

**Land Use Hearing**  
**Tuusso Columbia Solar Project**  
**December 12, 2017**



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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
TUUSSO COLUMBIA SOLAR PROJECT  
Kittitas Valley Event Center Armory  
901 East 7th Avenue  
Ellensburg, Washington 98926  
Land Use Hearing  
December 12, 2017  
7:06 p.m.

DANI JEAN CRAVER  
CCR NO. 3352

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1           MR. STEPHENSON: We want to give Bill  
2 Sherman, the counsel for the environment, just an  
3 opportunity to give everybody his contact  
4 information. He didn't have a chance to do that  
5 earlier so in case any of you wish to get in touch  
6 with him.

7           MR. SHERMAN: Thank you, Mr. Stephenson. So  
8 my name is Bill Sherman, I'm the counsel for the  
9 environment on this project. I'm the assistant  
10 attorney general with the Washington State Attorney  
11 General's Office.

12           If you want to get in touch with me, there  
13 are a couple ways you can do that. If you --  
14 literally if you Google "Counsel for the  
15 environment," with quotes around it, you'll come up  
16 with a web page that has my phone number and e-mail  
17 address.

18           Or if you want to write it down, my e-mail  
19 address is bill.sherman -- last name spelled  
20 S-h-e-r-m-a-n -- @atg -- like attorney general --  
21 .wa.gov. So feel free to contact me if there's  
22 anything you want me to consider and that's it.  
23 Thank you very much.

24           MR. STEPHENSON: Thank you.

25           All right. Again, thank you for being here

1 tonight. Again, my name is Cullen Stephenson. I'm  
2 the EFSEC council member representing the Department  
3 of Ecology. I'm presiding over tonight's land use  
4 hearing which is being held in accordance with RCW  
5 80.50.090 and WAC 463-26.

6 Tonight's hearing is being held at the  
7 Kittitas Valley Event Center Armory in Ellensburg,  
8 Washington. It's now 7:08 p.m. This meeting is an  
9 opportunity for you to provide testimony relative to  
10 the consistency and compliance with land use plans  
11 and zoning ordinances.

12 Notice of tonight's hearing was published in  
13 the Ellensburg Daily Record, the meeting time and  
14 location was also provided in a notice which was  
15 sent to the project mailing list, as well as being  
16 posted on the EFSEC website.

17 The purpose of the land use hearing is to  
18 determine whether at the time of application filing  
19 the proposed Columbia Solar Project was consistent  
20 and in compliance with Kittitas County land use  
21 plans and zoning ordinances.

22 Testimony provided tonight will help inform  
23 the EFSEC Council in developing a determination on  
24 land use consistency. Unlike the public  
25 informational meeting we just completed where

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1 general comments on the project were received, this  
2 meeting is focused solely on land use, therefore,  
3 your testimony must be specific to land use issues  
4 with reference to appropriate county codes and  
5 zoning ordinances.

6 This evening we will hear first from the  
7 applicant and then Kittitas County if they wish to  
8 testify. Following that, we will hear from those of  
9 you who have signed up to speak.

10 Again, any written comments should be added  
11 to the list and can be brought up here to the table  
12 by the court reporter or given to EFSEC staff.

13 Am I getting this right?

14 MR. ROSSMAN: Yes.

15 MR. STEPHENSON: Thank you.

16 We are going to allow -- we'd like to keep  
17 this still to two minutes but we'll stretch to three  
18 if you're really good about your testimony. So we  
19 will stretch to three because we've had a lot of  
20 folks ask us for a little more time on this part of  
21 the testimony. I think we have 19 people signed up  
22 so this will take us hopefully just an hour. All  
23 right. Thank you.

24 Can we talk about the first five --

25 MS. POTIS: Yes.

1 MR. STEPHENSON: Excuse me. The proponent.

2 MR. MCMAHAN: This has every opportunity to  
3 fly off of here because I speak with my hands, so if  
4 it's possible to take it, that'd be great. Thanks.  
5 Sorry to be disruptive already.

6 Chairman -- or Acting Chairman Stephenson and  
7 ad hoc Chairman Stephenson and council members, good  
8 evening. Thank you for the opportunity to be here.

9 I am a fast talker and I'm going to try real  
10 hard not to do that tonight, and particularly,  
11 because we're going to try to -- we're going to try  
12 to cover the applicant's application in 20 minutes  
13 or less. We're really, really going to try to do  
14 that tonight, so mine included. So we're going to  
15 buzz along as quickly as we can within reason.

16 So a couple of preliminaries, I don't plan to  
17 talk about the moratorium and I don't plan to talk  
18 about the judge's order positioned a couple weeks  
19 ago, neither of them are material to these  
20 proceedings. I've shared information with staff and  
21 your legal counsel on that. If you would like me to  
22 address those topics, I'm happy to do so, but I'd  
23 rather just get to the heart of the matter here and  
24 talk about land use consistency.

25 Another preliminary matter, if, for the

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1 record, we can make sure that Jason Evans'  
2 presentation is made a part of the land use record  
3 because it is an important introductory piece for  
4 that element of the process.

5 MR. STEPHENSON: I'm sorry, sir.

6 MR. MCMAHAN: Yes.

7 MR. STEPHENSON: I don't think for the record  
8 we know who you are.

9 MR. MCMAHAN: Sorry about that. Tim McMahan  
10 of Stoel Rives Law Firm, and I am very proud to be  
11 the legal counsel for the project. Sorry, my  
12 contact information is of record with the siting  
13 council.

14 MR. STEPHENSON: Thank you.

15 MR. MCMAHAN: So I'm going to speak, Greg  
16 Poremba and Evan Dulin from SWCA will then follow up  
17 and really get into the substantive issues dealing  
18 with land use compliance.

19 And I submitted a hearing memorandum to you  
20 previously, you have that, so I again don't think  
21 that I need to go into great, great detail on that  
22 which is already made a part of the record.

23 At page 2 of the memorandum I quote verbatim  
24 the Kittitas County Code's conditional use criteria  
25 which is applicable to these projects. And the



1 conditional use process links the projects and our  
2 analysis links with the compliance and consistency  
3 provisions in the code with objective standards,  
4 objective studies, and the work has been done by  
5 TUUSSOs to demonstrate compliance and consistency  
6 with local zoning and local Comprehensive Plans, as  
7 you heard earlier from Jason, that's a very  
8 significant amount of work that's been done here  
9 about that.

10 I'm going to zero in several key criteria  
11 which if misapplied can render the overall condition  
12 use permitting process very subjective, and frankly,  
13 unlawful as a basis for decision, and my focus will  
14 be on several of these criteria, and again, I will  
15 let the legal memorandum and the record speak for  
16 itself.

17 But to start by saying the Kittitas County  
18 Code, as you have heard from others, allows these  
19 facilities as a conditional use -- as a conditional  
20 use subject to a conditional use permit.

21 So first of my several points I want to make,  
22 and this relates to the county code provisions that  
23 are on page 3 of my memorandum, the provisions in  
24 the code, Kittitas County allows solar PV as a  
25 conditional use. Similarly, the county allows a

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1 wide range of other rural land uses to enable  
2 diverse economic activities in rural areas, you've  
3 heard some of that. It's not -- the rural areas in  
4 this county are not a farming sanctuary, they are  
5 not open space.

6 And most importantly, the code allows and  
7 encourages a diversity of economic activities to  
8 discourage residential sprawl that is fundamental  
9 and it's a fundamental that stems from the Growth  
10 Management Act.

11 Washington law expressly allows conditional  
12 uses under site-specific conditions, and the goal is  
13 to address localized impacts, the localized impacts  
14 based upon objective standards and criteria. They  
15 may not be based on subjective ad hoc rules.  
16 Permits must protect the landowner applicant from  
17 discrimination and bias and enable predictable  
18 investments.

19 The code must and does, when properly  
20 applied, enable project specific, site-specific  
21 review linked to consideration of demonstrable  
22 proven impacts on how surrounding landowners make  
23 use of their lands and whether for some reason these  
24 projects would jeopardize the use of those lands,  
25 the ongoing use of those lands for farming, that's

1 the key.

2 So criteria I want us to highlight, first of  
3 all, the code requires consideration of whether the  
4 use is essential or -- heavy on or -- desirable to  
5 the public's convenience, not detrimental or  
6 injurious to the public health, peace, or safety, or  
7 to the character or the surrounding neighborhood.  
8 That's a very broad code provision.

9 So in essence -- in essence, the concern is  
10 that one can tumble to character of land uses and  
11 that this kind of a provision can override the need  
12 for predictable and criteria-based standards which  
13 is a matter of law.

14 Now, as indicated by Jason, and you'll hear  
15 more about this, we have studied agricultural land  
16 use, surrounding agricultural land use, and the  
17 sites' agricultural land use. Wildlife, wetlands,  
18 visual impacts, glare, noise, re-vegetation,  
19 geology, so these sites, all of them have been  
20 studied on, criteria that is capable of being  
21 understood and evaluated objectively versus  
22 subjectively.

23 So this Council has heard several and decided  
24 on several wind energy facilities where this Council  
25 has found need and necessity and essential value to

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1 the public and to the state by the implementation of  
2 robust renewable energy development, those have been  
3 key findings in three facilities proven by the  
4 Council.

5 So here we find our situation where we are in  
6 really an unprecedented effort by this project to  
7 evaluate the impacts of the project in a setting  
8 where, as you are well aware, having reviewed four  
9 years on an oil terminal, we are in the midst of a  
10 real struggle nationally and within the state to  
11 implement renewable energy.

12 Recent developments are quoted in my  
13 memorandum, very significant recent developments  
14 that require and create additional markets for  
15 renewable power. And we are moving rapidly away  
16 from fossil-fuel generation, particularly with coal  
17 strip retirement that currently occupies 20 percent  
18 of Puget Sound Energy's portfolio.

19 So consistency with the intent and goals of  
20 the policies. Consistent doesn't mean compliant,  
21 the code does not contemplate a prohibition of  
22 natural resource base non-farming uses, to the  
23 contrary, it explicitly allows them. It  
24 contemplates, quote, differing natural features,  
25 landscape types and land uses, and it ensures,

1 quote, economic opportunities for rural areas.  
2 That's what the code does. It encourages and  
3 ensconces a right to farm but it doesn't impose an  
4 obligation to farm every acre of land of  
5 agricultural activity.

6 Third thing, third piece of the code that I  
7 want to talk about is this language preserving rural  
8 character as defined by the Growth Management Act,  
9 pages 17 through 21 in my brief, my legal  
10 memorandum. This is potentially the most subjective  
11 criteria but -- but it is wholly capable of  
12 objective application.

13 And the Growth Management Act, which is the  
14 genesis of this language, did not intend to apply it  
15 as a means of arbitrating whether or not something  
16 is or is not subjectively consistent with rural  
17 character and should be denied because of individual  
18 views of that.

19 The concept has no meaning separate and apart  
20 from the seven factors that are in RCW 36.70a.030  
21 which are set forth in my memorandum, pages 17  
22 through 18.

23 So it is important to note rural character  
24 may not be applied as a proxy for varying subjective  
25 opinions concerning whether a particular project is

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1 considered aesthetically pleasing to people in the  
2 neighborhood.

3           Greg and Evan's presentations, along with  
4 Jason's earlier presentation this evening, will  
5 demonstrate and have demonstrated -- will  
6 demonstrate the depth of TUUSSO's work to prove that  
7 all five projects are wholly compatible with rural  
8 land uses, it will not impair surrounding land uses,  
9 they will not increase the cost of farming on  
10 surrounding land uses, they will in no way force any  
11 conversions to non-agricultural or farming land uses  
12 including residential land uses and sprawl. So we  
13 urge this Council to apply an objective,  
14 evidence-based consideration to these facilities.

15           So these projects rely on all objective  
16 evaluations of impacts that are required by the  
17 siting council and its rules and that have been  
18 undertaken by TUUSSO. So rather than the EFSEC  
19 acting as arbiter of subjective opinions of rural  
20 character, we ask that you rely on your own rigorous  
21 standards and make an evidence-based decision that  
22 is objectively fair and reasonable under the  
23 criteria that are in the county code.

24           With that, I'm going to turn it over to our  
25 experts to provide you the substantive information.

1 MR. STEPHENSON: Thank you.

2 MR. MCMAHAN: Thank you very much.

3 MR. POREMBA: Hello. My name is Greg  
4 Poremba. I'm a senior energy project manager with  
5 SWCA Environmental Consultants in Seattle. We  
6 provided TUUSSO support in preparing the application  
7 to the Council, as well as the SEPA checklist, doing  
8 field studies, visual simulations, basically a lot  
9 of the environmental work that you're going to see  
10 summarized tonight.

11 For my presentation, I'd like to focus in on  
12 land- use effects, all this will be very brief, but  
13 it's all in the application, on agricultural  
14 effects, visual aesthetic effects, and effects from  
15 glare analyses.

16 So each of the sites, as you've probably seen  
17 in the materials in the back.

18 MR. POSNER: Use the mic, Greg.

19 MR. POREMBA: Oh, sorry. All the sites, as  
20 you can see, are 35 up to 55 acres. Their land use  
21 is either designated in the Comprehensive Plan as  
22 commercial agricultural or rural working, and the  
23 zoning is either commercial agriculture or ag 20.

24 In the case -- as you can see from the  
25 numbers up on the screen, they make up anywhere from

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1 .01 percent to .02 percent of the land use  
2 designated in the county under those categories, so  
3 a very minor part of the land use zoning in the  
4 county. On an individual basis, the four of the  
5 five projects are active agricultural properties  
6 either being used to grow hay or for grazing. The  
7 Fumaria Solar Project site which is 35 acres is  
8 currently a fallow agricultural land without  
9 irrigation.

10 So altogether, the 232 acres of the five  
11 sites combined includes roughly 145 acres of  
12 commercial agricultural land, which is .05 percent  
13 of all lands in the county under that designation,  
14 and the 87.2 acres that are rural working lands is  
15 .03 percent of the total lands under that  
16 designation, so they make up a very minor portion of  
17 zoning and land use under those categories.

18 Moving on to agriculture briefly. The U.S.  
19 census -- or U.S. Department of Agriculture  
20 agricultural census from 2012 indicated that there  
21 are roughly 183,000 acres of farmlands in Kittitas  
22 County, of that, the lands under the TUUSSO projects  
23 would make up .13 percent of total farmlands. Of  
24 the croplands only, so excluding for raising  
25 livestock and for other purposes, it would comprise



1 .34 percent of the 68,000 acres used to grow crops.

2 So again, very minor portion of the county overall.

3 In addition, looking at potential impacts to  
4 surrounding farming activities, Jason went through  
5 some of this already on the setbacks, so depending  
6 on the site design and locational factors that we  
7 were -- we and TUUSSO were designing around, the  
8 setbacks are generally anywhere from 20 to 60 feet,  
9 none of the facilities on the site are greater than  
10 eight feet tall, so you don't have to worry about  
11 shadows coming off the solar panels or the  
12 inverters, anything affecting nearby properties,  
13 therefore, shouldn't affect any agricultural  
14 activities on those properties, any crop  
15 productivity, or anything else;

16 Jason talked about potentially growing native  
17 vegetation or potentially some hay crops, and as  
18 part of this proposal, there would be treatment for  
19 weeds to minimize weeds and, therefore, minimize the  
20 opportunity for them to go offsite and there by  
21 agricultural properties.

22 And then looking at construction impacts,  
23 since we don't want to effect any more than we have  
24 to, any kind of tractor movements or product  
25 movements to market, we were looking at the

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1 potential vehicle use on the roads surrounding the  
2 sites.

3 On average, there would be six heavy trucks  
4 per day to each site and 19 non-heavy vehicles per  
5 day to each site, so a total of 25. And in most  
6 cases, with the vehicle counts on the access roads,  
7 the impact would be less than 5 percent just as far  
8 as number of current vehicles using the roads, not  
9 as far as the standards for what the roads can  
10 handle.

11 In the case of the Fumaria site, the numbers  
12 are a little higher, they're more around 12 to I  
13 think 35 percent, but that's because Clarke Road and  
14 Faust Road have such low traffic counts -- one of  
15 them is 66 vehicles a day, one of them is 150 --  
16 that a few vehicles amounts to a large percentage  
17 even though it's still only a few vehicles, so we  
18 don't anticipate that affects farm traffic, related  
19 traffic.

20 And the projects are designed because of  
21 their buffer distances to be away from the property  
22 lines and so that there's no drainage off site --  
23 excuse me, so any water that's generated on site,  
24 used on site, will stay on site and not drain off.

25 So next I would like to talk about aesthetics

1 from the projects, the visual impacts. We used the  
2 U.S. Bureau of Land Management's Visual Resource  
3 Management approach to conducting the visual  
4 assessment and preparing the visual simulations.  
5 This is a widely-accepted method in rural areas as  
6 well as for energy projects, I've used it a lot on  
7 energy projects.

8 It takes into account land form, vegetation,  
9 bodies of water, and human-made structures in  
10 defining the characteristics of the sites as well as  
11 the contrast that the proposed solar projects would  
12 have on those sites, the surrounding areas. So the  
13 key here is contrast.

14 There's four categories of impacts, none,  
15 where there wouldn't be a contrast; the next  
16 category is weak, where it can be seen but it  
17 wouldn't attract the visual eye, the eyes to that  
18 area; and moderate, where it would begin to attract  
19 the eye and dominate it; and then strong.

20 For all five projects, they only rise at most  
21 on some cases to the moderate level. None of the  
22 projects are evaluated as having a strong contrast,  
23 and I'll show you some of those right now.

24 So just briefly, the BLM process requires  
25 that you set up a radius to look at around each

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1 project site. In this case we selected two miles  
2 because beyond that was considered beyond background  
3 levels, and we used some modeling to try to  
4 determine whether the visual points would be best to  
5 select. And in this case, we selected three key  
6 observation points for each site so that we could do  
7 visual simulations from that. And the key factors  
8 in selecting those sites or at least some of them  
9 were whether or not people were living or working  
10 around the sites, travelers along the main  
11 transportation routes, or recreational use.

12 We then sent somebody out in the field to  
13 actually collect photos and make notes, fill out  
14 forms, BLM forms, to do the analysis, and then we  
15 created visual simulations using our GIS with all  
16 that information.

17 This figure shows the viewpoints and it's  
18 nice you can actually see them. They generally, as  
19 you can see, are surrounding each of the sites. In  
20 some cases, like in Typha, most of the viewpoints  
21 were from the northwest and west, so you couldn't  
22 really see it from the highway, I think it's because  
23 of vegetation that was in the view.

24 So overall, we determined -- using these  
25 methods we determined, that yes, the solar projects

1 would introduce horizontal and vertical lines to  
2 areas that were generally irregularly shaped, you  
3 know, farm country, open fields, and so forth,  
4 vegetation and other land forms, but that they  
5 generally would not dominate the landscape because  
6 of other linear features on sites like fences, other  
7 transmission lines, metal buildings, and other  
8 things like that. So you'll see it in some cases  
9 but it doesn't always rise to, you know, one of  
10 those strong contrast effects.

11 And then Jason's already talked about the  
12 vegetation that would be planted to try to mitigate  
13 and screen some of those effects.

14 One thing to note, and I'm going to talk  
15 about this with glare, is most of these are within a  
16 pretty flat valley from the flat view, and so we  
17 understand that there are people living up on the  
18 hills that can look down and see the panels from an  
19 elevated view. It's -- some of the studies that  
20 have been done on glare analysis for airports and by  
21 the U.S. Air Force have shown that they tend to --  
22 from a distance, up above they tend to look like  
23 dark blue ponds, basically, because they're  
24 absorbing most of the light, the panels are darker,  
25 they're absorbing most of the light. So it's not

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1 going to look like an industrial structure  
2 necessarily when you get further away and higher up.

3           So here's some examples, and I'm only going  
4 to show you the primarily ones where you would see  
5 something. This is the Camas site and you can see  
6 here that some of the contrast rise up to the  
7 moderate level. And off to the right, so here, this  
8 is on Interstate 82 looking north where the southern  
9 boundary site and this is what the panels would look  
10 like, this is mostly the framework there.

11           Go to the next. This is from the northeast  
12 corner of the property on Tjossem Road, and you can  
13 see the fence line there as well as the panels in  
14 the background. This is a -- we also, as part of  
15 the mitigation, as part of the simulations, we tried  
16 to put in some of the screening that would be  
17 planted to offset some of the impacts.

18           There will be a combination of trees and  
19 shrubs and the species are to be determined yet, but  
20 they will be up to 15 feet tall, and you don't want  
21 everything to be 15 feet tall because then it will  
22 make it look even more artificial, you want to mix  
23 them up. And once these fill more, they'll even --  
24 this is first-year planting example, so once they've  
25 had a couple years to grow and they'll screen even

1 more this side.

2 This bottom one is from the northwest on  
3 Tjossem Road across the freeway looking over. So  
4 you're at an elevated height which gives you an  
5 example of -- I think that's maybe 20 feet up, so  
6 gives you an example of what you could see from a  
7 slightly elevated level.

8 Next we've got the Penstemon site which is  
9 east of Camas, and we only have one here that we're  
10 using because KOP 1, again, has some moderate  
11 contrast potential. So you've got an example of the  
12 fence line, it's about a 6- to 8-foot height fence  
13 with barbed wire on it. Behind here are examples of  
14 the solar panels, the solar rays, and again, this is  
15 a first-year planting example with shrubs and trees  
16 in there.

17 On the Urtica site, there are three sites  
18 that have up to moderate contrast, but as you can  
19 see, it's much further in the background, so the  
20 first two KOP 1, KOP 2 are from Umtanum Road and KOP  
21 3 is from Blunt Road, I believe, so you can see here  
22 it basically goes from the road, if you can follow  
23 the arrow all the way across, and it's very much in  
24 the background there.

25 Looking at the second one, again, you can see

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1 it crosses the landscape in the back but it's  
2 difficult to see, so it's kind of an odd thing to be  
3 showing you things that are difficult to see, but  
4 that's the whole point is you don't want to be able  
5 to see it necessarily. And here's another example  
6 in between the barn and over in this tree line where  
7 it's in the background.

8 So the other two sites, Fumaria and Typha had  
9 either no impacts or no contrast levels of any kind,  
10 mainly because of how far away the key observation  
11 points were from roads that were being used or from  
12 other properties or just wasn't visible.

13 And finally, on the light and glare analysis,  
14 the solar panels are designed to absorb light, not  
15 reflect it. The more light they absorb, the more  
16 efficient they are, the more electricity they  
17 generate. So some people think of these as being  
18 highly reflective, and that actually kind of defeats  
19 the purpose of them in many ways to do that.

20 So an example -- a comparison example is the  
21 panels generally will absorb two-thirds of the light  
22 and reflect up to one-third of the light that shines  
23 on them. For example -- and for comparison, dry  
24 sand will reflect 45 percent of the light. Grass  
25 and trees will reflect anywhere from 10 to



1 25 percent.

2 As I said before, the Air Force has done a  
3 study of solar panels to determine their impacts on  
4 airports and planes flying in and out of the  
5 airports. Their summary of the panels was that they  
6 pose a minimal risk to air traffic around airports  
7 and that they would look like weathered white  
8 concrete.

9 And as you know, some airports have concrete  
10 runways so it would look -- reflection wouldn't be  
11 any more than they would see landing the plane. And  
12 again, from a distance and elevated views, they've  
13 determined that they would look substantially like  
14 dark water bodies.

15 We did modeling from each of the 15  
16 observation points that we did for aesthetics using  
17 the Solar Glare Hazard Analysis tool, it's  
18 relatively new, and it was developed by Sandia  
19 National Labs, it's publicly available. It was  
20 licensed to a private firm just this year, and  
21 they've done some modifications but this is one of  
22 the tools being used often out across the United  
23 States for doing solar analyses.

24 What I would like to point out here is what's  
25 important, the numbers can get baffling, they were

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1 to me. And so I want to give to you is a takeaway  
2 that the lower you are on this scale, the closer you  
3 are to the bottom, the less light that was reflected  
4 and the less afterimage you'll get, because one of  
5 the things they look at is are you going to be  
6 blinded for a while, just like when you're driving  
7 through the sunlight in your car.

8 So the lower you are on this, the less  
9 reflection there is and the less -- shorter the time  
10 you're likely to have any visual effects.

11 This dot in the upper right is if you look at  
12 the sun for comparison. So you want to be in the  
13 yellow and green potential, and you want to stay out  
14 of the red, okay?

15 So using this method, what we found out is  
16 for the Camas site, the second and third key  
17 observations points you would have acceptable green  
18 and yellow potential, so it's well within the  
19 recommendations. The Fumaria site would have no  
20 glare at the KOPs. The Penstemon site would have  
21 acceptable yellow potential at sites 1 and 2.

22 Similarly to Fumaria, the Typha site would  
23 not have any glare effects. And all three KOPs for  
24 Urtica would have green or yellow potential, so it's  
25 all well within and below levels that are normally

1 considered a concern. That's my presentation.

2 Next, I would like to have Evan Dulin, one of  
3 our biologists, provide you a summary about some of  
4 the potential biological effects. Thank you.

5 MR. STEPHENSON: And let's keep moving along  
6 because we're a little over our 20 minutes, so let's  
7 keep pushing forward. We have a lot of public  
8 testimony to come.

9 MR. DULIN: Thank you. As I've been  
10 introduced, I'm Evan Dulin. I work for SWCA Wetland  
11 Consultants as a wetland scientist and biologist.

12 And I'm going to briefly -- go as briefly as  
13 I can, go over wetlands and wildlife impacts and  
14 mitigation measures for this project.

15 And what we did in the beginning was took a  
16 look at two scales of impact, one is the  
17 Landscape-scale Analysis Area on the left, this is  
18 at a sub-watershed level, includes the sites and  
19 basically goes up to a natural ridge defining the  
20 Kittitas Valley.

21 And on the Project-scale Analysis Areas which  
22 are shown on the right, these are for each  
23 individual project sites and it's all areas that are  
24 within 500 meters of the sites. And the reason we  
25 looked at these two scales was to look at an overall

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1 habitat availability for wildlife and also look at  
2 what is in the immediate vicinity of the project  
3 that could be affected by the projects.

4 And what we found in the Project-scale  
5 Analysis Area is it's dominated by active  
6 agricultural. It also includes fallow fields,  
7 recently grazed areas, and natural vegetation.  
8 Primarily the natural vegetation was along riparian,  
9 wetland, and open-water areas, as well as some  
10 native shrubsteppe areas that were nearby.

11 And on the Landscape-scale Analysis Area,  
12 just to put in this perspective, the project areas  
13 which, as we said, are about 232 acres encompass  
14 less than 1 percent of the Landscape Area Analysis.  
15 And this is also dominated by agricultural  
16 production as well as other land uses.

17 The water impacts, this is something Jason  
18 touched on briefly. We are avoiding all water  
19 impacts on the site through project design. Any  
20 access roads or internal access roads will be  
21 located along uplands and existing roads and  
22 bridges, so there's no additional work or impacts to  
23 those resources.

24 And for wetlands, Jason also mentioned we  
25 have one proposed wetland impact and that is on the

1 Typha site entrance. This would result in less than  
2 1,000 square feet of wetland fill, it's about  
3 600 square feet, as Jason said earlier, and this is  
4 just to address a collapsed and clogged culvert that  
5 is allowing for flooding of that road.

6 They're going to fix that using geotextiles  
7 and other road-building material to allow for  
8 year-round access to that site. On all other sites,  
9 impacts to wetlands were avoided and buffered to  
10 avoid those impacts.

11 Here is a specific close up of the Typha  
12 entrance, and we have a joined aquatic resource  
13 permit that has been completed and will be submitted  
14 to EFSEC.

15 Now, for wildlife impacts, it is considered a  
16 temporary habitat conversion, as Jason mentioned, at  
17 the end of its lease it can go back to its current  
18 habitat function if the landowners decide to do  
19 that. Overall, the total project area is 232 acres.  
20 The total area to be fenced is 223 acres, and of  
21 that active agriculture only includes about  
22 138 acres, the rest of it is either fallow or it's  
23 currently being grazed.

24 As well as the operational impacts to this  
25 habitat really only includes impervious surfaces,

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1 which is less than 12 acres for the overall project,  
2 and these proposed impervious surfaces on six acres  
3 of that is about half is agricultural land.

4 Now, these fences could pose wildlife  
5 impacts, the only major impact that we were able to  
6 find was to game species that could be traversing  
7 the Kittitas Valley. These sites are not within  
8 identified big game migratory corridors or migratory  
9 fly-aways, and overall, fencing of these properties  
10 would have a less than 1 percent impact on the  
11 landscape analysis area of available habitat.

12 And shifting to protected species, here's a  
13 table of all the species that have the potential to  
14 occur in this area that are either state listed or  
15 federally protected. As you can see here, only two  
16 species had a high likelihood to occur in the  
17 project areas or near the project areas, and those  
18 included bald eagles and Columbia spotted frogs.

19 As you can see, all fish species had no  
20 likelihood of occurring within the Project-scale  
21 Analysis Area, this was because we avoided any  
22 stream that could potentially have those species in  
23 them.

24 And just taking a look at these two species  
25 that have a high likelihood, Columbia spotted frog

1 is a Washington State candidate species. It is  
2 known to occur at the Typha site, the Camas, and the  
3 Penstemon site. I have a picture here of one of  
4 those egg masses at the Typha site.

5           However, all impacts to the species would be  
6 avoided based on the setback distances from the  
7 aquatic resources and based on where they're located  
8 as well as the BMPs and construction measures that  
9 we will undertake to avoid contamination or  
10 sedimentation into those resources.

11           And for bald and golden eagles, they're  
12 protected by the Bald and Golden Eagle Protection  
13 Act, as well as the Migratory Bird Treaty Act, and  
14 they're also a federal species of concern.

15           We did observe some individual eagles either  
16 on flyovers or stopping in areas. There were no  
17 nests identified within any -- within the  
18 Project-scale Area, near any of the sites, or within  
19 those sites. However, to avoid any potential  
20 impacts, nesting surveys will be conducted closer to  
21 the construction period in coordination with WDFW  
22 and potentially U.S. Fish and Wildlife Service, if  
23 necessary, will be done at that point.

24           Now, mitigation measures regarding the  
25 wetland and waters impact, these are very minimal.

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1 Most of it was conducted at project scoping to avoid  
2 and minimize impacts. As stated earlier, existing  
3 roads will be used when all possible and best  
4 management practices would be utilized to eliminate  
5 runoff and contaminants.

6 In addition, Jason mentioned earlier that  
7 there would be seeding and planting at all of the  
8 sites and this could provide and add benefit to  
9 those areas including seeding at Typha and Urtica  
10 sites for wetlands which would improve the water  
11 quality at those sites, as well as the herbicide  
12 treatments to control noxious weeds on the site and  
13 to control the spread of noxious weeds to adjacent  
14 sites.

15 As far as wildlife mitigation measures go,  
16 buffers and seasonal timing are the main way to  
17 avoid impacts. These are going to be completed by  
18 establishing buffers on known resources. Currently  
19 there aren't any. We are also buffering riparian  
20 corridors and will be improving the quality of those  
21 riparian corridors. An ongoing consultation with  
22 WDFW will occur to ensure that we continue to comply  
23 with that.

24 Noise standards were already gone over, we  
25 will comply with state and local noise standards and



1 as well as other mitigating measures that we will  
2 conduct such as the BMPs, design and construction  
3 techniques, erosion and sediment control, as well as  
4 the restoration and noxious weed control mentioned  
5 earlier for wetlands. These will all have  
6 mitigation factors to help wildlife.

7 Overall conclusions, the project is not  
8 proposing to impact waters or wetlands, except for  
9 the one wetland fill at the Typha entrance. No  
10 significant impacts to wildlife and their available  
11 habitat was found for this project, and no  
12 significant impacts to protected species either.

13 So with that, I'll hand it back to Tim real  
14 quick.

15 MR. STEPHENSON: Thank you. I think Tim is  
16 done. I saw him waive. Thanks, Tim.

17 Does Kittitas County wish to testify on this  
18 matter?

19 MR. JEWELL: Yes.

20 MR. STEPHENSON: Thank you.

21 Can you please identify yourself for the  
22 record and then give your testimony? Thanks for  
23 being here.

24 MR. JEWELL: Well, thank you. My name is  
25 Paul Jewell. I'm a Kittitas County Commissioner and

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1 Chairman of the Board of County Commissioners for  
2 Kittitas. I'm speaking to you on behalf of the  
3 Board.

4 You just looked like you were going to do  
5 something there so...

6 MR. STEPHENSON: I'm doing lots of things but  
7 not to you.

8 MR. JEWELL: Okay. All right. Unlike  
9 Mr. McMahan, I do plan to talk specifically about  
10 the moratorium and the judge's recent decision. In  
11 fact, I have three points for your consideration  
12 this evening.

13 My first point is regarding the applicant's  
14 request for expedited review. It's Kittitas  
15 County's position that this application does not  
16 meet the statutory requirements necessary to qualify  
17 for expedited review for that 180-day process.

18 RCW 80.50.075 regarding expediting processing  
19 of application states in part that the Council may  
20 grant an applicant expedited processing for  
21 certification upon the finding that the project is  
22 found under RCW 80.50.09(2), to be consistent and in  
23 compliance with the city, county, or regional land  
24 use plans or zoning ordinances.

25 Kittitas County enacted a six-month

1 moratorium on all new applications for solar  
2 developments in unincorporated areas of the county  
3 on March 31st of this year. This ordinance is  
4 2017-002, and I have a copy for you.

5 The moratorium was then extended through  
6 ordinance 2017-004 on July 18th for an additional  
7 six months. At the time that this application was  
8 submitted, which was October 16th of this year, the  
9 moratorium on all new applications was and remains  
10 in effect.

11 The moratorium was and is the local land use  
12 plan and zoning ordinance in effect. Therefore,  
13 it's not possible for the Council to make a finding  
14 that the application is consistent and compliant  
15 with county regulations as required by law. The  
16 request for expediting processing must be denied in  
17 our opinion.

18 The second item I have for your consideration  
19 is the recent superior case or superior court  
20 decision, excuse me, in the case of One Energy  
21 Development, LLC, and Iron Horse Solar, LLC, vs.  
22 Kittitas County and various others. This case was  
23 about the county's denial of a conditional use  
24 permit for a 47.5 solar photovoltaic project on  
25 high-quality irrigated land in our county.

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1           The permit was denied by the Board on the  
2 basis that the proposed land use, a large-scale  
3 industrial facility, which was presented at the time  
4 as the largest energy-producing solar facility in  
5 Washington state, was not compatible with the rural  
6 character of the area.

7           In its decision, the court found that the  
8 county has substantial discretion in determining the  
9 facility's effect on character of the surrounding  
10 neighborhood and whether it met standards  
11 established in our development regulations and in  
12 our Comprehensive Plan.

13           In this case, an application very similar to  
14 this one that's before you today was found -- it was  
15 found that the proposed facility did not meet our  
16 requirements for maintaining rural character and the  
17 permit was denied. I also have a copy of that case  
18 for the record.

19           My third and final point for your  
20 consideration is the county's value statement  
21 regarding the site -- the siting of solar  
22 photovoltaic projects in rural areas. This value  
23 statement was considered and proved by the Board of  
24 County Commissioners in Resolution 2017-192. I also  
25 have a copy of that.

1           It was developed from a recommendation by the  
2 county's Solar Facilities Siting Citizen Advisory  
3 Committee which was formed and is working hard to  
4 develop local regulations as a recommendation for --  
5 county regulations for siting these facilities in  
6 rural areas.

7           The committee has not yet completed its work,  
8 I think that was stated earlier. We hope it will  
9 soon, but it has agreed on some key principals that  
10 I present to you this evening.

11           Those principals are, one, high-quality  
12 agricultural land in Kittitas County is a limited  
13 resource and should be protected. Two, commercial  
14 solar facilities may be allowed on high-quality  
15 irrigated land but only subject to the highest level  
16 of review and scrutiny and with the requirement for  
17 an alternative analysis that considers whether the  
18 proposed use can be reasonably accommodated on lands  
19 other than high-quality irrigated agricultural land.

20           Three, reasonable and economically viable  
21 alternatives do exist in Kittitas County for  
22 commercial solar facilities on lands other than  
23 high-quality irrigated agricultural land. And  
24 finally, four, conditions should be required for  
25 commercial solar facilities to mitigate impacts to

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1 surrounding properties.

2 Thank you for the opportunity. That's all I  
3 have. With that, I'll conclude my testimony and  
4 I'll submit these documents to the court reporter.

5 MR. STEPHENSON: Thank you. Is that her or  
6 -- where is it?

7 MS. MASTRO: Here.

8 MR STEPHENSON: Always listen to Tammy when  
9 you're wondering.

10 All right. Are there other folks from  
11 Kittitas County that wish to testify on this?

12 And hearing none, what I would propose is a  
13 very quick -- it's now five minutes to 8, let's take  
14 a five- minute break and then we'll start the public  
15 testimony on the land use hearing. Thank you.

16 (A short recess was had.)

17 MR. STEPHENSON: So can you call out the  
18 first five names?

19 MS. POTIS: Yes, if Speakers 1 through 5  
20 would like to come and sit in the front, that will  
21 help move things along faster. So Speakers 1  
22 through 5, come and sit in these front rows, they're  
23 meant for you.

24 And we're ready for Speaker No. 1, Dave  
25 Nerpel.

1           MR. NERPEL: Good evening. I appreciate the  
2 chance to chat with you here tonight. It's an  
3 important topic to us in Kittitas County.

4           My name is Dave Nerpel, I'm a local farmer  
5 and agricultural consultant. I've got projects here  
6 locally as well as nationally and internationally.  
7 And I'm also a member of the Solar Facility  
8 Committee so I'm definitely not speaking for them,  
9 I'm speaking for myself.

10           I want to talk about the value of  
11 agricultural products grown in the valley.  
12 Currently, that valley runs at about \$70 million and  
13 with the multipliers that have been given to us by  
14 WSU, that 70 million turns into 154 million  
15 annually. It's a pretty substantial production.

16           In recent years, the county has also produced  
17 in addition to Timothy hay, vegetables, sweet corn,  
18 peas, durum wheat, a number of other crops, it's a  
19 very high quality -- fresh potatoes and chipper  
20 potatoes. A large amount of the produce from  
21 Kittitas county is in that production.

22           Based on proximity to Western Washington and  
23 consistent with national trends, we would expect  
24 that vegetable production comes back into this  
25 county. Our county has roughly 60,000 acres of

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1 irrigated ground compared to 1.5 million acres  
2 non-irrigated.

3 Our agricultural production is all on that  
4 60,000 acres. So 60 thousand compared to  
5 1.5 million, that's 4 percent. And we wonder why we  
6 would want to take away from that 4 percent when we  
7 have plenty of ground outside of that irrigated  
8 ground that is very viable for agricultural  
9 production.

10 Also, we have a 145-year history of  
11 investment in this process, and a lot of that money  
12 has been public money. Solar Committee has seen a  
13 lot of good input from a lot of different places,  
14 and I see my time is getting short, but I want to  
15 mention particularly DNA has come to talk to us, and  
16 they have given us maps, I've presented them here  
17 with my written testimony, of areas that are  
18 available and that fit the industry standards for  
19 solar facilities.

20 Okay. So just to summarize, people don't eat  
21 hay, so at some times people kind of write that off  
22 as expendable. Our valley can also produce a lot of  
23 high- value crops, and so I think we need to  
24 preserve those as much as possible.

25 Locating large industrial solar facilities on



1 prime farm ground is short-sighted.

2 MR. STEPHENSON: Just about there.

3 MR. NERPEL: Thank you.

4 MS. POTIS: Thank you. Speaker No. 2, Jeff  
5 Brunson.

6 MR. BRUNSON: My name is Jeff Brunson. I  
7 reside at 1585 Tjossem Road, Ellensburg, Washington.  
8 I represent myself and my wife, Jackie. We were  
9 both born and raised in Kittitas County and I thank  
10 you for the opportunity to speak.

11 The solar facilities proposed on our property  
12 will not only provide clean energy to this community  
13 but also provide financial diversification for my  
14 farming practices.

15 The farming community never knows when we'll  
16 experience a drought year, when product prices may  
17 plunge, or when other unforeseen circumstances may  
18 happen. Having an alternative income source makes  
19 sense for my farming practices and for this  
20 community's energy needs.

21 The Daily Record published a guest column on  
22 December 2, 2017, which states one acre of Timothy  
23 hay production is worth \$1,875. Farmers do not  
24 typically disclose the value of their crops, and I'm  
25 one of those farms, but I can tell you \$1,875 per

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1 acre is not even close to the average value, and  
2 that figure is unrealistically high price for  
3 Timothy hay.

4 In addition, it should be noted that Timothy  
5 hay has to be replanted every three to five years  
6 for the rotation crop that typically has less value.  
7 The dollar values published by the Daily Record are  
8 flawed.

9 Apparently, people are concerned about my  
10 water rights and I appreciate that. However, I have  
11 confirmed that I will not lose any water rights from  
12 Town Ditch or Bull Ditch. Their project will  
13 require water for vegetation so there'll be no issue  
14 with water rights.

15 As stated, I farm for a living and I do not  
16 owe anybody a view. I do not farm or grow crops for  
17 the pleasure of my neighbors. My wife and I run our  
18 farming operation as a business, not a family farm.  
19 The decision to sign agreements for the Camas and  
20 the Penstemon solar facilities with TUUSSO Energy is  
21 a business decision.

22 Jason Evans and his company have been  
23 professional and have been a pleasure doing business  
24 with them. Jason volunteered to include a  
25 vegetation buffer for neighboring property owners

1 showing his dedication to the project and  
2 willingness to work with neighbors to help mitigate  
3 any perceived conflicts.

4           These projects will not change the  
5 surrounding land uses, and I can't see how it will  
6 impact anybody's property values, including our own  
7 farm ground that's close to these facilities.

8           Coincidentally, another part of our farm was  
9 chosen by Kittitas County as one of the top three  
10 locations for a transfer station. We find it ironic  
11 that the county would be willing to build a garbage  
12 dump on prime ag 20 land but not allow a clean and  
13 beneficial solar facility on the same site.

14           One last comment, our property met the  
15 criteria of TUUSSO Energy for their facilities and  
16 Jason came to us regarding the solar facility. We  
17 look forward to renewable energy and feel these  
18 projects have been well planned out and warranted.  
19 Thank you.

20           MR. STEPHENSON: Thank you.

21           MS. POTIS: Speaker No. 3, Jay Pittenger.

22           MR. PITTENGER: Yeah, I'm Jay Pittenger, 2130  
23 Clarke Road. And my wife, Lori, and I together own  
24 the Fumaria site. My family's been ranching in  
25 Kittitas Valley since the early '60s.

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1           And up until 2007, we were mostly in cattle.  
2   My dad became ill, and when he became ill we had to  
3   get out of the cattle business and sold all of our  
4   cattle. As my dad's illness progressed, my wife and  
5   I purchased the property in 2011.

6           And we have -- most of our property is about  
7   380 acres in land lease -- ground leases for hay  
8   production, which has been wonderful. We've got  
9   some great neighbors who operate that.

10           The reality and economics on that are that,  
11   you know, the income from that covers taxes, it  
12   covers insurance, it covers water, and that's really  
13   about it. There's no net income off the property.

14           And we talked about the land use and great  
15   presentations and just wonderful comments from both  
16   sides so far. It's been really, really informative.

17           I think there's a fundamental truth to all of  
18   this, that for landowners in the -- call them large  
19   to middle span landowners that are struggling in  
20   terms of the ability to operate that themselves,  
21   create the business, and deliver the agricultural  
22   services, development at some level has to be  
23   accommodated, otherwise the overall agricultural  
24   character that we keep talking about is going to go  
25   away entirely.

1           Because consolidation is just going to create  
2 a reality where the ability for midsized landowners  
3 won't exist. When that happens, you have just giant  
4 owners, and ultimately, you have what you don't want  
5 in terms of development.

6           For us, proceeding with the land and the  
7 allowed for this development allows us to keep the  
8 rest of our property in agriculture, and it keeps us  
9 from being motivated to pursue developing and  
10 subdividing that property, and that's just a fact  
11 for us.

12           And I just, you know, would like to comment a  
13 couple of things. I attended the moratorium  
14 hearings, and I've actually been really impressed  
15 with the county and how they've approached things.  
16 I personally have no heartburn.

17           I'm also very impressed with the TUUSSO folks  
18 and how they've approached things very thoughtfully,  
19 very professionally, very transparently. And I'm  
20 pretty convinced that that will continue on their  
21 half if everything moves forward.

22           We spent a lot of time with Jason, years, you  
23 know, we didn't rush into this, and so I feel like  
24 I've got a pretty good perspective on him and his  
25 firm and I think they'll do a good job on these

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1 projects. Thanks.

2 MR. STEPHENSON: Thank you.

3 MS. POTIS: Speaker 4, Karen Poulsen.

4 MS. POULSEN: Thank you for letting me  
5 testify tonight. My name is Karen Poulsen, 3591  
6 Tjossem Road, Ellensburg, Washington. I'm a  
7 full-time farmer, as I said earlier in my prior  
8 presentation, and a fifth generation in this valley  
9 -- farming family from this valley.

10 As background, I'm a graduate of WSU, I have  
11 a bachelor's of science and agriculture and have  
12 served on the Washington State Farm Bureau Board of  
13 Directors of Kittitas County, as Kittitas County  
14 Farm Bureau President, Board of the Kittitas County  
15 Hay Growers, and the County Noxious Weed Board, and  
16 I've also served on the Kittitas County Planning  
17 Commission and the Board of Adjustment.

18 MR. STEPHENSON: Perhaps a little slower.  
19 Thank you.

20 MS. POULSEN: Okay. I'm trying to keep in my  
21 three-minute time limit.

22 MR. STEPHENSON: I know.

23 MS. POULSEN: I would first like to speak to  
24 the expedited review process. TUUSSO Energy is  
25 requesting EFSEC to use the expedited process for

1 review of the ACS.

2 I don't think that the project is eligible  
3 for this process under WAC 463-43-030 Eligible  
4 Proposals. For EFSEC to even consider using the  
5 expedited process, the Council must find that the  
6 following four items are not significant enough to  
7 warrant a full review under the provisions of  
8 Chapter 80.50 RCW.

9 One, the environmental impact is not  
10 significant; two, the area potentially affected is  
11 not significant; three, the cost and magnitude of  
12 the energy facility is not significant; and number  
13 four, the degree to which the proposed energy  
14 facility represents a change of use of the proposed  
15 site -- change the plan use of the proposed site is  
16 not significant.

17 And I do not think -- these projects are not  
18 small-scale rooftop projects. They are  
19 industrial-sized energy projects changing the use of  
20 hundreds of acres of prime irrigated farmland to a  
21 completely nonagricultural use, and therefore,  
22 certainly do not comply with the fourth requirement.

23 Two, the conversion of prime farmland to  
24 nonagricultural uses under WAC 463-43- -- anyway,  
25 all of the project sites are a zoned commercial ag

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1 and both zones an area where farming and ranching  
2 are priority. The intent of this zoning  
3 classification preserve fertile farmland from  
4 encroachment of nonagricultural uses.

5 And all the project sites are also classified  
6 as open space farm agricultural land under the Open  
7 Space Act. And three, growth management requires  
8 that we adopt and develop regulations to prevent  
9 conversion of agricultural, forest, and mineral  
10 resource lands to other uses.

11 Rural character, both GMA and Kittitas  
12 County's Comp Plan define what rural character  
13 means. And I'll leave the rest with you so that you  
14 can read it. Thank you very much.

15 MR. STEPHENSON: Thank you. Do please leave  
16 your written comments over here with Tammy and we  
17 will review those.

18 And can we get the next five maybe?

19 MS. POTIS: Yeah. Speaker 5. And would  
20 Speakers 6 through 10 please come and sit at the  
21 front? Thank you.

22 MR. CARKENER: Good evening, members of the  
23 Energy Siting Council. My name is Dick Carkener.  
24 I'm a retired WSU agricultural economist and I've  
25 also farmed over 30 years, and I serve on the



1 Kittitas County Solar Advisory Committee.

2 I'm personally supportive of solar. I've got  
3 30 solar panels on my house. I've got written  
4 testimony that covers way more detail than I'm going  
5 to deal with -- deal with here. So I'm just going  
6 to hit a couple of high points and maybe not use all  
7 my time.

8 I guess this is -- this falls with what Paul  
9 Jewell shared earlier. If you follow your own  
10 rules, you really can't use the expedited process to  
11 put industrial solar on farmland.

12 Well, the county does not have detailed  
13 siting guidelines, that's a work in progress. They  
14 do have policy that guides alternative energy and  
15 it's a conditional use process that you heard about.  
16 But that conditional use process, the requirements  
17 to meet the conditional use, that process is  
18 favorable to agricultural.

19 So I guess this brings up a question to me in  
20 why TUUSSO would have chosen prime farmland as  
21 opposed to nonag land, there wouldn't have been near  
22 the resistance or the controversy and this whole  
23 project may actually be underway.

24 I guess another point is I don't see how you  
25 can lump these five projects together. They are

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1 different. There's different environmental,  
2 cultural, other issues surrounding these sites,  
3 they're different, and I can't see how a  
4 professional planning department, for example, would  
5 lump these together. And I've had experience as a  
6 planning commissioner and I haven't seen anything --  
7 I haven't seen anything like this.

8           And as you look ahead, there's dozens of  
9 these projects in the queue. How are you going to  
10 deal with them? Are you going to lump them all as  
11 one and deal with it or what kind of criteria are  
12 you going to use? They have to be adjacent, can  
13 they -- they have to be in the same county? I think  
14 you need to do a little homework on that part of the  
15 process.

16           I guess I'd like to point out again I'm  
17 absolutely not opposed to solar nor do I think our  
18 community is. Solar alternative energy is where we  
19 need to go. It just doesn't make sense to destroy a  
20 productive resource, in this case, irrigated  
21 farmland when we have literally thousands of acres  
22 that meet solar siting requirements.

23           I urge you to let our process work. We'll  
24 soon have siting requirements in a matter of a few  
25 months, I would expect, I'm on the committee, and

1 these projects can be built and we can move forward.

2 Thank you.

3 MR. STEPHENSON: Thank you.

4 MS. POTIS: Speaker No. 6, Doug Dicken.

5 MR. DICKEN: My name is Doug Dicken. I live  
6 off the Thorp Highway near the golf course. I've  
7 lived part time and full time in this county for  
8 over 25 years. I've been a property owner for over  
9 25 years, and I've worked with Jason Evans on this  
10 energy project for a little over a year. I've found  
11 him to be extremely diligent and cover all the bases  
12 and easy to work with.

13 It's my understanding when we got into this  
14 that the state had voted a number of years ago to  
15 encourage green energy and that the utility  
16 companies were required to generate a certain amount  
17 of green energy for their consumer base.

18 Also, under my understanding, this was quite  
19 a few years ago, the county went through the process  
20 and decided that ag 20 and some of these other areas  
21 were -- I don't know what the right word is, I  
22 guess, available for alternative energy.

23 This project makes all kinds of sense to me.  
24 It's absolutely clean, the properties that have been  
25 selected for the most part are ones where there's

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1 virtually no impact on the environment.

2 In my case, my farmland isn't really -- it's  
3 never been hay land, it's pasture, it's not really  
4 good farmland. But I do have water rights and I  
5 graze it. I mean, I rent it out for pasture.

6 I think one other thing I haven't heard  
7 anybody talk about today is that all these water  
8 rights can be sold to somebody down the river. I've  
9 personally had more than two calls from people  
10 wanting to buy water rights from down in the  
11 wine-growing country, and I know a lot of pieces --  
12 pieces of property around here where the water has  
13 been sold.

14 So I think a lot of this we're getting real  
15 emotional about it but we need green development, we  
16 need to be able to develop our own property the way  
17 we want to as long as it fits within the county  
18 guidelines which this does. The end I guess. Thank  
19 you.

20 MR. STEPHENSON: Thank you.

21 MR. POTIS: Speaker No. 7, Mark Pritchard.

22 MR. PRITCHARD: Thanks for holding the  
23 hearing today. My name is Mark Pritchard. I'm a  
24 professor up in the Central Washington College of  
25 Business where I regularly chair, for the last

1 couple of years, the Annual Economic Outlook  
2 Conference, and the last two years have been on hay  
3 and potatoes this year, and it was on the fruit  
4 industry last year.

5 And you can't help but to sit through those  
6 talks and see the great benefits that we have  
7 through prime irrigated land being developed through  
8 this valley over the last century.

9 There's significant state and federal money  
10 that's been invested in making these lands  
11 available, and I would urge the committee to weigh  
12 these things closely. When you look at standard  
13 practices up and down the west coast, you'll find  
14 that Oregon is moving its land use policies very  
15 quickly to under 12 acres.

16 And if you go to down to California, Santa  
17 Clara is moving to 10 acres of prime irrigated land,  
18 that's all they will allow, not, in this case, 20  
19 fold that size amount, as the TUUSSO request has  
20 been to have 240 released from prime irrigation into  
21 service for the solar complex.

22 So really, what's at stake is that we've got  
23 a big investment. I don't see the economic  
24 projections really being done and I think in a round  
25 solid way in terms of understanding the net

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1 contribution to this. If you really start to weigh  
2 out some of the costs that we might incur through  
3 doing this, it can be significant.

4 If you look at the last EFSEC approval that  
5 took place on the north end of town, you'll find  
6 that you got farmers that had, in some cases,  
7 300 acres, they had their properties valued and  
8 listed at 3 million for those 300 acres, and they're  
9 worth 1.5 million today.

10 There are significant costs, we need to weigh  
11 these things carefully. An expedited process will  
12 not allow that to occur. Thank you.

13 MR. STEPHENSON: Thank you. This speaker  
14 reminds me that this part of the hearing tonight is  
15 about land- use consistency, so please try to keep  
16 your comments focused on land use issues.

17 MS. POTIS: Speaker No. 8, Kathi Pritchard.

18 MS. PRITCHARD: Hello, again. I will be  
19 brief. I have been studying this issue for just  
20 about three weeks, and I concur with those -- the  
21 work that the solar committee is doing and the  
22 comments of Commissioner Paul Jewell, and I would  
23 urge you to consider also Karen Poulsen's comments  
24 because of her experience in land use and farming  
25 for the last decades. Thank you very much.

1 MR. STEPHENSON: Thank you. And you get lots  
2 of bonus points for such a brief presentation.

3 MS. POTIS: Speaker No. 9, Jim Joyner.

4 MR. JOYNER: Yes, my name is Jim Joyner. I  
5 live at 4511 No. 6 Road. I am an adjoining property  
6 owner to the Camas project.

7 And I'd just like to point out, well, I think  
8 a slight error that was presented on the visual  
9 earlier by the gentleman that was showing the views  
10 from the various corners of the project.

11 Back when I first became aware of this  
12 project, and it was after several hearings in the  
13 valley, honestly, the project did not include the  
14 area south of Tjossem Road and lying north of the  
15 Naneum Creek and east of the Bull Ditch. That would  
16 have been maybe somewhat acceptable visually to some  
17 of us.

18 There's five landowners that directly border  
19 this project to the east and to the south, and we  
20 are extremely concerned about the visibility, the  
21 reflectivity, the noise, and everything involved in  
22 that particular site. It wouldn't be such an impact  
23 on us if that approximately five acres was excluded  
24 from the site boundaries as it was originally  
25 proposed.

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1           But that being said, this is an agricultural  
2 community, some of us chose to retire -- most of us  
3 that live there in the area, actually, I know three  
4 out of the five are retired folks that bought three-  
5 to five-acre parcels and have small little home  
6 ranch farms and have the luxury of the aesthetics of  
7 our area.

8           And it -- we knew when we purchased and also  
9 in the Growth Management Act, as were established by  
10 the county, that we were in an ag 20 zone and I do  
11 not feel that the installation of these type of  
12 solar projects, which are more industrial commercial  
13 developments, is a good use of our prime  
14 agricultural property, and I think that needs to be  
15 seriously considered.

16           That along with the fact that there are  
17 thousands of acres around the area that are outside  
18 of that zoning, and I think that if more time was  
19 given to the committee and the county conditional  
20 use development committee would be able to propose  
21 ideal locations that would accommodate these sites.

22           I spent 30 years as a distribution design  
23 engineer and I know the importance of renewable  
24 energy, and I also know a little bit about what it  
25 would take to supply and connect to these



1 facilities, so I do think that a haste to judgment  
2 is the wrong approach. Thank you.

3 MR. STEPHENSON: Thank you.

4 MS. POTIS: We heard from speaker 10 so we're  
5 ready for Speaker 11. And if 12 through 15 would  
6 please come forward and make use of the front seats.  
7 Thank you.

8 MR. DUNNING: Jeff Dunning, my family has  
9 farmed and ranched here since the 1890s. My father  
10 was a soil scientist and history supervisor for the  
11 NRSC in Kittitas County for over 30 years, and a  
12 member of the Solar Advisory Committee but reporting  
13 as an individual.

14 I support development in use of solar energy,  
15 however, feel our states land use regulation  
16 policies aren't ready. Current state statutes, and  
17 therefore, county zoning codes in our state have not  
18 foreseen the land use issues arising from projects  
19 like TUUSSO's. A void exists which is in regulation  
20 which is being taken advantage of. Kittitas County,  
21 after much litigation, fell into compliance with our  
22 state GMA. We've been the state's testing ground  
23 for wind, ground water, and now solar use.

24 County code states the commercial  
25 agricultural zone is an area where farming and

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1 ranching are the priorities. Kittitas County Code  
2 also states from a -- conservation of resource  
3 values means the use and sustainability of the land  
4 for farm, agricultural, or forest production and the  
5 perpetual retention of the land for such purpose.

6 Washington's GMA was largely based on  
7 Oregon's. Washington has no experience with the  
8 siting and location issues related to these types of  
9 projects. Precedence from areas with experience and  
10 conflicts arising out of such solar development is  
11 coming to light.

12 Jackson County, Oregon, the land use board of  
13 appeals reversed an approval by the Jackson County  
14 Board of Commissioners, finding that if -- finding  
15 that if criteria for the developers cited were a  
16 legitimate reason for converting farmland, such  
17 exceptions have become commonplace. They also found  
18 that Oregon's goal of energy conservation is not a  
19 requirement to build new renewable energy  
20 facilities.

21 Counties and cities collectively have spent  
22 millions of dollars to comply with the Growth  
23 Management Act, what is the purpose and force of the  
24 Growth Management Act or its hearing board decisions  
25 if EFSEC can simply ignore them?

1           How do we on the local level develop our  
2 criteria for siting and location of solar facilities  
3 if the growth management regulations we have to base  
4 them on simply can be ignored by another  
5 state-regulating entity?

6           In TUUSSO's application, each individual site  
7 has its own individual soil classifications, and  
8 therefore, must be considered individually, not  
9 lumped together for one expedited approval.

10           RCW 80.50.101 reads, in part, the legislature  
11 recognizes that the selection of sites will have a  
12 significant impact upon the welfare of the  
13 population, the location and growth of industry, and  
14 the use of the natural resources of the state. It  
15 is the policy of the State of Washington to  
16 recognize the pressing need for increased energy  
17 facilities and to ensure through available and  
18 reasonable methods that the location and operation  
19 of such facilities will produce minimal adverse  
20 effects on the environment, ecology of land, and its  
21 wildlife.

22           More of our lands whose soils are designated  
23 of being of long-term commercial significance cannot  
24 be made. They are as environmentally sensitive as  
25 the lands the solar company states it's avoiding the

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1 use of due to environmental sensitivity.

2 There are --

3 MR. STEPHENSON: Sir, we're at three minutes  
4 and over.

5 MR. DUNNING: There are alternative sites  
6 available with less significant soil  
7 classifications. We want the right land use at the  
8 right place. Thank you.

9 MR. STEPHENSON: And your written testimony  
10 can be given over to Tammy over there and we'll get  
11 the entire part of it if you wish.

12 MS. POTIS: Speaker No. 12.

13 MS. DONOVAN: Good evening. My name is  
14 Colleen Donovan and I own about three acres here in  
15 the valley, and I'm very supportive of solar as part  
16 of our mix in terms of our sustainable future and so  
17 on. My own house is solar passive, and I'm a  
18 terrible PSE customer because I use hardly any  
19 electricity.

20 But tonight I just wanted to comment with  
21 regards to supporting Commissioner Jewell's position  
22 on the land use in the county and making sure that  
23 the county is able to put together its own policies  
24 prior to having this process expedited.

25 And it may be that the five sites are okay

1 with this particular case, but I think the precedent  
2 that it sets is extremely crucial in terms of the  
3 future. I think there's a very, very real risk of  
4 paving the way for renewal sprawl, and that is not  
5 something that I don't think any of us want to  
6 happen to our valley. And you can definitely see  
7 this in California, even pieces of Oregon and  
8 Washington as well. So I think we shouldn't get  
9 ahead of the process and let the county work its way  
10 through.

11 And lastly, with regard to land use  
12 practices, I would say that in addition to the  
13 vistas and the beauty that we all love, I think it's  
14 also important to evaluate the impact on the  
15 property values, and perhaps, based on other  
16 comments on a site-by-site basis because I think  
17 there absolutely will be a negative or potential  
18 negative impact on the property values for those  
19 situated next to the sites, so that's definitely  
20 important to consider. Thank you very much.

21 MR. STEPHENSON: Thank you.

22 MS. POTIS: Speaker No. 13, Donald Chance.

23 MR. CHANCE: Mr. Chairman, before I start, I  
24 have a question. I don't quite understand why the  
25 general public in this section of the hearing is

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1 being restricted to three minutes quite militantly,  
2 when you allowed the proponents 20 minutes, 30  
3 minutes, individually, I mean, they must have spoken  
4 for an hour plus during the same format.

5 Now, do they get different rules than the  
6 rest of us do?

7 MR. STEPHENSON: Sir, we try to get time for  
8 folks to present their cases. All the things you  
9 want to say will be listened to, and as I've said,  
10 we'll listen to them in writing. Yes, in these  
11 situations the proponent gets to present their case  
12 and the county gets to present their case, and the  
13 public, which is a lot of us, we are listening and  
14 you're actually taking up part of your three minutes  
15 by asking the question, and so I -- I respect your  
16 question.

17 MR. CHANCE: Actually, you're taking up my  
18 time.

19 MR. STEPHENSON: Well, you asked me to talk.

20 MR. CHANCE: Is this like a football game?  
21 Do the referees get to back the time to reset the  
22 clock here?

23 MR. STEPHENSON: Do you want to go?

24 MR. ROSSMAN: Sure. Please give us your  
25 comments, please give us written comments, and we'll

1 take them under advisement and go forward.

2 MR. CHANCE: I'm sorry?

3 MR. ROSSMAN: Please give us your comments  
4 and your written comments and we'll take them under  
5 advisement and go forward. And thank you for the  
6 point.

7 MR. CHANCE: My name is Donald -- Dr. Donald  
8 Chance. I'm a retired land use planner,  
9 environmental planner, 45 years, former county/city  
10 planning director, and for 20 years I've represented  
11 the association of Washington business, the timber  
12 industry in this state, and other business entities  
13 specifically in land use matters. Much of SEPA,  
14 much of GMA, I was a principal architect and  
15 lobbyist to pass those statutes.

16 I have a variety of concerns associated with  
17 this project and I live in the county. Due process  
18 questions, the project clearly doesn't qualify under  
19 the WAC rules for expedited processing. The SEPA  
20 scoping issues particularly dealing with cumulative  
21 impacts, and my written testimony goes through that  
22 in some detail.

23 But my principal comment that I want to  
24 comment on, the main focus is the inconsistency of  
25 the proposal with the state's overarching land use

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1 policies, goals, and regulations as established in  
2 the Growth Management Act, and the  
3 precedence-setting implication of approving this  
4 project on GMA agricultural protection regimes  
5 across the state for local governments. We know of  
6 at least 18 projects that have been proposed in the  
7 county. We're trying to redirect those projects  
8 into non-irrigated ag lands.

9           And the precedent that will be set here on  
10 the decisions that you guys make could open the door  
11 to not just these five projects but potentially  
12 dozens and dozens of projects later in the county,  
13 that's the cumulative impact question here.

14           The circumstances for your organization or  
15 committee, it strikes me that this is a brand new  
16 class of projects that you have not already dealt  
17 with before. I mean, you basically were set up to  
18 deal with multi-state power lines and once in a  
19 generation large- scale power plants, not literally  
20 hundreds of small-scale solar projects that are  
21 probably coming down the pike.

22           The need for WAC adjustments to accommodate  
23 and have a closer tie to GMA so there's not a break  
24 between the --

25           MR. STEPHENSON: Give him his full three



1 minutes.

2 MR. CHANCE: The break between the state's  
3 overarching policies on land use and the decisions  
4 that this organization makes -- I mean, right now, I  
5 know you have the statutory authority to do that,  
6 but the question is, is that appropriate? So thank  
7 you.

8 MR. STEPHENSON: Thank you.

9 MS. POTIS: Speaker No. 14, Joanne Chance.

10 MS. CHANCE: Good evening. My name is Joanne  
11 Chance. I'm a retired environmental engineer. I've  
12 worked for 40 years in different professional  
13 positions involving regulatory affairs, technical  
14 and managerial roles for both the government and the  
15 private sector. I'm a resident of Kittitas County  
16 where I also own a small -- with my husband -- a  
17 Christmas tree production plantation.

18 I'm here tonight to express my strong  
19 opposition to the TUUSSO Columbia Solar Project.  
20 While I support solar, as many people have said  
21 tonight and renewable energy facilities, I only  
22 support them when they are properly sited. And the  
23 TUUSSO project, as we've heard many times tonight,  
24 is not properly sited because it would be installed  
25 on prime agricultural irrigated land.

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1 I support all of the issues and problems that  
2 have been identified by my co-opponents tonight such  
3 as the inconsistency with our state land use  
4 policies and the Growth Management Act and SEPA.  
5 And impacts to ag and the fact that there are  
6 thousands of non-irrigated acres that are more  
7 appropriate for the location of this large-scale  
8 industrial project.

9 But let me move on to my two, three, new  
10 points. One of these is the adverse legal  
11 precedence regarding land use that would be  
12 established if you approve these five industrial  
13 projects. We all know that you would be giving the  
14 green light to many other projects to go in on their  
15 irrigated land if you approve this project because  
16 it will be precedent-setting, you haven't seen one  
17 like this before.

18 So this applicant will come forward with 13  
19 more and other applicants will come, and soon, we  
20 will have a checkerboard pattern of industrial  
21 facilities across our agricultural valley, which  
22 brings me to my second point.

23 That is its incompatibility with rural  
24 character and a landscape of regional significance.  
25 And as we've talked about -- the commissioner talked

1 tonight, there is no way that these industrial  
2 complexes of 30 to 60 acres are conducive and  
3 compatible with agriculture.

4 The pictures that were presented by the  
5 consultant aren't even close to the sites. I would  
6 like to know how far away the pictures were taken.  
7 I could barely see just a slim line of solar panels  
8 or something in the distance. They were not  
9 representative of the visual impact that we're going  
10 to have here. So it will impact our rural  
11 character. It's obvious it will.

12 Kittitas Valley has been recognized over  
13 100 years in literature by citizens and visitors  
14 that we are a uniquely beautiful and lush valley.  
15 The Columbia River Gorge recognized their uniqueness  
16 and they did not allow in their planning process to  
17 have solar panels right down along the river of the  
18 Columbia River Gorge. I think the Kittitas Valley  
19 deserves the same respect.

20 Thirdly, if you'd just bear with me for just  
21 one more minute or 30 seconds --

22 MR. STEPHENSON: Please.

23 MS. CHANCE: My third one is environmental  
24 justice and it relates to land use. The U.S.  
25 Environmental Protection Agency and the Washington

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1 State Department of Ecology have supported and  
2 worked for years to rectify the unfair and  
3 inequitable practice under which lower income,  
4 urban, and rural communities who are fewer in  
5 number, voting power, prestige, and power are forced  
6 to bear a disproportionate amount of the impacts of  
7 infrastructure and commercial development. Their  
8 living environment is degraded.

9           Isn't this what we're saying is happening  
10 here? Kittitas County has already had to support  
11 the installation of a contentious wind turbine power  
12 generating facility.

13           Why should Kittitas County be required to  
14 supply a disproportionate share of renewable energy  
15 projects to supply the power generation needs of  
16 multi-national corporations and a Seattle-based  
17 population and at the expense of our available local  
18 resource, our irrigated lands?

19           MR. STEPHENSON: Thank you.

20           MS. CHANCE: I support solar facilities which  
21 are properly sited but not those on irrigated  
22 farmland. And if you approve this project, you'll  
23 be giving a black eye to the face of green power and  
24 green energy now and into the future. Thank you for  
25 the opportunity to comment.

1 MS. POTIS: Speaker No. 15. And if Speakers  
2 16 through 20 would please come forward and sit in  
3 the front row seats, thank you.

4 MR. KIRKPATRICK: Hi. I'm Mark Kirkpatrick,  
5 I'm a citizen of Kittitas County. I think the solar  
6 projects are a great alternative for landowners to  
7 achieve the highest and best use of their property.

8 Once constructed, these sites historically  
9 have a very low impact to the environment, noise,  
10 water, and transportation impacts. In fact, they  
11 can easily return the land back to its original use  
12 if the landowner so wishes.

13 TUUSSO's projects help us meet our state and  
14 federal goals of clean energy. I think these  
15 projects would be forward thinking by our county to  
16 use such a small portion of our ag land for such a  
17 large amount of clean energy.

18 As a consumer of electricity where I live,  
19 work, and travel, I appreciate the large investment  
20 like organizations like TUUSSO, PSE, and PUD put  
21 forward to help this preserve this amenity we have.  
22 Thank you.

23 MR. STEPHENSON: Thank you.

24 MS. POTIS: Speaker 16, Jerry Price. Speaker  
25 16.

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1 UNIDENTIFIED SPEAKER: He had to leave.

2 MS. POTIS: Okay. 17, then, Matthew Cox. No  
3 Speaker 17?

4 MR. COX: No, I'm on my way.

5 MS. POTIS: Oh, all right.

6 MR. COX: I didn't know 16 wasn't showing up  
7 so...

8 MS. POTIS: 18, 19, and 20 and 21, please  
9 come forward and sit in the front row seats.

10 Thanks.

11 MR. COX: My name is Matthew Cox, I'm a  
12 full-time farmer here in Kittitas County, and I'll  
13 be brief. I just want to reiterate the statements  
14 of Paul Jewell and many others here, dozen or so  
15 others, about the need to protect or irrigated  
16 farmland, our prime farmland, our publicly-funded  
17 irrigated projects.

18 I'm a big proponent of solar power, I think  
19 it's an important addition to our power generation,  
20 and I just wanted to reiterate those feelings and  
21 protect our ag 20 zoning and keep some of the  
22 industrial projects in more appropriate areas.

23 Thank you.

24 MR. STEPHENSON: Thank you. Speaker 18,  
25 Keith Crimp.

1           MR. CRIMP: Yes, Keith Crimp, Ellensburg Golf  
2 Club. Say, I just wanted to go ahead and concur  
3 with the gentleman that just spoke up and the young  
4 lady in the gray pants suit and confirm exactly  
5 that's how we feel.

6           Now, specifically to the type of project,  
7 Doug Dicken spoke to his irrigated farmland right  
8 there, and it is in pasture land, he wants to go  
9 ahead and put his 20,000 panels in there, but I tell  
10 you, we just love going in and seeing those cattle  
11 and those horses grazing right there. And he put in  
12 a brand new Reinke irrigation system here about five  
13 years ago, and so he got away from the flood  
14 irrigating and he's just doing a wonderful job,  
15 irrigating the land via that.

16           But my big concern is this, the other four  
17 sites probably don't deal with people like we do.  
18 We've got 3 to 400 people that play our golf course  
19 every day. The other four sites, even though I feel  
20 for them, they probably got mostly cropland and  
21 horses and cattle grazing and maybe a few farmhouses  
22 around.

23           But here, my big concern I didn't get to  
24 expand on is the financial impact. You cannot go  
25 ahead and hurt the little guy at the expense of

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1 putting in a big operation such as TUUSSO is putting  
2 in.

3 I'm quite concerned about wages for our ten  
4 employees diminishing. We are, I know, the only  
5 golf course in the valley, and we know the  
6 population of the Kittitas County is growing  
7 tremendously, and we expect our revenues to rise  
8 accordingly. Unfortunately, I just can't take the  
9 chance and I don't want to take the chance of having  
10 this go ahead and hurt us down the line.

11 Irrigated land, I want it to stay irrigated  
12 land. I think the power of -- TUUSSO should put  
13 their solar panels outside with all of the  
14 non-irrigated land.

15 I just have one other concern -- well, two  
16 other concerns, I know the environmental spokesman  
17 person said that there's no migratory concerns  
18 because we're not in the flight pattern. But every  
19 spring we got 500 geese that roost right out there  
20 in Mr. Dicken's land and on our golf course.

21 And the river across the land is also  
22 inhabited by the geese that roost in five washtubs  
23 that were put there by the Washington State Game and  
24 Fish. Now, right now when I was playing golf today,  
25 I looked out there and I only saw a couple of them.



1 Some of them may have fallen down or whatever, but a  
2 lot of guys go down there and hunt also, so you're  
3 going to have gunshots that are going to be ringing  
4 around, and I think your solar panels could also  
5 have a problem being hit by some gunshot. But  
6 anyway, I consider it a migratory pattern, and we  
7 just love to see the geese out there.

8 The last thing is, they've got to go ahead  
9 and go through our easement to go ahead and get to  
10 their land to go ahead and put in their solar  
11 panels, and I'm quite concerned that there's going  
12 to be some problems with an accident or whatever  
13 with this easement, because we have to go ahead and  
14 cross that easement on Doug's land when we go ahead  
15 and have our guys sit range so I'm quite concerned  
16 about accidents. Thank you.

17 MR. STEPHENSON: Thank you.

18 MS. POTIS: Speaker 19, Stan Blazynski.

19 MR. BLAZYNSKI: Good evening, again. Stan  
20 Blazynski. This Council -- this Council is not  
21 being asked for expedited process. This Council is  
22 asked to set a precedent to allow circumventing  
23 local regulations. Because we know it's a fact that  
24 numerous other applicants just waiting.

25 So in effect, this Council would not approve

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1 five separate little projects, this Council would  
2 approve an array of different projects all around  
3 the county. Once you allow one company to  
4 circumvent the local process, the same has to be  
5 granted to another. This Council knows that, like I  
6 said, there are many, many, many other projects  
7 coming in if this one is allowed.

8 Under SEPA regulations, this Council has to  
9 weigh a cumulative impact of all these known  
10 projects. This is not about five little projects,  
11 the Council has to know and this is not hard to find  
12 out on many, I think many, many again.

13 So we know for sure that we are not debating  
14 here today about five little 30 to 50-acre projects,  
15 we are debating today here about allowing many,  
16 thousands of acres.

17 Just out of curiosity, I give this Council  
18 some numbers. Previous project that was debated and  
19 got denied, Iron Horse, would produce roughly about  
20 1.2- megawatt output. One wind farm turbine, the  
21 new generation, produces 2.2 megawatts of power,  
22 almost twice what 50 acres of glass would produce.

23 Just to replace the Bonneville Dam output --  
24 I put everything here in writing, I'm going to  
25 supply that -- would take 28,000 acres of

1 agricultural land, okay? Just output, Bonneville  
2 Dam is on the bottom of the output on Columbia  
3 River, it's the -- I think it's second smallest. It  
4 will take 28,000 acres to replace just that.

5 So if the proponent here tells percentage was  
6 very, very little, these farms produce no  
7 electricity, they take a lot of precious land, and  
8 please do not set a precedent. Thank you.

9 MR. STEPHENSON: Thank you.

10 MS. POTIS: Speaker No. 20, Roger Clerf.

11 MR. CLERF: Good evening and thank you for a  
12 chance to speak with you this evening. My name is  
13 Roger Clerf. I currently live near Cle Elum but I  
14 was raised on a farm east of Kittitas, and I still  
15 farm part of which was my father's farm at that  
16 time.

17 I am against the positioning of the solar  
18 farms in the Kittitas Valley area. If you look at a  
19 map of Kittitas County, you'll see it's a rather  
20 large county. It stretches 60 to 80 miles east and  
21 west from the crest of the Cascades to the Columbia  
22 River, and from its farthest northwest extremities  
23 to the southeast perhaps over 100 miles. It is a  
24 large county.

25 But when you're looking at that map, you have

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1 to look two or three times to find where the  
2 Kittitas Valley is. The Kittitas Valley forms only  
3 about 10 percent of the land area of the Kittitas  
4 County, and the farmland in the valley is even less  
5 than that.

6 Now, I'm probably not the oldest person in  
7 this room but I can remember back to 1950 when I was  
8 about a 9- or 10-year-old boy. And at that time, it  
9 was virtually unknown for a man who owned a business  
10 or had a job in the city of Ellensburg or one of the  
11 smaller towns to have a home and live in the  
12 country. It was virtually unknown. I would say  
13 that at that time, at least 90 percent of the houses  
14 in the valley were occupied by a farmer or a farm  
15 employee.

16 Now that situation is almost reversed or is  
17 reversed. Probably 90 percent of the houses in the  
18 rural area of Kittitas county are non-farmer,  
19 non-farm employee occupied. That means a large  
20 portion of the farmland -- not a majority yet, but a  
21 large portion of the farmland is now divided up into  
22 1-, 2-, 3-, 5-, and 10-acre parcels that are no  
23 longer intensively farmed.

24 In the last 50 or 60 years we have lost at  
25 least 10,000 acres and perhaps 20,000 acres that had

1 been intensively farmed back in the '40s and '50s  
2 and is now in rural home sites.

3 Now, our county has not done a very good job  
4 of preserving farmlands but it is mandatory that we  
5 preserve farmlands. And siting solar farms in the  
6 middle of the good farming country is just one more  
7 encroachment and one more means of converting  
8 farmland into some other use.

9 We no longer have a true rural character in  
10 Kittitas Valley, simply because every highway, every  
11 bi-way, and every dirt road is lined by houses and  
12 small-acreage parcels. True, they may be pasturing  
13 a few horses, they may be raising a few steers, few  
14 goats or sheep, but it is not intensively farmed  
15 like it was many, many years ago.

16 And consequently, I fear that the next  
17 50 years we'll see this valley wall-to-wall houses  
18 and other uses such as solar farms or other  
19 non-agriculture uses, and I am certainly afraid of  
20 that.

21 King County used to be covered with truck  
22 farms and dairy farms as well as Snohomish County  
23 and Pierce County. Now nothing is farmed over  
24 there, very few dairy farms. So I'll end with that  
25 and thank you.

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1 MR. STEPHENSON: Thank you.

2 MS. POTIS: Last speaker, No. 21, Charles  
3 Weidenbach.

4 MR. WEIDENBACH: My name is Charles  
5 Weidenbach. I live on 3300 Nameum Road. I'm a  
6 farmer, have been full-time since '97. I've really  
7 been around farming all my life. And before that,  
8 from '74 to '97, I worked as a salesman in Yakima  
9 covering Kittitas County part of the time and also  
10 farming on weekends and evenings.

11 I too am concerned about solar power being  
12 placed on prime irrigated land. I really want to  
13 support the local people here and the committee  
14 that's working on siting making a plan for solar  
15 power, and right now I went to one meeting and it  
16 was obvious that they're really going through a  
17 good, thorough process, and I realize this TUUSSO  
18 company wants to expedite it, but it's important  
19 that the county works through the process and is  
20 listened to, I really believe that.

21 I would also like to say that we have a local  
22 newspaper and even a Cle Elum newspaper, and they  
23 both have had some, I think, informative information  
24 on solar power and the different angles, and I agree  
25 that everything in there is not accurate but it

1 gives some idea of what the local view of it is.  
2 And there certainly is a lot of land in this valley  
3 that could be sited for solar where the wind is now  
4 that is on non-irrigated land that would be more  
5 appropriate.

6 Why destroy something we've got that's good  
7 for the long term? It's not a good plan and agree  
8 it has a domino effect. If you put five in now, how  
9 many more are going to be in next year?

10 So I think keeping -- about planning for the  
11 county and the wishes of the majority of the people  
12 are definitely to keep the valley productive in  
13 irrigated land and site something like an industrial  
14 solar plant in a better location which would be a  
15 dry land area and there's a lot of it in this  
16 county. Thank you.

17 MR. STEPHENSON: Thank you. So at this  
18 point, I need just a moment. I'm going to ask you  
19 to indulge us. I want to thank you for the very  
20 civil and measured and helpful and impassioned and  
21 careful and wonderful responses that you've given to  
22 us, we're listening.

23 I need a moment now to work with my Council  
24 members and staff to figure out exactly how to close  
25 out this meeting, and I think there's going to be a

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1 couple Council questions. And I hope that we will  
2 take less than 15 or more minutes, maybe 20 at most  
3 to finish this out.

4 But let's take a two-minute -- just a  
5 two-minute break and we'll be right back.

6 (A short recess was had.)

7 MR. STEPHENSON: All right. Let's reconvene,  
8 if we can. Thank you. Let's start again.

9 I'd like to take a couple Council questions  
10 to talk about this process. And first Council  
11 Member Rossman.

12 MR. ROSSMAN: Yeah, thank you. I do have a  
13 couple questions and these are for the first  
14 speaker, the attorney for the applicant, if I may.

15 So, Mr. McMahan, I believe?

16 MR. MCMAHAN: Correct. Thank you. Yes. I  
17 introduced myself.

18 MR. ROSSMAN: I was hoping you could just  
19 very briefly explain why you think the moratorium  
20 isn't relevant to our analysis here.

21 MR. MCMAHAN: Yeah, happy to do that. Just a  
22 minute here.

23 MR. ROSSMAN: Then I'll have one or two more  
24 questions, and then if the commissioner is still in  
25 the room, I have a question or two for him as well.



1 UNIDENTIFIED SPEAKER: Could you repeat what  
2 your question was there?

3 MR. ROSSMAN: Yeah, I was hoping he could  
4 speak briefly as to why the moratorium is not  
5 relevant to our consideration in his view.

6 MR. MCMAHAN: Thank you very much for the  
7 question. I understand the confusion about this.

8 The EFSEC statute RCW 80.50.020(22), defines  
9 a zoning ordinance, which is what we're talking  
10 about here, as an ordinance of a unit of local  
11 government regulating the use of land and adopted  
12 pursuant to a whole litany of enabling authority for  
13 land use.

14 The moratorium only applies to the acceptance  
15 of solar applications in the county. So this  
16 moratorium is a moratorium on accepting  
17 applications. It is not a change -- there is no  
18 change that's been made thus far to the county's  
19 ordinances dealing with the conditional use process  
20 or the criteria or approval of conditional uses.

21 Now, in Save Our Scenic Area vs. Skamania  
22 County, that is an EFSEC case that went to the  
23 supreme court, the supreme court indicated that the  
24 moratorium is a valid tool of local government for  
25 stalling permit applications but indicated that it

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1 does not repeal, amend, or contradict the existing  
2 regulations, and therefore, in that case, which is  
3 an EFSEC case, there was a determination made that  
4 the moratorium is not a zoning ordinance nor is a  
5 part of the Comprehensive Plan, which I think is  
6 what Commissioner Jewell said it was.

7 MR. ROSSMAN: Okay. Thank you. Second, in  
8 the memorandum that you submitted, you site to a  
9 number of sections of the county code titles, and I  
10 notice that not on that list is 17(b) Shorelines.

11 MR. MCMAHAN: Right.

12 MR. ROSSMAN: Can you speak to whether your  
13 proposal is or is not consistent with that?

14 MR. MCMAHAN: Yes, thank you, Commissioner  
15 Rossman, for that question. We've had conversation  
16 with staff about this. The state's shoreline  
17 regulations and the state's EFSEC statute and rules  
18 exempt Shoreline Management Act from EFSEC review  
19 and process. We  
20 have -- and is not actually part of the zoning code  
21 per se either.

22 The Shoreline Management Act, the Shoreline  
23 Master Program really stands in its own regulatory  
24 format. We have, however, erring on the side of  
25 caution, submitted a Shoreline Management Master

1 Program application using the Kittitas County form  
2 for that very small piece of shoreline that is on  
3 the Yakima River for the Typha site.

4 MR. ROSSMAN: And then my last question for  
5 you, I'm having just a little bit of a cognitive  
6 conflict between the idea of sort of the expedited  
7 process for these and then the concept of  
8 conditional use as being where you sort of look  
9 really intensely at whether the characteristics of  
10 the site and the use that are proposed for the site  
11 are appropriate.

12 MR. MCMAHAN: Right.

13 MR. ROSSMAN: And it seems like the expedited  
14 process removes some of the procedural and  
15 substantive tools that we would have to look into  
16 impacts at a particular site, including the  
17 adjudicative process and the ability to commission  
18 our own independent studies on impacts so I'm hoping  
19 you can speak briefly, again, recognizing we're  
20 trying to conclude, as to whether you see a conflict  
21 there and what channels do you see as available to  
22 EFSEC to evaluate the on-site specific impacts if we  
23 do go the expedited route.

24 MR. MCMAHAN: Yeah, that's a great question.  
25 The expedited process that EFSEC has adopted is an

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1 unusual process. I don't think it's actually been  
2 used before, not for a full blown new application.  
3 And in our application that we submitted to you, we  
4 anchored the application on an in-depth analysis of  
5 the county's conditional use permit process and  
6 criteria, that is any application, and I've  
7 summarized it in the hearing memorandum itself.

8 So as to the substance, the substantive  
9 content of the zoning inquiry, I don't, you know, I  
10 mean, I don't think it's any different than what  
11 one -- what a local hearing examiner would consider  
12 in this county. And in fact, there was a local  
13 hearing examiner and the examiner decision on the  
14 Iron Horse case that found that project to be  
15 consistent and compliant with county code, went to  
16 the Board of Commissioners, we can talk about all  
17 the drama thereafter.

18 So yes, but the Council is -- was within its  
19 authority in enacting expedited permitting for  
20 facilities to do that in a different and expeditious  
21 fashion. There still will be SEPA review which will  
22 drill down on some of these impacts as well I trust.

23 MR. ROSSMAN: Thank you.

24 MR. ELLIOT: Can I ask -- I'm a little new  
25 having been appointed by the local jurisdiction, so

1 I'm getting my arms around this. But do you believe  
2 that the expedited process was envisioned to handle  
3 five desperate different projects within a fairly  
4 wide geographical zone?

5 I mean, usually EFSEC has worked on projects  
6 that are individual projects, not diverse projects.  
7 I'm just wondering how you think that's consistent.

8 MR. MCMAHAN: Well, my answer, Commissioner,  
9 is I don't see how it's inconsistent. What we've  
10 done -- and there was a lot of pre-application  
11 consultation with EFSEC staff on this point, we  
12 could have filed five different applications, and we  
13 were counseled and came to a concurrence that rather  
14 than five different EFSEC applications, these were  
15 all really a consistent portfolio of projects that  
16 all provide some geographical diversify and feeding  
17 power into the Puget Sound Energy grid much like I  
18 suppose five gas turbine generators might.

19 But when it's translated into solar  
20 facilities it's not really like having five natural  
21 gas generators altogether because you go to  
22 potentially different locations to have some  
23 diversity of resource and access to the grid. So  
24 rather than the hassle, frankly, of having five  
25 different applications, five different hearings,

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1 five different site certifies, five different  
2 processes, we analyze each and every project in  
3 depth as individual projects for compliance with the  
4 code, compliance with environmental considerations.

5 You've heard about these various efforts of  
6 evaluation of the visual resources and others  
7 tonight. So that's what we did, we bundle it into a  
8 single application for efficiency, we felt that that  
9 was the right approach, and again, there was  
10 concurrence with EFSEC staff before we did that.

11 I would add as an anecdote that I happened to  
12 work in Oregon as well, and I have a project kind of  
13 like this that we're working on in the Oregon EFSEC  
14 system for those very same reasons that it's just a  
15 different kind of land use than is typical and  
16 conventional with other generation facilities.

17 MR. STEPHENSON: Thank you, Mr. McMahan.  
18 Council Member Rossman has another question, I  
19 believe.

20 MR. ROSSMAN: Yeah, this is for Commissioner  
21 Jewell, so if no other members have questions --

22 MR. STEPHENSON: You go.

23 MR. MCMAHAN: Thank you.

24 MR. JEWELL: Hello again. I hope you don't  
25 mind, my legal counsel is here. I feel a little,

1 shall we say, at a disadvantage compared to the  
2 applicant's counsel. I'm not an attorney, so if you  
3 don't mind, and if it would be appropriate if I  
4 could get his assistance perhaps in answering your  
5 question not knowing what it is ahead time.

6 MR. ROSSMAN: Fair enough.

7 MR. JEWELL: Okay. Excellent. Mr. Caulkins,  
8 deputy prostituting attorney with Kittitas County.

9 MR. ROSSMAN: Thank you, yes. I think it's  
10 maybe a two-part question. So recognizing the  
11 county's position that the moratorium should control  
12 here, if that's not the case, have you submitted any  
13 written comments or are you able to share any  
14 comments with us today as to whether if we're  
15 viewing it based on the regulations that are in  
16 place and not considering the moratorium, whether we  
17 should find it consistent in that case?

18 MR. JEWELL: Sure, I'll begin and I'm sure  
19 Mr. Caulkins will have a couple things to add.  
20 First of all, I think it's important to note for the  
21 record that the Board of County Commissioners  
22 actually never received notice of this hearing  
23 today. It only came to our Community Development  
24 Services Office.

25 And to my knowledge, we were not aware that

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1 the county even had an opportunity to make a  
2 presentation. I simply came prepared today to  
3 provide testimony on behalf of the county and behalf  
4 of the Board of County Commissioners, and had we  
5 known that we would have been given 10 or 20 minutes  
6 to make a presentation, we would have done so.

7 I consulted with Mr. Caulkins, my deputy  
8 prosecuting attorney, our legal counsel, and he  
9 actually wasn't even aware that there was a legal  
10 brief regarding consistency filed by the applicant's  
11 counsel. So we really do feel like we're kind of at  
12 a bit of a disadvantage here today before you, but  
13 we will do our best to answer your question.

14 With regard to the moratorium, that's a tool  
15 that is allowed by state statute and specifically  
16 also within the GMA. I'm sure counsel -- or I'm  
17 sure the applicant's counsel was correct, it's  
18 intended to stop applications for particular land  
19 use actions at least temporarily from being accepted  
20 by the county or the city who imposes the  
21 moratorium.

22 Of course, the reason that is the case is  
23 because when an application is filed, once it's  
24 deemed complete, it vests to the current regulations  
25 that are in place at that time. So as it moves



1 through the review process, regardless of any change  
2 in local land use ordinances or development  
3 regulations, that application has a time certain  
4 upon which it is reviewed and it's immune from those  
5 changes that are land use controls moving forward.

6 So the ordinance that we used to impose the  
7 moratorium, it's intent was clear and the result was  
8 what we had intended. We did not want any further  
9 applications to vest to what we felt were inadequate  
10 land use controls and development regulations at the  
11 time.

12 Mr. Caulkins, do you have anything else to  
13 add?

14 MR. CAULKINS: Yes, good evening. For the  
15 record, Neil Caulkins, deputy prosecuting attorney  
16 representing Kittitas County. Your question, as I  
17 understood it, was beyond this question of  
18 moratoria, what is our stance as a -- have we  
19 submitted some other reason why this application or  
20 this raft of applications is not consist with local  
21 land use.

22 And I would submit to you that what has been  
23 submitted by Commissioner Jewell as the decision of  
24 the superior court in the One Energy case, the Iron  
25 whatever, solar farm case, stands for that

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1 proposition. The idea there is that even in the  
2 absence of a moratorium, which that case occurred  
3 prior to the imposition of such, even in the absence  
4 of a moratorium, a solar farm does not necessarily  
5 comport with Kittitas County Land Use Code. It was  
6 denied and that approval was affirmed by the court.

7 And so there is another instance as to where,  
8 even beyond the moratorium, there is evidence that  
9 such a thing is not necessarily consistent with our  
10 land use code.

11 MR. ROSSMAN: So the second part of the  
12 question, then, should we take that as the sort of  
13 substantive comments you would have on consistency  
14 from a conditional use perspective and just read  
15 that for that proposition?

16 MR. CAULKINS: I don't think so.

17 MR. STEPHENSON: You said no?

18 MR. CAULKINS: Yes.

19 MR. STEPHENSON: Need any more?

20 MR. ROSSMAN: I think that's all right. I do  
21 have one other questions.

22 And my last question for Commissioner Jewell  
23 is can you speak at all to -- do you have any  
24 knowledge that you can share with us as to how these  
25 became a conditional use under the present code and

1 sort of what the vintage of that was and whether --  
2 what the county's thinking was in allowing this as a  
3 conditional use?

4 MR. JEWELL: Sure. I don't know how familiar  
5 you are with Kittitas County and our history under  
6 the GMA, it's long and sorted. Since the GMA's  
7 inception or life or creation, you know, I've been a  
8 county commissioner since 2000 but I've heard the  
9 stories involved, and I certainly was involved in  
10 many of our GMA compliance efforts since 2008, and  
11 we finally became compliant May 15, 2014. I think  
12 that might actually be the first day we were  
13 compliant with the GMA.

14 And a lot of what you see in our development  
15 regulations and our Comprehensive Plan is a result  
16 of many, many, many years, if not decades, of  
17 efforts of trying to come into compliance.

18 Now, the alternative energy generation  
19 facilities that are in our code really had to do --  
20 you'll find most of that around utilities and how  
21 utilities are sited in our code and the alternative  
22 facilities sites are kind of grouped in there.

23 It was an attempt at the time to just really  
24 have kind of a placeholder not knowing what was  
25 going to come down the pike but by placing them as a

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1 conditional use, we then have the opportunity for  
2 site-specific evaluation on a case-by-case basis.

3 There is absolutely no circumstance under  
4 which we anticipated the demand that we're facing  
5 today where we really do have evidence of over a  
6 dozen applications potentially being filed across  
7 Kittitas County for facilities very much like you  
8 have before you and very much like what we  
9 previously reviewed in the Iron Horse case.

10 And so what we discovered was, you know, we  
11 didn't anticipate this, our development regulations  
12 were woefully inadequate, and that's why we imposed  
13 the moratorium when we did. I hope that answers  
14 your question.

15 MR. ROSSMAN: Very well. Thank you.

16 MR. STEPHENSON: I think we have one more  
17 question from Council Member Elliot.

18 MR. ELLIOT: County Commissioner Jewell,  
19 would the county look favorably on putting written  
20 testimony for the record on their -- how they feel  
21 about the moratorium?

22 MR. JEWELL: I think we certainly look  
23 favorably on the opportunity to provide written  
24 testimony for certain, much more detailed written  
25 testimony. We certainly would like the opportunity

1 to see the legal brief submitted by the applicant's  
2 counsel and provide testimony, written or otherwise,  
3 with regard to that document.

4 It's not something that we've had the  
5 opportunity to actually view prior to today.

6 MR. STEPHENSON: Yes, it's on the website.

7 MR. POSNER: It is on our website.

8 MR. JEWELL: Okay. And we know there's many  
9 documents and the full application on the website  
10 which we're in the process of reviewing. Again,  
11 just restating, though, we really did not know we  
12 would have an opportunity to make a presentation  
13 today. So had we known that, we would have been  
14 better prepared.

15 MR. POSNER: If I could just respond to that  
16 point if I could get the microphone turned on.  
17 Let's see.

18 So on that point, actually, when we -- when  
19 we sent out notification letters to Kittitas and the  
20 optional state agencies asking that the county  
21 appoint a Council member, there was information in  
22 there about a land use hearing and an informational  
23 meeting being held in December, we didn't have the  
24 specific date at that time.

25 So we did provide some information and a

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1 notification was sent to -- when we had the specific  
2 date for this meeting and this hearing, it was sent  
3 to Kittitas County, it was also posted on our  
4 website. I'm not sure if it was actually sent to  
5 the Board of County Commissioners, we're checking on  
6 that now.

7 MR. JEWELL: We did receive the notice asking  
8 us to make the appointment, which we followed  
9 through with, we did also receive a notice of this  
10 meeting and the agenda to our Community Development  
11 Services Office, but I don't believe, I could be  
12 mistaken, I may have missed it, that's possible, but  
13 I usually am pretty careful about those things, I  
14 don't remember seeing any notice that we would  
15 actually be entitled to make a presentation along  
16 with the applicant.

17 MR. STEPHENSON: So let me ask the question,  
18 as a Council, we often get requests to extend the  
19 timeframe and I'm loathed to do that --

20 MR. JEWELL: As a county commissioner, I  
21 often get the same requests and I empathize with  
22 your position.

23 MR. STEPHENSON: Thank you. And as a county  
24 Council person I am listening to you pretty strongly  
25 here in terms of it seems that that's compelling.

1           If we opened this for a few more days to give  
2 you time to provide written testimony, it would not  
3 be open just to you, it would be open to everybody  
4 if we did this, and I'm looking at our attorney  
5 general down here, our assistant attorney general to  
6 make sure we're doing this right.

7           If we open this for a few more days, would  
8 that work?

9           MR. THOMPSON: Certainly. I think you have  
10 that discretion, yeah.

11          MR. JEWELL: Would a few days be as much as  
12 14, perhaps?

13          MR. STEPHENSON: Are we negotiating now? How  
14 about 10?

15          MR. JEWELL: We'll take 10. It will just  
16 take us time, obviously, you know, to look at the  
17 appellant's citations and do the legal research  
18 necessary, so but we will definitely try to  
19 accommodate any schedule that you put forward.

20          MR. POSNER: Council Member Stephenson, I  
21 would concur with that option, particularly since  
22 the county hasn't had an opportunity to look at the  
23 brief, and I think that the information that the  
24 Council was getting this evening and if you do  
25 extend it, that is the information that the Council

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1 would need to base their determination on land use  
2 consistency.

3 So I think, from my perspective, the more  
4 information you have in front of you to inform you  
5 about the land use consistency, the better. So I  
6 think giving the county an opportunity to at least  
7 respond might be a benefit to the Council.

8 MR. STEPHENSON: So let's, then, say 10 days.

9 MR. POSNER: Well, whatever time period, I'm  
10 not sure but at least a few more days or whatever it  
11 is Council decides.

12 MR. ROSSMAN: Just a question, would it be  
13 permissible to us to just leave it open for 10 days  
14 just to hear from the county and then perhaps a  
15 small period of time for the applicant to respond,  
16 or do we need to leave it open for all public  
17 comment?

18 MR. POSNER: Well, I think, you know, our  
19 rules contemplate that the applicant and the county  
20 are going to provide the bulk of the testimony. If  
21 you read our rules, it says essentially that the  
22 applicant makes a presentation and so does the local  
23 land use authority.

24 So in my view, you know, I think we have  
25 heard from the public this evening, I think that the



1 county has expressed concerns or they've expressed a  
2 desire to provide more information and I think that  
3 would be a benefit for the Council to have that  
4 information.

5 MR. STEPHENSON: All right. So let's say 10  
6 days, I think that would be the 22nd, which is the  
7 Friday week after this, and we'll ask for that back  
8 and this will be an opening of the entire public  
9 comment. Anybody that wants to can come in with  
10 more comments, correct?

11 MR. POSNER: Well, I think that's a Council  
12 decision, I don't know that you can restrict it to  
13 just the county providing the --

14 MR. STEPHENSON: That's what I'm saying, if  
15 we open it for 10, I don't think without a complete  
16 Council decision, I don't think we can say we're  
17 going to restrict it just to Kittitas County here.

18 MR. ROSSMAN: Mr. Chair, I motion that we  
19 hold the record open for 10 days for additional  
20 written submissions.

21 MR. ELLIOT: Second.

22 MR. STEPHENSON: So it's moved and seconded.  
23 And we do have a quorum today, so all in favor say  
24 aye.

25 COUNCIL MEMBERS: Aye.

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1 MR. STEPHENSON: All right. Thank you.

2 MR. ROSSMAN: So just question to staff, can  
3 you put information up on our website about how  
4 those comments can be submitted?

5 MR. POSNER: Yes, we will.

6 MR. ROSSMAN: Thank you.

7 MR. STEPHENSON: All right. So thank you  
8 once again for a very civil and helpful  
9 presentation, we obviously are still collecting  
10 information on this and will continue to do so in a  
11 straightforward manner the best we can for the next  
12 10 days, and then we'll start working from there.

13 I want to thank, first of all, Kittitas  
14 County, the fairground folks that were here from the  
15 armory have been very helpful in getting this room  
16 set up; our EFSEC staff have done their normal  
17 incredible job, you don't see all that behind the  
18 scenes work that they do; and then maybe the hardest  
19 working person here tonight was Dani Craver over  
20 here, doing our court reporting, and I just want to  
21 give her a hand from the entire group.

22 Thank you. I think we're done for tonight.

23 (PROCEEDINGS CONCLUDED AT 9:34 P.M.)

24

25

C E R T I F I C A T E

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF YAKIMA )

This is to certify that I, Dani Jean Craver,  
Certified Court Reporter in and for the State of  
Washington, residing at Yakima, reported the within  
and foregoing proceedings; said proceedings being  
taken before me on the date herein set forth; that  
said proceedings was taken by me in shorthand and  
thereafter under my supervision transcribed; and  
that same is a full, true, and correct record of the  
testimony of said witnesses, including all  
questions, answers and objections, if any, of  
counsel.

I further certify that I am not a relative or  
employee or attorney or counsel of any of the  
parties, nor am I financially interested in the  
outcome of the cause.

IN WITNESS WHEREOF I have set my hand this 27th  
day of December, 2017.

DANI JEAN CRAVER  
CCR NO. 3352

