a certain amount of spir.. from a certain amount of practical experience, I had a large tree next to the house I have, That it was roughly one times away from the house, and that, you know, the tree was in danger of breaking and falling, and one time of just a tree, you know, this is just a big ol' cottonwood tree, didn't seem like enough to me, so the tree came down. Now, when you're looking at a structure like they're proposing there's a lot of parts on this thing. Some of them, not all are iron, There's a lot of fiberglass. Fiberglass can break. There's also the issue of, these things, do sling ice, they shed ice, as they operate at the distances, I'm not totally aware of it, and that's... that's probably... but I think two times would be a reasonable protection. Not that we protect people from themselves, but there'll be other people downstream that buy this land, and it's just, I think it's a reasonable, it's not arbitrary or capricious to put two times on this. That's not... and it's not a great distance that it's going to affect, you know, a participating landowner from losing any units. It was just a protection for all. There's other people that will be coming on that land, that will be... that may not have the luxury of making the choice, whether it's on times or two times ore whatever. Two times, I think is reasonable.

Dave Gibney- Any other comments

Weston Kane- Mr. Chair, I guess I would have to ask if you're the property owner of one of these and you have a prospective cash cow coming in, and you don't live in the area either are you really going to sell this thing while it's still making money and these things are still operating? Because I would think it would be worth more to them operating than it would be to sell the property.

Dave McKiernan- And with that comment being made, you have a good point. You're not going to sell it, you're going to rent it. So, we have to look at public safety. So, I think that's part of why we have codes and laws and rules to... It's when somebody gets hurt that we have new regulation come out, every time and so I agree with... I'd have to agree with Bill that I don't think, you know, two times the height away from a occupied... even... even you know, if they're living there, that's one thing but if they're living out of town, and they turn it into a rental property, and this thing's falling apart or whatever, I don't care where the liability is, I don't want anybody getting hurt.

Dave Gibney- Go ahead Julian

Julian Matthews- I guess, realistically, I'd have... to me, okay, like it's talking about with being reasonable is, okay, so there's evidence, like, say. 10 wind farm studies were done, and these wind turbines injured, you know, 55 people because they were a certain distance away from it, and I'm not going to mention peer-reviewed, but it's kind of like that, where you have... to me, you have to have some basis in fact, like, so... it's just like, I remember, I can't... don't think he's here but they asked one time, they were talking about the noise, and someone, one of the Planning Commissioners asked if there was any complaints on the noise from ones up by the rest area, and he said no, and so it's like... to me, it has to be kind of based on some factual data to say okay, this is the reason we're changing it and, you know, nothing, again, I hear what you're saying, but to me in order to support it, and I'm sure the attorney would say the same thing, it has to be based on some, to me, data or something to show that this has actually occurred. You know, it's just like.

Dave Gibney- Thank you Julian, and I appreciate it. And I just want to... I want to sort of say what the process I hope to follow as we go through this. If we take a vote, and we go with two times I'm going to ask Mr. Myers, Mr. Kinzer, and the others of you who agree to come up... to come back with us later with a formal... a finding of fact, formal statement in support of this change with the understanding that that's part... that will be part of the record that we take to the public hearing that we're going to hold and pass on to the Commissioners as this is what we would like it to change. These are the reasons why we did and why we didn't think the original language was... was correct and to be fair, and this one... This sounds actually pretty reasonable, but to be fair to everybody, I'm going to ask the people who propose and prevail to make those findings and facts statements. Normally, in most situations, we'd be asking our staff to do that but it's possible that we come to some that... the staff doesn't agree with, or it's possible we will come to some that one or more members of this Commission doesn't necessarily trust the staff to do, so that's where we're going to go with this, so... with that said, any other

Alan Thomson- Mr. Chair a couple of things. First of all, it's a minimum of 1x plus 100 and that landowner has a choice. They also have a contract that they're going to be making with the company, and if they're not comfortable with being that close, they can make it go further away. But I want to emphasize that this is a minimum distance and also, for that landowner, if you go 2 times then, that restricts the number of turbines that person may

have on their property, and that's why they're doing this in the first place, is to benefit from it financially. Just something for you to think about.

Dave Gibney- Thank you Alan

Weston Kane- Thank you Alan

Dave Gibney- any... okay, all in favor of changing it from 1x to 2 what... one time, and still plus 100 feet. We didn't... yeah okay. All in favor please say aye.

Aye, Aye, Aye

Opposed? Nay. Nay, Aye

Dave Gibney- Well, same sign. Okay, we're going to do... that was close enough, so we're going to do a raising of hands, all in favor of it please raise your hand.

Dave Gibney- 1,2,3,4, opposed. I'm going to oppose and... and... and at this point, we are not going to go forward with that. I will point out that we are missing one Commissioner and that, that number of another number, we could still get there at a subsequent meeting.

Mike Dymkoski- can you indicate the number of for and opposed.

Dave Gibney- Okay, did I count... If I counted it correctly. Maybe I'm... no, I... the number opposed was 4, and the number for was 4.

Mike Dymboski- So it fails

Dave Gibney- So it fails. Because there's not a majority vote in affirmative for the amendment.

Anything more in this section? Okay

Dave McKiernan- were going to go to the next one.

Dave Gibney- No, we're going to adjourn right now and go home.

Bill Myers- How about 1.5? Would it be proper time to make a motion?

Weston Kane- Yeah

Dave Gibney- It... Okay, Yeah

Bill Myers- Let's try 1.5, let's see what everybody thinks of 1.5. And the reason they're again stating, this was rental property. It wasn't my own home and when I looked at this tree at one time, you know, roughly one times, I was concerned about my property as well. But, also, the safety of my renters, and so that's why the tree came down. So 1.5

Dave Gibney- And I understand that, okay

Chris Melhous- Bill would you be able to

Dave Gibney- Okay, first of all, there's been a motion. Is there a second?

Dean Kinzer- I'll second the motion.

Dave Gibney- Okay, go ahead

Chris Melhous- Alright, would you be willing to do 1.5 and strike the 100 feet extra? It just seems clunky to have that added on, or I think 1.5

Bill Myers- If it was a tree, but this thing's going to be 700 feet tall.

Chris Melous- That is true

Weston Kane- But the 700 feet, that extra 100's really not going to make much difference.

Dave Gibney- The general... I think, at least for me, the stronger objection is that I am, by restricting what is available to the landowner who has the choice to not rent his property or live there. We are restricting the income potential of his property and that comes down to really close to that taking we've talked about. That's the reason that I chose to vote against it before.

Chris Melhouse- That's my concern

Dave Gibney- And it's still... it applies at... to me, about anything that says that the tower can't flop over and get us so...

Alan Thomson- And just a point of mathematics. We're talking not 1.5, almost 1,100 feet. Why is that more safe. I mean, it just doesn't make sense to me that's 1,100 feet away for that person's home, and that means less turbines on that person's property seems unreasonable.

Dave Gibney- All in favor, 1.5 please raise your hand.

Weston Kane- does that include or not include the extra 100?

Dave Gibney- We're going to let the 100 be struck from it while we're here. 1.5 and no extra 100 is what we're going to talk... do right now.

Chris Melhous- So, we are at 1.5 strictly 1.5.

Dave Gibney- Right

Chris Melhous- Okay

Dave Gibney- So, I saw 4 votes for it, is that...

Chris Melhous- I be yay. So, 1.5

Weston Kane- I'll be yay.

Dave Gibney- Okay, so we are having amended this to be a minimum of 1.5 times the height of the wind tower generator with no plus 100 feet

Bill Myers- Okay

Dave Gibney- And that's currently, that's a pass. Alright let's go on section B. This is the parcels, that are not going to have a wind tower on them and at the... the point that we started, that was exactly the same length and again it's... you can't have the... you can't let my tower fall on your property. Discussion.

Weston Kane- Mr. Chair I move to amend this to read 4 times just as number 2 and 3 do

Dave Gibney- Okay

Dean Kinzer- Seconded

Weston Kane- And that is 4 times without the extra 100, just to be clear

Dave Gibney- And then, Okay 4 times without the extra 100 sure. Any discussion? You were the makers, so...

Weston Kane- I feel it'd be , just more straightforward if the other three all are the same distances. Just to be straightforward for everybody involved.

Dave Gibney- And do you have an argument as to why physical safety and damage is not how the code reads

Weston Kane- Well, the reason I would put that in there is because we have it for health and welfare aesthetics as well so that 4 times would also ensure that any physical property for

non-consenting and any future landowners for those non-consenting properties have that same buffer as the other two. Because you might... you know some of these might like

Dave Gibney- But they're... Okay just to... I'm... but if... but they already do if we... if we do have all... each of these they would... that would apply. The 4 times would affect... and okay, and again, the main reasoning that I've separated these out is on the thought that one might be stricken or found to be taking or something, and that the other would be there, so i... my argument of... to you.

Weston Kane- But were going to break it out.

Dave Gibney- Yeah, I'll withdraw

Weston Kane- Okay

Dave Gibney- I still... I still wonder... I still wonder what you stated doesn't necessarily apply to physical safety and damage is a reason to increase to the non-participating parcel. Go ahead Chris

Chris Melhous- I'm good

Dave McKiernan- So, Mr. Chair, maybe... I like how you really condensed this and shortened it up, made it simple. But when you go back to our code, Section 4, setbacks from non-participant landowners' property are we talking non-consenting parcels of occupied dwellings, because section 2 says, from non-participating landowners occupied, building.

Dave Gibney- The...

Dave McKiernan- So, are we doing property lines or occupied buildings of non-participating

Dave Gibney- This one is... is... is newer to this version, and it is intended to cover the, the pro... well and it is... it is section 4. You're correct, it is... it came from the section 4, the setbacks for non-participating, and the... because it has the County right-of- ways in it, so... and the reasoning, again , at that point, it had the one times, and interpreted that as a intent to be for physical damage. So that's why I move it into this.

Dave McKiernan- So, you consolidated 2 and 4 together.

Dave Gibney- Correct

Dave McKiernan- To put it into B.

Dave Gibney- Yes, because as I... as I interpreted the code, and this is just me, I interpreted it as one limit to... for physical purposes, to... so it can't fall on you, and one limit for health

and such, and sound, and third for the view shed, aesthetics, welfare, quiet enjoyment. So that's why I split it that way.

Weston Kane- So, Mr. Chair just to be clear, kind of what your thought was with your proposal here was if the bottom two don't stick with EFSEC, hopefully the next one up does. That's kind of where you're going with this.

Dave Gibney- That's also where I'm going

Weston Kane- Okay, I see where you're going. So, kind of hedging your bets.

Alan Thomson- So, Dave did you mention 2 and 4 on the original?

Dave McKiernan- On number 2 it talks about not participating landowners' occupied buildings and you turn the page, you go to section 4, it's setbacks from non-participating adjacent landowners' property lines. So, were talking property lines and occupied dwellings... and of non-participating That's what I was asking

Dave Gibney- You are correct. The language in section B here came from section 4 of the existing code and it talks about... it talks about the adjacent landowners.

Alan Thomson- And it's property lines

Dave Gibney- And it was also... and yes, we're... I am... there is on language in here, as I wrote it talking about... and I'm sorry, I'm not correct. This language again, is the physical damage. I can't have my tower fall on your plowed field. I can't have my... I can't have debris from my disintegrating tower fall on the adjacent person's field. Not talking about the buildings, and that's why it's got the rights-of-way in it.

Dave McKiernan- Well, and I understand that and there's been discussion over the last few months, because section 2 of a non-participating occupied structure is 4 times the height setback and when you go to section 4, setbacks for non-participating property lines is 1 times the height.

Dave Gibney- Of the original Code

Dave McKiernan- Of the original code

Dave Gibney- Okay, and the original number 2 work is still here in 2 of the new stuff. And then the new stuff, we're talking about non-participating. Again, if you really... Number 4 was the property lines if you want to... if we get the number 2 and 3 later, and it is this Commission's desire to change that from occupied building structures to property lines for the purposes of health and welfare we can get there. But what this one is right now is strictly physical damage to somebody who said, I don't want a wind tower on my land

Dave McKiernan- Understood, thank you.

Dean Kinzer- Mr. Chairman,

Dave Gibney- Go ahead Dean

Dean Kinzer- I would support the amendment at four times. One of the reasons is that, the adjacent property owners, as a practical... practical application, if they are out there doing their normal farming and they want to do an aerial application, the four-time setback is much more likely to accommodate their aerial application, whereas a one-time setback could interfere greatly. So I'm still going to support the four-time setback.

Dave McKiernan- I would second that.

Dave Gibney- We're just talking... You can agree with it. The... the only thing that I will say at that is that the mitigation option of the... the wind tower generator paying you more for you aerial application.

Dave McKiernan- But it's an undue tax on the neighbors that are non-participating, that's what we're trying to protect.

Dave Gibney- It's a... the neighbor is who's going to get paid by the developer to have that additional... their additional costs reimbursed.

Dave Kinzer- They may or may not agree to that, though so that's

Bill Myers- Mitigation may not be available because applicators may not fly that ground

Dean Kinzer- That's right

Dave Gibney- Yeah, okay anybody else? Okay? All in favor of changing the minimum... the non-consenting parcels in section B, minimum distance to 4 times the height of the wind turbine generator, and striking the plus 100 feet. Al in favor say aye.

Aye

Dave Gibney- Against?

I'm against it, so

Aye

Dave Gibney- There's two... we have two... the maker of the motion and myself, there's two against, and six for ah 3 against. Okay, so we got a 5 to 3 vote to make that change. I'm

going to again, as I said, asked you who voted for it and are in favor of it to write the supporting findings of fact and justification for that.

Bill Myers- We've had testimony, from aerial applicators in this room, to that.

Dave Gibney- I don't, I don't, I don't need it now

Bill Myers- Don't need it, okay

Dave Gibney- we're just going to... we will, we will adopt those, as we get ready for a public hearing. I'm okay, I'm really sorry. I... I've had better chan... I've had better luck with this mic in the past from being way back here where I'm comfortable. I will be better.

Number 2 this is the... this is the health, the sound, the noise, vibration, shadow flicker, and this is for the... this is the non-consenting, non-participating parcels, or... or... and... and at this point, not parcels, at this point, we have occupied building structures, the... I am sure from the past that the... the intent is to protect people who are going to be there long-term with a belief that, somebody running the combine past is not likely to be a long-term damage. But this is what it... this is what the existing code says. Amendment

Dean Kinzer- Mr. Chair I would move to strike 4 times and insert 8 times, with a minimum of 1 mile setback.

Bill Myers- Second

Dave Gibney- Okay, now we're... now we are at an appropriate time and place to have that discussion and if Grace can... make that change.

Grace Di Biase- Yeah

Denis Tracy- Mr. chairman, while that's being done, this is your lawyer. I want to raise an issue of number 2 and number 3 that there may be some significant overlap between those two things, and you might consider just combining them.

Dave Gibney- I would... I'm sorry Mr. Tracy, but I would really not like to combine these and this is just me, but my understanding of the testimony that's come before us is that there is significantly greater Scientific and other evidence for support of setbacks due to health and wel... health and sound and noise effects than there is to aesthetics, and viewshed, and quiet enjoyment, and in my mind and it's all based on the ability to have that severability that we may well find ourselves where some other entity tells us sorry I don't care about your view. But Ido accept your arguments that the noise is a problem so that's... that's my reasoning to have these as separate issues. If the Commission here agrees with you, it would be a simple matter of... of fully striking number 3 when we get there, and perhaps

adding the welfare, aesthetics, quiet enjoyment to the reason for number 2. So that's... but anyway, that's why I got to where I... where I made this proposal.

Denis Tracy- Okay, I understand, and an alternative to combining them is... there ... I expect that there'll be some overlap or repetition amongst the findings in support of whatever code provisions the... that you all adopt. And... and that... that'd be fine so.

Dave Gibney- That works, too, yeah. Okay

Dean Kinzer- Mr. Chairman

Dave Gibney- Yes

Dean Kinzer- I realized that I was chided at a previous meeting saying there's no such thing as vibracoustic disease, so we won't call it vibroacoustic disease. But I'm referring to the National Institute of Health for their expertise on matters. National Institute of Health is part of the United States Government, serving as a primary federal agency for biomedical and public health research. It operates under the U.S. Department of Health and Human Services. And when this is established by the federal legislation, with its funding primarily coming from annual congressional appropriations. It's part of the U.S. Department of Health and Human Services. It's nation... nation's medical research agency, making... it is the nation's research medical agency, making important discoveries that improve health and safety to people, and it's... is it trustworthy. The National Institute of Health supports biomedical and behavioral research domestically and abroad, conducts research in its own laboratories and clinics, trains research scientists, and develops and disseminates credible scientific-based information to the public.

And I don't want to go through Al absolutely everything, but introduce an introduction as to the damages of low frequency sound and infrasound, it says that it's a infrasound, low-frequency sound are common phenomena existing widely in nature and produced in numerous ways, such as wind and thunder. Modern society has greatly increased its generation through man-made sources, such as occupational conditions, industrial installations, vibrations of mechanical equipment inside enclosed spaces, like heating and ventilation systems, wind turbines, there it is, right there, wind turbines, and transportation. It talks about even opening your rear... the window in a car, traveling at 50 miles an hour exposes passengers to levels of infrasound as high as 125 decibels which is damaging, can be damaging to the human body. This concern has been compounded by a wide spectrum of complaints which have been reported worldwide among populations exposed to infrasound symptoms attributed to the effects of infrasound include, but are not limited to, headaches, concentration deficits, mood changes, depression, sleep disorders, pulsation and panic disorders, especially between individuals who are exposed chronically due to occupational conditions, or by that domicile residing near industrial sources. People experiencing effects from infrasound often describe it as a deep, humming vibration in their body, or in external objects around them. Some individuals even report being able to hear

it. which sheds light on the common misconception regarding the audibility of infrasound, as many individuals, including professionals, equate infrasound which are acoustic frequencies less than 20 kilo... 20 Hz to be audible sound. In fact, it has been shown as early as 1930 that infrasound can be perceived when the pressure levels is high enough. In other words, the volume of the infrasound is high enough. Not to go through everything, but they have tested animals and human beings on it, and discovered that exposure at high levels of infrasound more that100 decibels negatively interfere with the cardiac function even as soon as 1 hour.

Many of the research papers suggested that infrasound and low-frequency sounds are cumulative, and even though you may not be exposed to those high levels, it may be accumulative, like you may be exposed to radiation and how harmful that can be. He says the effects of infrasound goes obviously beyond the direct mechanical effects in increasing the cross-bridge breaking... breakage and involves a wide range of processes, such as calcium metabolism and mitochondrial integrity. In other words, it disrupts the nerves in a person's body and in the brain which results in some pretty severe symptoms. One of the studies that they conducted, which involved the exposure over time they had mild symptoms in 1 to 4 years, but when you got to 4 to 10 years, you were getting more distinct issues such as chest pain, mood swings, fatigue, fungal and viral and parasitic skin infections, inflammation of stomach linings, pain, blood, urine, conjunctive allergies. When you get past 10 years of exposure, they were having some very severe symptoms, psycho disturbances, hemorrhages of nasal, digestive, and conjunctive mucus glands of... and it goes into intense muscular pain and neurological disturbances.

So... so there's possibility, and almost every single article I have read says we need much more research into this so that we know. Because basically, we don't know at what levels and at what frequencies are the damaging to the human body. And so... so there... the reason I am asking for 8x setback is because until they get it studied, and understand it, and can say for sure that it's safe, let's just take the high road and set if back far enough where we shouldn't have problems. I'm concerned for the health of the people in this... in this County, and the rest of the nation, but I don't want our people in the County to be lab... laboratory guinea pigs. And when you look at the history of our nation, how long did it take them to concede that radiation was a problem in the State of Washington. Wasn't from the time they released radiation, when they were developing an atomic bomb, it took until 1986 for them to admit that they had released it, and in 1990 they started admitting that it had caused some severe problems to downwinders. My mom being one of them, her thyroid gland was destroyed. She took thyroxine most of her life. So, let's take the high road, let's go with 8x setback.

Dave Gibney- Thank you, can I first ask that you get that information to Alan so that we can have it as part of our record if it's... If it's not already part of the record.

Dean Kinzer- Sure

Dave Gibney- And the other question, I guess I would have to ask, is there anything in there that does say that 4x the height, doesn't protect, or that the difference in magnitude from 4 to 8 times is such that it's not enough. The thing... and I'm not... I'm not taking a... I'm asking questions. Sound, to my knowledge, dissipates at somewhat like a logarithmic level, so that twice the distance is significantly less actual sound then.

Dean Kinzer I just thought anyway.

Dave Gibney- I'm just... I'm just asking for.

Dean Kinzer- No, they didn't directly say that, but we, you know... we know that low frequency and infrasound travels further and... and hits harder than the audible sounds do and scientists have told us that whales, communicate with infrasound over thousands of miles, so if infrasound can do that what can it do to a human at a close range. And so no, I'm... it doesn't say in any of the research that extending the between 4 and 8 times the height makes how much difference it makes, but that's why I'm trying to be safe rather than sorry.

Dave Gibney- okay, go-ahead Julian

Julian Matthews- Yeah, that's... well, I hate to say it but 8 seems to be the magic number here. And, but it's like that's what... like, say if there was a study, like with data saying that. Because that article, I mean, indicates a lot of different impacts on hearing or sound, travel whatever but it'd be more specific to say that they've done studies to say that this sound created by being within, you know, whatever, 2 times or 1 times creates this problems with people with verified rather than because it seems like there's a lot of different issues that caused this hearing thing, and I don't... doesn't really seem to me like it applies to specifically to distances for the towers here or any, I don't know, anywhere. Maybe there's something down on that would be good to see. Okay, it says it's been proven that this occurs not just supposition.

Dave Gibney- Thank you Julian, thank you Julian, I'm going to ask Alan to talk about some of the other effects that might happen if... if we talk about a setback of 8 times.

Alan Thomson- Well, it's real simple. There will be no windmills in Whitman County period.

Dave Gibney- And that's because there's no place in Whitman County that would be able to have

Alan Thomson- that would fit in with these setbacks

Dave Gibney- From any occupied buildings.

Alan Thomson- Nope, just wouldn't work.

Dave Gibney- Okay, no

Weston Kane- So Alan would EFSEC at that point, Would EFSEC at that point basically override us then?

Alan Thomson- Well I can't say for sure

Weston Kane- or potentially

Alan Thomson- Potentially yes, given the fact that they tend to go towards the 4 times the height of a turbine. That's what they have done in the past, that's what they're looking to do with Benton County. So it's a good guess that they would probably find this unreasonable.

Dave Gibney- And I don't want to challenge you entirely, but there aren't some places out there in the scab land area where there might be a place you could put a tower that's 8 times the height away from the closest house.

Alan Thomson- Well there's definitely less houses out there, so there is a possibility. Yeah, but the property line setback

Dave Gibney- We're not... we haven't got the property lines yet

Alan Thomson- Well you have a little bit

Dave Gibney- But I'll let you talk

Alan Thomson- And so I... It's possible, but highly unlikely, because the distances just wouldn't work for x number of turbines.

Dave Gibney- Okay, so

Dean Kinzer- I might add that a setback like this is not unusual in California. In Riverside County, they have a 2-mile setback. They are concerned about these sounds. In Canada, the government of Quebec, approved a 2-kilometer setback which is one and a quarter miles. In Australia and New Zealand, they require a 2-kilometer setback which is one and a quarter miles. There's a whole list of setbacks between 4,3,2, and 1 mile, a whole page full of them here in different jurisdictions, and so it's not unusual, and obviously there's people that are as concerned as I am about this.

Dave Gibney- Thank you Dean, and again, if any of that isn't already part of the record part of our record from some... from the public before, make sure that we have it, just so we have a thorough record.

Weston Kane- So, Dean are any of those in Washington? I mean, that's... I'm all for it, but I want to make sure we have something we can back. If we're going to... I mean, or do we have the information they used to come up with their code?

Dean Kinzer- Yeah, I'd have to look through the entire list as to where all these are located at, but I don't see any in Washington right at the moment.

Weston Kane- I mean, that's my only concern, is are we going to have something we can actually add?

Dean Kinzer- Wasco, Oregon is probably the closest I'm seeing. Crooks, Oregon, Baker, Oregon.

Weston Kane- Any chance we could get what they used for information to build the code on, so we have something to back us if we go this route.

Dean Kinzer- Possibly, we could look into it.

Dave Gibney- Okay, I will be not voting... I'll be voting against this, because all the evidence that the... the significant evidence that I've seen so far is it the 4x does protect us, and that, the magnitude of, you know, the noise ordinances and noise regulation is the State of Washington that say it has to be 40 decibels or less at the place that is perceived is significantly less than the 120 or the100 decibels that we've just heard are potentially damaging, so I will not be supporting this, but I'll... we'll listen to everybody else.

Bill Myers- We're looking at when we talk about four times, and the our previous project, those are quite smaller, and four times is a lesser distance we're talking.

Dave Gibney- Four times a taller... is a longer route. Four time... four times a thousand feet is

Bill Myers- Oh definitely

Dave Gibney- About 60% more that our... and I'm asking me wrong, It's significantly more than four times a 400 foot.

Bill Myers- And the reason for that is that they make greater amounts of infrasound. The larger these things get and that has been studied, and it has been measured, and that information can be brought. So, It's incumbent upon us to... We're talking about health and safety here. Unproven they keep building these things bigger and bigger and we really need, if we're going to talk about four times, we need to talk about limitation of height and a.

Dave Gibney- We have a section coming up on height. And again, I may be entirely wrong, but my understanding is that if as the tower height grows. The four times the tower height

grows and sound works in a proportional manner such that four times it will be the same mitigation on either way. That's my... that's the position that i... I'm taking so the bigger...

Bill Myers- the bigger anything is, you work with sound the lower the frequency becomes, and the greater... and it's just... It's just a fact. What we're dealing with here is with these new sizes is something that hasn't been totally and completely studied. Low frequency travels, far, you know, whether it's sound or radio waves, you know, it travels much further than the higher frequencies, so as these things get larger we do need that extra protection and we're just... what where saying is, if you plant it, it's going to be 8 times. If you're going to plant big, It's going to be farther away. If you plant small well you can snuggle with us, but, you know, it's... It's not unreasonable and there are... there are the studies out there, and there's plenty of studies on both perspectives. So, it's incumbent upon us to protect our citizens when we really don't know what the... what the ultimate it could be worse and we want to know before we allow. There are and this isn't just about this project. There are already contracts signed for Union Flat Creek and Colton, Uniontown and that's a fact. This thing isn't what you need, a good, strong code for our citizens. We need to protect them and as far as being able to plant any at 8 times we're not here to accommodate them, we're here to regulate them and protect our citizens. Furthermore, before I'd accept that statement, I'd like to see a map illustrating that we know where people live, we know where the structures are, you know, before we go down, before we take that tack let's illustrate it because the burden of, you know, you're placing a burden on us we need... we will place the burden. If you want to take that up produce the information.

Dave Gibney- Okay, any other comments? All in favor of it being 8 times? I've got 2. All against. I've got 3 and apparently 3 abstentions. An abstention is a negative vote because it does not contribute to a majority affirmative in favor. At this point 8 times is... is not the amendment that we're going to do and he... we are tat 9 o'clock we had one more to do in the waivers. A week ago, or two weeks ago we did extend it's up to the Commission. I okay and I do want to say that I would really... I still would like us to be able to limit our work as I... as Mr. Handy has requested to the setbacks. The land exclusions, and more importantly, the decommissioning language will make sure everybody has in front of them for next time and another thing that I did learn when I was talking with the commissioners is that if we send them something that they find acceptable they don't have to hold a hearing of their own. They can just accept it. But if they do not accept what we do, then they do have to hold a public hearing of their own. It would be really good of us to be able to do an interim adjustment to this ordinance, before the moratorium and interim controls expire. Because I am an optimist, and I think EFSEC will pay attention to what we have in place, They may not honor it, but... so, I'm making some argument to continue forward tonight, and I'm... and the other argument I'm going to make is we got holidays and stuff coming up, and so I don't want us to continue to be meeting twice a month, all the way up to January, So anyway.

Dave McKiernan- I would... I'd like to take a 10-minute recess and come back and see if we can hammer outa little bit more. Like you say the holidays are coming up and everybody's going to be traveling, so let's get as much done as we can.

Dave Gibney- So okay, so let's make it like you know 10 minutes or 9 minutes, Come back at 15 after.

Dave Gibney- Alright, let's get back to... let's get back to it. We're still discussing section 2, health and other stuff. We had a motion to change it to 8 that has failed at this point. Any.

Bill Myers- I'd like to move 6

Dave Gibney- Okay,

Dean Kinzer- Second

Dave Gibney- Alright, do we need to continue discussing or do we want to just try a vote?

Dave McKiernan- What are you saying about Spokane County?

Dave Gibney- Go ahead

Dean Kinzer- I do have information that Spokane County setback is 5.5 times the turbine height.

Dave Gibney- Okay, that's... it helps to have new information, alright

Tami Southern- I'm more comfortable going with the 6x height. I mean, if somebody else in Washington is already, you know, set a precedent, or, you know, Spokane County is already stating that they're doing five and a half times the height, you know, something that's closer within the State, I feel like is more attainable, for us to be able to have that proof and finding to be able to support our argument

Dave Gibney- Okay

Chris Melhous- I agree, I think it speaks, you know, to not being arbitrary about just randomly selecting a number to know that our neighbors to the north are similar. So, I think that helps.

Dave Gibney- Okay, let's do a hand raise on 6. I've got 1,2,3,4,5. No? We've got two no. Okay, any... all right, we can move on to section 3, any amendments? And this one, I did anticipate that the fact that we might... that we're... we're possibly talking about the property line here rather than the... the way I wrote this, it is the property line and not the joining structures. You can change that back if you wish, or we can just talk about this one

is... this one is, as I said to Mr. Tracy, have this... separate so that we all have to defend them with the same arguments and that perhaps... perhaps even if this one were to be struck down by some court or another, that the one we just did would still hold, so

Dean Kinzer- Mr. Chairman

Dave Gibney- Go ahead

Dean Kinzer- Could 4 times setback up against property lines and including State and County rights-of-ways and of course the further back the setback is the less chance you're going to have shadow flicker disturbing drivers on the road and so forth. So, I certainly hope there were at least 4 setbacks from County Road and State roads. So, I'd be in favor of that and everybody know I would be in favor of a lot more but I can live with that for property lines and State and County Roads.

Weston Kany- So Dean on your information from Spokane County, was that strictly on the... the buildings, or was that all

Dean Kinzer- It doesn't say.

Dave Gibney- It may well be that this separation by property lines versus occupied homes and barns is... is new to us now.

Dean Kinzer- It says, from residential dwellings and non-participating landowners.

Weston Kane- So it does say non-participating landowners. With that knowledge, I would to change I would move to change that 4x to 6x on number 3A. So, 6x from all non-participating parcels.

Dave Gibney- Okay

Dean Kinzer- Just for clarification is that SV?

Weston Kane- That would be 3A

Dave Gibney- We're at 3A

Dean Kinzer- 3A

Dave Gibney- And I'm going to assume that it is our planner's opinion that this would also... if not totally prevent severely impede wind energy in Whitman County.

Alan Thomson- Yes

Dave Gibney- Yeah

Denis Tracy- And I want to reiterate what I said before, which is great that the Planning Commission consider that, consider everything you're being careful and deliberate. But the regulations have to be focused on what's necessary to protect the health, safety and welfare of the residents. Not what's needed for wind energy generation.

Dave Gibney- Correct, so we have and I guess I'm going to point out here that this is a change from the existing law, the existing code. Because this... the existing code, this effect was only to the occupied building structures. This language is the property lines. So, when we get to... when we do findings of fact and justifications of our changes that is part of... that has to be there, and... and I'm going to say, I wrote this because I knew this was coming, I personally... I personally don't support this clause in any form whatsoever. And I... and I'm it's not that I don't think that wind towers aren't visually a problem and things like that. I think that we can solve that issue when we get to setbacks from landmarks and things like that, so... That's why I don't think it's a... that I need to support it here. But I do want to say that again, if we pass this with 6... 6 or whatever that the mere existence of this one with non-participating parcel property lines is new to the ordinance.

Dave McKiernan- is this discussion

Dave Gibney- Go ahead, discussion yeah

Weston Kane- has it been seconded

Dave Gibney- Yeah it was Mr. Myers second,

Bill Myers- I don second it. I didn't second it, but I will.

Dave Gibney- The whole section was actually sec... proposed motioned by Dean and seconded by you at the beginning. This amendment was... was made by Dean and seconded by... or the other way around

Weston Kane- This one I did

Dave Gibney- Oh, no I'm sorry, I'm sorry Weston made the 6

Weston Kane- Bill just seconded

Dave Gibney- And Bill seconded it.

Weston Kane- I wanted to make sure we had a second

Dave Gibney- Okay, so discussion on changing this to 6 and while were at it the property lines versus the houses.

Weston Kane- So, I feel we should go for 6 because this opens up for those non-adjacent parcels, because some of these are in areas that will see more growth, and we'll see more people wanting to move into these areas. So, it opens those property owners up to actually use their property to build future homes in that area without infringing on the what we already have for the occupied structures.

Dave McKiernan- I personally like seeing it from property lines. I don't know if it has to be quite 6 I'm more of a happy medium type of guy. But to... like we already discussed, the aerial application and protecting modern agriculture. The email that was forwarded to all of you on July 15th, we're talking about an extra surcharge of $2 an acre if the neighbors have a wind mill within a quarter mile. So that's for one property to be reaping the benefits of having a turban. Taxes your neighbor that's not fair, that's why we have to have codes to try to protect each other. So I would say somewhere between 4 and 6 to protect traditional agriculture in Whitman County.

Dave Gibney- Okay

Bill Myers- 6 for the sake of uniformity. 6 for I like 6. It's going to... It's you're talking about, you know, if you go 5 or you go 4, you know I think it weakens... It weakens... It weakens our code and, you know, I would like to also when you talk about, you know, we have... have towns around this thing. We go Colfax, Hilty Road is part of the... is the as I understand it, is part of the city limits of Colfax.

Dave Gibney- It is my hope that we will deal with incorporated towns and the unincorporated residential areas, or zones. In the very likely new section of exclusion zones.

Bill Myers- 6 would give towns a little more room, It's... it's not what were talking about when we talk about towns, we also got to think theses place in Pullman are going to grow. You know, and it's not, when a city grows, and you have an existing structure that will fall in the side these limits that we've established those things need to come out. But that's down the road, and we can talk about that later. But 6 in the interim would be a good buffer.

Dave Gibney- Alright, all in favor of changing this for 4 to 6 please say aye

Aye

Aye

Dave Gibney- 1,2,3,4,5,6 I'm against it, Julian's against it and just to clarify, okay so... it's changed to 6. Just to clarify what I was saying before that this is new and we need to actually have a vote to put it in here.

I'm going to move that we strike number 3 from this section and if there's a second to do that, we'll take a vote. If there's no second, it will be incorporated in the original motion to amend this section and I'm... I'm going to ask that the people for this add support of the property line part in the findings, the fact that they bring to us. There is no second, so at this point in this, we are... Is there anymore?

Do you want to talk about 1 through 3 the waivers language really is saying that aside from number one if somebody... if some landowner adjacent with a house near... nearer than these setbacks, If they choose to do so they are allowed to do so. But they have to document it and they have to do so in a way that it sticks with the land and so, when they try and sell it they eat whatever changes they have consented to and that goes on to whoever happens, you know, in perpetuity. It's quite similar to the language that we have in the clusters where they acknowledge that they are buying land next to a farm and that they, you know, they don't get to complain about it. So, that... that... I don't know, if this is the best language to do that sentiment but that's the purpose.

Bill Myers- I agree with the... the spirit of this. If not the letter. It addresses private property rights and if they want to, you know, they want to sign their right away, you know, and take remuneration from it, it addresses their right to do so and it also illustrates our willingness to, you know, we're willing to work with... with people, but we want everybody, you know, on both... both ends of the... of the deal to understand what there getting into.

Dave Gibeny- Okay,

Bill Myers- It's I think a fair deal

Dave Gibney- Alright any changes at this time to that section. If not do you wish to... I did a similar thing for heights, section B if somebody would like to move that we amend the lines as I have here. I'm not going to do it myself

Bill Myers- Let me understand this, no wind energy towers may exceed the height that the tallest wind tower existing in Whitman County at the present time, is that what you're saying? So, that would limit anything

Dave Gibney- That... that was... yeah, that was the suggestion at the... from the last meeting. I don't actually support it myself, but that was the suggestion that was there. What I have now learned is that this would actually also effectively preclude any existing wind facilities from increasing the height of their towers. Which is, I guess, I didn't under... I understood that repowering of a wind turbine to make a... to be putting a more efficient and better generator on top of an existing tower. I now understand the repowering at times

also, is to increase the... the height that is to take the one tower down and put a higher one there. That didn't occur to me when I wrote this.

Bill Myers- So that there would be a possibility of having a higher structure than we already have.

Dave Gibney- Well not if you do this

Bill Myers- Not if you do this. I'd be in favor of this

Dave Gibney- Okay

Bill Myers- I'd, you know, I don't.... not having time to really study it myself, but it... if we could keep these things at the limit of what we already have at this

Dave Gibney- At this... okay at this point we're just discussing. We don't actually have an amendment motion.

Bill Myers- Yeah, no I'm just... I may....

Dave McKiernan- So when you said that you weren't quite thinking about the repowering stuff.

Dave Gibney- I didn't know that.

Dave McKiernan- Yeah, no but now that you have, you know it, so would you reword that, that no new or repowering would not exceed the current maximum height that we currently have or how would you... how would you like to see that rewritten? If you had to rewrite it.

Dave Gibney- If it was me, we would leave the height limitations as they exist in the existing ordinance. That it's the FAA's issue is that how tall towers can be and that we have discussed, and we have successfully done what we need to do with the setbacks, for protecting the adjacent tower and everything. If it was me, I again... I did this stuff to help facilitate, rather than taking positions of mine.

Bill Myers- I move that we adjourn and I move it, or reason being is it would give us all the time to study the... the issue of limiting the height. There are other considerations. It does limit, it does reduce the setbacks, It also... well there's other factors and it just,

Dave Gibney-Okay, we have a motion to adjourn is there a second?

Weston Kane- I'll second

Dave Gibney- All in favor? All right thank you everyone.

WORKSHOP ADJOURNED AT 9:34

WHITMAN COUNTY
PLANNING COMMISSION
Public Service Building Auditorium
Workshop
November 5, 2025
7:00 p.m.

MEMBERS:

Dave Gibney- Chairman
Weston Kane
Bill Myers
Dean Kinzer
Julina Matthews
Chris Melhus
David McKeirnan
Julian Matthews (Zoom)

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

Zoom: Sherry, Tom Handy, Shelly Chambers-Fox, Tony S, Carol Black, Ashley H, Jamie Anderson, N Frasier, Shane Roche (Steelhead) Rick, Denis Tracy, Eli Bailey, JL, Tresa, Ben

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

7:04 p.m.- Dave Gibney opened the **WORKSHOP.**

7:04 P.M. – So, we're going to start out in our... with the workshop mode and some discussion up here and when we get to it, we will be a more formal amending of our code section. If there's time at the end of the meeting, we'll have a short public comment period.

So, as I said last time, and we've all seen it, we have some direction from the Board of County Commissioners. I don't know what that is let it be quiet. Which is to prioritize the original reason that the code was opened for decommissioning and to possibly rework setbacks and protection of the landmarks. Last week after our... I guess it was just right after the last meeting. Anyway, I tried to look at a timeline to get that accomplished by the end of the expiration on January 6th, as they asked and Prosecuting Attorney Tracy and Alan found out that I was too generous and didn't give enough time for the... the procedural SEPA review and so Denis has given us some additional guidance which he sent out this morning. Do you have anything more you want to tell us, Denis?

Denis Tracy- Well first I'll say sorry, that it... that this proposed schedule went out to y'all today, and not yesterday, but yeah the Commissioners have indicated, as I understand it, they've indicated that they would like to have the work product on those topics that you just mentioned. The decommissioning, the setbacks, and the landmarks. They would like to have your work product to them, if you're going to be recommending any changes or if you're going to recommend no changes, whatever it may be, in time to take some kind of

action before the moratorium ends on January 6th. If you're going to do that, then it seems... and if you're going to, excuse me, if you're going to stick with just Wednesday meetings, seems to me you'll have to act extraordinarily quickly, at least as compared to how things have gone up till now. Up till now you've had an extraordinary amount of public input. The public still gets to have input when you hold your public hearing but anyway hopefully everyone has had a chance to see the email that I sent out with the schedule that would enable the work product to get the Board of County Commissioners in the timeframe they requested. But that would mean you would have to finish your consideration, your votes by either next Wednesday the 12th , which you may not have as a scheduled meeting yet anyway or by November 19th at the very latest. If you do it after that again, if you stick to Wednesdays, and if you do it after that, then you won't be complying with the request from the Board of Commissioners.

Dave Gibney- Can I ask one question of you and Alan that's occurred to me since I've seen this, I saw this. Does the work product that has to go through SEPA review include the findings of fact that we will be using at the public hearing or can we work on those at the meet... the regularly scheduled meeting of December the 3rd?

Denis Tracy- I have what I think is the answer. Shall I go first, Alan, or are you?

Alan Thomson- You can go ahead. If you are stuck I'll help you out.

Denis Tracy- If I mess it up, you let me know. I... my answer is no, you don't have to have the findings, that's the Planning Commission's reasoning behind all this, and... and...

Dave Gibney- So we have to have our draft code.

Alan Thomson- Yes.

Denis Tracy- But yeah.

Dave Gibney- Thank you, go ahead.

Denis Tracy- No that was it.

Dave Gibney- Do you have anything else, or did I interrupt you right before you were about to stop anyway?

Denis Tracy- No that... yep, that's.

Dave Gibney- Okay, okay, so just to reiterate that.

Denis Tracy- I'm sorry for interrupting, because I just thought of one other thing.

Dave Gibney- Go ahead.

Denis Tracy- If you can, you can only do what you can do but If you can wrap up your... your discussion and your votes regarding decommissioning tonight that would be helpful as well as far as getting the advice, the expert advice on the bonding and finance issues that may be included in this new decommissioning plan.

Dave Gibney- Well, I hope that that's a possibility, and that's... when we do our amendment talk later tonight, that's where we're going to focus, so. But first to hold a public hearing as Denis said on December 17th, which would be a special meeting, but a Wednesday in... it's the second Wednesday in December. The SEPA process requires us to have our draft code ready at the end of what would be our November 19th meeting, which would be our special meeting on the 2nd Thursday or second Wednesday of this month i.e. our next meeting. And it really does say that we really want to get the draft of the, at least the decommissioning ready tonight, so that we can spend the next meeting working on the landmark code.

Denis has suggested that we add yet another November 12th meeting. And frankly, I'm... I do have other plans that night. You know, we've been really busy. That will be like 4 or, what 5 meetings in a row? So, let's just... how do... how do we the Commission feel about trying to deliver something to the Board of Count y Commissioners. The other... the other thing that I've noticed in Denis's, at the very last is the suggestion that we may deliver more than one proposed amendment by the topic rather than a total package, which really just... we can hold the same here... we can hold the... do the same hearing. It's more of what are we asking the Commissioners to ask on... act on when we get there and maybe giving them some flexibility to... on what they actually adopt. What I understand is that if they accept our... any... our recommendation in whole, with no changes they can do that., you know, Monday before the moratorium expires on Tuesday. If they were to want to make any changes then they have to hold a... give notice and hold a public hearing on their own. And so we were... we would be pushing them past the moratorium if we... unless we do separate things such that they have pieces that they might be able to adopt and work on the others, so, Weston.

Weston Kane- I really don't have any comments at this time.

Dave Gibney- Brian, it's really... this is where we get to... we're going to decide are we going to try and do this accelerated pathway or are we going to say to the Commissioners, I'm sorry we just can't do that. Their moratorium's going to expire, and then, frankly, I'm going to suggest that we are no longer in any rush at all.

Brian Davies- More I... I guess I... from what I'm hearing is we could... if we could finish decommissioning tonight and then on the 19th, in two weeks finish landmarks and setbacks we could.

Dave Gibney- We're done with setbacks.

Brian Davies- We're done, well we could be ready to deliver a product for that December hearing, correct?

Dave Gibney- Correct, and we could work on findings in our first December, we don't... so.

Brian Davies- Well if we all agree that we should keep plowing ahead, let's try and get through decommissioning.

Dave Gibney- Okay.

Dave McKiernan- I would have to agree, and I'm not opposed to adding another day prior to going into the holidays, which would be next Wednesday, the 12th to try to do our due diligence. We've spent a lot of time listening to public testimony for and against, and I think it's time for us to get to work and I think it would be unfair to the citizens, everybody. We've given then them their time we need to really focus on this, and... and take the fact that the Commissioners have extended the moratorium to give us this time that I would like to show that we're successful, and we've at least made progress on a majority of the topics. Now if they choose to extend it, and we want to get more in-depth, then that'd be great, but at least we have some fine-tuned decisions made on certain issues that I've heard over the last few months that are important to the people.

Dean Kinzer- I'm ready to go. Let's get her done. I'm also in favor of having two proposals, probably, for the decommissioning, because I've got one suggested proposal, and I know you brought one forth too, Dave, and so I'm ready to go. Let's plow forward as fast as we can.

Chris Melhous- I'm going to agree. I think we put enough time into this, and the citizens have put a lot of effort into it as well. It would be pretty disappointing to get into, not completing our job basically. So, I'm willing to add a meeting as well if we need to. We've just got to get through this.

Bill Myers- As I understand it, there is a possibility of one more moratorium. I'm just... I wonder what the... what the line in the sand is necessarily all about, is what is the motivation behind the January 6th.

Dave Gibney- There is a possibility of an indefinite number of more moratoriums, as long as the Commissioners are willing to do it and we show some progress that satisfies them, and perhaps Commission... or Prosecutor Tracy that we're making progress. But we also have a explicit request that the Commissioners gave us as of the end... as of their meeting last Monday that we do these three pieces beforehand, If we do send them something that they can act on before the expiration of the moratorium they could choose to extend the moratorium some more to give them time back if they need to. They could choose to just take everything that we send and adopt it and end the moratorium. We would need to give

them time to do whatever work they're going to do. In the meantime, we as the Planning Commission still have a... where we were before we went into wind of doing a solar energy ordinance with... and ... battery storage. And we as the Planning Commission also have the ability to... to ask to say, this is what we wish to work on and pick wind up again later. I believe we would have to give the Board of County Commissioners sufficient time to... to finish their part in this pass before we picked it up again, So yeah but, you know, there is... there is no way that we have any real idea what the three Commissioners will decide to do at the expiration of the moratorium. After yesterday, I think we have a pretty good idea that it will still be the three Commissioners that we have right now. But that's even... even the fact, you know Chad's re-election is or actual election isn't final until the vote's certified.

Dave McKiernan- I'd like to just comment back to Bill real quick and I understand what you're saying Bill, about, you know, they can extend and give us more moratoriums and give us more time. But I kind of feel like if... if we don't have a product, or we haven't shown that we're making progress you really don't want to give those... that person another chance to extend it and say are they going to drag it out? You know, if a guy was working for you and he's not doing the job, get the job done and so I would like to see us push hard before the holidays to try to get as much done as we can, so we have at least something to present to them, whether it's complete or not, as long as we can get through their... the main three topics that I really wanted to address, you know, if we can provide what they've requested they... and they decided to do another moratorium. They might give us another month or two to go into the fine tune details of this. But I just... I don't like sitting back counting that they're going to give us more time, because they've already given us, you know, two moratoriums to do this, so I'd like to show some progress.

Bill Myers- I agree with progress as well, It's, we want to... we want to give them good advice.

Dave McKiernan- Yes.

Bill Myers- And so, no I've as far as I'm all for going, you know, going hard on that. I've just, if, you know, if we run into a snag or something, it just seems like, we may need... they may need the extra time actually. I think we can deliver, you know, something... something usable, or at least, you know, give them some guidelines. But when this is all assembled it really is piling up pretty close to the 6th and, you know, they've... I suppose it'd be up to them to decide how much more time they need.

Brian Davies- Maybe if we got through deliverables. If we could give them decommissioning language and then ask for more time for the rest of it there would be something that we have given them. Maybe not all of it. But we would have given them one of the mayor requests that Commissioner Handy had.

Dave Gibney- I think, okay, I without talking... without pre-deciding what we may change on the decommissioning language that... and the motion that I have to get us started is taking,

and when we get there, is the language from solar that we did spend a great deal of time on. It's complicated, but I think that we can get through that this evening. Probably without a lot of effort. We can... we can talk a little bit about the landmarks, and if we can come to the language of what will be our draft recommended or not recommended ordinance then we do have the other meeting to fine-tune the rest of it. I do want to, at some point I want to talk a little bit about the logistics and what we will need for that public hearing which we will have a greater amount of time to do. And I think we can... I think that if we spend our next meeting, the 19th ,on landmarks and then supporting findings of facts for the setbacks, and for the decommissioning we can be very close to having... being able to do this in the time that's allotted us and then, you know, we... we...we can come back around.

I do want to talk a little bit about what we're going to need to do at that public hearing whenever it happens to be, but hopefully on that date in December the 17th. What we need to send forward to the Planning, or to the Board of County Commissioners is a draft ordinance, with a vote to recommend or not or... or perhaps multiples, and I'm going to have to... I like the idea of being able to send the three separate topics as three separate actions for them, because well, just to be quite frank, I'm going to vote no against setbacks as we finished it and it takes a five of us to do each of those. I'm not saying it'll win but before we do that, at the public hearing, we're going to need to decide... populate a record for the public hearing and we're going to have to say that which pieces of what's come before us, you know, which documents that have been sent, submitted to us...

Brian Davies- Exhibit 1,2 and 3.

Dave Gibney- Exhibit 1,2,3 through N of, you know, one of those, you know, of what happened what we heard over the last 9 months. And which documents are we going to use to support the findings of fact, and then we have to and that's the first thing. We need to get that started. We may have more as we go through. Then we're going to need to enter into the record each of the findings of fact that we're going to use to support our eventual decision, you know, like, we held X number of meetings on these dates over the last year. The moratorium was established at such and such a date. We have this item I the record, which says that our landmarks deserve protection. We have this observation that the existing decommissioning language is inadequate and has no teeth and those sort of things. And we have to have those... and we can spend time... we can spend time developing these two pieces at our meeting in December. The first meeting in December. But then we're going to have to spend some time at the public hearing, you know, just populating that record. Then we're going to enter our draft ordinance. We're going to have our last bit of discussion and we're going to open it up to public hearing.

Brian Davies- On the 17th.

Dave Gibney- On the 17th. And again, we're going to be as generous as we can but we're still going to be limiting that to 3 to 5 minutes and... and we're not going, you know, we're going to want to finish this on that date, If our intent is to have something ready for Alan to send to

the SEPA on the day, or that the following day. Or the day after and then, you know, to get it published, you know, publish it in the Gazette that has to be to the Gazette on Tuesday. That's... That's one of the reasons that we can't do it as, you know, we can't ... we have to be ready on that time. So again, if everybody... I just wanted to let everybody know that, you know, it's still a tight time frame, and we still have work to do, and work to do outside of what we do here for those of us that are supporting the changes. Go ahead.

Dave McKiernan- So, are we going to right now as we're discussing this tight time frame and stuff are we going to discuss having a... adding a meeting next week or.

Dave Gibney- I was... I was about to get to that. Okay, but I'm... I'm still... I have... I guess I have everybody willing to... wanting to try and to follow a timeline that will get us a product for the Commissioners

Brian Davies- A hearing on the 17th.

Daved Gibney- A hearing, a hear... that we will be able to hold a hearing on the 17th.

Weston Kane- Okay, so we're aiming for a hearing on the 17th of November, of December.

Dave Gibney- December yeah.

Weston Kane- Okay, yeah i... I think we need to go for that.

Dave Gibney- Okay, I wasn't, you know, I had... you weren't for sure, or you didn't say anything.

Weston Kane- Yeah.

Dave Gibney- and okay, so, okay how... another meeting next week is going to be really tight on the staff especially on getting any minutes and everything done for us and I really want to be out of town next week. But... so it's like, how enamored are we of Wednesday's, could we do the Tuesday? And then any...

Brian Davies- I could do Tuesday I can't do Wednesday, because...

Dave Gibney- You can't do Wednesday anyway.

Brian Davies- No, because I'm an elected official, and I have to... another meeting I have to be at.

Dean Kinzer- I will do what it takes, which is... if everybody can go Tuesday, that's great.

Weston Kane- You're talking next Tuesday.

Dave Gibney- Yeah.

Weston Kane- That's Veterans Day.

Brian Davies- Oh, the 11th.

Weston Kane- Yeah.

Dave Gibney- No, okay we can't... that's out.

Brian Davies- Sorry, well.

Dave Gibney- Well, yeah, that's very much out.

Dave McKiernan- Weston, would you be present next Wednesday to run the meeting.

Weston Kane- Yeah, I got to sit here for my kid taking driver's ed, so I'll be in Colfax.

Dave McKiernan- If these two could not attend. Attended via zoom.

Weston Kane- I... I'm... I'd be fine with that.

Dave Gibney- Okay, I can... yeah.

Brian Davies- I could join possibly an hour late, like 8 o'clock or something like that. I don't know, I've got a budget meeting and a City Council meeting, so I could be tied up for a couple hours.

Chris Melhous- Should probably check with Julian as well, see what his availability is.

Dave Gibney- Where are you yeah, and, you know, we really do need... when we get... when we do these changes that we're going to propose we really helped to have the 5 votes that'll need to eventually pass to at least be a part of that meeting. Let me... let me check my... I could... I wanted to leave Sunday, but I could push and not leave until... until Thursday. And that still... that pushes, you know, we're still going to be meeting the 19th.

Brian Davies- Right.

Dave Gibney- to do the other work, so...

Brian Davies- which is a regular scheduled meeting. It's a workshop.

Dave Gibney- No, it's a special... our meeting, our regular meetings are on the first Wednesday of each month, so this 19th would be a special, but... so, we do we... do we shoot for the 12th, and y'all all want to meet the 12th? I don't, but I will. I'll try.

Julian Matthews- I'd rather meet on the 12th, because I'm a veteran too, and Veterans Day is kind of a...there's a lot of activities.

Dave Gibney- That, that, as soon as it was pointed out there's, there's absolutely no way that we're going to do this kind of business on Veterans Day. You know...

Julian Matthews- Okay.

Dave Gibney- Okay.

Brian Davies- I'll join when I can.

Dave Gibney- We're going to go, and... all right. Is that... someone else? Okay. That wasn't ours.

Alan Thomson- What's she gonna do with this?

Dave Gibney- This is a public meeting.

Brandon Johnson- Because you sent me that motion.

Dave Gibney- It's a pub...

Brandon Johnson- Do you want me to share that?

Dave Gibney- I'm not yet ready, Grace. I'm close. Leave it up.

Brandon Johnson- Oh, wait, Julian's hands raised.

Dave Gibney- Okay, what do you got to say, Julian?

Brian Davies- Hand up?

Julian Matthews: No, I just raised it before, but...

Dave Gibney- Okay.

Julian Matthews- Nothing.
Dave Gibney- Alright. So, as I've mentioned, what we're going to do tonight is take up the decommissioning language. I know that Dean has some, a proposed change, but I, I

wanna, I'm gonna start with the, with the motion, a motion to insert the language we developed from the Solar Commission, or the solar language. We put a lot of work into that. The only real question that is different from the solar to a wind is, is how deep into the ground do you make, do you insist that restoration happens? The wind energy, you know, wind is a lot deeper structure and so, what I have and what I've sent is that we require that all material as deep down as it would take for a Palouse Prairie root system to grow there, or the bedrock. So, I am going to move, the language that Grace had up there on the screen, it's a motion to, and I distributed it to everybody, and I think we had copies made for the people. Okay. So, it's a move to strike lines 5 through 34 on page 10 of the existing and replace it with these 7 pages. And the, so I can read the existing language and formally make this motion. Or I can ask for a second now, and then still read, and read the motion as it is. Or I can just ask us that we, you know, I start reading, and somebody says last line, and we get into our business. But first, I need a second.

Weston Kane- I'll second.

MOTION by **Dave Gibney** and seconded by **Weston Kane** to strike lines 5 through 34 and replace it with proposed language.

Dave Gibney- Okay. All right. So...

Briand Davies- We do.

Dave Gibney- Okay, and I, as the maker of the motion, I'm gonna start with my comments. The existing language, decommissioning language, in 19.61 is insufficient to have confidence that end-of-life decommissioning and restoration will actually occur and that there will be sufficient financial resources available at that time for the required work. We discussed the same issues and the same amount a great deal when we were working on the solar draft and this is the language that we had at the end of that process.

Alan Thomson- Hey Mark, excuse me, are you looking for more copies, paper copies? There's a bunch of them here, right here.

Dave Gibney- Okay.

Mark Storey- That's quick.

Alan Thomson- Anyone else, anyone?

Dave Gibney- You guys can have mine, too. I, okay this language requires the developer to develop a plan which includes getting a baseline description of the pre-development conditions that set the goal for the final restoration. It requires that sufficient funds be guaranteed before the development begins. The financial details, as I've looked at them, have 3 different methods to ensure sufficient funds are available when decommissioning

and restoration becomes necessary and that amount be adjusted as costs change over the life of the project. And that any successor or owner or operator of the project is required to maintain that required fundings. I'm not a financial expert. I don't think to the best of my knowledge, none of us are, perhaps none of us in this room. Denis, when we have the language, plans to have our, the language evaluated and potentially fine-tuned by qualified experts. Commissioner Handy and others worked hard to get what we have before us and I am suggesting that we leave the additional vetting to those experts. The responsibility for the actual decommissioning and restoration work lies first with the wind farm operator at the time. If the wind farm operator fails to do the required work, the next responsible party is the landowner, and in the event of neither of those completing the restoration work, the county is authorized to contract for the work. To reiterate, this section requires that sufficient funds be there for that work to happen, no matter who's doing it. It explicitly requires that there be sufficient funds such that the county can hire everybody that they need to do it, so they don't have to do it with their own personal equipment and there are, there's a limited provision for the landowner to say, you know, I'd like to keep those roads, or some parts of the, of the, improvements. So, I'm gonna let Alan have a shot at commenting first, and then we'll talk, and I'd like to let everybody have a little time to talk before anyone proposes amendments to this language and then we'll do that, so.

Alan Thomson- I really don't have anything to comment about right now. Just let it roll. See where it goes.

Dave Gibney- Okay, go ahead.

Bill Myers- I just have a, I had a number of questions, but the, overall, it looks pretty good. I, my major concern is the letter of credit, as opposed to, you know, just a good old solid bond. And I, I think the institutions have trouble, then that's something that I think we need to avoid as a county. There were some other things here. I'd like to give the commissioners a little more time, and instead of just 60 days, maybe give them 90, you know, to do their work. I have a question, there's a couple of times it says, talks about approval, which approval shall not be unreasonably withheld, I'd like to know just exact, you know, exactly why that even needs to be there.

Dave Gibney- Because there's some RCW and land use planning laws that say you can't just not approve something.

Bill Myers- No, it's some, it's a boilerplate that can't be avoided.

Dave Gibney- Pretty much, I think. Anyway...

Bill Myers- There's, there's more, but I've just, some, just a few things like that, but the, the main thing is the, the, the letter of credit is, I find it disturbing, so.

Dave Gibney- Okay, Chris?

Chris Melhus- I'll concur with Bill on both his points. I think 90 days would probably be a little bit more reasonable. Sometimes government doesn't work that quick, so that would be my concern. Then the letter of credit. Again, I'm not a financial guy, so I'm not sure how bulletproof that is compared to a bond, but, I'd share those concerns, just so we're not left holding a bag.

Dave Gibney- Okay. Dean?

Dean Kinzer- There were several things I was concerned about with it, but my main concern is it doesn't give the owner of the property enough skin in the game, and with all the, onerous letters of credit and bonding and so forth, I think there's, it ends up being too many holes in it, and there's nothing you can do when somebody eventually goes bankrupt, or the bonding agency says, hey, there's not enough, they're undercapitalized to be able to do this. We're not gonna bond them anymore. And so, when those things happen, I don't think you've got any repercussions and, so I, you know, that's the reason that I wanted to bring mine forth. There's a lot of good things in here that I do like. I think it could be an option, for the commissioners. I'd, I'd, to take a look at it, but I, I'm just not confident that the bonding and letters of credit and everything will cover all the bases in any way, shape, or form, and if we have another method for the decommissioning plan, where, where you have a, escrow fund that has to be funded by the owner of the property, I think that would cover all the bases and give the Commissioners the latitude to hold everybody's feet to the fire, and it doesn't end up being the counties thing that they have to decommission, because if you end up having to decommission 40 wind turbines, that will break the county. And so, I'm not confident that, that putting it all in, in the hands of, of, bonds and, letters of credit is where we need to go with this. Because in 40 years, so many things can happen that there's no guarantee, but if you have an escrow account sitting there, you know where the money's at, you know where it's gonna come from, and it gives the landowner skin in the game, it gives him some leverage. If things don't go right, he can call the contract and discontinue it and decommission that whole thing. So, but, as this is stated, he doesn't have that latitude.

Dave Gibney- Actually, I think this language does, in that there's review of the bonding and the sufficient funding, and if they can't get that, that's a violation of the conditional use permit that they're operating under, and they will be, at that point, determined it's time to start decommissioning with the money that's, that's in the expiring bond. So, I think, I think that's how this works, but I, I am not a financial, but that, that's my understanding from the discussion we had before.

Dave Gibney- Dave?

Dave McKerinan- Just with that, this question would be directed towards Alan, just for educational purposes. It talks about the decommissioning and site restoration plan. Is that the EIS? Is that, like, the environmental, or is that just what the County Commissioners

and the planner come up with. What, what is that? I'm sorry, I'm trying to catch up on all this here.

Alan Thomson- So that's a specific thing. It's not the EIS. It would be a part of the conditions. So, it's just the plan that we, the county requires the applicant to do in order to clean the place up. If it is decommissioned, this is what you need to do. That's all it is.

Brian Davies- And that's part of the conditional use permit?

Dave Gibney- Yeah, the, the, the applicant, the developer, or the wind commission, has to, in detail say this is the things we will do to return the site to the conditions to remediate that we've, and it says they will record what the sites are, the conditions are before they start, and then it's, these are the steps that they're going to have to take. In detail, because that's what the, that's what they use to determine, you know, how much money do we have to have set aside, and frankly, it's a lot of money. And I doubt that any landowner around here could fund an escrow account of that size, but, you know, that...

Dean Kinzer- We'll have it be a negotiation with the turbine company to fund that because, you, that doesn't, it ends up not being a concern of the county. It puts the onus on the landowner, and he has to figure out how to do it. And if the turbine companies doesn't want to help him get that funding set up, then, that's kind of a cue that things aren't going to go well.

Dave Gibney- But the turbine company isn't going to get their conditional use permit if they can't set that up. I don't know what, again, I'm not a financial expert, but I'm wondering what the difference is between the landowner having an escrow account and the turbine company having an escrow account, so. Brian.

Brian Davies- What does Brian think?

Dave Gibney- Yeah.

Brian Davies- Well, I think that, yeah, there's I mean, there's all kinds of financial instruments here that maybe only as good as the issuer at the time, or something, you know? I guess there's, I see a lot of question marks. But the question I want to ask is, what is the industry standard? What does everyone else require? Or is it all over the map as far as decommissioning, as far as bonding? Is it letters of credit? Is it a bond? Is it, I think we've probably seen most of that information. Yeah, I, I'm kind of lost but I'm not real comfortable with you know, a whole bunch of different options. I would like to see it nailed down to, you know, one or two options, and I'm not sure about having a landowner involved, if we can even do that. Or if that would just send the developer around to EFSEC anyway. So, a lot of these actions are going to send the developer right around to EFSEC anyway and I would like to stay away from that, if we could possibly craft something that wouldn't do that.

Julian Matthews: Yeah, I raised my hand. Julian here, what did the wind turbine, what's the agreement, or what's the decommissioning for the ones up by the rest area? And also, yeah, I think it's kind of, I don't know why you would even want the landowner to do the escrow if the escrow account is set up. It should be by the wind turbine company not the individual, because, you know, if you're gonna have an escrow account that's gonna be looking at, I don't know what the long-term, how long the, most of these are set to expire, or the, when they're decommissioned, like, the number of years, 20, 30 years, so what? Anyway, what did the ones by the rest area use for decommissioning?

Dave Gibney- Okay, I believe it's when it's no longer commercially producing electricity is when it is time for decommissioning is how that's defined here. And the, I'm not sure what the ones that the Palouse Wind has, but it's based on the existing ordinance, which is, been deemed inadequate by us on the previous Commission and the Commissioners and the staff, and is, is re... in reality, that's why we're here. Is that that clause was deemed needs work and that's why a moratorium occurred, and that's why the Planning Commission was asked to revise it. So, whatever Palouse Wind has, it's not what we're shooting for, so...

Julian Matthews- Right. So then...

Dave Gibney- Go ahead.

Julian Matthews: So, then this would just be for all future operations or development of wind turbines in Whitman County?

Dave Gibney- Correct.

Julian Matthews- Not current ones.

Dave Gibney- And...

Julian Matthews- But then, I don't know if that would create an issue of, I guess the attorney would know, like, say if, say the current, say someone like the one now says, hey, no, that's not, you can't do that, that's just, you know, unfair practice. Is that how it would come about? How's that work?

Dave Gibney- We don't get to change the conditions of something that's existing. And that...

Julian Matthews- Right. I know that.
Dave Gibney- And so it doesn't apply to, they don't have, they don't really have anything to say. We can't ask them to change how they, what they have for decommissioning.

Julian Matthews- I know that. I know that, Dave. What I'm getting at is, like, say with a new standard, like, say those people put in wind turbines under the old, the current commission, or whatever, so what about a new wind turbine project, whether it's this one or another one somewhere else? Then can they say anything about, well, that's unfair practice? Mr. Attorney on the call, when we're having a double standard for the same types of projects? Is that Mr. Tracy, I believe?

Dave Gibney- Zoning laws, zoning laws change with relative frequency and sometimes make existing uses non-conforming and, but I don't, I haven't heard of, I think it's fairly rare that the new, installation says it's not fair that you changed it from what they had. And the other thing is that this stuff does get reviewed with frequent, the actual amount of the money available does get reviewed, so. And Julian, and then it was Weston, and then I'll let Dennis comment a little bit on, fairness.

Denis Tracy- Julian, if I'm understanding right, you're, you're suggesting that the new developer might say, well, hey, the guys that put that, that first wind project in, they had it easier, they didn't have to provide as much bonding or whatever else it might be. And so it's not fair to us now with this new project, is that what you're suggesting?

Julian Matthews- Right.

Denis Tracy- Yeah, and that's a great question, but I think that that is, really gets to the heart of this whole process that you're all going through. It is allowed to do that, that the, you know, the Commissioners entered a moratorium to say, okay, hold it, developers rights to go ahead under a zoning code vest when they file an application. Right now, there is no current application with the county and essentially, all the developers are on notice that the zoning code is going to change, they're going to have to comply with the new zoning code, or, of course, they always have the opportunity just to go to EFSEC. And so the, the, new developer, the developer who wants to put in the new, new one, will just have to comply with the new code, and that's how the system works.

Julian Matthews- Okay. All right.

Dave Gibney- Weston.

Weston Kane- So, I think, if I remember right, we pretty much, when we were working on the solar code, it was, we were in this section as well.

Dave Gibney- This is, this is the result of that section.

Brian Davies- Right.
Dave Gibney- But then, aside from the greater depth for wind towers.

Weston Kane- Did we have that 100% done in the wind code on the, because I thought we were kind of hung up on, if I remember right, the very tail of this, with the line of credit and the grantee.

Dave Gibney- There were, you're correct.

Weston Kane- I thought that's, we're basically in the same concerns you had on that.

Dave Gibney- There were questions about the three, as I count them, ways of accomplishing that at that point, too, so that question is where we were at. And we can, we can continue to discuss that. Frankly, it still says that the County and the Hearing Examiner and the conditional use permit is to be granted based on, you know, evidence that whatever is chosen... whichever mechanism is chosen is viable, at least at the time of the issue and the permit. And there are several places, you know, several occasions, occasions of reviewing, is that still viable? And a requirement that if, you know, if so-and-so can't get bonding from the people that are doing it for them now, they find someone else. If they, again, if you can't find anybody that'll do it, they're in violation of the conditional use permit, and it's time to use the funds that they do have to take it down.

Dave Gibney- Alan?

Alan Thomson- Well, this funding mechanism has to be done up front before the CUP. That has to be already established and then it becomes a condition in the permit.

Dave Gibney- That it be maintained?

Alan Thomson- That it be maintained and maintained on a schedule. So, the debate on that one is, is it gonna be yearly, is it gonna be 2 yearly, is it going to be 5 yearly? We can do whatever you want. But right now, the Palouse Wind Project is on a 5-year schedule and they are on it, because I just went through this with them a couple of years ago to update their bond. So that money is there, and that's basically what, whatever instrument you want to choose here, is similar to what is going on with Palouse Wind.

Dave Gibney- And if I remember right this has a more rapid schedule than the 5-year.

Alan Thomson- It's more in detail this one. We don't have that detail for the Palouse Wind project, no. But nonetheless, that bond is there, and it will get updated every 5 years.

Weston Kane- And they're on the surety bond, then?

Alan Thomson- Yeah, I think so. Yes, yes.

Weston Kane- Yeah, they're not running a line of credit or anything like that?

Alan Thomson- No, no. The money is supposed to be there.

Dave Gibney- And, and Weston is correct. The main question that was still on the table at the, when we left this to go to wind, was, and I think the, I think that last option of basically the, believing that the company was solvent enough to have the money on hand, a guarantee bond was the one that had the most nervousness, and so, and, and, that also, I believe, is one of the reasons that attorney Tracy wants to have this stuff vetted before we do any final action. And I see that Commissioner Handy, who was a part of the discussion and crafted a number of, quite a bit of this language, wants to speak to us, so, has his hand up.

Tom Handy- Yeah, thank you. I just wanted to mention that most of the bonds or the letters of credit are reviewed by the issuing institution annually, or at most biannually. And so that, it is that time that they then report back to the county whether or not this entity is going to be renewed, or is still, in their minds, solvent enough. If they determine that they're not solvent, and they're not going to reissue the line of credit, or the, or the, or the letter of credit, or the bond, then the, the wind company has a certain amount of time to secure the same from somebody else. If within, and this is all kind of specified in there, if within 120 days before the expiration, that company who's issuing the instrument lets us know that they're not going to intend, they're not intending to renew. If the company, within a certain time frame, and I don't have it right in front of me, all of it, because I'm traveling, is unable to secure another one, then it's at that time that the County can call that bond or letter of credit funding into the standby trust fund. And then that's when the County gets all of the money. And it's at the County's discretion to do that when the company cannot secure any other method of guaranteeing this. So, there's 3 different ways. It's the bond that typically, like I say, most of these things get renewed annually, or at most, every 2 years. There's the letter of credit saying that the company's good for it, and the bank that issues that letter of credit will have access to that fund, that amount of money from that company, and they, you know, they will then, if we call it because they are out of compliance with the contract, then they have to deposit that amount of money into that trust fund that we have control over. The third way is for say a parent company or another company to do that for the operator. So, and this is pretty much tailored right off of what EFSEC did at the Wautoma Solar contract, you know? And so, my level of confidence that this is fairly sound is because of that. They've had a lot of attorneys already working on this, and so, anyway, that's all I have to say.

Dave Gibney- And it's probably true that a company in that case, could choose to try and litigate and delay and not do that funding if they're in the... in the State that they can't but I'm not at all sure there's any... I mean, are there... what kind of tighter guarantees could we actually find, you know.

Brian Davies- Diamonds.
Tom Handy- To put up a 100% cash bond, but... or cash deposit.

Dave Gibney- Yeah, a cash bond in the several million to billion dollars that it would take to rest orate. And I'm... I'm...

Tom Handy- Yeah.

Dave Gibney- And so Mister do you have anything besides the school board you were on. Tried this and failed.

Mike Dymkoski- I do, I do but I'll be brief.

Dave Gibney- Okay.

Mike Dymkoski- We're missing something.

Alan Thomson- Hold on, the microphone.

Dave Gibney- Okay, I really, you know, we're really pretty much done.

Mike Dymkoski- Thank you, Mike Dymkoski. At the point that a financial review, the yearly financial review, is being conducted by the County, if an issuing institution determines that the responsible party no longer qualifies for a letter of credit they no longer qualify on that day. And no... I don't know if anybody here has ever served on a bank board of directors or not. But no bank board of directors is going to honor an irrevocable line of credit to a company that Is no longer solvent or exists in a functional capacity any longer. They're not going to make a loan to a company that doesn't exist. A surety bond will pay, you know, the construction world has been relying on surety bonds forever. Cash bonds are the safest, that's why the Court System requires them. Surety bonds are the second best, and they will pay on a bankrupt company. The Palouse School Board was one of those instances. But no financial institution is going to honor an irrevocable line of credit to a company that has gone bankrupt or isn't answering the phone anymore.

Dave Gibney- Okay.

Mike Dymkowki- And that's what you've got... that is what the County has to protect itself against, this irrevocable line of credit nonsense.

Dave Gibney- All right, thank you, for that clarification. And just to, you know, I haven't looked that closely. The Irrevocable line of credit is that on all of these, or is that just the last one? I mean where?

Brian Davies- Actually the second.

Dave Gibney- The second one.

Brian Davies- The second choice.

Dave Gibney- The second choice, okay so...

Alan Thomson- That's the... it's a choice.

Brian Davies- It's a choice.

Alan Thomson- The way that the code is crafted right now is you choose which one. It's not saying you have to do one or the other, you can choose.

Dave Gibney- And that's the County working with the developer as to which choice... the developer doesn't necessarily... the developer can say, we want to do this, and the County can say, no, we don't trust you to do this.

Alan Thomson- Yeah, the County should be the one deciding this.

Dave Gibney- Okay

Alan Thomson- Yeah, but there will be a conversation with the developer about that.

Brian Davies- Well it sort of looks to me like the irrevocable letter of credit would have a lot more hoops to jump through for. So, they, you know, standard surety bond I think is.... is a way to go.

Dean Kinzer- And that's my point. You... you're all talking about endless litigation potential here, and why have the endless litigation when we can just require them to have the money in the bank?

Bill Myers- A long term CD or something like that just yeah.

Dave Gibney- So, I'm going to ask if the... if the concern of the irrevocable line of credit would go away if we just struck the... item 2, as the motion is the irrevo... if we just remove that as a choice and left them with surety bond and guarantee.

Bill Myers- That would strike it anyplace else in the language. It shows up several times in the details, if you read into it, it's... it shows up .

Dave Gibney- I think the other place it shows up is where it's collected on.

Bill Meyers- Yeah, it's just... so if you... if we kill it up front then... then it's obvious that we'll take it out of the rest of the language.
Dave Gibney- Okay, actually yeah, I see the guarantor has that as one of the choices that they can provide as their guarantee. My quick look doesn't see any of that irrevocable line

of credit in the surety clause... bond clause and I see it as item B uh DIB... You know, line 18 on what appears to be page 6.

Okay, are there any further discussions... Go ahead Chris.

Chris Melhous- I guess on my end, I don't necessarily see a reason to give... what benefits the County to give anyone an option other than a surety bond. I just... between that and even the item 3, the guarantee portion of it.

Dave Gibney- Okay.

Chris Melhous- I think surety bond just seems like the smart, safe way to play it. Kind of streamlines it for everybody as well.

Dave Gibney- Okay, at this point, let's go into the discussion of formally amending the motion and if there's someone on the Commission who basically wants to say strike items 2 a revocable letter of credit and 3 guarantee. I'm not, you know. Brian will do it.

Brian Davies- Well, I will so move that we'd strike.

Dave Gibney- It would be...

Brian Davies- I, I... I don't have page numbers here right

Dave Gibney- I don't have the page num... I failed the new page number. So, we are in section...subsect... We're in section 2, subsection B...

Brian Davies- Page 4

Dave Gibney- And then we are wishing to strike items 2 and 3, which begin at line 3 of the next page, and continue through.

Brian Davies- line 3 of page 4 through line

Dave Gibney- 13 of the last page.

Brian Davies- Line 13 of the final page.

Dave Gibney- Correct, and what that... that leaves us with the only option to fund the decommissioning and site restoration is a surety bond.

Brian Davies- Surety bond.
Dave Gibney- Correct.

Brian Davies- I move that.

Chris Melhous- Second.

MOTION by **Brian Davies** and seconded by **Chris Melhus** to leave the only option to fund the decommissioning and site restoration as a surety bond.

Dave Gibney- Okay, is there any discussion? Members of the Commission, all in favor say Aye. Any opposed?

MOTION PASSES.

Dave Gibney- All right. Okay, well, thank you. We have a much shorter...

Julian Matthews- Alright.

Brian Davies- A unanimous decision.

Alan Thomson- I might recommend that we get that checked out through Denis and through the sources we have there, just to make sure we're not messing something up.

Brian Davies- Everyone should also realize that what we send to the County Commissioners can be changed by them.

Alan Thomson- Yep.

Brian Davies- So this, you know.

Dave Gibney- And just to be clear what we send to the County... what we draft and send for the SEPA, we do have an opportunity to make not... maybe not make totally significant amendments, but we do have the ability to amend and the end of our public hearing. Based on what we hear then, and...

Brian Davies- On the 17th of December.

Dave Gibney- And based on the SEPA comments and whatever. So, this is... we're getting ready to send this to review by for Denis, and to public hearing. It's not... It's not quite our last bite at this apple, and the Commissioners get a... and the Commissioners can accept what we send to them and adopt it with no changes or they can reject. Okay, and... but I think they can also reject it outright, but if they want to change the language themselves, that's when they get into a hearing of their own. So, Okay So there is Dean do you want to... do you have anything you might say about how... just because I don't think it's workable, but how we might hook the landowner a little more, and if that's what we want to... if we want to propose...

Dean Kinzer- Well, can... yeah, can I come forward with my recommendation? I've got 10 copies here.

Dave Gibney- Do you have... do you have an amendment to this... that would accomplish...

Dean Kinzer- Oh, that would accomplish that. Well, my amendment that I wanted to bring forward just replaces on page 10 of the original document, it replaces under N Items 1, and 2.

Brian Davies- in the original document.

Dave Gibney- Go ahead and... Go ahead and pass them around to us, and I apologize to the public that we probably aren't able to do that for them.

Dean Kinzer- Okay, if you don't mind, I'll read it real quick. Very short. Page 10 and 11, and under decommissioning, replacing both 1 and 2. It reads, prior to commencing construction of the project, the applicant shall prepare a decommissioning plan in a form acceptable to the County, the landowner is required to establish a fully funded decommissioning escrow account for each wind turbine site before the site generates any electricity, electrical power. The terms of the escrow account amount and updates to the escrow funding due to inflation factors will be set by the Whitman county Board of County Commissioners. The amount of the finding and the escrow account shall be determined on the site-specific conditions affecting the cost of decommissioning. Access, depth of foundation, terrain, etc. to include credit for salvage value of the equipment, Should there be any transfer of property ownership, the escrow account will be transferred to the new owner with all the rights and responsibilities of decommissioning the site. Upon termination, excuse me. Upon termination of the operation or its project, it is abandoned or ceased operation for more than 200 and 70 consecutive days except in the event of a man... of a... except in the event of a man-made or natural disaster, not in the control of the applicant, the current owner of the wind facility in coordination with the landowner and the Board of County Commissioners, will dismantle and remove above ground improvements, including wind turbines, step-up transformers, substations, underground transmission lines, and support structures, control hardware, and meteorological towers. The foundation will be removed... Will be fully removed at the request of the landowner. They shall also remove operations and maintenance buildings. The repairs of any damage as a result of such removal, restoration of the property, grade and implement... implementing erosion control devices and procedures, restoring the site as reasonably as possible to its pre-project condition as part of the decommissioning. I the event that the wind facility owners and landowners fail to fulfill their obligations under this section, the County may add a sole election dismantle and remove the wind tower or related facility , in such case, the current wind facility owners and landowners shall pay and be liable to the County for all the costs incurred by the County to complete the decommissioning.

And my reasons are this will assure that there will be funding to decommission the turbines at the end of their life. No questions asked there. This will give the landowner more control over the project in that if the wind turbines facility owners fail to perform in any way, the landowner can terminate the contract and decommission the site. These measures are needed because the wind turbines can... site cannot be repurposed safely for anything else. This will eliminate endless litigation if the bonding companies or owners of the wind turbines facility become bankrupt or undercapitalized. The bonding companies can refuse to bond a site for reasons of poor financial health, overextension or multiple projects, inadequate experience or excessive risk profile. Who becomes responsible for decommissioning if a bonding company and a wind turbine company go bankrupt? Would it be Whitman County or the State of Washington? The old wording, in the original document, it says that the County. The responsibility on the County to fund the decommissioning with endless litigation to try to get the wind turbine owners to pay. This avoids that. And my simple question was, how many wind turbine decommissionings would it take to bankrupt the County? So being responsible people, we shouldn't put the County in that position.

Dave Gibney- So, first I'm going to talk about a procedural, and then I have a couple of comments on. So, if you wanted to strike my entire amendment and substitute yours, that would be the motion to make. What I'm going to say is that the one that's before us... all of that work of, bonding has to be done before construction begins, rather than before electrical generation and there's significantly greater detail about what is actually required to do restoration, in that there has to be a detailed plan acceptable to the County before they identify the costs. We had a long discussion about trying to... about giving credit for value of recycles and elected to. No, you don't get any credit for what you might be able to sell the stuff for in the future. If you can sell it when you're decommissioning, that save your costs. The rest of these, what shall be done is... I didn't do a detailed comparison with a number of those are items I, through 6 or 7 in the amendment, in the language that we had. The... I think we just dealt with a lot of the uncertainty about the ability to actually have the money there. What we... what I don't know that we have here is your... what we have is that the development, or what I had before the developer will... is the one responsible for making sure that that amount of money in the surety bond, where we're at now is available. Which, as you were... as we talked earlier, you would say that that's between the landowner and the developer rather than the County and the Developer. So, I think... I think most of what... and I... you base this on the original language in the ordinance versus what we had in the solar. So I think much of it is here and if we can... if we can come up with some way to, you know, as you say, add the land... add skin to the landowner's game, we might get both.

Dave Gibney- Julian.

Julian Matthews- Hey, Julian Here, so when you say, I don't know what you mean, add skin to the landowner's thing. But you're saying that the farmer or the person, like, say, what I

assume would be some farmer with land wants to lease his land to a wind turbine company, you're saying that he should come up with an escrow account?

Dean Kinzer- He should, he should bargain or contract with the turbine company to fund that escrow account. It's not, not unlike leasing a house out, a lot of time, they require first and last month damage deposit, and that's what this is.

Julian Matthews- So, because when you say escrow account, are you, what would the, amount of the escrow, you're saying that the, it wouldn't be the individual farmer, he's not bound to set up any escrow account or dump any of their own money into an escrow account. The wind turbine company will do that.

Dean Kinzer- Oh, he'd, that'd be his choice, but he's the one responsible for bargaining for the escrow account to be filled up before any energy is generated.

Julian Matthews- Okay, say the farmer doesn't want to, say the wind term company doesn't want to do an escrow account. Who would have to set up the escrow account then?

Dean Kinzer- I guess the deal's off, then.

Julian Matthews- Hmm.

Dave Gibney- Yeah, that's...

Julian Matthews- A surety bond doesn't suit that same interest?

Dave Gibney- I, that's the question I was proposing with, asking with Dean, is, is, the surety bond that the developer has to create, doesn't that actually, aside from the fact that it's with, it's a part of the continual, conditional use permit versus a deal between the developer and the landowner. Other than that, doesn't, isn't it, and again, what we have here, what you have doesn't have a whole lot of detail about...

Dave Kinzer- I left that detail up to the County Commissioners to draft something for that, yeah.

Dave Gibney- Okay. And, and we, we have that fairly explicit in, in, in this language, so.

Dean Kinzer- Right.

Dave Gibney- And, and again, didn't necessarily have this before you when you were...

Dean Kinzer- Correct. Yeah.
Dave Gibney- So... Okay? So, we have at this point, we have like, 3, we have, like, 3 choices. Some, Dean could move, and someone could second that his language

substitute entirely in for mine, and we can vote on that. And I'll just telegraph it, I'll vote against that, but maybe it may win. Or, and depending on that outcome, we would be back with what we have, and then we can attempt to draft somewhat more explicit details in my motion to accomplish some of what Dean's talking about, which I think really is, is, and I'm not, okay the way I read this, the money to do the work is coming from the developer, and the way you've written it, the money to do the work is coming from the developer, or the bond that they have, or a specific cash amount that's determined so I'm not, I'm not sure where that differs from what's being done, aside from perhaps you are saying, if it takes, you know, $1 billion to do the restoration, that $1 billion is in a bank account somewhere. And what we're saying, what this says is a bond in the amount of $1 billion has to be available.

Dean Kinzer- You know, saying it and having it are two different things.

Brian Davies- I believe that what we're saying is the surety bond has to be in place before the conditional use permit is granted. Correct?

Dave Gibney- Yes.

Bran Davies- So that's right up front.

Alan Thomson- That's the way the original language is.

Brian Davies- Not after... not after things are going, and not after there's an agreement between a landowner. So, it's up front.

Dave Gibney- And as Alan says, that's the original, that's in the original language, and it is in the proposed language of the motion that I made.

Alan Thomson- And that language should be in whatever you craft. The timing of it.

Dave Gibney- So, among other things, this, commiss... Dean's motion actually puts that there can be a significant amount of construction done before the escrow has to actually exist.

Dean Kinzer- We can do away with that.

Dave Gibney- Yeah. So. It's up to someone.

Bill Myers- Well, I like what Dean's got here. It more greatly involves a landowner. If we could, you know, somehow it's a little difficult to craft this on the fly, but, if we could, include some of these spec, specifications, specif... anyway, these specific things, in your language Dave, that, the, you know, I think we'd have something here. I don't know how to

put that in the form of a motion. And where we'd go. I do like the idea of not being able to turn dirt before, you know, before, before you have the money in place.

Dave Gibney- The motion that I, Item I of the one that I said, you know, what has to happen for restoration is removal of all above ground and below ground project facilities, material, and infrastructure. Including below ground to bedrock, or the depth of a typical native Palouse Prairie ecosystem. Which basically is 20, 30 feet, so if for some reason, you know, they do a concrete piling deeper than that before they hit bedrock. They don't have to go quite that deep. That's the only difference between, as I see as to what Dean is saying of everything above and below ground. I think, I think that says everything above and below ground.

Bill Myers- I think you have that language, basically, just in the removal of all above ground and below-ground project facility material and infrastructure pretty, pretty, inclusive of everything. It's just, but if they pack it in, we want it packed out.

Dave Gibney- I do see that perhaps we want to strike, if we get to mine, we want to strike item 4, allocation of value for salvaged product materials, because we don't care. And that's left over, but, but then again, we can ask them, you know, but, in any case, the, the only, I could be wrong, but the only real difference that I see here, well, there's two of them, is one, okay, is that Dean's is for actual cash value in an account versus any kind of bonding and that the first call on that account, is the landowner. Rather than what we have here, which is the company do the work first. And then the landowner says, if the company doesn't do it, the County says to the landlord, the County says, the County says to the company, give us that money. And the County goes to the landowner and says, here's the money, you get to delete it, do the work. And if the landowner doesn't do it, based on the money that's been provided by the bond, not the cash, then the county will take the money and do it. But that's, that's the difference.

Dean Kinzer- Yeah, I just wanted the landowner to have skin in the game and know that if things don't get done, his property could be sold to pay for it, too. That's, it should be the property owner's responsibility.

Bill Myers- I agree. They are partners.

Dave Gibney- Okay. Julian, I, it's hard for me to see a hand raised, so yeah, he didn't raise anyway, but go ahead, Julian.

Julian Matthews- Yeah, I don't think that's fair. That's what I was asking. We'll say, skin of the game. You're saying that the farmer has to take on the responsibility of the wind turbine? I mean, the surety bond, Mr. Handy, I don't want to put you on it, but wouldn't a surety, or Alan, wouldn't a surety bond be sufficient? Because to me, it's really strange how you're going after the landowner, essentially when they're making decisions, you know, like, it's like, you have land, you do what you want on it, right? We don't tell you what to do on your

land, or what you can do with it, or if you have to have a bond because of the things that, problems you create on your land, and I don't think it's fair to landowners to make them, just because they may decide a wind turbines on their land, that they're somehow penalized, or put in a bad position because, well, this, what you're trying to state, I don't agree with that. I don't think the landowner should be penalized if they're using their land that they own for what they want to use it for. Just like you do, just like I do. I have my land, I do what I want with my land, up to a certain, you know, within the law and regulations, but I shouldn't have anyone trying to take my property without due process or trying to impact my ability to use my property without due process, and this is not due process.

Dean Kinzer- Well, we've determined that we're supposed to be watching out for the health, safety, and welfare of the citizens of this county, and we've determined that when these wind turbine projects are at the end of life, that it has to be decommissioned, and if it so happens that endless litigation doesn't result in some funding to decommission, then who's responsible? The county is going to be, at the end of that, the way the old section was worded, and the county isn't going to be able to afford it either. It is ultimately the landowner's responsibility if he's going to sign that contract. You, if you have tenants in a house, you have complete control over what they're going to do, and it's your responsibility to watch over and take care of that house.

Dave Gibney- And that is precisely the, well, really close, anyway, the deficiencies that we're seeing in the existing code and why we're here ultimately. And that was recognized when we were crafting the solar ordinance and that's what this language that I've put forth from the solar ordinance is intended to solve. It is intended that to the best, mechanisms available to anyone financially aside from an actual, well, and actually the bank. You can't, even, you can't even put a billion dollars in a bank and have it guaranteed, or have that cash. Gold bar, even, you know, you could say, you know, in the foundation of the wind tower, there shall be sufficient gold to fund the removal and even that's not gonna work. But that's exactly where we're at, is that there weren't sufficient language in the original code to ensure that the county wasn't on the end of the hook. And that's what this tries to do. And it does, it puts the landowner in there as they are the, the County doesn't have to do the, the County isn't the first line of defense of doing the work, the company is. And then it's the landowner funded by the company, and then it's the County, but still funded by the company. And that the bond has to be there, available up front as, as a condition to even make the application.

Julian Matthews- So are you saying right now the county is on the hook for any decommissioning of any turbines, like, say, by the rest area?

Dave Gibney- It's, that's a potential. That's why, that, that is a potential. That's why we are here. Ultimately, that's the reason that we engaged in this entire process, is because the Commissioners, about a year ago, and this Commission, when we were doing the solar, recognized that that clause on decommissioning, was not very strong. And that's where... Julian Matthews: Well, right now...

Dave Gibney- So, yes.

Julian Matthews- Regardless of whether we change the ordinance to ensure there's more, financial liability, those, the County, Whitman County, is on the hook for any decommissioning of all those wind turbines up by the rest area?

Dave Gibney- Or the endless litigation. Or the, there is a bond as Alan said, that company does have a bond, they did follow the procedures of the time, but the review of it and the specifics of how to determine whether it's sufficient or not is, is inadequate in the existing code. And just to, as a plug, that's the reason that I went to the Commissioners and said, you know, tell us to get something done, because we need this, we need to improve the code at least this much. Because although a developer can go to EFSEC, while EFSEC is doing their evaluations they, the law says that they have to at least look at and consider our existing code as it exists at the time that they get the application. And if that happens today, the code as it exists today is the 19.61 that's on the books that we acknowledge is inadequate. If we can get this part done before the mor, before somebody goes to EFSEC, then EFSEC has to take, at least take a look at what we say. They don't, again, it's correct they can override most everything that we have to say, but they have to at least listen and give a reason for why they're gonna override us.

Julian Matthews- That's, when they do that, that's to the Board of Commissioners, not to us. We give recommendations.

Dave Gibney- Right.

Julian Matthews: The County Commissioners, and they decide, yay or nay, whatever, they...

Dave Gibney- And that's why we're pushing to have an admittedly partial product to them quickly.

Julian Matthews- Okay, thanks.

Dave Gibney- Anybody else?

Bill Myers- I'd like having the money in the bank. That's how I like the, just as long as this is established up front as a, as, before any dirt's turned.

Weston Kane- So you're saying as a bond, then? Just...

Bill Myers- No, this escrow account.

Weston Kane- So, I guess my question would be, if we're setting up an escrow account between the company and the farmer, that's essentially guaranteeing the money's there, right?

Bill Myers- Money in the bank.

Weston Kane- And we voted 20 minutes ago to do away with the guarantee part of the, what we post code. So, we're kind of contradicting ourselves here.

Bill Myers- Oh, okay.

Weston Kane- I'm not saying it's, we shouldn't debate it, but I'm saying we already voted to not have this guarantee, right?

Bill Myers- I thought we did the letter of credit. Maybe I'm, maybe I'm...

Weston Kane- We took both out.

Dave Gibney- We took both out. We left with the only option subject to legal review and whatever, but what we, if we send it to the Commissioners at this point, their only option is a surety bond and frankly, I, I'm not, I don't know how that differs from well, actually, I do know how that differs from an escrow account containing exactly $1 million or $1 billion but, practically, I don't know how that's different, so. Go ahead, Dean.

Dean Kinzer- I would move to amend your proposal here at, on, I guess it's page 1, 2, 3, page 4, B. It says, the duty to provide financial assurance shall, yeah. Under surety bond is where I want to be. The applicant may provide financial security for the performance of its decommissioning and site restoration obligations. Can we add right behind the applicant and the landowner?

Dave Gibney- Okay, so Dean is most... is moving that... yes, I'm on page 3, as we account... as we count them here. In line 15 that the words and the landowner, be inserted after the applicant.

Dean Kinzer- And any other... any other place in the document tat that needs to be done also so.

Dave Gibney- Okay anybody second?

Bill Myers- Second.

MOTION by **Dean Kinzer** and seconded by **Bill Myers** to add the landowner after the applicant.

Dave Gibney- Okay, and I'm discussion. I don't know... that that changes things. It may... It may change things down to where, on item C. Okay, the... there's some language above here where it says, you know, what are the conditions that we're going to call the bond and

have that... have the funds moved at that time in their entirety to its... to an account controlled by Whitman County. I'm not sure how that affects... that if the... and as I would see just before 3 pm the last page. I'm not sure how that changes that mechanism. The, you know, the mechanism that's in place right now is basically at the point we're... we're saying you're out of business give us the money. At this point it goes to Whitman County, not the landowner's not involved at that point. So, we might need to change that. Other than that, aside from... and Dean made the motion, and it has been seconded.

Dean Kinzer- May I make a friendly amendment to that? Dave pointed out that it says the applicant and if we amend and the landowner may provide financial security, it should, perhaps it should be must provided.

Dave Gibney- Actually, I agree with that, and I'm also going to think that that was probably a result of us eliminating the other two options.

Dean Kinzer- Oh.

Dave Gibney- The may was there before because the applicant had 3 options.

Dean Kinzer- Okay.

Dave Gibney- So, effectively in doing scrivener's corrections and everything, we struck that may and made it the shall.

Dean Kinzer- Okay.

Dave Gibney- Anyway.

Dean Kinzer- Alright.

Dave Gibney- But so noted for the record.

Dean Kinzer- Shall or must would work.

Dave Gibney- Yeah, Any other discussion? Dean made the motion if you want to speak more towards it.

Dean Kinzer- That would give the landowner some skin in the game and cover a lot of the bases. I still... I am a little, I guess, reserved about whether that surety bond is going to have the money there or not at the end of the game and we're going to end up in endless litigation because of it, but it would at least cover that part of it, getting the landowner to have some skin in the game, and maybe a little more control.

Dave Gibney- Okay, all in favor of adding the words and the applicant?

Dean Kinzer- And the landowner.

Dave Gibney- and the applicant and the negative state... the applicant and the landowner. All in favor? Any Opposed?

Julian Matthews- No.

Dave Gibney- We got a no from Juian... I've got... I count 5 no's here at the table with Julian.

Julian Matthews- Yeah, that's me Julian no.

MOTION FAILS.

Dave Gibney- Sorry, Dean that amendment has... to the amendment has failed.

Dean Kinzer- I tried.

Dave Gibney- Okay, I would like to ask if anybody would like to move that we strike item 4 on line 31 on page 1.

Weston Kane- I move that we strike item 4 on page 1, the allocation of value for salvaged project material.

Chris Melhous- Second.

MOTION by **Weston Kane** and seconded by **Chris Melhus** to strike item 4 on page 1, the allocation of value for salvaged project material.

Dave Gibney- Discussion. That was left over back when we were intending to potentially give credit for the recycled value of the materials, and we concluded that we were not interested in being in that business.

Brian Davies- Being in that business.

Dave Gibney- All in favor? Opposed?

MOTION PASSES.

Dave Gibney- That one passed.
Julian Matthews- All right.

Brian Davies- Which one was that again?

Bill Myers- Going up to page 1, going to the line looks like an 8 and 9, I'd like to strike 60 and add 90. That in form of a motion.

Chris Melhous- Second.

MOTION by **Bill Myers** and seconded by **Chris Melhus** to strike 60 and add 90.

Dave Gibney- We have a motion and a second to basically give the Board of Commissioners and the... and the County staff 30 more day more. Making it 90 days. All in 90 days. Any discussion. All in favor? Opposed?

MOTION PASSES.

Dave Gibney- Done.

Brian Davies- And that was right on page one?

Dave Gibney- Yes.

Bill Myers- On line 25, including below ground to bedrock or depth of typical native. That's basically what we're stating, is anything that's in the ground, foundation. The whole thing comes out. Okay that's just. That's I just wanted to... I like that, that's all.

Dave Gibney- I mean...

Weston Kane- Isn't that last line added on from what our solar request?

Dave Gibney- It was, the other... there were two ques... well there was no questions about the depth of the solar, because who's, you know, below ground period. The wind went further. This... this actually, you know, that to bedrock or the depth. That's language I added because we... it was recognized that... that perhaps the depth of a wind tower was maybe we didn't have to ask them to go all... to remove everything that... to.... The mitigation to a level would be appropriate and that that was in the... that was in the letter from the Board of County Commissioners to establish the depth of the removal.

Bill Myers- Okay.

Dave Gibney- So, if you want to, if you want to just leave it at everything below ground, we would strike that.

Bill Myers- I'd say the removal of all above ground and below ground project facilities, material, and infrastructure. Period. That's pretty inclusive, that's everything. I mean if they packer, packed rock in they pack it out. And so I'd say strike including below-ground, you know...

Dave Gibney- So Bill is moving that we end item I in lines 25 through 27 by making after infrastructure a period and striking the rest of the phrase. Is there a second.

Chris Melhous- Second

MOTION by **Bill Myers** and seconded by **Chris Melhus** to end item I in lines 25 through 27 by making after infrastructure a period and striking the rest of the phrase.

Dave Gibney- All in favor? Opposed?

MOTION PASSES.

Dave Gibney- Okay is there any... anything in yours that you believe we don't have covered by the clause and some of the other stuff here. Actually the rest of this just says you're going to have to make sure that you have got... it's got to be a good estimate of good and fair, and validated estimate of what it would cost to do the restoration.

Dean Kinzer- Yeah, updated annually, I hope.

Dave Gibney- I'm not sure what the.

Brian Davies- Do we need to add best available size?

Dean Kinzer- It's in a different spot.

Dave Gibney- I think there was a... well, okay, the... the costs to do are re-evaluated annually the actual work, probably shouldn't change.

Dean Kinzer- Yeah, unless there's some new technology for erasing a site like that, you know, you're right.

Dave Gibney- And that would... new technology would reduce the cost, but, but it wouldn't change. We're going to re... we.re going to remove it. Okay. Anybody, so, are we all okay, are we ready to make a vote, final vote on this amendment to the 1961 code and consider that we have accomplished what we wanted to tonight?

Bill Myers- Well, I got a, on page 2 line 20 words as near as possible. Is there a reason to qualify that?

Dave Gibney- It's a fact of the matter.

Bill Myers- Just a fact of the matter?

Dave Gibney- You take vegetation away, you can't make it perfect. But you're going to make a try.

Julian Matthews- I'd like to take a vote on this so we can say we did something tonight.

Dave Gibney- Okay, I will consider that a move to end discussion. Is there a second?

Brian Davies- I'll second.

MOTION by **Julian Matthews** and seconded by **Brian Davies** to end discussion.

Dave Gibney- I have a motion to end discussion. All in favor please say aye. Opposed? Your discussion is over.

MOTION PASSES.

Dave Gibney- All in favor of amending section N, I think it is, of the decommissioned section of 1961 to be the language that has been discussed tonight. All in favor, please say aye. Opposed?

MOTION PASSES.

Dave Gibney- Okay, we are there.

Julian Matthews- Good Job.

Dave Gibney- We are there. So, we're about out of time, and I... but at the next meeting that we're going to hold, which will be on the 12th of November, Wednesday, here in this room, we're gonna discuss the per... the... what I sent forth at the last meeting on a start of protecting of landmarks. And what I, just to bring y'all, everybody, and explain it once more, I, this is a... this would be a new section to 1961. And I have it in 3 different place, things. It says, you can't put a wind tower within X of an incorporated community. You can't put a wind tower within X of the unincorporated, rural, residential areas, zones that we have in the county. That's the Steptoes and, and whatever. And the one that we're, you know, the one that we're really talking about, is you can't do it within X of the following national following landmarks. I didn't put any reasons for any of this in what I have. That, you know, fleshing out the language. And we, we may or, I don't even know if we have to have reasons in the code if we have reasons... supporting reasons and findings of fact, then we adopt it and send it forward. But that's what we're gonna talk about next week. And if we get through that. We will have a product ready to go through the process. And, and maybe we, maybe we, maybe we actually get that extra time that, you know, Commissioner Tracy, or attorney Tracy said that if we could do it by the 12th, that would be good. I am going to point out something that I learned on, in discussing the setbacks, and, in, if we do something which makes the Palouse Wind a non-conforming use as it is, which the setbacks, as we've

discussed, would do. I don't, that makes them, I don't think changing the bonding requirement will make them non-conforming. But they look, they're conceivably some of the towers that exist are within 6 times the height of the tower of a neighboring property line. That, would very likely constitute an explicit, significant financial taking to Palouse Wind. So we may need to throw a clause in the setback language that we've already adopted that says it doesn't apply to the existing Palouse Wind . Because...

Brian Davies- Wind farms created before a certain date.

Dave Gibney- Wind farm, you know. Because they, there would be an, the thing is an existing use gets grandfathered into the code that they existed on unless they want to make a change of greater than, I believe, 75%, in which case they have to either get an additional conditional use, adjust on the board, through the examiner. Or they don't get to do it. And I could be wrong, but I suspect that replacing the generator at the top of it, that repowering an existing wind turbine would be deemed greater than that amount. So, I believe, and we've got some time to think about it and work on that, but I believe that we would need to add to the setback language that the new setbacks don't apply to the existing wind farm. Or, or not. We can think about that, over time. It's just something, but, but, you know the, we've been advised that whatever we do is not a taking to those landowners who may have an agreement with a potential project today on the decks but, and frankly, you know, that litigation might not be all that hard to deal with. But, if we were to say to the existing wind farm that half of, and I'm just making that up, half of your existing turbines can't be repowered. That's probably worth some lawyer time. So...

Denis Tracy- It's doubtful that that issue is gonna, would be able to be resolved by November the 19th Mr. Chairman.

Dave Gibney- Well, I'm, I, I can, we can add to our existing setback that these new setbacks don't apply to Palouse Wind. Or to any existing, existing wind turbines at the point right now.

Brian Davies- Created after a certain date and time.

Alan Thomson- We're looking into that legally.

Dave Gibney- Yeah, created before.

Denis Tracy- So, I'd encourage the Planning Commission, if you have a specific proposal, you know, when you're talking about the, when you're talking about repowering, there would be no impediment to Palouse Wind to putting in a new generator on the top of their existing tower, as long as it is approximately fairly close to the, the, effect on the environment that the current tower has. If you're talking about replacing a 300-foot some tower with a 700-foot tower, yes, big difference. So, if that's what you mean by repowering, then, then, I guess my point in, in pointing this out is please, you would please to the

Planning Commission, ask a very specific question about, if you're going to talk about repowering, what do you mean by repowering?

Dave Gibney- And I agree, that's why I'm just bringing the issue up right now. But if, but it is likely, and I don't know, but it is likely that some of those towers that exist were put in at four times the height of the tower to an existing non-participating residence. But closer than that to the adjacent property lines. And that's the one where I wonder whether we would be making it. And, and again...

Denis Tracy- And I can... I can answer that question, Mr. Chair. There would not be a problem with, with doing that, you do not have to explicitly exempt Palouse Wind from the new code. Palouse Wind's project is already exempt from the new code, as long as they remain within the parameters of their permit that they have now. So...

Dave Gibney- Okay, I think there's a nuance there that, in the, in the, in how grandfathering to non-conforming use works in zoning law. I could very much be wrong. I am not at all suggesting that we make that amendment to the code tonight. I am saying that we may need to talk about it at the next meeting, or the meeting after that.

Julian Matthews- Yeah, because Denis, doesn't that, isn't, that's what I was just saying. So, you can't put in a new code, and like you're saying, you know, make everyone, like, make, when the whatever one that is up by the rest area, they're already done, right? They're, they're, the code is in place that they went up, set it up under, and so now they're done. And anything we do from now on, like everyone's saying, well, the County Commissioners didn't understand the ordinance at the time of how to best write it up, and so we can't do anything, this, this can't affect people or the current wind turbines that are in place right now, pretty much.

Denis Tracy- I'd agree with that statement. This, the new code can't affect an existing project. Their operating conditions have been established by the permit that they already have. So, they, as long as they stay within that permit, then they'd be allowed to continue.

Julian Matthews- We just need to think about any new projects, not past projects or trying to penalize people that were fully compliant with the ordinance at the time.

Dave Gibney- So, I, I still think there may be potential nuances, because one method of repowering a turbine, a wind turbine is to remove the existing tower and replace it with a higher one. That's one of the methods that has been used elsewhere. Maybe they can do it, maybe they can't. I don't think we need to belabor it tonight. We do, I'm just saying, we may have to talk about it and we will have more information at a future meeting. I was just trying to heads up the Commission here, so.

Alan Thomson- Well, to be clear, in planning and zoning, when you expand the project, then you have to go through another CUP. And if, repowering can be one of three things and

that's up to the operators to decide which way they want to go. You could change the power structure of an existing turbine without making it bigger or increasing the footprint in any sense. That's one option. A second option is you put new blades on and those blades are going to be larger than the ones that are there right now. So that would be, in my mind, as a Planner, an expansion of your current CUP. Third option is you put in a new tower altogether and you put in a taller tower with longer blades. That definitely is not what they have in their CUP at this moment in time. So, as a Planner, I would say that they need to go through a new CUP, and then, potentially, you're going to run into the new code. That's the way I would look at it as a Planner.

Dave Gibney- And, and I, thank you, Alan, and, and that's all I'm, again, we're just trying to warn every, you know, that's something that may yet be on our table to accomplish what we said we want. Does, and I said that if we had time, and we are past 9 o'clock, but, you know, anybody out there who wants to speak briefly? Seeing none...

Julian Matthews- Motion to adjourn.

Brian Davies- Second.

Dave Gibney- We have a motion to adjourn and a second. All in favor?

You have to think about that. We're adjourned.

MOTION by **Julian Matthews** and seconded by **Brian Davies** to adjourn the meeting.

9:00 p.m. – WORKSHOP ADJOUNRED.

WHITMAN COUNTY
PLANNING COMMISSION
Public Service Building Auditorium
Workshop
November 12, 2025
7:00 p.m.

MEMBERS:

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

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

Zoom: Jim, Tom Handy, JL Rick, Nicole Frazier, Shelly Chambers-Fox, Shane Roche (Steelhead), Jamie Anderson, Ashley H, Eric Slusher, Denis Tracy, Elinor Huber, Wilard Morgan, Beth St Marie

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

7:06 p.m.- Dave Gibney opened the **WORKSHOP.**

7:06 p.m. – Okay so, I'm going to start with the informal workshop mode, and... and then a little later, we'll go back to doing amendments to the 1961. So, we're going to discuss among the... the Planning Commission, the staff, legal counsel... if... okay, Mr. Tracy is... okay, good. If we have time at the end, we'll have some short public comment. The first thing when we get going today that I want to do is talk about a new section where we're going to say that you just don't get to put a turbine here. This is because, you know, the Butte... the Buttes and other things. And the previous language that had a setback from incorporated towns that I figured we could move to an excluded. But before... and then we can take a look at exhibits and findings for the hearing. We've currently got that... still planning that hearing for December 17th. So, our next meeting, which is next week, we will review the amendments and make any changes due to our legal review and we'll have a section on... on definitions. So, before we go into the exclusion language, is anybody on the committee.... will this start? Chris, anybody... we'll do comments around

Dean Kinzer- If we have time I, excuse me, if we have time, I'd definitely like to bring forward an amendment concerning transmission lines being underground and required to be underground. So if possible, I want to do that today.

Dave Gibney- Okay.

Dave McKiernan- I'm good.

Dave Gibney- Okay, does Mr. Tracy have anything he wants to talk about at the beginning?

Denis Tracy- Not to start off with, I don't think. Thank you.

Dave Gibney- Okay, Alan.

Alan Thomson- No.

Dave Gibney- Okay, so I want to get started with some language for an exclusion, and then as much as I've said I don't want to drive this thing, I keep on doing it, so here and we pass that around. Got a copy okay, pass that on around, and when it gets to the end, there should be some extras for people out there in the world.

So, all right. So, just to get everything going, I'm going to make this motion. It's a new section under... to be placed after 19.61.050 SEPA before 19.61.055 Micro siting Corridor areas. So, it's, you know, it's 19.61.05 something, Commercial Wind Energy Facilities exclusion areas, and there are 3 parts. And so it's... one is wind energy turbine towers are not permitted within, and I've started one or some other number miles of the boundaries of the incorporated communities. 2) wind energy turbine towers are not permitted within one or whatever miles of the areas zoned 1) the Rural Community Residential District, RCR, 2) Rural Community Center District RCC1, and the Rural Community Commercial District, RCC2 or the Airport Commercial District. And these four existing zones in the Whitman County Zoning Code, which are going to have a higher population, or I think the airport kind of makes sense on its own. And then the one that got us here is C) wind energy turbine towers are not permitted within one or N miles of the following areas of National, State, and Local significance. And what I have before me, I... I swear that the internet told me that Kamiak Butte was a State Park, but I'm told it's a County Park, so we'll do that as a County Park. Measured from the highest point on the Butte. Steptoe State Park, measured from the highest point on the Butte. And Palouse Falls State Park. it is a State Park or is it a County Park?

Weston Kane- State.

Dave Gibney- State Park, okay, and we measure that one from the point on the line between Whitman and Adams County at the crest of the falls. And so, is there a second? Is there a second?

Dave McKiernan- Are you... are you asking to adopt it as written?

Dave Gibney- No, I'm asking for a second to the motion to amend the code as stated.

Chris Melhous- Second.

MOTION by **Dave Gibney** and seconded by **Chris Melhus** to add a section to 19.61 regulating the setback distances for wind towers.

Dave Gibney- Okay, so I've moved and Chris seconded that we bring forward this motion to amend for discussion. And before we're done, we do need to pick the distances, and if, you know, nautical miles, Fortnite, you know, Furlongs, whatever the measure, I, you know, we need to come down with that and so other than that, I started this with, you know, it's real simple and it's explicit we do need to determine those actual specifics. There aren't any specific reasons given in this for why when I asked the prosecuting attorney, he told me that the re... that I... we didn't need specific reasons in the code, and that that would be supported in our findings of why we chose to adopt this code. So, at that I will open it for discussion. It'd be nice if we gave everybody on the Commission a shot to discuss it, and then, you know, made a proposal to pick some numbers or change any of the other language. So Weston.

Weston Kane- So, I guess I... I see a couple of things that I think mainly, my concerns are more with C than anything.

Dave Gibney- Okay.

Weston Kane- Depending on how many miles we're going on our areas, I think instead of being the highest point of the Butte, so we have it the outside boundaries of the parks. And then we've only picked 3 locations here, either we come up with some way things get added into this that backs it, or some more places around there, because like do another one that's popular but it's just over State line in McCroskey State Park for example, and there's a bunch of other parks like that. So, I think there's a few things we need to look at there.

Bill Myers- I agree with, I, I agree. They, there's other, other things to consider here, as well as the, we've got parks up and down the river, Corps of Engineers. We've got a... it... we need to specify some county parks as well. There's... there's... we've got the scenic byway to... to consider. Although it doesn't, you know, for the byway , it doesn't have to be a... a huge setback, but there's... I .... I have a, it's not long, but it's... It's... It's... It's a little more comprehensive it doesn't have the... the so, I don't... It's, you know, this motion is on the, on the table, so it's not proper time to introduce this obviously, but

Dave Gibney- We'll give you a... we'll give you a chair.

Bill Myers- Okay.

Dave Gibney- To either add to mine, or...

Bill Myers- Yeah, okay we may very... may very well do that. Then I'll, whole we're getting mor comments, I'll...I'll... I'll try to be specific.

Dave Gibney- Dave.

Dave McKiernan-I... I agree, I... I like seeing this exclusion area. We need to, in my opinion we need to make sure we have setbacks for County Parks. The County Park area is things that traditionally in my opinion, is what everybody felt was valuable to preserve, to protect and so we need to make sure we don't have industrial anything close to those Parks. But I think... I think we're heading down the right route with this exclusion area, and the heritage areas, and... and the... and at the same time the... what's recognized by the... by the Feds and the State as heritage.

Dave Gibney- Okay, Dean.

Dean Kinzer- I was going to suggest exactly what Weston suggested, simply because the highest point, I believe Kamiak Butte, you can get a mile down the road, down the ridge on Kamiak Butte, and you... that means you could put up another wind turbine in the park itself. So, it's got to be.... It's got to be on the boundaries. And yes, I agree that we should have a setback from the parks, Kamiak park. I'm no, excuse me Wawawai Park and Klemgard Park and what's the other park we have, Boyer Park. There's another one

Dave McKiernan- Elberton.

Dean Kinzer- Elberton.

Bill Myers- Wawawai, oh you said Wawawai okay.

Dean Kinzer- yeah, I'm sorry. My mom's a native of that area and she always says wowaii, she doesn't say Wawawai.

Bill Myers- I haven't...

Dave Gibney- All right, we will discuss additions. You know, it's clear that there's a... everybody wants to talk about additions, so when we get there we will. Some of the reasons and everything, too.

Julian Matthews- So, how did you come up with a mile? Like....

Dave Gibney- I had to put a num... I just made that up. We're going to... we're going to adjust that number on each of these here now.

Julian Matthews- So it wasn't necessarily any type of, like I read most of those articles that guy sent us about noise and so it's not based on any... what's the basis... what's the basis a mile exclusion for whether it's from the Butter or from the parks, so because that's what I was thinking. I was just out there last night, and a mile from the view would be... wouldn't even be out of the park.

Dave Gibney- I...

Julian Matthews- So there's no rationale behind a mile?

Dave Gibney- The... The reason for doing the exclusion, and specifically the areas of local significance is as far as I know, all visual and aesthetic. We're not talking about noise or health or anything like that. It's these areas that the citizens of Whitman County value for... for themselves. So, and I just, you know, I fully expect us to change that number from one. I just, you know, I wasn't going to put 45, because I'd be outside the County. So, you know, just one, and that's just to start. So, and I've, you know, these are... okay, these are the three areas that have been mentioned to us from the members of the public already so, that's how I got these three areas. I, you know, sure, we'll discuss additions.

Chris Melhous- First of all Dave, thanks for putting together the framework for this. It's nice to work off something where we can all kind of have a discussion on it. Being at the tail end of this, obviously, everybody's kind of touched on everything. I want to talk about as far as, you know, the border, you know, obviously we need to add some different areas as well, but, you know, the border obviously makes a lot of sense, because, like you said, If you get to the top of the peak, by the time you get to a mile away, you might not be out of the park yet in a lot of these places, or it'd be right at the edge, so it's a good framework to work with so started.

Dave Gibney- Okay, again... okay I'll say, and then I'll get back to you. So, again, I just... was a start. It was pointed out to me by someone, I don't remember, or maybe more than one, that the boundaries are irregular, and it would therefore be a more difficult thing to determine what those zones were. It didn't even occur to me that Kamiak Butte, there probably are portions of that park that are within a mile of the top, you know, Steptoe's a little more circular, so maybe, it may be that we... that this needs to be tailored to each space, or... or just go with the boundaries and... and add the logistics. Julian, you want to speak.

Julian Matthews-I was just wondering, I was out there yesterday, so I don't know where they plan to put them. Are they putting them past that Clear Creek road?

Dave Gibney- I don't... It doesn't matter where they're planning on putting them.

Julian Matthews- Well, what I was wondering, okay, you put it a mile from the boundary...

Dave Gibney- Okay.

Julian Matthews- ...or whatever the park entrance. What is that, Fugate Road or something? But say, so what about the property owners that want to have a turbine on their land. How would that impact them.

Dave Gibney- They wouldn't, they wouldn't be permitted. Okay while I was... a while back, when I was thinking this out or looking at it, I went into Google Earth and I drew a 3-mile circle around the top of Kamiak Butte, and a 3-mile circle around Steptoe and it looked to me like, and again we're not really worrying or discussing any specific project. But we all know there's one out there. Okay, okay but...

Julian Matthews- We don't have a specific project, but if you have a mile...

Dave Gibney- And I was about...

Julian Matthews- ...from the boundary to the park there then that's going to impact other people that maybe they want to use their land for wind turbines, and so maybe we should put something in there to say, you know, like we did with that other stuff about, you know, just because everyone here or in the audience wants that, not doesn't want that, maybe some people maybe want them. So, it's a... and it's just like my property. You're going to tell me what I can do with my property. I don't like that mentality, because a lot of people do stuff on their land right now that ain't good for the environment, and ain't good for the property, and other people, you know, so got to considder how are you going to balance that? It can't just be, yeah, this is the way it's going to be, and you have to deal with it, you know, that's the government... that's like the government, man like government telling people what to do on their own land. That's what I don't like about it.

Dave Gibney- I'm not going to argue with you on that. I have, I have a very great deal of respect for the private property rights, which is one of the reasons that I'm still here and that we need to... we need to have good solid, valid reasons that are defensible for our ultimate code. And you're correct a mile from the boundaries from Kamiak probably wouldn't impact a great deal of Harvest Hills. I... as I was trying to say, I did... I drew a circle, a 3-mile circle around and the best of what I could tell, that wouldn't have a lot of impact on the sites that I've seen, and this is just my gut, I didn't read it on the sites I've seen for Harvest Hills, I drew a 5 mile around, and... and that would pretty much preclude what I think is the area that they're doing. It has been stated by a member of the audience last time that the Palouse wind is approximately 6 miles from the top of Steptoe. 7 okay. So, you know, when we get down there that's pretty much, you know, stuff that we have to talk about.

So, in the interest of getting things moving a little bit I put in a mile. Let's just start with A, the Cities. I put a mile. Anybody? And currently the setback to the city of Pullman, it's in the code is, the four-time... no, it's the 1 times the height of the tower.

Bill Myers- I believe it's 6 times.

Dave Gibney- No, in the existing code.

Bill Myers- Oh, in the existing code.

Alan Thomson- 4 times.

Dave Gibney- 4 times. In the existing code, it's, it's, it's that 4 times Just like it was... okay, so that... so that's what it is, and so if we were to just keep this one the same, we'd change that to 4 times the height of the tower or... or we could keep it consistently with the 6 times that we're going for, or we can but, but, but again, the reasons for this area are not the same as the reasons for the areas and the setbacks, necessarily. These are... these are specific areas that we're just saying we don't want the towers nearby.

Dave McKiernan- And so you're wanting to address section A.

Dave Gibney- Section A, you know, okay, unless you...

Dave McKiernan- No I'm asking.

Dave Gibney- Right, right, So yes, let's just do A and do B, and then obviously we're going to have a longer discussion about C.

Chris Melhous- I think overall, I'm comfortable with the 6 times the height on outside the city limits, but if, you know, there's more push for a mile, I could probably be talked into that as well. But I think 6 would be sufficient.

Dave Gibney- Okay.

Julian Matthews- How far would that be 6?

Dave Gibney- It's approx.... 6 times the height of current turbines is approximately. Well okay 6 times 300, or 6 times 4oo. It's about a... It's less than a mile.

Bill Myers- Less than a mile, 2400.

Dave Gibney- Yeah, you know, 6 times the height of the hypothetical, but we know about them. 7-to-800-foot towers is... is going to be a mile. I don't know... I don't... you know, again, I'm not sure that there's any reason to... to do these in terms of tower height, rather than an explicit number.

Dave McKiernan- I agree with you Dave, and watching how Pullman is developed and the community of Uniontown has been developing there on the South Side, and how Colfax has developed out here on the river, you know, tower height doesn't really fall into place because of our topography. I think we need to keep it to miles, set these things back. As we... as every community in Whitman County is seeing growth. I think we need to make sure we protect those communities, and we... and we put a mile buffer in. Just no different than, like, Pullman has their growth impact area, you know, out in the county.

Dave Gibney- And we do need to... when we are supporting this at our hearing, we do need to have some logical, defensible reasons that we've... for the number we pick. But a mile... a mile is... It's about... that Urban Growth Boundary is about the same, or the Pullman one, which the County isn't... The County does not have to recognize Pullman's Urban Growth Boundary but it's about a mile. Okay Chris.

Chris Melhous- Just for clarification, I guess, since we've used nautical miles in the past, is that how we want to stick with it, as far as... I mean, for consistency.

Bill Myers-Yes, I think that would be... I agree with you.

Chris Melhous- I'd like that, just to be consistent.

Dave Gibney- Okay, one everybody?

Dean Kinzer- Do you need a motion?

Dave Gibney- Yeah.

Dean Kinzer- Okay.

Carol Black- Dave can you speak into your microphone?

Dave Gibney- I'm trying.

Carol Black- I Know, we got a lot of old people out here.

Dave Gibney- Okay

Dean Kinzer- Mr. Chairman, I move to insert one mile as the boundary, one mile from the boundaries of incorporated communities, as you have it stated in here.

Weston Kane- I'll second.

MOTION by **Dean Kinzer** and seconded by **Weston Kane** to insert one mile from the boundaries of incorporated communities for setback distances.

Dave Gibney- Okay, so we have a motion to do... and I'll accept the nautical. I don't... I'm not sure what the difference... personally, I'm not sue what the difference is between a nautical mile and a standard mile , and a, you know...

Bill Myers- I's 1.15 statute miles.

Dave Gibney- 1.15?

Bill Myers- Yeah, 1.15 statute miles.

Dave Gibney- Okay, alright good. 1.15.

Denis Tracy- Mr. Chairman, I'm sorry to interrupt, this is your lawyer. Why does anybody want to use nautical miles.

Bill Myers- They're longer.

Dave Gibney- I believe there's a desire to be specific as to what kind of miles and nautical is the term that was used first in our... in the discussions we've had so far.

Denis Tracy- I am in favor of using nautical terminology every place that I can, I love it. But, I just... so, that's fine, I'm just curious.

Tom Thompson- it follows the curvature of the earth versus the actual curves.

Dave Gibney- Okay, I'll repeat what Mr. Thompson said that a nautical mile is based on the curvature of the earth rather than, I'm going to assume, the horizontal direct distance of I'm going to... I'm going to guess it still is the spherical average curvature of the Earth and not what would take... because actually it end up shorter if you had to go up and down the hills.

Julian Matthews- So, are nautical miles applicable to land.

Dave Gibney- Yeah.

Bill Myers- Use them all the time.

Denis Tracy- It can be.

Dave Gibney- Surveyors use them. Oh go ahead Denis.

Denis Tracy- My suggestion is that, is that you have a... a definitional section somewhere that says the distance, when a distance is measured, it's a horizontal distance, and we can wordsmith this, but it's a horizontal distance, as a crow flies, not the distance a wolf runs to account for, you know, you... you don't mean that the measurement taken by...

Dave Gibney- Okay.

Denis Tracy- ...going up and down, but nautical miles doesn't solve that issue.

Dave Gibney- You're right, okay, so... let's do, we definitely have a definitions section and we can... we'll add miles in the section mean at this point, 1.5.

Dave McKiernan- What's... what's Mr. Tracy's recommendation? I mean when I look at the county map and it has it laid out in quarter sections. Is that what we need to go off of, or what would Mr. Tracy recommend so that we alleviate a little bit of paperwork and definitions here?

Dave Gibney- We have to have a defin... we would have had to be really do a definition for nautical miles in that section, one way or the other, so..

Dave McKiernan- Okay.

Julian Matthews- So, do we have to clarify, can't we just say one mile. Like rather than have an hour discussion on whether a nautical mile is.

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

Julian Matthews- Mr. Tracy can we just call it one mile and call it good.

Denis Tracy- Yes, you can. One, one mile I think means one statute mile in the Country. Unless you say... unless you specifically call it out as a nautical mile, and you batten down hatches. Let's use some more nautical phrases.

Dave Gibney- Okay, we.

Denis Tracy- But...

Dave Gibney- We will use...

Denis Tracy- You do need to have... you do need to have a definitional...

Dave Gibney- We will use one mile in the code here, and we will have a definition of miles, or mile, in the definition section that we have to have that's going to be a part of our discussion next week.

Alan Thomson- But if you just say one statute mile, you don't need a definition.

Chris Melhous- So we need to go back and revise the portion then?

Dave Gibney- No, because I just agreed to do that,

Chris Melhous- Okay.

Dave Gibney- You know, because somebody said it. So, we'll just leave it as it is and we'll... and there are other places that we got miles in the code.

Chris Melhous- I thought Nautical miles at one point was something. Just making sure we're consistent. (Inaudible, mic might be off).

Dave McKiernan- Yeah one, once.

Dave Gibney- I don't remember whether that made it into the actual code as we did it.

Chris Melhous- Yeah, the words are consistent. That is the main thing.

Dave Gibney- And we spent more time on this than I hoped to. So, all in favor of it being one mile from the borders of incorporated communities in Whitman County, please say aye. Opposed?

Julian Matthews- All right.

Dave Gibney- I guess it. So, I had,,. I'm sorry, I have to... it has been stated a couple of times that when we disagree, sometimes it's hard for people to know who says what, so and the thing is, is I want to... Okay so, Chris?

Chris Melhous- Yes

Dave Gibney- Julian?

Julian Matthews- Yes

Dean Kinzer- And we're voting for?

Dave Gibney- For the... for part a, with one mile.

Dean Kinzer- Just one statue mile, or are we talking, or does it matter?

Dave Gibney- We're talking about... about one mile and it will be as we do a definition of mile for the purpose of the code.

Dean Kinzer- Okay, yay.

Dave McKiernan- Nay.

Bill Myers- Nay as well.

Weston Kane- Yay.

Dave Gibney- So, I've got, Chris, Julian, Dean and Weston...

Julian Matthews- 4 to 2.

Dave Gibney- ...at 4 yays and Dave and...

Dave McKiernan- Bill.

Dave Gibney- Bill.

Bill Myers- Bill.

Dave Gibney- ...as 2 nays, which is insufficient for the majority of our council, of our Commission at this time. Just to let everybody know, it takes five. My vote will be yay, which is the 5. But it takes 5 affirmative votes to do anything in this Commission. So, at the final action so.

MOTION CARRIES.

Dave Gibney- Okay, do you think we might be able to do this Part B a little faster in agreeing that if we're going to do miles from incorporated, we'll do miles from the unincorporated.

Julian Matthews- So, are you saying that A passed or didn't?

Dave Gibney- A did pass for the purposes of this... of the... of the amending this amendment at this time. We haven't... we haven't done a final, we're going to send... put this all as part of the code as we will be at the hearing, and we're... and when we meet next week, we're going to have all of this in front of us, and we'll do another vote at the end that this is what we want to pass to the hearing. Go ahead.

Julian Matthews- So, then I can make a motion to approve B or what?

Dave Gibney- That's where I... that's where I was going. Yes, can we... can we have the motion to do B, and are we going to do a different number? Go ahead and move.

Bill Myers- I move that, we, for these districts that we have a minimum of 2 miles.

Dean Kinzer- I'll second it.

MOTION by **Bill Myers** and seconded by **Dean Kinzer** to have a minimum of 2 miles buffer around districts.

Dave Gibney- Okay, we have a motion and a second that we be 2 miles from what are basically the unincorporated, populated area, you know, specific... this is... this is Steptoe and... and I don't think Elberton can... I'm not sure.

Alan Thomson- There's a number of them.

Dave Gibney- There's a number of them.

Julian Matthews- Is this...

Dave Gibney- Okay.

Julian Matthews- ...throughout other counties, or do you know, is it standard language for however many miles they are from all community residential districts?

Dave Gibney- These are specific Whitman County Districts.

Julian Matthews- No, what I mean is, is the ordinance saying 1 mile or 2 miles, is there a standard? I do all over the county's...

Dave Gibney- These districts are Whitman County Districts.

Julian Mathews- No, I know that, but what I'm saying just like we were talking about the Spokane, is that something or other in their ordinance? Is this standard? Is there some standard?

Alan Thomson- It's not standard. Nope.

Dave Gibney- Even the... and I guess the point is,,, that I was trying to make, is even these districts aren't standard to other counties, they're ours, so you can't... in anyway... so okay? Let's have some reasoning why.

Bill Myers- The reason why is, basically, you'll have, in a lot of these areas, they're a... a loosely placed higher, higher population area than, that, just a regular rural area. There's, and the one that gets my attention, more than any of them, it is, now, an airport commercial district also is, you know, also, has the, the area around it that has commercial activity, I'm sure it's, you know, it's larger just than the airport itself. But a... a mile is nothing, as far as an exclusion around the airport, It's these things are 700 feet tall, and the, the standard traffic pattern altitude for a small aircraft id 800 feet. The, when you fly a standard traffic pattern around an airport, you are typically a mile away from the airport. And these will, will be...

Dave Gibney- Okay... I put the commercial air in there. In reality the airport is going to be protected by FAA regulations, which I suspect are going to make it larger than that.

Bill Myers- We, we should... we should, you know, we should specify that, you know, I know it's going to be redundancy, but it should be specified. But as far as... and these, these rural community... rural community districts, it's one of the reasons we're having the problem we have right now, is, the area in question is infringing on, on these, on rural residents and it's, it's something we need, you know, if the City's come out and specified a mile buffer for, these people do not have that vehicle in which to, to , to make their, their desires known. So that's why, why I feel they need a greater area than, than just a mile. So, that's my rationale.

Dave Gibney- Okay, Dean. Anybody... anybody want to give reasons or argue for staying with the one mile?

Chris Melhous- On my end, I think 2 and 3, I'm comfortable sticking at 1 mile. The airport. I definitely understand the need for probably bumping to 2 on that, I know, again, that's redundant but...

Dave Gibney- Well, actually, you know, if...

Chris Melhous- ...if not more.

Dave Gibney- I'm beginning to regret even putting it in here, because it doesn't... I don't believe that there's any point in us protecting what the FAA is going to.

Chris Melhous- Yeah.

Dave McKiernan- I honestly... I think that the small communities, the Johnsons, the Farmington's.

Dave Gibney- Farmington is an incorporated area.

Dave McKiernan- Oh, my bad sorry.

Dave Gibney- Johnson is not.

Dave McKiernan- Yeah correct. You know, I think we need to protect some of these communities, because they actually hold a lot of history for Whitman County, and there's also a lot of opportunity for people to move out there and raise their kids, and I think Bill touched on it a little bit. They don't have a real strong voice, and so I think if we can protect some of these areas with a 2-mile buffer, I don't think that's asking too much.

Dave Gibney- Okay.

Denis Tracy- Mr. Chairman?

Dave Gibney- Yes

Denis Tracy- Thank you, I want to suggest to the Planning Commission that you consider striking the words Commercial District after the word airport, the number 4 and that you strike number 3 altogether. The reason that I'm suggesting that is from what I'm hearing from the Planning Commission, you're not really interested, or you may be, but you're not expressing an interest to protect commercial areas from have commercial windmills within what is it a...

Dave Gibney- Okay.

Denis Tracy- ...a certain distance, so you're concerned about being within a certain distance of the airport, then don't say commercial district, say airport. And in number three, I don't know what number three is so I could just...

Dave Gibney- Let me, let me clarify. I will support striking number 4 entirely from this, because it, the FAA's going to cover it for me. I shouldn't have put it here in the first place. I will note the Commissioner Brian Davies has joined us online.

The other 3, they're here because they are explicitly designed... defined zones in the Whitman County zoning code that talk about areas where the density of the population is permitted and, outright. The... the rules for building the set... for building homes and businesses in these areas are different from the ag zone and these are the three that we have that are explicitly that. As far as I understand the only difference between a community center district and community commercial district is that the ones more in the center of the community, and the ones...others more in the outlier. So go ahead Alan.

Alan Thomson- I think that there's a lot of clarification that needs to happen right here. Johnson is the agricultural district. It is not a rural commercial or a residential district. So, problem right there. I think, Dave, you definitely need to remove airport commercial and maybe do that separately. Airport commercial is an actual zone.

Dave Gibney- And so are the other three.

Alan Thomson- Yep. Colfax has an airport commercial district, as well as a heavy industrial district, It's a combo. And then of course Pullman Airport is inside city limits of Pullman. So, I think you need to treat the rural commercial and rural residential districts the same as incorporated towns. There is a boundary there, it's not an incorporated boundary, but you've got property lines, you've got houses, and it's the same thinking. You want to have the setbacks to where people live, so you can define where those property boundaries are in the rural commercial and residential areas. And rural commercial is a mixture of residences and commercial. Steptoe is a very good example of that. There's a number... all three of those zones are in Steptoe, but some of the other... most of the other rural communities do not have those 3 zones. Dusty has the 3 zones. So, I think you should keep

it consistent and be one mile, as you're doing with incorporated towns, and treat airport district differently.

Dave Gibney- And I, I tend to agree with Alan that I will, when we get, when we get done with the discussion of this number, I'm going to move that we strike 4 in its entirety, and that we're talking about the commercial districts and I understand where Dave's coming from about and Bill, too, about maybe doing it a little bigger around these existing districts. But I'm... I'm going to have to say that those residences and properties are all... are supported in the setback... are protected by the language that we're doing in the setbacks and that this is intended explicitly for specific land areas that...

Dave McKiernan- I think, I think a lot of them are protected by the setbacks but going back to 19.61A that you have proposed here, that we just voted on the one mile, I don't feel that one mile actually allows for future growth over the next 15 years, for whether it be Colfax or Pullman and that's my concern, is we need to make sure that we keep these things outside of our municipalities so that we have room for growth, to encourage growth and encourage development.

Dave Gibney- Okay. You're actually suggesting that we revisit the number around the incorporated communities. Which we can, okay, which we can do, but I'm gonna... I'm gonna reiterate what Alan said, that we should be consistent with our numbers around the incorporated communities and the rural residents.

Dave McKeirnan- And I agree with, I agree with Alan 100% on that, and I recognize what he's saying, and that's why I think we need to take a step back and really consider that, and maybe make that buffer outside of our, our towns and our communities a little bit better to prepare for expanded growth so that we do have room for development.

Dave Gibney- Okay. So, we... do we have... we have a motion right now to put the number 2 miles in B. And we're not getting anywhere, so I'm gonna ask for the vote, let's vote that down. Let's let me strike number 4 from this so that we get that out of, that confusion out of there, and then we'll talk about a number again. We'll go back to where we were. So, all in favor of 2 in number B, please say aye.

Unknown- Opposed.

MOTION CARRIES.

Dave Gibney- Okay, alright, so, just to get it out of the way, I would move that we strike number 4, airport commercial district from B that we're considering.

Dean Kinzer- So moved.

Brian Davies: Second.

MOTION by **Dave Gibney** and seconded by **Brian Davies** to strike number 4, airport commercial district from B.

Dave Gibney- All right, so we've got a motion and a second to amend the motion that's on the floor to remove B4. All in favor, please say aye. Any opposed?

MOTION CARRIES.

Dave Gibney- That passed unanimously. Okay.

Weston Kane- Mr. Chairman?

Dave Gibney- Go ahead.

Weston Kane- I move to reconsider the, 19.61.0A to reconsider that, the one-mile boundary up to two miles.

Dave Gibney- We just got a motion to reconsider, and you voted in the affirmative, so it's all, you voted in the prevailing side, so yes, is there a second?

Dave McKerinan- Second.

MOTION by **Weston Kane** and seconded by **Dave McKerinan** to change the one-mile boundary to up to two miles.

Dave Gibney- Okay. All in favor of going back to our number, lease say aye. Any opposed?

MOTION CARRIES.

Dave Gibney- Okay, alright, I don't care what kind of a mile it is, but it's gonna be a distance. And while we're having this discussion, I'd like us to consider the making that we change that the number be the same in A and B, whatever we come up with. Okay?

Dave McKeirnan- I'm, I'd make, well, is there a motion that's made?

Dave Gibney- There's no motion, there's no, there's no amendments to the main motion on the table. Go ahead.

Dave McKiernan- I have to agree with you. Make it 2 miles to match section B.

Dave Gibney- Okay, so... so when we move a number, the motion will be that we move that A and B be not permitted within the number we're going to agree with these areas. Okay whenever somebody wants to... Whatever motion we want to do.

Dave McKiernan- I make a motion for 2 miles.

Dave Gibney- Okay.

Bill Myers- I second.

MOTION by **Dave McKerinan** and seconded by **Bill Myers** to change the one-mile boundary to up to two miles.

Dave Gibney- Okay, we have a motion and a second that... that A and B be, will read 2 miles and I will just go ahead and read what the result would be if this passes. The result would be that wind energy turbine towers are not permitted within 2 miles of the boundaries of the incorporated communities. It's implied we're talking about Whitman County, and we don't, you know, I don't get to do anything about Moscow. And there... and we know there are 20 some...

Alan Thomson- 16.

Dave Gibney- 16 incorporated communities in the County, in Whitman County .

Alan Thomson- Oh, incorporated or unincorporated.

Dave Gibney- Incorporated.

Alan Thomson- No, it's not 16. It's unincorporated, it's 16, I think. I'm not... I think it's 8 or 9.

Dave Gibney- It... it... is Malden and Lamont and Pine City...

Alan Thomson- Rosalia.

Dave Gibney- Rosalia.

Alan Thomson- Colfax.

Dave Gibney- Colfax, Tekoa, Oakesdale...

Alan Thomson- It's about 8 or 9.

Dave Gibney- Pullman, Uniontown, Colton.

Alan Thomson- Incorporated.

Dave Gibney- Okay, it's the incorporated we're not talking... we're not doing anything about the unincorporated that don't have the, one of these three zones. Okay. So, two miles of the

incorporated boundaries and B is, again, they're not permitted within 2 miles, and these are the three rural community district zones in Whitman County. Go ahead Brian.

Brian Davies- I was, I was just going to ask if the only one of these would be Steptoe, at this point that or are there other communities, like Farmington, and

Alan Thomson- Farmington is incorporated,

Dave Gibney- Farmington is incorporated. Dusty? You mentioned Dusty.

Alan Thomson Dusty is unincorporated,

Brian Davies- Oh Dusty,

Dave Gibney- And it has rural community zones.

Alan Thomson- And there's a few others.

Dave Gibney- Okay.

Alan Thomson- And you... we can identify them by name.

Brian Davies- Diamond.

Dave Gibney- But the answer to Brian is that there are more... specific questions, there are more than just Steptoe.

Alan Thomson- Yes.

Brian Davies- Okay, thank you.

Dave Gibney- All right , everybody Okay. Any further discussion, or do we want to vote on two for A and B. All in favor of it being 2 miles in A and B and we're just going to. Chris?

Chris Melhous- Sure

Dave Gibney- Okay, Julian?

Julian Matthews- Yes.

Dave Gibney- Julian's yes.

Dean Kinzer- Yes.

Dave McKiernan- Yes.

Bill Myers- Yes.

Dave Gibney- Yes.

Weston Kane- Yes.

Dave Gibney- Brian?

Brian Davies- Brian says yes.

MOTION CARRIES.

Dave Gibney- Okay, so those are done and we're at 2 miles, and we're not going to... we're going to leave the airports to the FAA at this point. So, Brian you joined us later, so I'll re-read part C here.

Brian Davies- Thank you.

Dave Gibney- Which as I go, as I first wrote it. Is wind energy turbine towers are not permitted within the number-to-be-determined miles of the following areas of State, National, State, local significance, Kamiak Butte County Park, Steptoe State Park, Palouse Falls State Park, and earlier discussion was we weren't very comfortable with it being from the highest point of the Buttes, and it was suggested that we probably would be going with the boundaries. I picked out a point to draw a circle around Palouse Falls, I'm going to guess that maybe we want, we might want to do that from boundaries too. There was, quite a bit of discussion before we got going on the potential for additional areas of which we would have to have some reason that they are National, State or local significance. So, that's where we're at. We need to... and maybe before we okay. We're going to come up with a number.

Alan Thomson- Mr. Chair?

Dave Gibney- Go Ahead.

Alan Thomson- One correction, Palouse Falls is between Whitman and Franklin Counties.

Dave Gibney- Franklin? Okay, you're sure, because I'm... because I have to drive a lot of ways through Adams to get... okay Franklin.

Alan Thomson- We had a comment online correcting us.

Brian Davies- It is corrected.

Dave Gibney- Okay, okay so anyway we probably aren't going to use that anyway. And just to be clear, we're not going to have any jurisdiction about somebody planting a wind tower, or however close to Palouse Falls in some other County.

Brian Davies- No.

Dave Gibney- Okay, go ahead.

Julian Matthews- So, what's the difference, like, with the Whitman County ordinance Means, it's a Kamiak Butte County Park and State Park? Is there any difference? Does the State have jurisdiction over Steptoe and the County has jurisdiction over Kamiak?

Alan Thomson- Only in the park areas.

Brian Davies- Maintenance, just park maintenance.

Dave Gibney- The areas around them that we're talking about are all the County so.

Bill Myers- I move that we use the number 9 miles, around Kamiak Butte State Park, Steptoe State Park, Palouse falls State Park, as far as it is to our County. Also to include, the Steptoe Battlefield, oh gosh there's our... basically, the, the rest of our State, County, at parks.

Dave Gibney- We're... we are... we are going to need a specific list of specific areas and yeah so.

Denis Tracy- Mr. Chairman.

Dave Gibney- Go ahead Brian or Denis I'm sorry.

Denis Tracy- I want to remind the Planning Commission member, I did send you a memo about have protection areas around the National Historic Landmarks and that yes, you can do that, in my view, and it will be upheld if you find that, you know, sufficient things are present in order to justify this regulation and those included the fact that they are both National Historic Landmarks. I don't know if Palouse Falls State Park is or not, but the other two are. And also a finding that those two Buttes, Kamiak Butte and Steptoe Butte, contribute to the economic viability of Whitman County and that having wind towers there is going to significantly have a significant impact, not only on aesthetics and visuals but on part of the economy of the County as well, both in tourism dollars and excuse me, and otherwise. I say this because I'm not sure that all of those findings that apply to Kamiak and Steptoe will also apply to every other place in the County and in order to have this type of a protection area, you have to have some significant findings to back it up. So, I just mention that, put that bug in your ear.

Dave Gibney- Alright.

Denis Tracy- You can batten down the hatches and move forward.

Dave Gibney- Thank you Mr. Tracy. I have your memo here in front of me and I can read it is the... the commission and everybody would... okay.

Denis Tracy- It went to the whole Planning Commission.

Dave Gibney- It did, but it... I don't... and It's I believe it's on the website, but just to refresh our memories, I can read it now.

Julian Matthews- All right.

Dave Gibney- So this is dated October 15th, from Tracy to the BOCC, the Planning Commission, and the County Planner. And it states, the question presented was, can the County increase the minimum setbacks from... Okay, that's the... that's the setbacks. We're... where do we discuss the...

Julian Matthews- Buttes.

Dave Gibney- ...the Buttes on...

Brian Davies- The email was from the 14th, Mr. Chairman.

Denis Tracy- And it's a different memo.

Dave Gibney- Okay I don't have the email, I have the, the memo, and it's property lines, so I... okay.

Brian Davies- I can read the memo, I can read the parts that we're... we're discussing tonight, as in the brief answer, being yes, and the facts are. Would you like me to read those?

Dave Gibney- I was just about to read it from... from Weston's phone here, the same one.

Brian Davies- Okay go for it.

Dave Gibney- And I don't... yeah... we probably can hear you better, but I'll go ahead. So, this is October 14th. I didn't know he sent us two, or I didn't remember. The zoning code for commercial windmills setbacks near landmarks. Question presented. Can the County enact minimum setbacks from National Natural Landmarks, Kamiak Butte and Steptoe Butte? So, we didn't ask about any of the others. We did ask about Palouse Falls, but it's not asked here. So, the brief answer, Yes, if the County plan... if the County Planning

Commission and or Board of County Commissioners find that the two landmarks are very significant to the public welfare, and that siting large commercial windmills nearby would have a significant negative impact on that welfare, the County can enact minimum setbacks to keep the windmills a significant distance from the Buttes. And then you have Prosecuting attorney Tracy has presented us with some facts. In 1965, Kamiak and Steptoe Buttes were designed as National Natural Landmarks as part of a program run by the National Park Service. According to the Park Service, the program recognizes and encourages the conservation of sites that contain outstanding biological and geological resources. Sites are designed by the Secretary of the Interior for their condition, illustrative character, rarity, diversity and value to science and education.

The program promotes conservation and appreciation of our nation's national heritage. The top, and much of the areas surrounding both Buttes are parks. Steptoe Butte is a State Park, Kamiak Butte is a County Park. So... and then Commissioner, or Attorney Tracy has a section titled, anticipated facts, based on my review of the comments so far from the Public and Planning Commission members, and what I will believe will be expressed in upcoming meetings, I anticipate that the following are facts. That the Planning Commission and the Board of County Commissioners could, underline, find in support of any particular setback that they find appropriate. And again the question was asked the two locations, and the answer applies to the two locations Steptoe and Kamiak and Steptoe Buttes are unique natural features in the County. These are proposed facts. They are an outstanding geological resource for the County and our Nation. They are rare. They have an extraordinarily beautiful visual character, both from the Buttes looking out and from the surrounding areas looking towards the Buttes. And this phone moves up.

Julian Matthews- Yup.

Dave Gibney- The Buttes are located near the center of Whitman County, a County with about 2,200 square miles of mostly rolling hills and farmland. Steptoe and Kamiak have stark, dramatic panoramic views of the surrounding farmlands, materials and states. From the top of Steptoe, a person can see 200 miles to view Idaho and Oregon, as well as surrounding mountains, including the blue and Bitterroot Mountains. Similar views can be had from the top of Kamiak. The next paragraph... the other landscape of the County is primarily rolling hills, a unique and dramatic landscape in itself, Steptoe and Kamiak Butte stand out from the surrounding rolling hills of the Palouse. They're prominently visible for 50 miles or more from every direction. The views of the dramatically beautiful Palouse are the tops of the Buttes, from the tops of Buttes are critical to character and quality of life of the County residents. That's a... we're at about our fourth or fifth paragraph our fourth or fifth fact. All of these results in the Buttes being very significant to the character and quality of life of all the residents in the County. The Buttes are not just critically important to the County for their unmatched views of their tops, but for the views of... Buttes from the sounding... for the view of the Buttes from the surrounding communities. Unobstructed views from and towards the Buttes also bring important tourism to the County's residents. It is critical for the general welfare of the County's residents to preserve and protect these

visual resources and protect their visual quality from the adverse effects of wind energy towers. And okay, again, these are all proposed and potential, and I believe not necessarily the... and advocation and... by the Attorney. And I almost, I believe I'm almost done.

Current practices in wind energy include generator towers that are about 700 feet tall, including the rotating blades. Towers are not installed in isolation or small groups of three. The towers are installed in large groups. These tall towers cannot be screened with vegetation or other means. There's no color or paint that can conceal them. A group of towers too near the Buttes will starkly visible from the Buttes, as well as starkly visible from the surrounding area. When looking towards the Buttes, even a grouping of towers does not dominate the whole view, it would still break the nature of these National Landmarks and the views from them and toward them. By setting back a group of towers a distance that makes them not dominant is not nearly enough to protect the general affair. There's one group of commercial towers, and this is the Palouse Wind, over 10 years ago, set to the North and West of Steptoe, which are between 300 and 400 feet tall. According to what I heard, the towers are bank miles away, I heard today 7. According to a majority of public comment received during the consideration, the visual enjoyment of the Steptoe is reduced by the presence of the towers. Allowing even more towers inside a minimum setback, no below, could have significant detrimental effect, you know, for the citizen guide. For these reasons, the minimum setback should be set at a number. And that's there's more to this, we did all receive it. But that's... there are... There's more... There's more in other sections.

The general point of both what Mr. Tracy was saying, and what he said then, is that we may be able to defend protecting the two specific and nationally significant areas. If we extend this exclusion zone to all of the County Parks, or, as I also heard earlier, the potential of the National Scenic Byway, and some of the other things were... we're losing that potential defensibility, and we would have, reasons to do that. So, go ahead Julian.

Julian Matthews- I was kind of curious. Yesterday when I went up to the Kamiak, they have cell towers, and, I think TV towers. So, is this just applicable to wind, wind turbines or what's the deal? I don't understand what they can about.

Dave Gibney- This Ordinance would be applicable only to wind turbines.

Julian Matthews- So, cell towers, or you can put them anywhere, because that's okay on... you can put them on the top of Kamiak Butte, because it's some site that's, you know, those are eyesore too, there Mr. Commissioner.

Dave Gibney- Techni... technically.

Julian Matthews- Technically, what?

Dave Gibney- Technically under our ordinance, they could put one wind tower at the top of each of those, because it's outside of our jurisdiction. So, now we are not talking about... we're not taking public comment at this time. It's discussion amongst us.

Bill Myers- I'd like to justify the 9 miles. In the Growth Management Act, which was dictated by the State to the counties, was to identify and protect resource land in critical areas, and... and they develop regulations for zoning, you know, which we've done and are doing. Anyway, our comprehensive plan, which we're also mandated to write, instructs us to do the following on, pages 11 and 21, and preserve farms, and agriculture, agricultural character, preserve and protect the County's rural character, which includes productive agricultural lands, large open spaces, and sweeping views of the Palouse Hills. And shall not only this... the preservation of the rural character shall not only include the county's scenic beauty, but also the protection and sustainability of the rural way of life. And then more information from our... our...

Dave Gibney- Can I?

Bill Myers- Yep.

Dave Gibney- Can I interrupt you briefly?

Bill Myer- Well you read quite lengthfully as well, and I'm about...

Dave Gibney- But I'm... I want to... I want to point out that Mr. Tracy interrupted us while you were making your motion.

Brian Davies- Motion?

Dave Gibney- And that we at this point, we don't yet have a motion.

Bill Myers- Oh, we don't have a motion, okay.

Dave Gibney- And so... and I think that, in the interest of everything, I would like to separate the concept of additional areas from the distance that we're going to set. And so, if you would make your motion to make that number 9 miles, and we get a second then I would be more than happy for you to continue your discussion.

Bill Myers- Yeah, I move that we have a setback of 9 miles, from Steptoe, Kamiak, whatever portion of Palouse Falls that we have jurisdiction over. The, there are, are additional Counties...

Dave Gibney- Is there a second?

Dean Kinzer- I'll second it.

MOTION by **Bill Myers** and seconded by **Dean Kinzer** to have a setback of 9 miles, from Steptoe, Kamiak, and the portion of Palouse Falls in Whitman County.

Dave Gibney- Okay, we will talk later about adding different areas. So, and... and it's Bill's... Bill's the maker of the motion, so he will let him continue his, from the comprehensive plans so okay.

Bill Myers- Anyway, also we have the... to preserve the cultural heritage of Whitman County, recognize the value and importance of Witman County's heritage, protecting important and prehistoric, historic, local historic districts, areas, and buildings, both commercial, residential, local, state. Anyway that's... that's all in our comprehensive plan, and it's, it's, it's, it's, it's, it's in addition to, to what you just read, it's good, strong basis for 9 miles I feel.

Dave Gibney- Okay.

Bill Myers- I think 9 is.

Dave Gibney- Julian had his hand up.

Julian Matthews- Yeah, I just like I said before, I just don't get how you can say the wind turbines would say maybe bigger, but you have cell towers on there, I think radio towers and T.V. towers on the top of Kamiak Butte, so how does that work if you're trying to... is it logical to say you want to approve, spare the aesthetic value of a site when you already have these towers on top of it and you know, I don't know when those were put up there, but it just seems really strange to me how we have this double standard. That's my comment.

Dave Gibney- Thank you Julian. Any?

Bill Myers- I'd like to respond to that. Yes, there are towers. They're not 700 feet tall and painted white, and... and they don't move and they're... they're you know, these are a different animal. I have a tendency to agree with you as far as, you know, towers on high places. Unfortunately, it's... it's one of the things that we all rely on. These particular structures we've been getting along without for a long, long time, and there again, they're big, they're painted white and that's, you know, but I get it, so okay.

Chris Melhous- I think again, to support Bill on that, a lot of this is tying back into a public safety issue. A lot of those repeaters you know, related to radio and that sort of thing for rural areas. That, you know, we rely on where these towers aren't something we're relying on for public safety or anything like that. So, it's kind of a necessary evil where these towers don't necessarily fall under that.

Dave Gibney- The a... what we ae talking about in this ordinance whether other towers exist or not, which is true, we're talking about wind and wind towers and a specific distance from specific areas that we have some proposed findings and support to do that. We haven't,

you know, and some of what I read, you know, what I'm going to say is after hopefully we'll spend some time on that next meeting and then we're going to be at the end of next meeting, we have to have our code ready to go for the SEPA project. But we will have a meeting on the 1st Wednesday of December and at that meeting, we're going to have to not have anticipated facts from the prosecuting attorney. We're going to have to prepare all these facts that we will be presenting as part of our record at the... at the hearing, and we're going to have to have the exhibits that have been presented to us as we're going to list them as what we're going to have in the hearing. And I was, I'm getting ahead of myself, because I was going to have the discussion after we had this landmark discussion. So, right now we have, are there anybody who want... who thinks that 9 miles is the wrong number. Any further discussion? Go ahead.

Chris Melhous- Just briefly, I think as long as we're sticking with the 9 miles in relation to these three, you know Palouse Falls, Kamiak Butte, Steptoe Butte, you know, I'm comfortable moving forward with that. I think there's a couple areas that we're talking about protecting that maybe don't deserve the same level of protection, but for these three, I think those are the major ones you really need to go after.

Dave Gibney- The new can do D, additional areas, additional length.

Chris Melhous- I'm fine with that.

Dave Gibney- Okay, go ahead Dave.

Dave McKiernan- No, I just, I'd have to agree with him, because I agree there's other going off of what you wrote down, of local and local significance, I think that's an area that is one that we need to address. There's a reason why we have County Parks. The county, over time is but I don't, I don't agree with them having 9-mile setbacks. So, that was what I was thinking.

Dave Gibney- Okay, well we are currently talking about the three areas mentioned, and if you... I we were to think that that's not right even for all three of them. We can... we can divide this up into,,, we can....specifics so.

Brian Davies- Mr. Chairman, we have a motion and a second on the floor.

Dave Gibney- Correct, and is there any... I asked further discussion, and I could see that there was a little bit more. So, I'm going to say, all in favor of making it 9 miles at this point? Opposed?

Dave Gibney- Okay so, at this point, we, if we were to go forward right now we would say 9 miles for these 3 specific areas. We have a lot...

Brian Davies- How many votes did that pass? What was the vote?

Dave Gibney- It was unanimous.

Brian Davies- I voted against it.

Dave Gibney- Oh, I'm sorry, you're correct, I failed to ask, are there any opposed? So, you did not have the opportunity to do that.

Julian Matttews- I abstained, actually I didn't bother.

Dave Gibney- An abstention is a no vote. It has to be... there is no... there is no effective difference from an abstention and a vote of no. So...

Alan Thomson- Give us a count.

Brian Davies- Yeah.

Alan Thomson- Roll call count.

Dave Gibney- Well okay, so, yeah, actually.

Brian Davies- Roll call vote.

Dave Gibney- Brian?

Brian Davies- Brian votes no.

Chris Melhous- I vote yes.

Julian Matthews- Nope.

Dean Kinzer- Yes.

Dave McKiernan- Yes.

Bill Myers- Yes.

Dave Gibney- No.

Weston Kane- Yes.

MOTION CARRIES.

Dave Gibney- So we have 2 no's, 3 no's and 5 yeses. And for... that's... that's enough to pass it for now, you know, as amendment to the... amendment that's the main, code. So, all right

if you... as an example, say that it should be a different number from Palouse Falls or Steptoe or whatever. We do... at this point, I still have the language at the highest points versus, boundaries. So, And I know that... Well okay it's a moot point, because 9 miles is going to be well outside the borders of the... of Kamiak, or Steptoe, or Palouse Falls okay.

Alan Thomson- So, where are we measuring it from?

Dave Gibney-At this point, highest point of the Butte, highest point of Steptoe, and the point where it crosses the County line at the top of the Falls.

Alan Thomson- So the highest point 9 miles, okay.

Dave Gibney- From the, from the Peak at Kamiak Butte, 9 mile circle.

Bill Myers- As the maker of the motion, I would agree with that. I don't know if that's a proper thing to say but.

Dave Gibney- Well, okay the... if you... the original motion has the highest point in the middle.

Bill Myers- Yes.

Dave Gibney- If you don't... if nobody amends it, that's where we're at.

Bill Myes- That's, that's... I would agree with that, and that's what... yeah, I would.

Dave Gibney- Okay, at this point we have a motion to add the three sections to the code and the next.... The other possibility would be at this point, or we can do it when we get back to it. To try and add additional areas. I frankly, I'd rather we have a better knowledge of the specific areas, and that we do that later, and that... and I'll go with Julian.

Julian Matthews- So, I can make a motion to approve these actions we took tonight?

Dave Gibney- There... that the motion, that motion is on the table. That's the original motion I made, was to put these action... this amendment before us. If you, if you want to, it you want to, vote, move to end discussion, you can.

Julian Matthews- Move to end discussion.

Dave Gibney- Okay, is there a second ending the discussion?

Julian Matthews- Because we're talking about adding any additional later on. Is that the deal?

Dave Gibney- That's where I was going, but right now, you've made a motion that we quit talking about it and vote. That takes a second. Which we don't have okay.

Weston Kane- Mr. Chairman, I move that we add a Section D onto this new overall section. And that reads: additional areas, wind energy turbine towers are not permitted within, and we can discuss the miles of the following area, within, let me back up here. Within blank miles of National, State. I'm trying to wordsmith this as I go here. National, State and local significance. These lands include all State Parks, both Idaho and Washington, County Parks, and public access areas operated by both Washington Department of Fish and Wildlife and BLM.

Dave Gibney- Okay.

Julian Matthews- Is that a motion?

Weston Kane- That was a motion.

Julian Matthews- Second.

MOTION by **Weston Kane** and seconded by **Julian Matthews** to add Section D onto this new overall section.

Dave Gibney- Okay, so we have... and you've got that read I'm not... and I'm... we'll get it from the record. We have a motion from Weston and a second from Julian to add spec... specify additional areas as described by the wording in this motion. Any... and we don't have a num... we do not have a specific number on that.

Alan Thomson- Are you going to name them?

Dave Gibney- That's what I'd kind of rather that we... table this amendment to our next discussion so that we can actually have those named. But...

Audience- I've got them right here.

Dave Gibney- I don't want them from anybody that's not a member of this Commission.

Bill Myers- We could.

Dave Gibney- Wes, Weston it'd really be nice if we had, if we could list those and take it up there. You know it.

Weston Kane- So, the main reason I didn't list them is I know one of those is still in debate that's coming up for purchase for Fish and Wildlife. So, I want to have that avenue open, because that would be Pampa Pond, which is heavily used for a lot of fishing. That was the

main reason I didn't... I want to leave an open way for when those lands change. And so maybe we list them all and then put an avenue like that.

Dave Gibney- Can we table this entire... or move to postpone my amendment to our next meeting, when we will take it up at the point where you motion has been made and seconded?

Weston Kane- I'd be fine with that.

Dave Gibney- Okay, well consider that I'm making a motion to postpone it, and you can second it.

MOTION by **Dave Gibney** and seconded by **Weston Kane** to postpone adding Section D onto this new overall section.

All in favor, please say Aye. Any opposed?

MOTION POSTPONED.

Dave Gibney- Okay, we are at 8:30, and let's have our... take a break till 4 minutes after, or 8... we're at 8:27, so let's whatever the word is, suspend until 8:35.

Weston Kane- Recess.

Dave Gibney- Recess, Let's go out and play for a little bit.

Brian Davies- Smoke them if you got them.

8:27 p.m. - RECESS

8:35 p.m. - RETURN FROM RECESS

Dave Gibney- Alright. So, so where we're at right now is that we have language for A, B, and C of the, potential new excluded zone and that, that is an amendment that I proposed and was seconded, and it has been, the further discussion on that at the point where Weston has proposed an amendment to my amendment, and it has been seconded, we will pick that up at that point in our next meeting, where we will have more information about what those affected areas might be. And we are, you know, fairly far into tonight. I want to talk a little bit, about the upcoming, and I think, I think we're gonna, I'm going to talk for a little while, and then we'll probably open it for the public comment, because I don't think we're going to accomplish much more of ourselves tonight. So, I want to talk a little bit about what the public hearing procedure will be. And there should be some extras there. We're gonna, at this time, we're still on schedule to have code ready for SEPA at the end of our meeting next week and have a SEPA period and, and we are, we're doing this in, as

requested by the Board of County Commissioners, to have some work done before the moratorium ends on January 6th. I fully acknowledge that this is an incomplete effort and we, depending on how the Commissioners take our effort and whatever, we may find ourselves back here in March or April. Or we may not. I understand it's complete, but we've been asked to come up with something and so we're on a pathway to try and do that.

The meet, the, the meeting at the first Wednesday in December will be during, the SEPA will still be going on. It'll be almost over. But that's, that meeting is where we're going to need to be, preparing our findings of fact and our list of exhibits for a public hearing that we have scheduled for the 17th of December. And I'm going to suggest that we start that at 6pm, rather than 7. We can discuss that in the next couple of them, too. So, I figure we'll open up the public hearing and one of the things that has to happen, and as we sit, as part of what we send forward to the County Commissioners, is, is a record. We have an awful lot of documents and public testimony that's been submitted. Do we enter everything? Do we, enter selected portions? Any or all of our minutes from the last, 6 to 9 months? Any or all of the mem, the, the comments that have been made to us, given to us from the public in their presentations? If we're gonna do that, we need a list of them that we can say, this is the list of what we had and I think we actually need, I don't know if a date needs to be in paper, but we need a, here's a place, electronically, that they're stored, that we can have that we'll keep for basically forever. So that's, that's gonna take us some time at this hearing. Then we need to have all of the findings of fact. Not all of them, but the proposed findings of fact that we're going to have to support the changes that we're making to the code. And, you know, some of that is how we got here.

We were doing, you know, we were doing a drafting of the solar, the moratorium was established, you know, on such and such a date. We've had a number of these hearings. But it's also going to need to be, this is what we found, and why we chose to pay attention to these certain facts and presentations, and why we chose not to pay attention, or listen, or use other stuff that's been brought before us. And, and we're going to spend our majority of our, actually, we're gonna spend all of December 3rd, I think it is? Working mostly on that. And that's, and the staff is this going to, you know, do a lot of the infrastructure and per, the specifics around, you know, how we got here, where we got here but I, the members of the Commission also need to have some of those ready to go. And then specifically, I think that, there's a certain amount of disagreement on some of the health issues and the setbacks. So, I really am asking those who proposed and passed and voted for them to prepare them. And thank you, Dean. You did give Alan a set of that yest... the day before yesterday.

Dean Kinzer- Correct.

Dave Gibney- And, and...

Dean Kinzer- Correct its first draft, basically, but I'm gonna try to get some help from other people.

Dave Gibney- And Alan distributed that to all of us today and if it's not on the website, it will be soon. So anyway, that's, we're gonna have a busy, we're gonna have a busy couple meetings, because at our next meeting we need to finish the discussion we had. We will then have, basically, four, three changes in some of the early stuff we did to the ordinance. We have some comments back from the legal area, one of which is basically, or at least one was, you're using these 3 or 4 different terms for the same thing, use one. And so, whatever we pass, we'll fix that, and whatever we passed we'll, we will re-pass it with those things fixed and some other stuff. Go ahead, Julian.

Julian Matthews- So, you're saying that by, we're having one more meeting in the December meeting, and we're going to have a final draft to the Board of County Commissioners for their approval or whoever has to...

Dave Gibney- At the end, that's, the goal is, at the end of the hearing in December 17th, to have a product of that hearing, which will be a record, findings of fact, the proposed amendments, and a recommend, you know, and, and, and I'm, you know, I was trying to get, I don't, maybe I take too long, but I was gonna get there. So, and at the end of that, there'll be a, we'll forward it to the BOCC with a recommendation to adopt, a recommendation to object, to reject, no recommendation. You know, because it's gonna take, it's gonna take 5 votes to recommend and, or decline to forward it at all. Those are all potential possibilities at the end of December. We'll spend, again, we'll spend December 3rd in finalizing the rest of the record and the findings of fact, because for the SEPA process, we have to have our language finished at the end of our meeting next Wednesday. In order for it to go through a sufficient SEPA notice to hold a hearing as early as the 17th. So, and then, and that's, that's the way it's gonna be. We're, we will, we'll get the draft on the record. We'll talk about it one more time amongst ourselves. We're gonna ask the public. That's a public, that's a public hearing with public comment. And I'm sorry, but in the interest of time, we will limit that to 3 to 5 minutes of each person. Hopefully, we will end that with enough time to have our final actions.

Julian Matthews- Is that online, too? Like the public can make comments online somewhere in the Whitman County?

Dave Gibney- Yeah. And, and, and, and there'll be, you know, again, you can put more stuff on the record. They will, or you can make comments to the Board of County Commissioners about what's coming to them. We might, after the end of the public hearing and the public comment, we'll have some discussion. We may have some final amendments to the draft ordinance. We may have, we will, we will have additional findings, because at least one of those will be held the public hearing. And, and, that's not a valid fact until after we've held it. So, go ahead again, Julian.

Julian Matthews- I was, Mr. Davies, I was just wondering, so then we give you a final draft?

Dave Gibney- Davies is a member of this Commission.

Julian Matthews- Oh, oh yeah.

Alan Thomson- Tracy.

Julian Matthews- I thought he was on the County...

Dave Gibney- No, I don't believe we have any of the County Commissioners here with us.

Dave McKiernan- Tom Handy is.

Dave Gibney- Is Mr. Handy there? But I...

Julian Matthews- I was just kind of curious okay. We give it to them and they do what?

Dave Gibney- Okay, well, I will okay, I will reiterate that, I've stated that on several of these meetings. My understanding is of what the County Commissioners can do is we will give them a recommendation if they, 2 out of 3 of them say cool, great we're not going to make any changes they can adopt it as we send it and we could... and... or... or okay. If they... they wish to make changes on their own then they have to hold a public hearing of their own for the changes that they propose. And quite obviously, that is going... the notice alone will push that past the moratorium. But that's their action. They can accept everything we send or they can say, we don't like or they can reject it outright right then. If they want to go forward with changing what we've sent to them however they wish to change it, and they can at that point but they have to hold a public hearing... another public hearing with proper notice and everything. And then at the end of that there will be presumably, there will be changes to the Ordinance 1961.

Julian Matthews- Okay thanks.

Dave Gibney- And once we're done this Commission isn't going to be taking up any more about wind until they're done. But almost a year ago, we set solar and battery on the table, to do wind and there is another project in the wings of solar. So, depending on where we're at at the beginning of next year there is business for this Commission to do. While we wait for the County Commissioners. So, we have 12 minutes left. Do you guys want to...

Dean Kinzer- I'd like to float my amendment, it's quick, it's easy up or down vote.

Dave Gibney- Okay.

Dean Kinzer- Pass to everyone please. Mr. Chairman I move to amend the current Chapter 19.69 commercial. I'm sorry. Mr. Chairman I move to amend the current chapter 19.61, Commercial Wind Energy Code Section 030 to add Section D. Which states all transmission lines from and to the wind turbines shall be required to be placed underground.

Bill Myers- Second.

MOTION by **Dean Kinzer** and seconded by **Bill Myers** to amend 19.61 to add Section D which states all transmission lines from and to the wind turbines shall be required to be placed underground.

Dave Gibney- Oh, well do... do the whole thing.

Dean Kinzer- Okay, and of course, there's other references in the code that would need to be struck, but my reasoning is this will eliminate wildfires caused by overhead transmission lines, this will eliminate atmospheric damage by storms, and this will eliminate electrocution hazards for people and wildlife and this will eliminate collision and entanglement and end entanglement hazards from traffic or planes or helicopters, and there should be less chance of vandalism or terrorism.

Dave Gibney- And just to be clear, your motion has to strike all references from the code to above-ground electric lines and towers on page 4, line 34, 5, line 17, and page 7, line 9, and section G, the lines 37 for. Do these I guess have to... these are... these talk about wind tower, lines with specifically for wind towers, and they... They're not going to... Okay we're in... we're in the wind tower zone already.

Dean Kinzer- Correct, it states it right there, transmission lines 2 and 5.

Dave Gibney- I just didn't want us to be throwing something in that says all of the existing above-ground towers have to go... and transmission have to go.

Dean Kinzer- No.

Dave Gibney- Okay, It's strictly to the wind. Okay we have a motion and a second, and some discussion. Can I ask that we postpone that to the discussion next week. Also?

Dean Kinzer- Sure, if people need more time to research it.

Dave Gibney- Well, okay is there discussion, or do you want to just...

Julian Matthews- I think it's a good idea.

Dave McKiernan- I don't see there's a whole lot of reasons to discuss it.

Dave Gibney- Okay, we have a motion to add these amendments to the Section 19.61.030. Which basically say that the wind tower, the wind energy's got to be underground all the way to... from where it's generated to the substation. Brian?

Brian Davies- Yes?

Dave Gibney- Would you like to... we're going to do a vote on this, would you like to vote yay or nay.

Brian Davies- I vote nay, because I don't believe it, I don't believe the utilities or anybody would ever go for that.

Dave Gibney- Okay, Chris?

Chris Melhous- I vote yay.

Dave Gibney- Julian?

Julian Matthews- Yes.

Dean Kinzer- Yes.

Dave McKiernan- Yes.

Bil Myers- I like it yes.

Dave Gibney- No, Weston?

Weston Kane- Yes.

MOTION CARRIES.

Dave Gibney- Okay, so we have a... what are we tonight? We're 6-2?

Dean Kinzer- Yep.

Dave Gibney- Okay, all right .

Bill Myers- In the spirit of that, if I've got another one here, if we wouldn't take long.

Dave Gibney- I really would like to let the public have a few minutes.

Bill Myers- Would the public yield to talk about fire mitigation?

Audience- Yes

Bill Myers- Okay, I think that's what they... okay, I'd like what I've got. I've got paper I can pass out, but anyway, while I'm doing that, fire mitigation requirements.

I want to make this in the form of a motion. Each nacelle turbine to have comprehensive fire protection system. I think it's in the bottom anyway. To detect, monitor for smoke, heat, sparks, flash, compressible gases, these systems will be capable of automatic shutdown of the turbine upon alarm. Each nacelle turbine will have automated fire suppression system. The detection system will be linked to a central alarm that will remotely notified operators and first responders. The developer or owner is required to 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 shutdown procedures shall be filed with the Whitman County Planning Department and appropriate fire department districts. The project owner shall bear full financial responsibility for suppression costs and third-party damages from fires determined to originate from the facility, equipment, or operations, The Whitman County Fire Marshal or Director of Emergency and Consultation with the affected fire districts may order temporary suspension of turbine operations during extreme fire danger periods, including red flag warnings, drought emergencies, other declared risks and conditions. If everybody's got a copy you can see the justification for these, below, but a...

Dave Gibney- Is there a second?

Dave Kinzer- Second it.

MOTION by **Bill Myers** and seconded by **Dean Kinzer** to require each nacelle turbine to have comprehensive fire protection system.

Dave Gibney- We have a motion and a second. Is there any discussion. And I have some discussion.

Dave McKiernan- I like where we're heading here, I would like to personally, I would like to have another week to review this and look into it before going to a vote.

Dave Gibney- So, I will take that as a motion to postpone this to our next meeting, Is there a second?

Chris Melhous- Second.

Weston Kane- Second.

MOTION by **Dave McKeirnan** and seconded by **Chris Melhus** to postpone the fire protection system motion.

Dave Gibney- All in favor?

MOTION POSTPONED.

Dave Gibney- Okay, alright.

Brian Davies- Aye.

Dave Gibney- Okay, anybody else? Okay, I appreciate every, everybody's patience with me, and with the, we got quite a bit done. We'll, if I could ask, Dean and Bill to provide these in electronic format so that we can cut and paste them into the master document.

Dean Kinzer- Sure, yeah.

Dave Gibney- Yeah, because the, you know, what we have today, right now, is printed. If you can get, pass to Alan these motions...

Dean Kinzer- I can send my copy to Alan later today...well first thing this morning is when I...

Dave Gibney- Okay, okay.

Dean Kinzer- Excuse me , first thing this morning, I sent it to Alan.

Dave Gibney- We're, you know, it was a, I hope everybody had a, pleasant and remember, memorable Veterans Day, yesterday. It's definitely, our nation owes quite a bit to our veterans, so I...we, we're not, I'm not, I'll give you, I'll put you at the first public comment which we're about to get to Ken. So, if Bill would send that electronically, so and, and Alan will distribute it to all of us and get it on the record. So, Ken had his hand up first, and we will adjourn when we're done with the public comment, so you guys are staying here as late as we are.

Ken Duft- Do you want to show me how to use this? Yes, good evening, my name is Ken Duft. To the Planning Commission's individually and collectively, I stand before you this evening to issue my heartfelt appreciation. A deep thank you for all of the time that you have put in on this project to this point. I have some appreciation for the amount of volume of reading that you have done in the course of your deliberations. Some appreciation for the volume of listening that you have had to do to persons like myself and from experts provided. While I have not agreed with all that you have done, what you have done is to show that you care. To show that you care about the residents of Whitman County and that, to my mind, counts more than anything else. So, once again, I issue to you my heartfelt thank you very much.

Dave Gibney- Thank you, Ken.

Julian Matthews- That was nice.

Dave Gibney- Carol?

Carol Black - Carol Black, and I concur with Ken very much, heartfelt thank you, because I can't imagine the hours that you're putting in. And regarding that, I think something that we have to really think about, and I would ask you to think about is, we've dealt with a couple issues, but I really feel, I feel rushed in trying to prepare responses and comments to you, so I can't imagine how rushed you're feeling. And I feel that by having to have these meetings every two weeks, and now, like a week after a week after a week, we're not giving this topic probably all of the time and consideration that it needs. And so, I would suggest that you consider whether an extension of the moratorium is necessary. We do not have to hurry this process. I would almost recommend to you, as I did in my memo to you this morning, we go back to a monthly schedule. Your regular monthly schedule, instead of these every two weeks. That gives you time to think about things in between, and if it takes us another 6 months to get through this, or 3 months to get through this, we do the entire code, and we don't give it to the County Commissioners until it is 100% done. Because my concern is that if we give them something on December 17th, they're gonna say, that's enough, we don't even need to deal with this for the rest of it, and we don't get to deal with some of the other important matters. Fire protection, thank goodness, came up tonight, but there are some other issues that need to be in the code, because the code is the backbone of this regulation. And so, I just implore you that we, we don't need to rush just because of it, and it's now the holiday season. You should be with your families. We should be with our families. We shouldn't be asking the staff to be putting in overtime to meet a deadline that has somehow now been self-imposed. Thank you very much.

Dave Gibney- Thank you, Carol. We have one online. Before we start I do want to say one thing, or a coup...we, at our last meeting, we had the request from the County Commissioners to do this partial work in an expedited manner. It may or m...you know, we can have, we all can have our opinion on it, but this Commission elected to go forward in this path that we're on right now. I I tend to agree that, well, I agree that there's more to do. I think it is important that we have a certain amount of this ready and in the code because the other pathway, you know, the EFSEC pathway is always there. And, and, and I'll, and I, you know, so, it, unless, you know, the Commission wants to change its direction, when we're, before we adjourn, because we're going to continue the public comment. We're on the path that we're on. I see that Shane Roche is online with his hand raised.

Shane Roche- Thank you, Planning Commission, and yeah, I want to appreciate, I concur with Mr. Duft that I appreciate the time that the Planning Commission has put in. And I'm sure, you know, the Planning Commission is aware, but I just want to make it clear that, you know, the language that is currently approved is a de facto ban on wind for every developer across the country...the county. Specifically, you know, the setbacks from property lines, and setbacks from residences, and not even taking into account the new setbacks that were discussed tonight. But you know, just those two, across the county, you're gonna be de facto banning wind to permit through the county. Thank you.

Dave Gibney- Thank you Shane. And, well, there's a lot, there was a comment there, there's a lot of folks out there that aren't putting their faces forward, and the request is, it's intimidation, so let's not do that. Go ahead, Tom.

Tom Thompson- Tom Thompson Pullman. Thanks again gentlemen and, ladies, I know there's one missing tonight but, thank you for your time and efforts. I would concur with, Ms. Black here, and I just want to challenge Mr. Whetzel, Mr. Handy, and Mr. Swannack, why are we under such a convoluted, pressurized schedule? Are we on somebody else's agenda, or is this Whitman County, and we need to look out for the best for Whitman County, and do this in a timely and thorough manner? Just tossing that out there, my mind could speculate on some other people's agendas, but I won't go there right now. I would suggest also the comprehensive plan for the county, that is an extremely valuable document. I know that Mr. Thomson and others spent lots of time putting that together, and that's very explicit in protecting the unique heritage, the history, and the viewshed of this area. And that's not just in a couple places. That's all, it's riddled throughout the document. So, there's a, there's a lot of findings right in that, and I appreciate Mr. Tracy's, belabored efforts to explain how we don't have to have a whole Funk and Wagnall's encyclopedia for a finding. We need to have a reasonable consensus with some basic facts to have a finding. And the other thing, one last thing, you know, if it's not written down in the wind code, it ain't written down. It's not worth nothing. We can't say, oh, the SEPA will take care of it, the environmental impact's gonna take care of it. Nope, we gotta have it written down, or it ain't there. Thank you very much, appreciate your help, and I hope, I hope it does get extended so you guys can have a reason, well, we all can have a relaxed holiday season. Thank you.

Dave Gibney- To the best of my knowledge, the Commissioners meet on Mondays.

Roger Guiney- I'd like to also thank you for your time. Anyway...

David Werner- Can you state your name?

Roger Guiney- My name is Roger Guiney. The question I have is how can we with a clear conscience justify destroying perhaps the best non-irrigated, non-irrigated is one of the key words, productive, dependable, and flexible, and by flexible, I mean the ground we're about to destroy can grow probably the greatest variety of crops in the world. Because the weather and the fact that we get sufficient rainfall are huge factors. Since I've been here, I've been here in this county over 50 years and we've never had a crop failure in this part of the county. There's been other areas of the county where there was insufficient rainfall where the crops did suffer. I just don't understand, with all the marginally I, to some extent I do, because I dealt, dealt with it on my own ranch in Oregon. I have a full mile within a half, within a half a mile of the state line project. My fence line runs almost parallel less than a half a mile away. And so I've dealt with this with a variety of different companies wanting to get my land to put in solar farms, and wind, wind, wind. But anyway, I don't understand, with all the marginal ground, oh yeah, one other thing. A major power line goes through my land, and that explains a big part of why they want it. It goes to Pendleton,

from the river to Pendleton. Anyway, what I don't understand, with all the marginal ground, other than it not having a major power line, why, I know there's a lot more marginal ground in the Whitman County then there is good, really, the best land in the world. And I also, my family also has really good land in Ireland, but it doesn't compare with Whitman County, with the, on the west slope. I think the west slope of Kamiak produces per acre every year, more land, more food than anywhere else in the world at a time, when almost a half a billion people worldwide are suffering food deprivation. I would like to have the answer, but...

Dave Gibney- Thank you.

Roger Guiney- I'm sure we'll find out here shortly. Hopefully, we have another few months before a final decision is made, because all those things have to be taken into consideration. Our children and grandchildren will have to suffer the consequences of what we do.

Dave Gibney- Thank you, we're short on...

Roger Guiney- Thank you.

Dave Gibney- This Commission is not making any final decisions one way or the other, you know, as to what is actually going to happen. So, go ahead.

Kevin Akesson- Kevin Akesson, Colfax. I would encourage the Commission to populate the record with all documents, and public testimony that has been provided. Apparently there will be a decision made about what to populate the record with, and I would encourage the Commission to use all of that information to, you know, I believe it's all valuable information for the Commissioners to know where the coun...where the people of the county stand. There's a lot of effort, and time and energy and research and knowledge that went into the public record as we, the public, understood when we presented it to the Commission. So, that would be my recommendation and it's good to hear from Shane Roche that the de facto ban on wind with the current changes proposed to the code, that's, that's encouraging to me and, I appreciate the work that you've done along those lines. Wind energy is not necessary. It's, it's wasteful, it's harmful. And, the whole purpose for us addressing this, regulation is because of a comprehensive plan commitment, or statements within the comprehensive plan that say that the County has a commitment to renewable energy and, to address issues and em...you know, emergency, issues regarding, anthropogenic climate change and, that issue is losing steam rapidly. It would be a shame to make permanent changes to the landscape of the County for these harmful and wasteful industrial wind turbines and, thank you for allowing the time.

Dave Gibney- Thank you. I agree that I'd like the record to be everything that we have received. I'm, I'm concerned about the logistics of making that accurate, and making it in a form that is transmissible, so...

Julie Clarkson-Gulick- Hi, Julie Clarkson-Gulick. I want to echo my concerns about the possibility of submitting an incomplete, updated ordinance. We have one opportunity to do this. We need to make sure that it is done correctly. And I'd also like to suggest, in addition to the decommissioning section, I recently saw a video of some towers being decommissioned, and they were blown up at the base and fell over, and I can't fathom the level of contamination to the grounds when those towers fell. You know, think about a 700-foot tower falling on the agricultural land that we have, and what that will do to the, to the agricultural land. So, thank you.

Dave Gibney- Such a method of decommissioning would not be permitted under the code, under the code that we were putting forward. It explicit...

Julie Clarkson-Gulick- They can't blow up the base?

Dave Gibney- It explicitly states, they have to restore the location as close as possible as to what it was, so they, yeah, you can't contaminate it like that.

Julie Clarkson-Gulick- Okay, I'm not confident that that addresses it, but hopefully it does.

Dave Gibney- We'll see, but yeah.

Tom Thompson- Give me 30 seconds, I promise. Tom Thompson Pullman. So, I just wanted... I forgot to respond to Mr. Roach's comment. When I look at this wind code, and I've, you know, given testimony and evidence here, I'm not looking at trying to ban wind. Okay? I'm looking at, looking out for the best for Whitman County, and it's better that we are conservative at this point than we just go with the, the past recommendations that are obsolete now. Even Mr. McCunney and Olsen admitted that wind turbines have been placed too close to different residences and occupied dwellings. So, here and again, this isn't trying to ban wind. We can't do that in Washington, but we need to have reasonable protection, because more and more evidence is coming out that there are issues with infrasound in those very low frequencies. Thank you very much.

Dave Gibney- Thank you. So, this pass at this doesn't have to be the end of it. It, it is, there are, there are 3 ways that the action can come before this Commission. One of which is this Commission initiated. So, now, that may or may not happen. You know the Board of County Commissioners may not ask us. County Planner may not ask us. We may not choose to do so, but this does not have to be the end of it. And I'm, I've taken a look at some of the maps too, as if you, the, the property, the setbacks to property lines pretty much makes, there's no piece of land in Whitman County that's eligible to have a tower on it, unless the surrounding 3 or 4 owners agree. So, but in any case, that's, you know, that's where we're at right now.

Dave McKeirnan- Can I address miss Black, her comment about us meeting, meeting up? Carol, I really appreciate your comment, and Mr. Left's comment, or Left's comment about meeting and trying to rush it through. The reason why we have had, like, I believe this meeting is, I asked for it, and that's a board member up here. My biggest fear is we get to a deadline, and we have shown no progress to the County Commissioners in the time that we have had to do this job. And so, I agree with what Mr. Gibney has brought back from the County Commissioners. Let's get these hot topic issues addressed and like Dave just said, we can go back and fine-tune it down the road, if any of us address it. The one thing I don't want to see happen is us show up at the end of the moratorium and not have shown any progress. We've given this a lot of opportunity for public input, for and against, which is awesome. And my big push is, it's better to turn in half a completed assignment than no assignment. And so, I don't want to be like Garfield County when they pulled, the Commissioner said, the Planning Commission hasn't done anything, we're just gonna adopt a 17-year-old code. And so that's, that was my push, and that, and I appreciate these guys and, and...

Dave Gibney- We, we under...

Carol Black- So, Dave, can I just, quick response to that?

Dave Gibney- As long as it's quick.

Carol Black- I understand the I want to have some progress. I do believe the public record, after the last two weeks, you have documented, you've had votes, you have shown progress. We've had Commissioners that have been participating. There is a report from Alan that's going to these folks that's saying we are making progress. My concern is, is that if you give them something that's 75%, they can then say that's 75%. Then an application comes through, and you may not have been able to decide on two very important issues, because they've now said the code's good enough, now we get to have applications come in when the County is not done. And I don't think it's gonna take you 6 more months. I truly think you get it done in two more sufficient meetings. But those two meetings shouldn't be every single week. They should be the one in January, the one in February, and then this goes to the Board of Commissioners in March.

Dave Gibney- Carol? Carol? We, we understand you, and, and I, I will, I can hear that. The letter we received from the Commissioners was fairly explicit to finish this by the 6th of, I'm, I'm, I'm, it was.

Carol Black- Is it, but is it not your purview to also...

Dave Gibney- No.
Carol Black- Let me ask my question, please.

Dave Gibney- Okay.

Carol Black- Is it not your purview to make a suggestion to the Commissioners? Give us two more months, then we'll give you a completed project. Isn't that what it, isn't that what you're there to do, advise them?

Dave Gibney- That's, that's, that's where were when we got this last letter was, let's do some...okay, no, okay, I'm not going to speak for the Commissioners. I'm going, because I can't. I'm going to state again the reques...the request that was made and, okay.

Audience- CHATTER.

Dave Gibney- Yeah, okay. Again, I agree we're making progress. I, but I will also go back to the point I made when I urged the Commissioners give us some direction. Today, an application, if an application happens tomorrow, it gets the existing code with no improvements. If we do our work, send them a hearing, to a hearing, and some improvements have been made before an application happens, that's the code the application gets. If we go, if they extend the moratorium, and we go a few more months, and an application happens, not to us, but to the state in that time period, the code that they get is the existing 19.61. Not our improved code, partially improved code, and certainly not any code that we get to do further on. So, that's, that's why I believe we're on this. Now, I will let, you know, is there anybody in the Commission who wants to say, let's slow down? Or, okay, I'll, but our other comments.

Chris Melhus- Just as a comment real quick. I think the question I ask myself, and it's something you should probably ask yourselves too, is in a vacuum is the code we have, that we'd be putting forward, that we've worked on stronger now than it was previous to this? And that's the big question that I'm working with. In a vacuum, I'm happier where we're at now than we were 2 months ago, and so that's where I'm at. I guess everyone has to answer that for themselves, but that, that's where I'm coming from. I feel we have a stronger code now than we did before. It's not perfect, we're still working on it, but we'll get there. It just, I think we're in better shape now than we were before.

Dave Gibney- Okay. Does anybody else want, on the Commission want to say anything before someone moves that we adjourn?

Bill Myers- I'm not opposed to the weekly meeting schedule. This is important work. You know, I, but I, my feelings are somewhat of a hybrid here. Let's continue to do the hard work, and let's work hard at it. But, if we need to take time with something, let's take the time. There's a lot of issues here, and I do believe that, you know, as a County, we're entitled to, another, interim control and another moratorium to get this, every last bit of it done. Then we have something that we can, but it could take every, every Wednesday night until that, you know, so, we've got something worth, worth doing here, and something worth protecting in this County. So, that's, that's my, that's my feeling. That's, that's just one man's, one man's words, but, anyway, that's how I feel about it.

Dave Gibney- I, I, I, I'll agree with a lot of what you said. I'm fairly sure that if, and this is entirely hypothetical, if the County Commissioners were to change their position and say that additional time moratorium is more likely than not, I do believe that we could go back to our regular meetings and certainly not every week for, you know, 4 or 5 weeks as we're at. I'm, okay, but they're not there. Go ahead.

Theresa Bannister- Question, for you. So, which Commissioner gave that order, and was Alan involved in that?

Dave Gibney- The Commissioners met and discussed this issue, on...

Theresa Bannister- But which one specifically...

Dave Gibney- Two, two were, I'm...okay, first of all, I'm going to answer your question. And the letter came from Tom Handy a...for the whole board. The Commissioners met at their regularly scheduled meeting two or three Mondays ago. This was discussed at my request, because I had sent him a letter saying we need, you know, we need some direction from, alright?

Theresa Bannister- Great. Was Alan involved in that?

Dave Gibney- Would you please not interrupt me and allow me to finish? And we're not going to have any more personal attacks on any individual.

Theresa Bannister- How is that a personal attack, that was a question?

Dave Gibney- Okay, yes, of course, Alan was attack...oh I'm sorry, I am going...of course, the County Planner is at a meeting of the County Commissioners where they're discussing planning issues. So is the Public Works Director, so were many other, department heads, including, I believe including Mr. Tracy, although I'm not sure, at that meeting.

Denis Tracy- No, I wasn't.

Dave Gibney- Okay, so at that meeting, I participated with them also and at the end of it, they agreed to consult with Mr. Tracy on the logistics of whether or not they could send us this letter. And they did, on the following Tuesday, on the Tuesday after, we received the letter.

Theresa Bannister- Thank you.

Julian Matthews- I mean, if you have questions for County Commissioners, couldn't they ask, call up the County Commissioner.

Dave Gibney- Yeah, as, as, as I said, they're meeting, as far as I know, they're meeting Monday. Is...

Alan Thomson- No, they're not, Dave.

Dave Gibney- They're not? When's, when, okay, so when is their next meeting?

Brandon Johnson- The first Monday in December.

Dave Gibney- First Monday in December.

Julian Matthews- But what I'm getting at is we can't second guess...

Dave Gibney- No, we're, we...

Julian Matthews...or interpret what they meant.

Dave Gibney- No, we, we, we can't do, we can't do anything. Okay, so, I'm, I'm, I'm sorry that you can't meet with them sooner. I know that they have perfectly valid email addresses and are also, probably in their offices, at known in specific times, and all of that stuff, so I know that they can be comment, communicated to us, and...

Dave McKeirnan- Mr. Chair, I'd like to make a motion to adjourn this meeting.

Bill Myers- Second.

MOTION by **Dave McKeirnan** and seconded by **Bill Myers** to adjourn the meeting.

Alan Thomson- Amen.

Dave Gibney- All in favor? Thank you, everyone.

9:24 p.m. - MEETING ADJOUNRED.

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

MEMBERS:

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

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

Zoom: JL, Zoom User, Jamie Anderson, IPhoneZ, Ken Duft, IPhone, Denis Tracy, IPhone15#1, Paul Kimmell, Greg S, Denis, Shane Roche (Steelhead) Tony S, N. Frazier, Ashley H, Elinor Huber, Nick, Beau, Brown, Tom Handy, Beth St. Marie

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

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

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

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

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

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

Denis Tracy- And so that...

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

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

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

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

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

Alan Thomson- No, I'm good thanks.

Dave Gibney- Weston, anybody?

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

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

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

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

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

Dave Gibney- Okay, well...

Denis Tracy- It's up to you

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

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

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

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

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

Bill Myers- Okay.

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

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

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

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

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

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

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

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

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

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

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

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

Denis Tracy- Thank you.

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

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

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

Dave Gibney- Oh, sorry. So...

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

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

Mike Dymkoski- You need to use your microphone.

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

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

Dave Gibney- Just now?

Mike Dymkoski- Yeah.

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

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

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

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

Dave Gibney- Okay.

Denis Tracy- Mr. Chairman, first I want to say that I am not the advisor on the decommissioning section. That is for Van Ness Feldman and Ms. Anderson in particular, and she has provided legal advice on that and in particular, I am not qualified to advise on the financial guarantees and any language referencing that sort of thing. I am going to point out one question that I have that I'm asking the Planning Commission to consider here tonight, which is, on Page 20 of 26 under... let's see, section N, as in Nancy, is decommissioning, and then number... number one and the little e... lowercase e says this, the D... because there's a number of locations in this section that require the applicant to do one thing and another. And as Mr. Kinzer pointed out, the applicant is long gone by the time the project is decommissioned. A little e, I think is that the effort to remedy that situation and it... well you see the language before you, it's on the screen. Decommissioning and site restoration plan, and the responsibilities that are under, shall transfer to be fully binding upon any successor... successor of the applicant, which transfer shall be approved in accordance with Whitman County Code chapter 19.61, and then three Xs. So, I don't... I don't know what code provision should be filled in there, but you'd want to fill one in and then you might want to make it clear or... I don't know about making... you might want to insert after the last applicant in that, something like including the owner and the operator, at the time of decommissioning.

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

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

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

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

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

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

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

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

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

Chris Melhous- Second.

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

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

Julian Matthews- Aye.

MOTION CARRIES.

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

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

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

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

Bill Myers- Yeah, okay.

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

Bill Myers- Everything, yeah okay.

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

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

Denis Tracy- Mr. Chairman?

Dave Gibney- Go ahead Denis.

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

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

Denis Tracy- Oh, okay.

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

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

Dean Kinzer- Mr. Chairman?

Dave Gibney- Go ahead.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Alan Thomson- Whatever the landowner wants to do.

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

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

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

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

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

Dave Gibney- Yeah.

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

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

Brian Davies- I...

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

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

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

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

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

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

Dean Kinzer- At least 6 feet.

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

Dave Gibney- Okay.

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

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

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

Dave Gibney- I'd go 10 frankly.

Brian Davies- Whoa.

Dave Gibney- Actually I...

Brian Davies- Do I hear 10?

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

Brian Davies- Alan says we need a number so.

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

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

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

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

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

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

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

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

Dave Gibney- Yeah.

Alan Thomson- Yes.

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

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

Alan Thomson- Well they...

Dave Gibney- If they can keep the permits going.

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

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

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

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

Brian Davies- A depth of 10 feet.

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

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

Julian Matthews- Second.

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

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

Julian Matthews- Aye

Dave Gibney- Any opposed?

Chris Melhus- Nay.

MOTION CARRIES.

Dave Gibney- One no. Okay.

Julian Matthews- All right we made some progress.

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

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

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

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

Dave Gibney- One nay.

Bill Myers- I did not vote.

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

Julian Matthews- So did 5 pass it?

Dave Gibney- Yeah, it did, it did.

Julian Matthews- Okay.

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

Dave McKiernan- No.

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

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

Dave Gibney- Probably.

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

Dave Gibney- Okay, I am...

Dave McKiernan- That's my question.

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

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

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

Dave McKiernan- I am.

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

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

Dave Gibney- No, okay, no .

Dave McKeirnan- Going back to number one.

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

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

Dave Gibney- Okay.

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

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

Dave McKiernan- Yes.

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

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

Dave McKiernan- I think I...

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

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

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

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

Dave Gibney- I...

Alan Thomson- Well hold on Dave.

Julian Matthews- I...

Dave Gibney- Go ahead.

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

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

Alan Thomson- No, no, no, no.

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

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

Julian Matthews- I... I guess.

Alan Thomson- Upfront.

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

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

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

Dave Gibney- No, no, no.

Alan Thomson- No, upfront.

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

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

Alan Thomson- No.

Dave McKiernan- ...the area.

Alan Thomson- No.

Dave McKiernan- To tear it all out.

Dave Gibney- Well, it...

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

Brian Davies- That's done upfront.
Dave McKiernan- But that's to put it in.

Dave Gibney- Okay.

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

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

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

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

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

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

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

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

Dave Gibney- Yeah.

Brian Davies- Yeah.

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

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

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

Brian Davies- Addressed.

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

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

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

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

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

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

Dave Gibney- Okay.

Weston Kane- So...

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

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

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

Weston Kane- I'll do it.

Dave Gibney- Second it.

Weston Kane- I'll second.

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

Dean Kinzer- Could you restate that please?

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

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

Dave Gibney- It doesn't?

Denis Tracy- No.

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

MOTION CARRIES.

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

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

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

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

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

Brian Davies- We're done decommissioning?

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

Theresa Bannister- What was that comment, sorry?

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

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

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

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

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

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

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

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

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

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

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

Weston Kane- Okay.

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

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

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

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

Dave Gibney- Go ahead... I think the point is that they're making is that doing it once a year is going, if it's going to take 9 months to do the eval... to redo the estimate, requiring it once a year is excessively frequent. I believe that's the point.
Bill Myers- We're basically talking about paperwork, aren't we? I mean, what, what's to take 9 months? You've got, you've got a, a plan in place, or, or a, it's in place, and it's just, it's a matter of readjusting the numbers for that given year, I would assume.

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

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

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

Alan Thomson- Me, personally?

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

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

Weston Kane- Yeah.

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

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

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

Dave McKeirnan- Mr. Chair?

Dave Gibney- Go ahead.

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

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

Brian Davies- The first sentence.
Dave McKeirnan- Yeah.

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

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

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

Alan Thomson- Once.

Brian Davies- Once.

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

Brian Davies- Every 5 for them?

Alan Thomson- 5.

Brian Davies- Okay.

Alan Thomson- Yep.

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

Brian Davies- Every year.

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

Brian Davies- I agree.

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

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

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

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

Brian Davies- I'll second.

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

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

MOTION CARRIES.

Dave Gibney- Alright.

Brian Davies- Thank you, Weston.

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

Dave Gibney- Okay.

Weston Kane- We're doing better.

Brian Davies- We're making progress.

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

Denis Tracy- Not to my knowledge.

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

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

Brian Davies- Closer to half.

Dave Gibney- Closer to half. Which means that a parcel the size of a section surrounded by non-participating land is not eligible for a wind tower. And if you look at our parcel maps, you will find that there's a lot of places out there where their sections are smaller. Now, maybe it's a paperwork issue, maybe it's not. It's also, I, you know, as we look at this, we need to know... have reasons why we've determined that 4x is ineffective, and 6x is. And that it's not just the arbitrary halfway between 4 and 8 that we made a vote on. And why we're finding the infrasound studies that we've seen more persuasive than the McKunney-Olson, which has and others have shown that and stated that, the4x actually does cover the noises. So that's just some comments as to what we have heard. I'm... any comments on anybody from Commission wants to adjust or change any of this. Adjustment, you know.

Denis Tracy- Mr. Chairman?

Dave Gibney- Go Ahead Denis

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

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

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

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

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

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

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

Denis Tracy- Yes.

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

Denis Tracy- Grace if you scroll down.

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

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

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

Audience- Measured from the ground to the turbine blade.

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

Brian Davies- That's not in the definitions.

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

Denis Tracy- I like it though.

Brian Davies- It's the west.

Dave Gibney- All right.

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

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

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

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

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

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

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

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

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

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

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

Dave Gibney- Okay.

Denis Tracy- Property line.

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

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

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

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

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

Dean Kinzer- It costs more now.

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

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

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

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

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

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

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

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

Dave Gibney- Okay, okay.

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

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

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

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

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

Denis Tracy- Yeah, however...

Dave Gibney- Okay.

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

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

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

Julian Matthews- Oh Denis.

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

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

Denis Tracy- Yes, absolutely.

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

Denis Tracy- I'd be glad to.

Dave Gibney- Okay.

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

Dave Gibney- Okay.

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

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

Denis Tracy- I don't know.

Julian Matthews- Well, yes or no?

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

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

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

Julian Matthews- I think you should.

Dave Gibney- Hey, okay, okay, okay.

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

Bill Myers- I suggest we listen to our counsel.

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

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

Dave Gibney- Oh.

Denis Tracy- This code should be organized differently.

Dave Gibney- Okay.

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

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

Denis Tracy- Thank you.

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

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

Dave Gibney- Yep.

Tami Southern- I'll second.

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

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

MOTION CARRIES.

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

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

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

Dave Gibney- Yes.

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

Dave Gibney – All of those things.

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

Dave Gibney- Yes, Julian.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Denis Tracy- I don't think it does.

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

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

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

Denis Tracy- I... I.

Brian Davies- Occupied or not.

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

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

Brian Davies- Change the titles to 2 and 3.

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

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

Dave Gibney- Okay. That...

Audience- UNINTELLIGIBLE.

Dave Gibney- What? Okay, so...

Audience- UNINTELLIGIBLE.

Dave Gibney- That...

Audience- UNINTELLIGIBLE.

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

Audience- UNINTELLIGIBLE.

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

UNKNOWN- Where is that at?

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

Audience- UNINTELLIGIBLE.

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

Audience- UNINTELLIGIBLE.

Dave Gibney- Okay, and it is.

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

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

Audience- UNINTELLIGIBLE.

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

MOTION CARRIES.

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

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

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

Bill Myers- I shall move.

Dave Gibney- I want to go...

Weston Kane- I'll second.

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

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

Denis Tracy- Yes, that would do it.

Dave Gibney- Okay, okay.

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

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

Brian Davies- I'll raise you three goats.

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

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

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

MOTION CARRIES.

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

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

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

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

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

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

Denis Tracy- Okay.

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

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

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

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

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

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

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

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

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

Brian Davies- It's hearsay.

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

Bill Myers- I got more to say.

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

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

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

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

Dave Gibney- Or specifically the Escure ranch.

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

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

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

Bill Myers- Aye.

Dave Gibney- Chris?

Chris Melhous- I'm going to go nay.

Dean Kinzer- Aye.

Tami Southern- Aye.

Dave McKiernan- Aye.

Brian Davies- Aye.

Dave Gibney- Nay.

Weston Kane- Aye.

Dave Gibney- Julian?

Julian Matthews- Nay.

MOTION CARRIES.

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

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

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

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

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

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

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

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

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

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

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

Denis Tracy- Sure.

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

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

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

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

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

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

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

Dave Gibney- Go ahead Bill.

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

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

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

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

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

Dave Gibney- Go ahead Alan.

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

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

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

Alan Thomson- Yes.

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

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

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

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

Tersa Bannister- Why?

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

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

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

Dave Gibney- For whatever...

Dave McKeirnan- Brian brought it up.

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

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

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

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

Brian Davies- Just like the, yeah...

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

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

Alan Thomson- Mmhmm.

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

Dave McKeirnan- Okay, that's fine.

Weston Kane- And be within 4 or 5 feet.

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

Dave McKeirnan- Highest point.

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

Brian Davies- Park boundary?

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

Weston Kane- Mmhmm.

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

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

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

Dave Gibney- Okay. Tami?

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

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

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

Brian Davies- Yeah, park boundary.

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

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

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

Online- UNINTELLIGIBLE.

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

Online- UNINTELLIGIBLE.

Audience- UNINTELLIGIBLE.

Alan Thomson- How do you measure that?

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

Brian Davies- Straight line from point...

Dave Gibney- Straight line from...

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

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

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

Brian Davies- As the crow flies?

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

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

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

Brian Davies- GIS.

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

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

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

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

Alan Thomson- But is it possible?

Dave Gibney- Oh, yeah.

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

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

Alan Thomson- Okay.

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

Alan Thomson- Alright.

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

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

Weston Kane- Mmhmm.

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

Alan Thomson- Okay.

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

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

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

Weston Kane- I would think that would be acceptable.

Dave Gibney- Okay.

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

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

Online- UNINTELLIGIBLE.

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

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

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

Julian Matthews- Okay.

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

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

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

Audience- UNINTELLIGIBLE.

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

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

Brian Davies- I'll second that.

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

Dave Gibney- Okay.

Audience- UNINTELLIGIBLE, vote on it.

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

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

Dave Gibney- The three.

Weston Kane- The three.

Bill Myers- Nay.

Chris Melhus- Yay.

Dean Kinzer- Nay.

Tami Southern- Nay.

Dave McKeirnan- Nay.

Brian Davies- Yay.

Dave Gibney- Yay.

Weston Kane- Nay.

Julian Matthews- Julian, aye.

MOTION FAILS.

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

Group- We just did 5.

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

Brian Davies- I'll move 7.

Dave McKeirnan- I'll second 7.

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

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

Bill Myers- Nay.

Chris Melhus- Yay.

Dean Kinzer- Nay.

Tami Southern- Yay.

Dave McKeirnan- Yay.

Brian Davies- Yay.

Dave Gibney- Yay.

Weston Kane- Yay.

Julian Matthews- Nay, Julian.

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

Dave Gibney- I...

Brian Davies- We're done.

Dave Gibney- Yeah.

Denis Tracy- Mr. Chairman?

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

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

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

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

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

Alan Thomson- There is no, corporate boundaries.

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

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

Dave Gibney- Okay.

Alan Thomson- All right.

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

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

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

Alan Thomson- Good luck with that one.

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

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

Brian Davies- Okay, 5-minute potty break.

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

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

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

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

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

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

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

RECESS.

RETURN FROM RECESS.

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

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

Chris Melhus- Second.

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

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

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

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

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

Brian Davies- No.

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

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

MOTION CARRIES.

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

Denis Tracy- Okay, let's see.

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

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

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

Denis Tracy- Yep.

Dave Gibney- Okay.

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

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

Brian Davies- Oh my.

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

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

Dave Gibney- Okay.

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

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

Denis Tracy- Yes, he does.

Weston Kane- We had the...

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

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

Denis Tracy- That's my recommendation.

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

Denis Tracy- Yes.

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

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

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

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

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

Alan Thomson- SEPA su...

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

Dave Gibney- Yeah, okay.

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

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

Alan Thomson- At the earliest.

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

Alan Thomson- Tuesday.

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

Denis Tracy- Okay.

Dave Gibney- Alright.

Denis Tracy- Let...yeah...
Dave Gibney- Go ahead.

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

Dave Gibney- And...

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

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

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

Denis Tracy- Yep.

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

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

Dave Gibney- I thought I did but...

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

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

Alan Thomson- Alright.

Dave Gibney- Okay. All right.

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

Dave Gibney- Mr. Tracy?

Denis Tracy- Yeah.

Dave Gibney- Okay, sure.

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

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

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

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

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

Weston Kane- So we need to have...

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

Alan Thomson- Or go with one of them.

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

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

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

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

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

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

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

Dave Gibney- How about replace with electrical?

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

Brian Davies- In E?

Weston Kane- In E.

Dave Gibney- In E. In...

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

Dean Kinzer- Okay.

Dave Gibney- E3... E3E okay.

Weston Kane- On page 5.

Dave Gibney- On 5 okay.

Brian Davies- And we're scratching...

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

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

Brian Davies- And what...

Dave Gibney- All in favor?

MOTION CARRIES.

Weston Kane- Did we get a second?

Dave Gibney- I seconded it.

Weston Kane- Okay.

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

Weston Kane- Perfect.

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

Dean Kinzer- Second

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

Dave Gibney- Okay, it has been seconded. I'm going to talk to saying that on number one, I think you should separate detection from suppression systems to have them as separate items. Mostly because I'm going to argue that a suppression system is more problematic thing, in that, a lot of suppression systems include PFAS chemicals, a Halon going off, inadvertently while a technician happens to be in the nacelle is conceivably more dangerous than... than, you know, a fire that goes out quickly. You Know, I haven't myself experienced being in proximity to an automated fire suppression system, but I know people who have, and I know a few who really didn't recover from the experience. So... so anyway, I'd like us to separate them so I can further argue that we go with detection, but not necessarily a suppression so.
Weston Kane- I'll start with moving to split, number... letter P, number 1, split it into two sections ending at alarm and starting a new section with the word each, where it's, highlighted in yellow

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

Chris Melhous- Second.

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

Dave Gibney- Okay, anybody want to...

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

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

Bill Myers- Splitting it okay.

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

Bill Myers- Okay, alright.

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

Brian Davies- I agree.

Dave Gibney- All in favor? Opposed?

MOTION to **AMEND CARRIES.**

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

Bill Myers- These systems exist in... in watercraft, you know, ships, and, and ,and in many other places, and they dealt with, through training, installation of master arm switches. Can, you know, when you go in if you're working, you're there, so the system doesn't have to be on. Maybe if you're worried about that, first thing you do is shut the master off and go about your business. And then when you leave, you turn the master on, and that's part of your checklist for working on your turbine. I don't think it's a problem.
Weston Kane- I guess I would ask... to ask Dave, because he knows more about this than I do, are the chemicals that could be used to put the fires out possibly worse that just letting them burn down?

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

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

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

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

Brian Davies- Okay.

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

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

Alan Thomson- Bill is still on yeah.

Dave Gibney- What is his title?

Dave Gibney- Emergency Management Director.

Alan Thomson- Director of Emergency Management, Bill Tensfeld.

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

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

Dave McKeirnan- Okay.

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

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

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

Brian Davies- How are you gonna inspect it?

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

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

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

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

Brian Davies- Minimum.

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

Dave Gibney- Minimum, minimum.

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

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

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

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

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

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

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

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

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

Dave Gibney- You're our closest...

Dave McKeirnan- And...

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

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

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

Dave Gibney- Director of Emergency Response.

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

Bill Myers- The burden wouldn't have to fall upon, you know, the Fire Department. I'm sure there's people around that do this for a living. You know, the firms that, you know, that they could, bring somebody in on a, on an annual, biannual basis, whatever is...
Dave McKeirnan- My quest... my question would be are we talking about, number 2? V2? In the, in the response plans, or are we talking about P1 when it comes to the central alarm and the detection?

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

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

Dave Gibney- Reviewed annually.

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

Bill Myers- No, not at all.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bill Myers- Yeah, yeah no this is.

Dave Gibney- Okay.

Bill Myers- Whatever the fireman over here wants.

Dave Gibney- Alright.

Dave McKiernan- I am not a professional.

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

Brian Davies- And 4...

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

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

Dave Gibney- Into who's?

Dave McKiernan- Into the operator of the energy facilities.

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

Bill Myers- Yeah.

Brian Davies- I'm not sure about that.

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

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

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

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

Bill Myers- If they occasionally will...

Brian Davies- How many times have they caused fires?

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

Brian Davies- It's not widely publicized.

Bill Myers- No.
Dave Gibney- They do cause fires, but it wasn't necessarily a red flag day that had that happen, it just caught fire.

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

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

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

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

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

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

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

Dave McKiernan- That's correct.

Weston Kane- Yep.

Dave Gibney- Someone's seconded.

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

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

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

MOTION CARRIES.

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

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

Chris Melhous- Second.

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

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

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

Weston Kane- As currently. Right now

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

Brian Davies- Correct?

Dave Gibney- Everybody agrees. All in favor?

MOTION CARRIES.

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

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

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

Denis Tracy- One more quick thing to request?

Dave Gibney- Go ahead.

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

Dave Gibney- Oh.

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

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

Denis Tracy- The would be a better title.

Brian Davies- Pre-application meeting.

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

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

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

MOTION CARRIES.

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

Weston Kane- So moved.

Dean Kinzer- Seconded.

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

Dave Gibney- All in favor? Opposed?

MOTION CARRIES.

Dave Gibney- Okay, and... and this may or may not be the end of revisions of Whitman County... well, it's not the end of revisions of Whitman County Zoning Code, by any means. At... after the public hearing, the Board of County Commissioners will need some time to act. They may or may not ask us to return to solar and battery renewable energy code, which is where we were... this Commission was before we went into the wind. If they do... we will pick that up. I am strongly going to suggest that we all take... that Alan and the... they arranged some more of those.... that short course stuff, and that planning and zoning training. And that we... that we ... That we do. Go ahead
Brian Davies- I have seen on the schedule at Commerce that they are doing short courses about every month or so. So, I think we may be able to schedule that. But they're trying to make an outreach and doing a lot more of those courses

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

Brian Davies- Move to adjourn.

Weston Kane- I'll second.

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

Dave Gibney- All in favor?

MOTION CARRIES.

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

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

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

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

10:18 p.m. - WORKSHOP ADJOURNED.

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

MEMBERS:

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

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

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

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

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

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

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

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

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

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

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

Julian Matthews: You mean about

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

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

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

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

Dave Gibney: David?

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

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

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

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

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

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

Bill Myers: Okay.

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

Bill Myers: Okay

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

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

Brian Davies: This is true.

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

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

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

Dave Gibney: Brian?

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

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

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

David Mckeirnan: Are you talking to me, Brian?

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

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

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

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

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

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

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

Dave Gibney: Okay.

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

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

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

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

Dave Gibney: To do anything different.

Alan Thomson: Yeah. No. Period.

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

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

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

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

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

Alan Thomson: Right.

Dave Gibley: Okay. Denis?

Denis Tracy: Yes?

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

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

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

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

Dave Gibney: Sure.

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

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

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

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

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

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

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

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

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

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

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

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

Dave Gibney: Okay.

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

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

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

Dave Gibney: Okay.

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

Dave Gibney: Okay.

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

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

Dave Gibney: Go ahead Denis.

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

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

Dave Gibney: Right.

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

Bill Myers: Yeah.

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

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

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

Dave Gibney: Can't do that either.

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

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

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

Brian Davies: 27, right?

Alan Thomson: The grant money ends summer of 26.

Dave Gibney: So we have.

Brian Davies: Oh, for the county.

Alan Thomson: For the county, yeah. Okay.

Julian Matthews: So, do you think.

Dave Gibney: Go ahead, Julian.

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

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

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

What should we do?

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

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

Dave Gibney: Go ahead.

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

Dave Gibney: as scheduled work or as planned

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

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

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

Brian Davies: Chris has a question.

Dave Gibney: Go ahead, Chris.

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

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

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

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

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

Brian Davies: We won't condition it.

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

Bill Myers: There's more.

Julian Matthews: Second.

Dave Gibney: Go ahead, Julian.

Julian Matthews: I second it.

Dave Gibney: The motion is yet incomplete.

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

Dave Gibney: The rec...

Brian Davies: It was for grammar.

Dave Gibney: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Brian Davies: So, 1 and 4?

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

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

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

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

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

Dave Gibney: Mr. Tracy?

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

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

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

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

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

Dave Gibney: Okay.

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

Dave Gibney: Okay.

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

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

Julian Matthews: No.

Dean Kinzer: I'll second it.

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

David Mckeirnan: Mr. Chair.

Dave Gibney: Yes.

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

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

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

David Mckeirnan: Okay. Go ahead.

Dave Gibney: Okay. Any final comments?

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

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

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

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

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

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

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

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

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

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

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

Brian Davies: That's the bottom line.

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

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

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

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

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

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

Brian Davies: We have to finish our action.

Dave Gibney: We have to finish.

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

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

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

Julian Matthews: Right.

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

Julian Matthews: Right.

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

Bill Myers: What, let's, we can back up, from, you know, so they can, I don't know, we, whatever actions, you know, so that they can proceed, you know, we, that was my whole, whole, whole intent, was so that they could proceed.

Dave Gibney: Yeah okay. Let's do the procedural. We're gonna vote, and we're gonna say no to the motion as it is. And then we're going to do a motion that says, Board of County Commissioners we formally ask you to extend the moratorium and interim controls, for a 6-month period, such that we can address these 3 items that we've talked about.
So, to get us going on that.

Motion: On the motion before us, which is the more complex and multiple things, please all in favor, please say aye.

Opposed?

Motion Fails

Nay, okay, so does someone besides me have a language they'd like to move to accomplish this?

Julian Matthews: I think we should wait till after the hearing.

Dave Gibney: The commissioners have asked us explicitly at the end for today, at this meeting to either request or not request, the moratorium be extended.

Bill Myers: I move that we extend the moratorium and interim control for an additional 6 months, starting January 7th, 2026, and ending on July 7, 2026, for the purpose of the time needed to properly finish the code.

Dean Kinzer: Seconded.

Dave Gibney: You're making an imp, you're making a statement that we have, that the work we have done is not complete and is improper. The motion should be, I, that the Board of, the Planning Commission requests that the Board of County Commissioners extend the moratorium for the 6-month period allowed, so that the Finding Commission can address these three items.

Bill Myers: Yes. as, as stated. Okay, so, let's strike...

Dave Gibney: None of this. This, for the purpose of a lot none of this beginning and ending. and none of this pro, none of this quantifying as to whether our job so far.

Bill Myers: Okay, well, okay, well, that wasn't my intention, was to impugn our work, because it's been our work, but we have not been able to comprehensively you know, anyway, that's not the issue here at the moment. The moment is the issue at the moment is to have a 6-month moratorium. I've stated the dates for the purpose that our current moratorium ends on the 7th. And, the continuing moratorium should start on the 7th of, of,

Alan Thomson: 6th of January.

Bill Myers: Of January, yes.

Dave Gibney: That's, again, exceeding our authority to make specifics as to what their action would be. We're asking them to extend the moratorium. Period.

Brian Davies: Period.

Julian Matthews: So, we can ask them, but that's asking them. They may or may not, right?

Dave Gibney: Yeah, no matter what we do, they may or may not. Yeah. So, the motion is that the Planning Commission Requests the Board of County Commissioners to extend the moratorium and interim controls on, I think it's renewable energy that it comes down to, in play...

Brian Davies: 6 months.

Dave Gibney: For the 6 months allowed. So that the Planning Commission can address concerns about setbacks for non-participating neighbors in aerial application. Agriculture and viewshed, as per the county's comprehensive plan. And potential further improvements to the decommissioning language and bonding.

Bill Myers: Yes.

Dave Gibney: Anybody second?

Dean Kinzer: Second.

Motion Entered

Dave Gibney: All in favor?

Motion Carries

David Mckeirnan: Oh, good.

Dave Gibney: Everybody's aye. I'm gonna go no, because I don't want, I don't think we need to addition, I don't think that the stuff is, needing to be the, we need the moratorium to do this, but I, I lose, or I. So that has been passed. And yes, we used up a whole bunch of our time. So, on the path to that hearing, which is still scheduled. Again, I'm gonna say that tonight, we're not, we can discuss, and we may come to the conclusion that we will make amendments to that code at the time of the hearing. But for not com, making anything complex. We're not gonna explicitly change what we have out there in the world for comment. So, we do have Mr. Tracy's suggestion or request About the two pieces of the exclusion language. And, you know, we probably don't really need to talk about aerial agriculture and wind towers. Or setbacks, because we've concluded we will do that in the future anyway. So, the one thing that we have from Mr. Tracy is that we not extend the exclusion zones to the areas that are not Kamiak Butte, Steptoe Butte, and Palouse Falls. And that we not exclude the surroundings of the county's rural residential zones. So, Mr. Tracy.

Denis Tracy: Yes, I'm still here.

Dave Gibney: Do you have any more comments on, on those requests that came from you. Or comments, or, you know, we can talk about them at the hearing also.

Denis Tracy: So, I sent you all a memo, or an email, anyway. Suggesting that on Section B, I don't know if you all have the code in front of you. This is on my page 7 of 23. No, it's not. My page 8 of 23. This is in 19.61.053, Exclusion areas. A. It says, wind energy turbine towers are not permitted within 2 miles of the boundaries of incorporated communities. I have no objection to that, I think it's clear, and quite defensible. B. Wind energy turbine towers are not permitted within 2 miles of the area zoned as, Rural Community Residential or RCR, Rural Community Center District is RCC, and Rural Community Commercial District, RCC2. My suggestion to you in my email is that it isn't clear, at least to me where these areas are. I've since conferred with the planning office and apparently they are identified by individual parcel numbers. There isn't very clear descriptions beyond that, but they are individual parcels out in the county do have those designations. I want to make sure that Planning Commission, I want to make sure that the Planning Commission intends to apply this 2-mile circle around each of these areas. It wasn't clear to me that the Planning Commission actually discussed this. And so, I'm hoping the Planning Commission does, or if you feel that you have discussed it enough, that's fine. I just had a question about whether you had discussed where these things are, and that you want a two-mile circle around them, around each of them. And if so, why do you want a 2-mile circle around them? So that's my issue with B. And then my issue with D. Yeah, with D is that it is too vague in a number of areas. And so, would you like me to go further and describe D to you, or would you, want to pause and discuss B?

Dave Gibney: Let's, let's do the B, the B first. And, and though that clause is there because when I pulled the incorporated language out of setbacks into the new excluded areas, I saw that these were other areas of dense population. At least, presumably Codified similarly to the incorporated areas and that they were known. I, the two is just, the same as it is. Because I, you know, the reason, and the reason for doing this in my mind, is similar or the same as doing it for the incorporated areas, period, because otherwise, in the incorporated areas, there's still sub, the residents in an incorporated area or the property lines, are still subject to the setbacks. I, frankly, I have no skin in this game at all, it just seemed a logical parallel. And I, I would be fine if we did strike that in, from the code before we send it all the way to the commissioners at the hearing, so.

Brian Davies: I would too.

Dave Gibley: Okay, I don't see anybody pushing to keep that. So, let's go on to, er.
Weston Kane: I'm just wondering, Alan, how many, how many of these districts do we have?

Alan Thomson: We have 10 or 11 of them. And they're not all the same. The practical difficulty of measurement, if you look at Steptoe, for instance, Steptoe has all three of

these zones. And there's no defined boundary, like a city limit boundary. So, my question is, and I talked with our IT guy. And it's like, how are we gonna measure that?

Dave Gibney: And my response to Alan on that is that it would be on the wind tower proposal proponent to evaluate these parcels just like it would any other parcel in the area that they're talking about affecting. And that, that we don't have to identify them up front, that they...that it would be on that, on that developer to conclude that there were no parcels within 2 miles of their proposed corridor.

Alan Thomson: There, there's, we do not have any, digitized maps.

Brian Davies: A county zoning map.

Alan Thomson: We don't, we don't have any digitized. We have a piece of paper. with pretty drawings on it.

Brian Davies: We do too in Uniontown.

Alan Thomson: Yeah.

Brian Davies: We drew it, we drew it with pencils.

Alan Thomson: Yeah, right.

Dave Gibney: Again, I'm okay with, with not having this confusion.

Alan Thomson: And it would be possible that you could make a mistake there, because what I found out also, even with incorporated towns, Uniontown, Colton, they don't know exactly where they're municipal lines are.

Brian Davies: Well, and that's a very good point, because unless you specifically state in your land use ordinance how you're going to define your zoning districts in town. Then, you know, then they could be helter-skelter. But, you know, center lines of streets or, or major you know, we do delineate that in our, but I can see how it, it would be hard to do out in the unincorporated county when you have you know, these other areas, these other population areas that maybe used to be an incorporated town but is not now.

Alan Thomson: Yeah, and so, to further muddy it, there are some communities such as Tekoa and Rosalia, that actually have parts of town that are not attached to the town. And he had, it is the city of Rosalia and Tekoa, so...

Dave Gibney: We're not proposing to eliminate the one or the two miles from around the incorporated communities.

Alan Thomson: Right, right. I'm just going to add to that that you're going to have to add a little bit more to that, you know, that point there. You're going to have to put a two-mile radius around that the airport, for instance, out in Roselia, which is not part of the town, it's outside town. So, just an FYI.

Dave Gibney, Am I wrong that compliance with this would be more on the proponent of a wind corridor than on the county to say, you know, this you gotta...

Alan Thomson: That's the way I want it to be, because I'm not going to try and make that determination, but we need to check it. We need to know that they're doing it right.

Dave Gibley: And that would not only be our, the county's acceptance of the application, but it would then be, on the hearing, on the hearing examiner's cup decision to be sure that all such vetting occurred.

Alan Thomson: The planning department's gonna have to verify as best as possible that you're actually not including an area within 2 miles. We will have to do that. That would be our responsibility, but yes, the applicant would be the ones trying to map out where this two-mile area is.

Bill Myers: Mapping these would be, project by project, so you wouldn't have to, you know, the entire bulk, for better, lack of a better word, of these districts would not have to be specified in compliance to the application. And it wouldn't be unreasonable for them to go down and pull parcels just like anybody else that has to do has to do work in this fashion. Put it on the wind company to do it.

Dave Gibney: The other question though that Mr. Tracy has asked is, what is the reason, the supportable, defensible reason for having this as part of the new code that we're putting in? And my, well, it's, it's almost sort of similar to an incorporated town. So, let's do it is... is kind of wishy-washy.

Bill Myers: People live there.

Dave Gibney: Yeah. People live everywhere, though.

Weston Kane: So, what if we changed it to something like, clusters of more than 5 homes in a certain area? Or something like that, to where we could just look at a map and say, yes, there's 5 homes here? Or, I mean, because if the county's records are that far off, something that's more.

Dave Gibney: Well, no, the county's records aren't that I mean, a parcel of land is zoned this, or it is not.

Weston Kane: Yeah.

Dave Gibney: And somebody owns that parcel of land, and the assessor's office has a record of that.

Weston Kane: But what I'm hearing, and I've seen it with my own property lines, because I've looked at the old satellite images, and I've looked at the current on my property, and there is a 30-foot discrepancy on my fence. And I mean, I think that's where some of this issue's coming in.

Alan Thomson: As far as legal descriptions are concerned, a lot of these rural communities have lots and blocks. They're not described individually, in the sense that it'd be lot 2, block number A, or whatever. That's how it's described, how a lot of them are described. And then we also have a mix of businesses, it's not just residences. RCC2, includes business areas and residential.

Dave Gibney: Okay, I think we've, we've come to, we don't have to make a conclusion tonight on this. Because we have to make the decision, as again, I'm okay with not having it. I'm gonna say, if you want to adjust the code to any cluster of 5 houses or something like that, that's certainly something that we've just punted down to the after the moratorium and to the additional work that we're doing.

Weston Kane: That would be my thought. That'd be a long-term, I mean, short-term, I'd almost rather send it this way, and the commissioners can decide on it.

Dave Gibney: Okay. Okay. So, the other issue that Dennis has brought up is the area that Weston made the motion that we add in, so, let's let Dennis speak first, and then and I know Weston has provided us with some findings and some exhibits to add to the record. Which, by the way, we're not going to get very far in preparing a record for adding to that curing, so we will be spending more of that time making that record at that hearing. Again, I have asked that, and suggested, that we start that hearing at 6 p.m. on that date. We don't really want to have to continue that hearing. So, we want to get this done, and so and the whole point of having a good record with the exhibits and findings of facts, is to protect what we do from litigation, one way or the other. We have to show that we, that we paid attention to the science and the impacts and everything, and why we made the choices that we've made. And that's, you know, again, that's the protection against that being told we've acted arbitrarily and capriciously, and, and also, this record is going to be part of what FSEC uses when they evaluate our ordinance. As to what parts of it they may or may not, you know, feel obligated to follow. So, it's important that we do a good job. I disagree with some of the ways we've made here, but I want us to have a good, solid product when we come to the end of this procedure, so. Go ahead, Mr. Tracy.

Denis Tracy: Okay, and so Mr. Kane's proposal here in D, I, I believe that I do understand the gist of it, and I think overall, that, the, the idea of having a protection area around the parks is probably fine, or is fine, as in theory, but the devil is in the details here. Wait a

second. There we go. And we have, we have on the screen two, two different versions it's been, it's been modified a little bit back and forth, so my piece of paper that I'm looking at in front of me, may not.

Dave Gibney: the um.

Denis Tracy: the most recent.

Dave Gibney: The, yours is really pretty close. The real difference is that we, okay, on our screen, we need to move down to the D

Weston Kane: Say, the D that's listed there.

Dave Gibney: Right, okay, and number 4

Weston Kane: That one.

Dave Gibney: has been changed to the Escure Ranch, rather than all public lands by the BLM. And I believe, other than that, it is as we passed it.

Denis Tracy: Okay, so I am looking at one with, that has the Escure Ranch on it. So there

Dave Gibney: The one we have up here isn't.

Brian Davies: That's all BLM land in the kidneys. That's all, yeah.

Dave Gibney: Okay.

Brian Davies: Well, besides

Dave Gibney: Okay, go ahead.

Denis Tracy: So, overall, this is too vague. And the problem with it being too vague is a developer or somebody who's not a developer I mean, everybody needs to know exactly where things can go, and where things can't go. And this is too vague. So, for instance, the first part here says, wind energy facilities shall be prohibited within 1 mile of lands designated as national, state, or local significance, for purposes of this section. Areas of national, state, or local significance include, but are not limited to, and then it lists things. So, the language, but are not limited to, is just precisely the problem, or one of the problems here, because you have to limit it to specific things. Otherwise, nobody knows where these things can go or they can't go, because then, then anybody's idea of an area of significance might or might not apply. So, let's say you struck the language but are not limited to. Does that fix it? No, it doesn't. Because all state parks, including Palouse to Cascades Trail, I guess that's the John Wayne Trail. If I'm thinking right, that does seem

specific enough. Number two, all county parks, including Klemgard, Bill Chipman Trail, Wawawaii County Park, here, again, we have the including part, that would be okay, as long as you, the Planning Commission members, are aware of what county parks you're talking about. Are there other county parks or not? I don't know. But you need to know, and consider, do you want this exclusion area of 1 mile around every county park? So, you need to know where is every county park and have a, even if it's a 60-second discussion, just make sure that you know where you're, where you want this to be. Number three is problematic. You say public access sites and recreational lands owned, or managed by Department of Fish and Wildlife, including Rock Lake, Pampa Pond, and Revere. I'm going to talk for a second after we get through whether or not things are specific enough, I'm gonna talk whether about whether or not you have good reasons for this, but whether it's specific enough. So, as I read number 3, I think to myself, so does that include all the feel-free-to-hunt signs where I might go with my ill-behaved Labrador, and try and get a pheasant. Is that managed by Fish and Wildlife? Those things change from year to year, and, and I kind of think that that would fit that definition. But the issue of me saying I kind of think it would means I don't know whether it would, which means it's too vague. And then, including Rock Lake, okay, but well, that gets into a sufficiency of the reason. Escure Ranch, I think that is sufficiently defined. Now the, my issue of do you really have a good reason for this? I ask that you consider. So, for instance, the Bill Chipman Trail, you can't see beyond the hillside to either side of the Bill Chipman Trail. You can't see a mile. Would it, would it impact anyone's enjoyment of the Bill Chipman Trail? If so, great, keep it in. If you want to keep it in, fine. I'm just saying, have a discussion about that. Don't just blanket say all county parks. Consider whether it's, you know, you actually want a mile setback around these county parks. And Pampa Pond, which is right next to Highway 26, you'd be hard-pressed to find a time when it's not loud there, because of the car noises. So, is that one that's a knee-jerk placement here? Or, have you thought it through? And no, you do want a one-mile setback from Pampa Pont. What else? What else can I say? That's, that's all. I'm gonna stop talking.

Weston Kane: I mean, I'm all for removing the, but are not limited to. I mean, that was something that definitely needs to I'd see entirely where you're coming from on that. As for the others, do we need to go through then and discuss each one individually, and why? So, each, each location?

Denis Tracy: That would be ideal. And you can, you know, you can have this is a summary discussion, doesn't have to have a lot of detail, and.

Dave Gibney: And...

Denis Tracy: And the reasoning can be repetitive from site to site.

Dave Gibney: And better doing it now than in 2 weeks. So, yes.

Weston Kane: That was gonna be my next question, if we can deal with this now. So, I would move to remove the are not limited to off of that, off of thee.

Dave Gibney: Wh... you could. He can say that he will be, he will move at the public hearing to make these changes.

Weston Kane: Yep, so we need to make, so that'll be something we can bring up a public hearing.

Dave Gibney: Okay, so just running through some of these. The Palouse to Cascades Trails is formerly known as the John Wayne Trail. It goes from Tekoa to the county line would be our jurisdiction?

Weston Kane: That would be our jurisdiction. It goes from, well, it goes from the Idaho state line.

Dave Gibney: It does go from there.

Weston Kane: Because if you go east of Tekoa it goes out, meets up out.

Dave Gibney; I've only, I've seen what claims to be the beginning of it at Tekoa.

Weston Kane: I grew up, up there. Just a little ways off of that.

Dave Gibney: Okay, okay So that's a trail that goes from the Idaho line to the county line to the west, asking what Dennis is, you know. How much, you know, how far what's visible a mile on either side of it? And, and would, you know

Weston Kane: I mean, most of that trail I've been on, easily visible mile each side of it, because it goes up, I mean, if you're, when you're in Tekoa you're on that trail, you have to, that's the one that has the trestle, and so you're up high, yep, and then it goes falls along the side of the mountain all the way out to, where it meets up with the Idaho side, which actually, if you follow through right, leads down and goes into Lake Coeur d'Alene.

Dave Gibney: So, this is the protection of the visual.

Weston Kane: The visual.

Dave Gibney: Viewshed.

Weston Kane: Viewshed.

Dave Gibney: The beauty of the Palouse is your...

Weston Kane: And then coming the other way comes all the way out there, by actually by Revere, and Escure.

Dave Gibney: Okay.

Weston Kane: On the other end. Through down through Malden. Goes through Malden City.

Dave Gibney: So that, you know, that would be a reason that has been accepted by this commission to do such protection. And it's no longer...

Denis Tracy: And is it...

Dave Gibney: ...and it's no longer the John Wayne Trail, that's been in that name's, you know.

Weston Kane: Yeah.

Denis Tracy: And is it a state park?

Weston Kane: It is on the state park website; they're considering a state park.

Denis Tracy: Okay. And then, are there any other state parks besides Steptoe?

Weston Kane: I think those are the only two, aren't they?

Dave Gibney: Yeah, I think so.

Chris Melhus: Memorial for Rosalia battlefield.

Denis Tracy: Then I would suggest that you strike all state parks, including, and just have it say, Palouse Cascades Trail.

Weston Kane: See, and actually...

Chris Melhus: Steptoe battlefield in Rosalia, there's that, so I'm not sure if that's a state park or just a memorial site, but...

Weston Kane: That's in town, isn't it?

Chris Melhus: Yeah.

Weston Kane: So that would actually be superseded by the 2 mile around town anyways.

Dave Gibney: Okay, so Grace is pos, is gonna strike the all-state parks at this point, but, but again, this is just the suggestions, we're not making anything. You know, and you could I mean, I'm, I'm not suggesting for sure, but you could add a number something, which is, other lands decided by, some commission that gets made, or whatever, but, moving on.

Mark Storey: Mr. Chair?

Dave Gibney: The Bill Chipman Trail, go ahead, Mr. Storey.

Mark Storey: There's also the Columbia Plateau Trail, which is north of the John Wayne Trail. It just clips a little corner of the county up in the northwest corner.

Dave Gibney: Okay.

Brian Davies: That would be the same.

Weston Kane: That one gets a fair amount of use from the Cheney end.

Dave Gibney: Okay.

Denis Tracy: Is that a state park as well?

Mark Storey: Yes, I believe that's owned by the state.

Denis Tracy: Okay. Steptoe Park is covered in the other section, that's why you might not need to include it here.

Dave Gibney: The reference was to the Steptoe Battlefield Memorial, not the Steptoe Butte.

Bill Myers: Yeah.

Denis Tracy: I see.

Dave Gibney` : And we could, we can do some research and make sure that we have identified all the state parks. Before we get to the next, on the county parks. I would guess I'd point out that the Bill Chipman Trail is entirely in the South/North Moscow Corridor. Which is an area we have already, we do not have, renewable, or we do not have wind farms permitted. In either of the corridor areas.

Alan Thomson: And at the beginning of the trail is inside city limits.

Dave Gibney: Yeah.

Alan Thomson: Pullman's city limits, and then, it does border north and south Pullman-Moscow corridor, and it's within 2 miles of the airport, also.

Dave Gibney: We may not need to have additional protection of the Bill Chipman Trail. So, you could if you wanted to be explicit, you could say Klemgard and Wawawai County Parks.

Alan Thomson: And there's an Elberton County Park.

Dave Gibney: And that...

Mark Storey: Yeah, there's Elberton and Colfax Trail...

Alan Thomson: Colfax Trail.

Mark Storey: ...are also county parks.

Dave Gibney: Okay. So, we could explicitly name them there.

Bill Myers: There's probably a list of all these parks, I would assume, someplace.

Mark Storey: Yep.

Alan Thomson: Well, the County Parks Department hopefully has that list.

Dave Gibney: I, you know, I agree, but I did make the speculation that there was an ability to easily identify all the rural zones, too, so. Okay.

UNKNOWN: Is order...

Dave Gibney: Yeah. So on the public access, so we can fill out number 2 and make sure we have it explicitly, and we're not doing any wishy including. The public access sites, I, you know, Dennis has got a point.

Brian Davies: Can't protect everything.

Weston Kane: Anybody got any ideas to reword that one? Because I do understand where Denis is coming from, that they go put up all those hunting signs in the fall.
Dave Gibney: You know, are the, let's, maybe you need to be more explicit. Are there, for Rock Lake, you're really talking about where people put their boats in and out, or are you talking about, you know, 2 miles away from the whole Rock Lake, because somebody could be running a boat out there.

Weston Kane: Well, and this one's a 1 mile, but that, I mean, that water would be public access. Because you'd be...

Dave Gibney: The whole lake? And is Rock Lake the only Lake in the county where people put boats in and fish. Go ahead, Chris.

Chris Melhus: Concern is just water access for, like, firefighting, airplanes, that sort of thing. They do use it for that.

Dave Gibney: Yeah.

Weston Kane: It might be a good one to keep open for that reason, too.

Dave Gibney: Okay.

Chris Mehus: Yeah, I mean, we did that a lot, so...

Dave Gibney: Do you, do you want to try and make a more explicit the...

Weston Kane: I can work on that, make that more explicit. And you said the Escure Ranch would probably be okay? Denis?

Denis Tracy: Seems like, I mean, that's a pretty clear definition. At least I think it's a pretty clear definition.

Alan Thomson: Well, it has to be a parcel of land, right? Yeah.

Brian Davies: A 5000-acre parcel of land.

Dave Gibney: Yeah.

Alan Thomas: A 5000-acre parcel?

Brian Davies: And it totals a lot more than that.

Dave Gibney: And as to the reasons on all of these, they, they are somewhat equivalent or in the same nature as, some of what we're using for the, you know, to protect the buttes in general is the, the view, you know, the views of the Palouse and the economic benefit we get from that, so...okay?
Denis Tracy: Thank you for having that discussion.

Dave Gibney: Thank you. Okay. I think it's time that we took a break. And I'm not sure how much more we can get done tonight. Denis, you were at the last meeting, and at other times, you have offered to help our various members, wordsmith. Findings of fact for the positions they're taking. And also help, you know, Alan and me with the, you know, the infrastructure findings of fact. I know Alan has put together, some on how the existing

ordinance came together. I've got a list of these are the, you know, public meetings, or the Planning Commission and the county commission meetings that have happened that took us to the point of, where I became the chair of this body. Can we, is there some way we can work together to without violating OPM and things like that. To have to kind of expedite our process of building our record in two weeks.

Denis Tracy: Yes, and I'm gonna suggest, I'm not supposed to volunteer for things, but I will volunteer to try to collate materials, studies, informational sheets, etc. There's been a lot of material submitted by a lot of people over the past year. My suggestion to this to the Planning Commission is that, that's good background material, nothing should be thrown away, it should all be kept, it's all part of the record of your proceedings, however, specific things to however, I'm gonna suggest having a batch of things to refer to as supportive material for your public hearing and your final product, and a lot of that can can be materials that have already been submitted. Let's just submit them again.

Dave Gibney: Correct.

Denis Tracy: into, into a defined bucket. And within that bucket my idea is there'll be a smaller bucket that will refer to effects on aerial applications and farming. And in another bucket would be impacts on fire insurance rates and availability. And another bucket would be something else. I'm, and so, I would like materials to be submitted and I'm just gonna print them, I'm gonna hit printer, or rather, excuse me, I'm gonna hit print because I'm, almost 63 years old and I like paper. So, I'm gonna hit print, and then I'm also gonna put them in electronic buckets too. And I would like to meet with some volunteers from the Planning Commission. I've already started to do that a little bit, but in particular, the folks who are, supportive of the setbacks, supportive of the protection areas around the Buttes. Supportive of the decommissioning language, I'd like members of the Planning Commission to come and meet. and we can meet 4 of you together. Can't do 5, because that would violate the Public Meetings Act, but we can meet four of you together. Bring your materials, and then we can, together, we can wordsmith the findings That come from all this supportive material. And we can... and I can also invite members of the public to join in that, in that effort as well, so that we can try to make sure that all of the...studies that folks want to include, get included. I...I've got some time, and I will devote some time, during... during my days, and I can devote some time on a weekend as well if need be.

Dave Gibney: We have 3 weeks, give or take. And I appreciate all of that effort that you're talking about. Well, the seventh...
Denis Tracy: I think we have only 2 weeks.

Dave Gibney: Two weeks, yeah, you're right, I'm, because see, yeah, I was including that fact that we went out to SEPA earlier, and we went out last week, never mind. But yeah, 2 weeks, I, I also have I've been organizing everything that I have received, electronically, and I was gonna take a glance through the paper that I've gotten, and, and, and try and start, you know, building a list of those, so that, yes, we, you know, we can physically, we can

electronically, physically introduce them to the new record of the hearing. And I appreciate your offer to talk with people. I was gonna ask if you were, and I was hoping the answer would be yes, that we can still take, info from the public. And you're our attorney, so I know that you will avoid causing any kind of a serial violation of the Open Public Meetings Act.

Denis Tracy: Absolutely.

Alan Thomson: Denis, can we just clarify submissions from the public? So, when we're at the public hearing would it be the better way that if members of the public want to have things in the record, that they give us copies of that during the hearing?

Denis Tracy: Yes, bring copies to the hearing, but also submit them ahead of time. I would say just for belt and suspenders approach, you could submit them to Alan and I, or, and me, excuse me, and.

Dave Gibney: Yes, and I would, you know, I would hope that when we get to the public hearing the public will we'll definitely be welcome to submit additional material, but the caveat there is it really should be an additional material and something that we haven't already gotten entered in. And we're gonna, you know, at the start of this hearing, we're gonna sit up here, and we're gonna say here's item 1. It's in the hearing, here's item 7 through 8 in the list of them, and they're in our record, and that kind of thing. So, at the end, you know whatever the people want to bring as part of their public testimony should probably be new information, or information that they have noted that we did not get included in whatever we do. So, go ahead, Alan.

Alan Thomson: Denis, for clarification there, there's been a whole bunch of information that has been sent to us over the last year, year and a half.

Denis Tracy: Yep.

Alan Thomson: If the public wants something in particular, even though it has been sent to us already, they need to resend it again you know, give us that as a submission for the record, even though we've already received it, but it's not in the record, so to speak, the record that we're going to be creating at the public hearing. So, if there's something important, emails, you know, letters, whatever, studies. That the public have that really think should be part of the record, then produce that for us over the next two weeks.

Denis Tracy: Absolutely. And keep in mind you know, people can submit anything, but if you submit something that says, well, Bavaria has a certain setback it's also very helpful to include the source for that piece of information. So, that could be a link. to a study, preferably English rather than German, but you know.

Dave Gibney: Well, I think another one is, you know, it has been stated that neighboring counties have these, these setbacks it would be useful to have the reasons that the neighboring counties chose to use those setbacks.

Denis Tracy: Could, could be.

Dave Gibney: For whatever it's worth, I'm willing to come to Colfax and meet with, as a separate, not as a part of the, the four, but with you and Alan, or however it works out. As a separate, time, also, so.

Denis Tracy: Sure.

Dave Gibney: We'll work that out. We'll get, we'll get, I really do want us to do, to have a good job when, you know, a good product when we send it to the commissioners. So, thank you.

Denis Tracy: So, are there volunteers on the board there? On the, on the commission?

Dave Gibney: I have a hand up from Brian, Dean, Bill and Chris. And I suppose that you know, you could do 3 and 3 and just not pass information back and forth between them. So, we can get that, get that you guys can, you guys work that out, schedule, like, you know, talk tomorrow?

Alan Thomson: So, Dennis, question on membership. You're an ex-officio member. Does that mean that you're part of the Planning Commission?

Dave Gibney: He doesn't contribute to the decision-making at the end, I think.

Alan Thomson: I'm just asking the question for an open public meeting thing, you know?

Denis Tracy: If, so, the, the Public Meetings Act requires, or rather prohibits, a meeting of a majority of the of the board, or the Commission, without prior notice and allowing the public in. So, what's a majority? If, if you don't count the ex-officio members, there's 2 of them, that's the planner and the lawyer. So, if you don't count the ex-officio members, there's 9 members, and that means up to 4 could meet. So, you can't meet with 5, because that's a majority. If you do count the ex-officio members, then there's 11 members, and still, you could have 5 meeting, and if you're counting the ex-officio members, then that would include me, so still me plus 4 more of the regular members, the voting members. So, I'm confident that we can meet with me and four voting members.

Dave Gibney: And, and just to caveat that. Could you meet, would it be a serial meeting if you met with four at one time. And then had an additional time when you met with one or two or me, does that push you over that edge?

Denis Tracy: Only if I'm acting as a go-between.

Dave Gibney: You will be careful not to be a conduit of information.

Denis Tracy: Conduit, there we go, exactly.

Dave Gibney: And the same would go for Alan being the ex-officio, and up to 4 other members in one time or another.

Denis Tracy: Yes.

Dave Gibney: Okay.

Dave Gibney: Is there, is there anything else we need to do tonight?

Alan Thomson: The findings of fact are the biggie right now.

Dave Gibney: Okay.

Alan Thomson: So, not tonight, but

Dave Gibney: Do you, I will, I'm gonna put it to the commission. I'm seeing a little sign of talking out there. We could take a break and come back and, you know, take 5 minutes and then come back and listen to people for, until 9.30, or we can ask them if they can get it done in 10 minutes now. And then adjourn. What do you want?

Weston Kane: I think let's do it in 10 minutes now, because by the time we take a break, they're going to get 10 minutes anyways.

Dave Gibney: Okay. Go ahead, Carol.

Carol Black: Carol Black, never been to a public hearing, so I'm confused about the process I saw the outline earlier. That you would come in, and you would meet. You will go through the findings of fact. So, the public in the newspaper, in the Gazette, it said 7 o'clock, so that's what the public has seen. I've seen 6 o'clock tonight, but I think before we answer that question, what will be the process for the public to be able to come? It was said to bring paper and things like that, but if somebody could talk about what we should prepare for us to come, that would be very helpful to us tonight. Thank you.

Dave Gibney: Okay. I had, it was a mistake to be the 7 o'clock in the first notice of the paper. I've asked if we can have that adjusted for the subsequent and Alan has said that we could.

Alan Thomson: Well, we can't alter the legal ad. But we would have to make it known publicly and obvious that we want to have the meeting at 6 p.m. So, we'll just let everybody know, and keep letting everybody know, 6pm Is when we're gonna start. Excuse me?

Dave Gibney: And I am doing it publicly right now, and I'm putting, if I put it on the website, I'm doing it publicly. The legal ad is not the only venue of making that notice available.

Audience unknown: UNINTELLIGIBLE.

Dave Gibney: Okay, okay. I, I. Let me grab my procedure.

Brandon Johnson: While we're doing that Emily Pierce has a question online.

Dave Gibney: Go ahead, Ms. Pierce.

Brandon Johnson: She's with the Daily News.

Emily Pearce (Moscow-Pullman Daily News): Hello! So, I am writing a story tonight about your guys' public hearing notice, for the Moscow Pullman Daily News. Would you like that to be adjusted to 6 o'clock, and note that it's at 7 in the Gazette?

Dave Gibney: Yes, please.

Alan Thomson: There you go.

Emily Pearce (Moscow-Pullman Daily News): Okay Thank you so much.

Dave Gibney: Okay. Now, there's a lot of. There are many, you know, procedures on a public hearing, and I don't know that what I've put together is explicit or whatever. But what I have intended is we're gonna, you know, formally open it. We're gonna build that record of what we've got that's taken us to this point. We will get, we will enter the draft of the ordinance as part of that record. And we will have some discussion amongst the PC as to where we are at. That would be a point where we could make some of these amendments that we talked about tonight. Then I anticipate public comment, and by public comment, I mean every, all of you, anyone can come up and speak. I would really ask that we keep it limited, that we avoid duplication, and if you have additional material, you'd like to be part of added to the record. Hopefully, not something that we add ahead of time as part of our earlier procedure, and we're gonna, we're gonna make an effort to make that thorough. And that's gonna take however long it takes. I, I hope that it isn't gonna take such that we, you know, we do want to finish before the day's over. And actually, I'd like to finish before, you know, even before 10 happens. That's why I'm asking this to start at 6, because I think it could take more than 3 hours, or 3 hours. Once everybody has had their opportunity to speak. And I'm gonna try and, again, I'm gonna try and say, you know, 3 minutes, and then stop. And if what you're saying, I've heard 2 or 3 times already in the hearing from someone

else. I'm gonna ask that you, you know, bring new information. When that period is over, we will close the public comment period of the hearing. The Planning Commission will discuss again, potentially making additional amendments. And in either of these amendment periods, there may well be comments from the SEPA review. That are such that we need to make changes based on them. I don't know what those are gonna be yet, you know. Up until now, almost every public every SEPA review public comment period I've been a part of is the, there's been nothing coming back from the review. I don't think that's gonna happen tonight. We will do whatever additional amendments. We will do additional, you know, we will have done additional exhibits. If we have any additional findings that have are a part of what's come from the public. Or from the comments. We'll enter them into the record. And we will take a vote. And you know, in most situations, and probably in this situation, there will be at least 5 of us. That vote to forward the recommendation to the county commissioners with a recommendation to adopt. It's conceivable that we will change that, and there are 5 people, members, that want to Forward it with a motion recommendation to reject. I don't think that's gonna happen, but it could. We could forward it. You know, we could tie. For some reason, you know, one of us doesn't show up. That would be, you know, that would forward with no recommendation. We could decide that we don't want to forward it at all. I don't think that's gonna happen. But those are the four ways it could. Alan? I mean, and Dennis, have I outlined a viable procedure that should work for us?

Alan Thomson: I think so, just, I just want to make it clear to Ms. Black and the rest of the public if what you want in the record, I mean, you've sent us an avalanche of stuff over the last year and a half, two years. You need to pick out specifically what you want to have in the record and bring it to us. Not just at the hearing, but before the hearing as well. So, pick out what you think is important, and give it to us, and we'll put it in a box, and that will be part of the record. Okay.

Audience unknown: So...?

Dave Gibney: Microphone. And please identify yourself.

Chantel McGuire: Hi, my name is Chantel McGuire, and I just wanted to clarify for the next meeting, you said, please don't bring any new information you've already given us. But you've said, please bring it, and bring it clarified.

Dave Gibney: No, I, okay, what I'm...

Chantel McGuire: So I'm trying to figure it out.

Dave Gibney: What I meant is that at the beginning of the proceedings we're gonna sit here and we're gonna enter a bunch of stuff. Which could be and that's gonna include the stuff that Ms. Black and everybody else send to Alan to say, put into the record. And we'll get that all formally entered before we open the public hearing. If there's something that you want to add or you know, I'm giving a little bit of leeway. Is there something you want to surprise

us with at the, you know, the public part of it, then be ready to put it in the record then. But it's it's. We, you know, it's try and keep things to not new, to only new stuff at the, actually is brought at the, provided at the public hearing. You know, ideally, everything that you want us to put on our record will be in our hands before the hearing. And we will just formally list it, this, this, this, and this is going into the record.

Chantel McGuire: Okay. So, you want us to submit it that day?

Alan Thomson: No, no, no, no.

Dave Gibney: No.

Chantel McGuire: I just need to clarify, because you both have contradicted each other several times.

Dave Gibney: Tonight.

Chantel McGuire: Tonight.

Dave Gibney: Starting now.

Chantel McGuire: Okay, okay, that's clear.

Dave Gibney: Starting now. Reiterate, these are the things you want in our official record.

Chantel McGuire: Okay, I'm ready for that.

So, my name is Chantel McGuire. I'm co-owner with my husband of McGuire Air Service. We operate Ag aircraft across the Plouse, and I want to be very clear that Ag aviation is already a high-risk field, and wind turbines in the wrong places create operational hazards that cannot be mitigated.

Dave Gibney: Can I interrupt you? Are you going to just read the letter that you sent to Mr. Tracy?

Chantel McGuire: Sir, this is not the letter that I sent.

Dave Gibney: Okay. Because... because that is already... that's part of our existing record.

Chantel McGuire: I Understand.

Dave Gibney: It's very likely going to be...

Chantel McGuire: I Understand.

Willard Morgan: Let her speak.

Chantel McGuire: Okay. So, in the wind turbines in the wrong places create operational hazards that cannot be mitigated. Such I, I very quickly went through your packet, and the mitigations aren't well done. And wishful thinking or vague assurances do not keep our pilots safe either. Every field we cannot safely access becomes an agricultural loss for local farmers, not just us. I'm here tonight to listen and take notes, which I have, and understand the full scope of this project, but I want you to know that I'm committed to provide accurate, real-world data and NAAA-supported safety distances at the December 18th meeting. This was not the letter I sent you.

Dave Gibney: Thank you. I appreciate it. I really do. We would, we will take that. So. And just to also be clear, that information on the assumption that the Board of County Commissioners do extend the moratorium, or even if they don't. On the assumption that we will continue to work on this ordinance and other ordinances into the future, your information is more, is very welcome, and we will take it into consideration on the further work. I really do understand that I, honestly, I thought that and I hadn't worked it out to the non-participating as much, but I had re, thought that wind towers said, well, no, crop dusting doesn't happen, and that could well be, so. Go ahead, Mr. Which means the wind towers don't get...

Kevin Ackison: Kevin Ackison, Colfax. I'm confused, we've, over the past year and a half or so, provided public testimony and written documentation. That apparently, it has not been entered into the record, and so what I'm hearing tonight...

Dave Gibney: We're, we're asking you to, it has been entered into the record of our minutes and our, what we've made, collected. It has not been entered into an official record of an official public hearing to make an official decision.

Kevin Ackison: Okay, so that needs to be, to be resubmitted, all of that information. Thank you.

Alan Thomson: Yes.

Dave Gibney: Anybody...

Roger Guiney: I want to talk about...

Dave Gibney: State your name.

Roger Guiney: Roger Guiney, Elberton, Washington. I want to talk about erosion. The word that is used in the, the paper I read from the last meeting said mitigate. I feel it should say

is prevent. Now, read what I wrote. The soil of the Palouse Formation is highly erodible by both wind and water. Since many of the concrete slabs will be on slopes or on top of, hillocks. The likelihood of erosion is a certainty. Now, I have a solution. In the 1980s, I had all 960 acres of my land terraced. Terraced. And the terraces, some of them run for a half a mile or more, and they are level farm over terraces. So that the water is contained on the ranch and seeps into the aquifer. The same should happen here if this project gets the green light. I, the erosion in the Whitman County is horrendous, quite honestly. And something needs to be done about it before the Stake River dams are obsolete because they're so full of soil. Right, that's all but I really feel strongly that there should be terraces and water attachments so that no water is coming off.

Dave Gibney: We appreciate, we appreciate that, that comment, and, and make it again at the public hearing. It, I, it, I don't know exactly how the existing code, talks about the specific, farms around the, and the farming practices around the turbines, but we, it's certainly information to, to have, so thank you. Anybody else?

Weston Kane: I move to adjourn.

Chris Melhus: Second.

Dave Gibney: All in favor?

PC Members: Aye.

Meeting adjourned.