MEMORANDUM

To: Board of County Commissioners

From: Alan L. Thomson, County Planner A.T.

Subject: Zoning amendments to clarify the Declaration of Intent section. Add a definitions section. Add one more pre-conditional use meeting and have one of those meetings to be held within 20 nautical miles of the proposed project site. Add all transmission lines to be underground. Add wind turbine exclusion areas to include a 2-mile setback to incorporated and unincorporated communities; a 7-mile setback to Kamiak and Steptoe Buttes. A six times the height of a turbine setback to Palouse to Cascades State Park, Klemgaard County Park, Elberton County Park, Colfax Trail County Park, Wawawai County Park, Rock Lake and the Escure Ranch. Change the non-waivable occupied building setback from one-times the height of a turbine plus 100 feet to one and a half times the height of a turbine. Increase the setback from non-participating property lines from one-times the height of a turbine plus 100 feet to six times the height of a turbine. Add a setback of four times the height of a turbine from non-consenting parcels. Increase the minimum setback from non-participating landowner's occupied building from four times the height of a turbine to six-times the height of a turbine. The decommissioning section was completely rewritten to shore up protections to all the parties involved, as described in the proposed ordinance hereto attached and made a part of by reference.

Enclosed please find the formal transmittal of the proposed update of Chapter 19.61, as described above.

Encl.: Planning Commission transmittal, Findings & Recommendation + Exhibits
Copy: Mark Storey, Director of Public Works (no enclosures)
Date: December 19, 2025

089646

OFFICE OF THE WHITMAN COUNTY

Planning Commission

WHITMAN COUNTY PLANNING COMMISSION

COLFAX, WASHINGTON

BEFORE THE PLANNING COMMISSION
OF
WHITMAN COUNTY, WASHINGTON

IN THE MATTER OF THE RECOMMENDATION OF THE WHITMAN COUNTY PLANNING COMMISSION TO APPROVE UPDATING CHAPTER 19.61 AS DESCRIBED IN THE FINDINGS BELOW.) Motion,) Minutes) and)Findings

UPON MOTION DULY MADE, seconded and carried by a vote of eight ayes to one nay, there being a majority of the total members of the Whitman County Planning Commission present and cast affirmative vote therefore at a Public Hearing held at 6:00 PM, December 17, 2025, at the Auditorium of the Whitman County Public Service Building, Colfax, Washington, the Whitman County Planning Commission passed the following Findings of Fact and Resolution:

FINDINGS OF FACT

1. In October of 2007, the Planning Office was approached by a wind energy company, First Wind, for the placement of a meteorological tower in the county to measure wind for the possible development of a wind farm.

2. At the end of 2007, the Planning Commission took on the task of creating a new zoning chapter for the development of wind turbines in the county.

3. Planning Staff and the Planning Commission looked at several existing wind ordinances from Washington state and elsewhere. In the one and a half years that the Planning Commission had been working on this project they had received input from a multitude of sources. There were presentations from multiple sources connected to wind energy development such as attorneys who had been involved in projects which are now operational, representatives from wind companies, environmental consultants who had overseen the development of wind projects, and members of the public who opposed the development of wind turbines in the county. The Planning Commissioners and some County Commissioners visited an existing wind farm in Garfield County.

4. In June of 2009, the Planning Commission finalized a draft copy of an ordinance for commercial wind turbines to pass onto the County Commissioners. Alterations to four existing zoning chapters were also made to accommodate the new ordinance.

5. On November 16, 2009, the new wind ordinance, Chapter 19.61, was passed into law by the Board of County Commissioners and effective December 1, 2009.

6. A commercial wind farm was built in the County and started operation in 2012. It is still in operation.

7. In June of 2022, the planning department was approached by a commercial wind developer, Harvest Hills, to put up some meteorological towers in the county to measure the wind resources.

8. Through the recommendation of the planning department, Harvest Hills arranged to engage a local botanist to ensure that no Palouse Prairie would be impacted by the presumed project.

9. The planning department kept in touch with Harvest Hills and it became obvious that Harvest Hills was preparing a number of required studies needed for a future conditional use application.

10. The Board of County Commissioners placed a moratorium on the establishment, location, operation, licensing, or maintenance of commercial wind energy facilities on the 8th of January 2025.

11. The reasons given for the moratorium were that the existing ordinance created in 2009 had not been re-examined since; that the current code provisions may not be specific enough regarding eventual decommissioning; and that the current size of wind turbines is much greater than when the code was first enacted.

12. The temporary moratorium was enacted for six months and was later extended another six months. It is still in effect.

13. The County Commissioners asked the County Planning Commission to re-examine the wind energy ordinance. On March 5, 2025, the Planning Commission began review of the commercial wind ordinance.

GENERAL FINDINGS

14. The Planning Commission met many times since then. It heard from a number of people with expertise in different areas, including:
    a. An expert on the electric grid
    b. A representative of the operator of the current wind farm in the county
    c. A representative of the developer Harvest Hills, explaining their company and its development plans

d. A medical doctor, and an audiologist with a PhD (Dr. McCunney and Dr. Olson), who have testified widely at the invitation of wind farm developers, although who were not paid by this County and stated they were not being paid for their appearance on this occasion, who opined as to what sort of dangers to people or property could be posed by wind turbines (in their opinion), and what sort of measures would (in their opinion) protect against those dangers. They also gave a very brief overview of a large study from Canada regarding the effects of noise from wind turbines. Of note, in their view:
    a. Fire suppression systems in turbines can be helpful to fight turbine fires.
    b. Infrasound from windmills does not cause any harm to anyone at any time, because it is not generated at a high enough level to cause any harm.
    c. A setback of 4 times the height of a turbine (ground to blade tip) is more than enough to protect against any harm to anyone in any residence. It is the most of any setback in Washington State and really is more than needed, but in any event no more than that would be needed.
    d. There are alternative views, from other experts, but Dr's McCunney and Olson do not believe those other experts are right and believe those other experts don't have sufficient proof to confirm the contrary views.
    e. In McCunney and Olson's views, the studies that support the contrary views and the experts with views that contradict McCunney and Olson are not as reliable as the studies that support McCunney and Olson.

e. Many experts in agriculture, especially in the area of farming and ranching, especially as those professions exist and are practiced in Whitman County. The Planning Commission itself includes multiple members who are experts in farming and ranching in Whitman County.
f. Multiple experts in the areas of aerial spraying (crop dusting) in Whitman County, and the application of herbicides and pesticides, both by air and by land.
g. At least one expert in the area of fire insurance in the rural areas of Whitman County.
h. At least one expert in the area of photo-tourism in Whitman County, and the likely economic effect on that industry if more commercial wind towers are located within 7 miles of the major landmarks of 1) Steptoe Butte; 2) Kamiak Butte; and 3) Palouse Falls.
i. An attorney closely familiar with the proposed development named Horse Heaven Hills in nearby Benton County, to describe the proposed development and the pitfalls that Benton County and others have faced, as well as the legal process that project has gone through.
j. Multiple real estate agents who are of the expert opinion that the value of residential real estate will decrease if commercial windmills are located near the residence.
k. Many citizens of Whitman County who informed the Planning Commission about how the near presence of more Commercial Windmills will reduce the quality of life experienced by these citizens who live in rural Whitman County. Some of the citizens' many concerns are:
    a. The viewshed from homes will be drastically changed and made drastically worse.

b. The value of residential property near windmills will be reduced. If such value could stabilize over time (doubtful) it would take decades to rebound, thus disproportionately impacting older people who don't have decades to wait it out.
c. The citizens place great value on the quiet at their residences, especially at night. Nearby windmills will destroy that quiet.
d. The citizens are well aware of the scientific studies which show a connection between the infrasound that is generated by windmills and harm to the health of humans and animals from such infrasound. This is a great concern.
e. Fire insurance is already difficult to find, is offered by fewer companies than in the past, and is more expensive. All of this is due to the greater occurrence of wild fires, especially in the American West, which includes Eastern Washington. The citizens know that the presence of commercial windmills increase the risk of fire, which will make their own insurance more difficult to get and/or increase their cost.
f. The value of the 3 local landmarks is especially great to those who live near them.

15. In addition to the many people who spoke to the Planning Commission, the commission has also received a large amount of written materials. There are many studies, some with differing conclusions, some studies from governmental agencies, some from academic settings, some from private industry, some paid for by commercial wind developers or their supportive associations, some apparently independent. There are many written statements, some with opinions, some with facts, some a mixture of both.

16. The Planning Commission has considered everything that was supplied to it, in making its decision.

17. Some of the statements (in-person and written) and studies or other information the Planning Commission considers especially important or credible or relevant may be cited in these Findings, but all the information presented has been considered. Some of this same information has been marked in the records as 'EVIDENCE' for ease of reference. The items in the record marked as EVIDENCE have been divided by topic. The following FINDINGS are divided into similar topics.

18. The EVIDENCE is meant to support the FINDINGS, but the EVIDENCE is not meant to be an exhaustive list of everything in the record. The whole record supports the FINDINGS.

TOWER HEIGHTS

19. Fifteen years ago, the common height of turbines was about 350 feet (measured ground to blade tip). This is the approximate height of the turbines in the existing wind farm in Whitman County that was installed in 2012.
20. The proposed project at Horse Heaven Hills is for turbines to be just under 500 feet.
21. A potential project in Whitman County (Harvest Hills) has stated their towers would be 699 feet tall. The height of 699 feet is effectively 700 feet.
22. Some towers in the world are now 1000 feet.

23. The trend of commercial wind towers is to get larger because the blades then reach the more stable and increased wind which is higher off the ground, and the larger force generated by bigger blades creates more electricity for the buck. In other words, the taller the tower, the more economically advantageous to the developer and operator.
24. In this county, unless restricted by a zoning code, developers of commercial wind energy turbines will install 700-foot turbines or larger.

LANDMARKS

25. In 1965 Kamiak and Steptoe Buttes were designated as National Natural Landmarks, as part of a program run by the National Parks Service. According to the Parks Service, the program recognizes and encourages the conservation of sites that contain outstanding biological and geological resources. Sites are designated by the Secretary of the Interior for their condition, illustrative character, rarity, diversity, and value to science and education. The program promotes conservation and appreciation of our nation's natural heritage.

26. The top and much of the area surrounding both Buttes are parks. Steptoe Butte is a State Park and Kamiak Butte is a County Park.

27. Palouse Falls is a State Park, located on the border between Whitman and Franklin Counties. It is a world-renowned spot of a high river falls located in the middle of surrounding desert scape, widely considered stunningly beautiful.

28. Kamiak and Steptoe Buttes and Palouse Falls are unique natural features in the County. They are an outstanding geological resource for the County and our nation. They are rare. They have an extraordinarily beautiful visual character, both from the Buttes looking out and from the surrounding area looking towards the Buttes.

29. The Buttes (especially Steptoe) are located near the center of Whitman County, a county with about 2200 square miles of mostly rolling hills of farmland. Steptoe and Kamiak have stark, dramatic panoramic views of the surrounding farmlands, mountains and states. From the top of Steptoe, a person can see 200 miles to view Idaho and Oregon as well as surrounding mountains, including the Blue and Bitterroot mountains. Similar views can be had from the top of Kamiak.

30. The other landscape of the County is primarily rolling hills of the Palouse – a unique and dramatic landscape in itself. Steptoe and Kamiak Buttes stand out from the surrounding rolling hills of the Palouse. They are prominently visible for many, many miles from every direction.

31. The views of the dramatically beautiful Palouse from the tops of the Buttes is critical to the character and quality of life of the residents of the County.

32. All of this results in the Buttes being very significant to the character and quality of life of all of the residents of the County. The Buttes are not just critically important to the County for

the unmatched views from their tops, but also for the view of the Buttes from the surrounding communities.

33. Although there are a few antennas (such as cel towers and radio towers) located near the tops of the buttes, those towers are small, are not in the visual field at all when looking out from the tops of the buttes, and are too small to be noticeable when looking towards the buttes from any distance.

34. The unobstructed views from, and towards, the Buttes also bring important tourism dollars to the County's residents. Hundreds of tourists come to Whitman County every year, contributing hundreds of thousands of dollars a year to the local economy, including to the businesses who run 'photo tourism tours' including the business of Mr. Jack Lien. The commission finds Mr. Lien to be a credible witness. His materials summarizing the expected impacts on the economy of 700-foot towers within 5 miles of the Buttes or Palouse Falls is credible, and is hereby adopted, with the caveat that the Commission is not relying on Mr. Lien's exact dollar estimates. The Commission finds that even if Mr. Lien's figures are off by a factor of 10, the harm to the tourism economy caused by towers within 7 miles of the Landmarks, would still be horribly great.
35. It is critical for the general welfare of the County's residents to preserve and protect these visual resources and protect their visual quality from the adverse effects of wind energy facilities.

36. Current practices in Commercial Wind Energy Generation include generator towers that are about 700 feet tall (including the rotating blades). The towers are not installed in isolation or small groups of two or three. The towers are installed in large groups. These tall towers and blades cannot be screened with vegetation or any other means. There is no color of paint or finish that conceal them. A group of towers too near the Buttes will be starkly visible from the Buttes, as well as starkly visible from the surrounding area when looking towards the Buttes. Even if the grouping of towers does not dominate the whole view, it would still break up the nature of these National Natural Landmarks and the views from them and toward them. Just setting back a group of towers to a distance that makes them 'not dominant' is not nearly enough protection for the general welfare.

37. There is one group of commercial wind turbines that were installed over 10 years ago, set to the north and west of Steptoe Butte, and which are between 300 and 400 feet tall. These towers are a number of miles away from Steptoe Butte. According to a majority of the public comment received during the consideration of this issue, the visual enjoyment of Steptoe Butte is reduced by the presence of these towers. Allowing even more towers, inside of a minimum setback noted below, would have a significant detrimental effect on the welfare of the citizens of the County.

38. This protection area will have an impact on landowners who might want to install turbines within the protection area. They won't be able to do so. However, this land around the Buttes is farmland and may still be used for agriculture, as it has for generations. The land around Palouse Falls may still be used for other purposes as it has for generations.

39. The benefits of the Protection Areas outweighs the imposition on the ability to install large wind turbines.

40. The Commission examined a map showing the amount of land that would be excluded from more towers by a 9-mile area around the Landmarks, which is the amount the Commission initially intended. The Commission decided that was more than necessary. It then looked at a 5-mile area around the Landmarks, and found that to be necessary – no more and no less.

41. For all of the above reasons, the minimum setback should be set at 7 miles, measured from the boundaries of the parks.

OTHER JURISDICTIONS

42. The Planning Commission believes it is significant that many other jurisdictions in this country, and around the world, have adopted zoning codes with setback requirements that are as restrictive, or more restrictive, than those being proposed here. The Commission FINDS that there are many such jurisdictions and have cited to some of them in the EVIDENCE.

AGRICULTURE IMPACTS / PROPERTY LINES

43. The Commission finds its members who have been farmers and ranchers to be credible experts in Agriculture. They are Dean Kinzer, Bill Myers, Chris Melhus, Weston Kane, Dave McKiernan. The Commission also finds the citizens who contributed their views at the many meetings over the last 9 months to also be credible experts.

44. The installation and operation of 700-foot turbines will have a very significant negative impact on the agricultural operations of those with land that is nearby to turbines. These impacts extend to associated businesses. This includes:

    a. Application of herbicides and pesticides. It is common practice to apply herbicide and/or pesticide by aerial spraying. The presence of groups of turbines will eliminate or dramatically increase the cost of such spraying, due to turbulence, need for 1 mile turn around area, etc. If aerial spraying is not available at the correct time, then the farmer must use other means, which increases costs and reduces yields, and is also a negative impact to the farmers' crop insurance. It also causes a significant loss of business to the aerial sprayers.

    b. Noise. The large majority of farmers place a great value on the quiet enjoyment of their farm and ranches. In this context, the commission means the term 'quiet' literally. The turbines cause noise which disturbs the majority of farmers if the turbine is too close.

    c. Livestock. According to at least one study the turbines have an effect on the laying of chicken eggs.

d. Future Development. Many farmers / ranchers expressed the view that they want to have the ability to build a house on their property in the future. This they could not do, in all practicality, if there is a turbine near to the site.

45. All of these concerns require a setback from a neighboring property line of at least 6 times the height of the turbine, unless the neighbor consents to a closer placement.

HOUSES – RESIDENCES

46. The Commission FINDS that turbines cause significant negative impacts to neighboring residences if the turbines are too close.

47. NOISE. The Commission finds the Washington State Dept of Ecology to be credible in its Programmatic EIS for On-Shore Wind Turbines. In that study, the WA DOE stated that due to audible noise: for small to medium projects, wind turbines located closer than **3,000 feet** from [houses] in a quiet rural setting could have a potentially significant adverse impact; and for large projects, a turbine closer than **5,000 feet** could have that significant adverse impact.

48. Commercial projects in this county are almost certain to be either small to medium, or large, under the DOE's definition of those terms. For instance, the Harvest Hills proposed development would fall between a 'medium' and a 'large' depending on megawatts and number of towers and heights.

49. Significantly, Dr. Olson (the gentleman who frequently speaks on behalf of developers or their associations), noted that 4 times the height setback is more than enough to protect against any significant adverse impact due to noise. This is directly contradicted by the WA DOE report. The commission finds the WA DOE report to be more credible than Dr. Olson regarding noise.

50. For a project that uses 350-foot towers, like the existing wind farm in the county (a small to medium project), a 4x setback would only require 1400 feet setback, instead of the DOE's noted 3,000 feet. For a project like the proposed Harvest Hills (between medium to large project) that uses 700-foot towers, a 4x setback would only require 2800 feet setback, instead of the DOE's 3000-to-5000-foot setback.

51. In order to mitigate the effects of audible noise, a setback from a non-consenting residence of 6 times the height of the turbine is required.

VISUAL IMPACT

52. The viewshed from many many houses in rural Whitman County is special and unique. It is a treasured part of owning or living in a home here. Many of the findings applicable to Landmarks are applicable on a smaller scale to individual viewsheds.

53. If located within a viewshed from a house, 700-foot towers have a tremendous negative impact on that viewshed. It can be mitigated by distance, but because the tower is so large, the distance must be increased.

54. In order to mitigate the negative effect on viewshed from a residence, a setback from a non-consenting residence of 6 times the height of the turbine is required.

PROPERTY VALUES

55. Studies show that there is a significant reduction in property values for homes that have wind turbines nearby. In addition, common sense tells us the same thing. Based on the studies in the EVIDENCE packet, as well as statements received during our meetings, as well as our common sense, the Planning Commission finds that installation of wind turbines near homes will have a significant negative impact on the property value of the homes.

56. In order to mitigate the negative effect on property values of non-consenting homeowners, a setback from non-consenting residences of at least 6 times the height of the turbine is required.

FIRE SUPPRESSION

57. Wind turbine fires should be reported to the County. Fires can and should be combatted with a fire suppression system.

58. There are no national or international mandates that require fire protection standards for wind turbines.

59. Large 700-foot or more Turbines pose a greater fire danger than smaller turbines, due to increased electrical loads.

60. Therefore, fire suppression systems must be required.

FIRE INSURANCE / BURYING WIRES

61. Within the last five years, fire insurance for homes in rural areas has gone through and continues to go through great changes. Fire insurance is harder to get – some carriers have stopped issuing policies for it. For the carriers that remain, the price has risen.

62. Insurers consider the fact of nearby wind turbines as a negative and may increase rates or stop issuing policies due in part to the presence of nearby wind turbines.

63. A setback of 6 times the height of a turbine will reduce the impact on availability and price of fire insurance.

64. A significant cause of wildfires are sparks that come from overhead electrical lines. For instance, the large fire in Northern California some years ago was sparked by a PG&E line; the large fire in Malden some years ago was sparked by an AVISTA line. Burying the lines involved in any wind energy project will lessen the chance for the start of a wildfire.

65. Electrical lines also cause danger to agriculture pilots, contributing to fewer pilots being willing to fly for aerial application of herbicide / pesticide, as well as an increase in cost for those willing to fly. Burying the lines will lessen this impact.

SENSITIVE AREAS / PARKS

66. Protect Public Health and Safety. Wind turbine operations (e.g., noise, shadow flicker, risk of blade or ice throw) can affect people using or visiting nearby public lands. Setbacks reduce these risks for users of sensitive sites such as county parks and state parks.

67. Preserve Wildlife Habitat and Ecological Integrity. Whitman County includes shrub-steppe and sagebrush ecosystems that support sensitive wildlife (e.g., sagebrush-associated species). Setbacks help limit fragmentation, disturbance, and cumulative impacts. These areas are commonly found near the county and state parks, especially the trails, and Escure Ranch, and Rock Lake.

68. Protect Scenic, Recreational, and Cultural Values of Public Lands. Public lands in Whitman County (state parks, county parks, Escure Ranch) are valued for their natural, recreational and cultural character. Setbacks help maintain visual quality and prevent wind-facility encroachment on these important landscapes.

HEALTH EFFECTS

69. There is much dispute about the health effects of wind turbines. All seem to agree that setbacks are necessary to preserve the health of those living in houses near turbines. The dispute is how big does the setback need to be to preserve health.

70. Wind Turbines Emit Infrasound. If someone has a negative health effect due to a turbine being too close, it is not important whether that negative health effect is caused by infrasound physically impacting their body, or whether it is caused by someone worrying about getting sick from infrasound. Either way, the result is the same: the person experiences a negative health effect that isn't present before the turbines were installed.

71. The Planning Commission finds that a significant portion of the people who live near turbines may have a negative health effect, unless the turbines are setback at least 6 times the height from a non-consenting house.

72. This setback is reasonable and necessary to mitigate the potential negative health impacts from wind turbines. This is a reasonable infringement on a neighbor's right to install wind turbines, when balanced against the health of the non-consenting homeowner.

COMPREHENSIVE PLAN & OTHER COUNTY CODES

73. This draft ordinance is consistent with the County Comprehensive Plan and other County Codes, including the provisions relating to a prohibition of building homes on ridgetops, due to a desire to protect the viewsheds of neighbors.

STATEMENTS OPPOSED TO CODE CHANGES / OPPOSED TO RESTRICTIONS

74. The Planning Commission has carefully considered the statements made by the Harvest Hills developer, as well as those members of the public and the commission who are

opposed to these code changes. The Planning Commission appreciates those points of view. However, the Planning Commission has carefully weighed the competing interests in developing this code and FINDS that the draft code it has passed strikes the right balance between the property rights of the landowners who want to lease their land to a developer, and the property rights of the neighboring landowners, as well as the rights of the general public and the general public's health, safety, and welfare, as well as the neighbors' and business owners' health safety and welfare.

DECOMMISSIONING

75. The Planning Commission finds that wind farms are expected to change ownership and management several times in their life. In order to be sure that there are responsible parties, with sufficient resources, to fully decommission the project when it reaches end of life, some decades on, more robust requirements must be added to the prior decommissioning language. The language in this draft is reasonably needed to carry that out.

INCORPORATED TOWNS

76. The incorporated communities in the County need to have a setback area of 2 miles to allow for future growth.

77. The RCR, RCC-1, and RCC-2 areas in the County need to have a setback area of 2 miles to allow for future growth.

78. On December 17, 2025, the Planning Commission held a duly noticed Public Hearing, concerning the proposed draft ordinance. During the meeting 35 people spoke. During the meeting, some people voiced opposition to the draft, believing that the draft ordinance imposed too many restrictions on new wind farms. Others said they thought the draft ordinance did not go far enough and they felt there should be more restrictions, such as larger setbacks from homes. But the overwhelming majority of those who spoke supported the draft ordinance.

79. The Planning Commission passed the draft ordinance on December 17, 2025, following the public hearing.

Procedural Findings prepared by Planning Commission Chairman Gibney
December 16, 2025

This timeline of findings of fact has been prepared to establish a clear and neutral chronology of activities undertaken by the **Whitman County Planning Commission (PC)** in relation to the review and proposed amending of **WCC 19.61 – Commercial Wind Energy Facilities**.as requested by the **Whitman County Board of County Commissioners (BoCC).** The purpose of this document is to record the sequence of meetings, actions, directives, moratoria, interim controls, and procedural steps leading up to the point where the draft ordinance was deemed ready for public hearing and SEPA review.

This timeline is strictly limited to procedural facts. It acknowledges the occurrence of public input, planner and attorney responses, and formal actions, but does not include the content or substance of statements, testimony, or supporting evidence. Findings supporting proposed changes, background information, and substantive rationale are provided separately in dedicated documents.

The record is intended to be legislative in tone, avoiding advocacy or project-specific detail, and is structured to demonstrate compliance with statutory requirements and the authority of the Commission to proceed to public hearing. Cross-references to supporting findings and background materials are included where appropriate.

1. **Whitman County Code (WCC) 19.61 – Commercial Wind Energy Facilities** was enacted in December 2009 following an extensive PC review and public hearing process. The ordinance established standards for the siting, permitting, operation, and decommissioning of utility-scale wind energy facilities within Whitman County.
2. The **Palouse Wind Project** was reviewed and permitted under **WCC 19.61**, with conditional use permits processed between 2009 and 2010 in accordance with the ordinance. Construction began in 2011, and the project reached commercial operation in December 2012, making it Whitman County's first and only major wind energy facility permitted under **WCC 19.61**.
3. September 2023 Whitman County Planner Thomson was contacted by the **Washington State Energy Facility Site Evaluation Council (EFSEC)** about renewable energy in Whitman County. There was also a solar energy company making inquiries in the county for a potential solar energy and Battery Energy Storage System (BESS) project.
4. These topics were discussed at the Whitman County Planning Commission meeting held on September 20, 2023. It was noted that Whitman County had no regulations about solar and BESS facilities.
5. The Whitman County Planning Commission began discussing a new solar ordinance at the meeting held November 1, 2023. **WCC 19.61 Commercial Wind Energy Facilities** were used as a starting template.
6. At the Whitman County Planning Commission meeting held December 6, 2023, there was a presentation from Vesper Energy, a company in preliminary investigation about a solar/BESS project generally near the Avista substation near Palouse Wind.
7. At the Whitman County Planning Commission meeting held January 6, 2024, there was a presentation by Paul Kimmel from Avista.

Procedural Findings prepared by Planning Commission Chairman Gibney
December 16, 2025

8. At the Whitman County Planning Commission meeting held February 7, 2024, there was a presentation by Wraylee Flodin, the Whitman County Assessor on County financial matters relating to Palouse Wind and potential new renewable energy projects.

9. At the Whitman County Planning Commission meeting held March 6, 2024, there was discussion of soil types in Whitman County assisted by Jeff Marshall, GIS for Whitman County Public Works.

10. Solar and wind farms and their placement were discussed in workshop at the meeting of the Board of Whitman County Commissioners during their meeting held March 19, 2024

11. At the Whitman County Planning Commission meeting held April 3rd, 2024, the discussion on a new solar ordinance continued. Public concern about new potential wind projects was also a topic.

12. At the Whitman County Planning Commission meeting held May 1st, 2024, it was learned that Daystar, a potential solar/BESS project, was withdrawing. The PC agreed that new ordinance(s) for solar and BESS would still benefit Whitman County.

13. At the Whitman County Planning Commission meeting held May 1st, 2024, the PC noted that the section on decommissioning in WCC 19.61 was inadequate and that stronger language would be needed in any new ordinances.

14. At the Whitman County Planning Commission meeting held May 15, 2024, the PC continued discussion on a new solar ordinance which included location restrictions and additional concerns about the decommissioning phase and ability to be assured that sufficient funding would be available at project end-of-life.

15. The Whitman County Planning Commission did not meet June, July or August 2024.

16. Citizen concerns and solar/wind farm topics were discussed in workshop at the meeting of the Board of Whitman County Commissioners during their meetings held April 1, April 15. 2024

17. Receipt of written correspondence from members was acknowledged at Board of Whitman County Commissioner meetings held April 29, May6, May 20, June 3, June 17, July 1, July 15, August 5, August 19, September 3, September30, November 18, of 2024

18. Citizen concerns on Commercial Wind Energy were a significant workshop topic at the meeting of the Board of Whitman County Commissioners held April 29, 2024.

19. Wind farm topics were discussed in workshop at the meetings of the Board of Whitman County Commissioners during the meetings held May 6, May 20, May 28, June 17, July 1, July 15. September 3, September 9, September 16, October 21, November 18, December 2, and December 16 of 2024

20. The Public Works Director reported on a visualization meeting on the Harvest Hills project at the Board of Whitman County Commissioners meeting held August 5, 2024

21. At the Whitman County Planning Commission meeting held on September 18, 2024, the PC continued discussion and drafting of a new solar ordinance which included additional concerns about the decommissioning phase and ability to be assured that sufficient funding would be available at project end-of-life. Location restrictions were also discussed.

22. The Board of Whitman County Commissioners joined the Whitman County Planning Commission meeting held on October 16, 2024, for extensive discussion, including public comment on a new solar ordinance.

23. At the Whitman County Planning Commission meetings held November 6, and December 4, 2024, the PC continued discussion and drafting of a new solar ordinance.

24. Tami Southern was appointed to the Whitman County Planning Commission by the Board of Whitman County Commissioners at their regular meeting on January 6, 2025

25. Whitman County Planning Commissioner David Tysz' term expired December 31, 2024, and at his request, he was not reappointed.

26. January 8, 2025, the Board of Whitman County Commissioners passed Ordinance 088670. A 6-month moratorium on any new Commercial Wind Energy Generating Facilities or any application or permit for such facilities. Folder 2025-01-15

27. At the Whitman County Planning Commission meeting January 15, 2025, the PC continued discussion and drafting of a new solar ordinance. We had new draft decommissioning language based on the language in "ARTICLE VIII: PROJECT TERMINATION, DECOMMISSIONING AND SITE RESTORATION of the Horse Heaven Wind Farm Site Certification Agreement (SCA)" overseen by EFSEC in Benton County, Washington. Research by County Commissioner Handy contributed to this proposed language.

28. At the Whitman County Planning Commission meeting on January 15, 2025, the PC became aware of the moratorium and that they would probably be asked to review WCC 19.61.

29. February 3, 2025, the Board of Whitman County Commissioners held a public hearing regarding Ordinance 088670 Moratorium on new wind projects.

30. At a joint Whitman County Planning Commission/ Board of Whitman County County Commissioners meeting February 5, 2025, the discussion and drafting continued on a new solar ordinance. Review of WCC 19.61 was scheduled for a March meeting.

31. March 4, 2025, Whitman County Commissioner Swannack wrote a memo to the PC to provide guidance to the PC during the temporary moratorium on wind farm applications, help identify weaknesses in the current wind code and suggesting areas for revision. Comments include discussion of decommissioning, bonding, setbacks and property rights Zoning regulations must balance landowner rights with community impacts. Restrictions must be backed by peer-reviewed science and legally defensible. Folder 2025-03-05

32. At the Whitman County Planning Commission meeting March 5, 2025, the PC continued discussion and drafting of a new solar ordinance. With preliminary discussion on BESS ordinance.

33. The Whitman County Planning Commission meeting March 5, 2025, concluded with a period of public comment on wind, and other renewable energy generating facilities.

34. At the Whitman County Planning Commission meeting March 5, 2025, Tom Thompson, Jack Lien, Kevin Akession and Carol Black spoke. Thompson and Lien distributed written materials which been sent electronically that day to the County Planner. There was not time to forward these documents to the PC before the meeting. They were subsequently forwarded. Folder 2025-03-05.

35. Planning Commission member Mark Tolman resigned as of the March 5, 2025, meeting. Also, PC Chairman Whetzel was appointed to the Board of Whitman County Commissioners March 10, 2025. This reduced the number of PC members to four and returned the Board of Whitman County Commissioners to a full three members.

36. David McKeiran, William Meyers and Chris Melhus were appointed to the Whitman County Planning Commission by the Board of Whitman County Commissioners at their regular meeting on March 17, 2025

37. At the Whitman County Planning Commission meeting April 2. 2025, Dave Gibney was elected as the new Chair. Brian Davies was elected Vice-Chair.

38. At the Whitman County Planning Commission meeting April 2, 2025, the PC continued discussion and drafting of a new solar ordinance focusing on the decommissioning section.

39. At the Whitman County Planning Commission meeting April 2, 2025, the PC began review of **WCC 19.61 – Commercial Wind Energy Facilities.** The Commission agreed to begin meeting twice a month, with the next meeting scheduled for April 16, 2025.

40. At the Whitman County Planning Commission meeting April 2, 2025, Whitman County Prosecuting Attorney spoke on the legal basis for planning, zoning and limitations based on private property rights. He referred to a document from WA Attorney General sent earlier that the commission had not yet had time to read.

41. The remainder of the Whitman County Planning Commission meeting April 2, 2025, was public comment. Speakers included Carol Black, Denise McCardle, Dennis Raugust, Tom Thompson, Kevin Akesson, Tresa Bannister, Mary Jean Inman, Travis Frei, Vanessa McCarron, Vanessa McCarron, Kaitlynn Ward, Tom Lamar, Nicole Frazier, Sherry Johnson, Ken Duft, Roy Senter, Ryan Barber, Asley Barber, Amy Soncarty, Rick McNanny, Mike Dymkoski, and Kevin Akesson.

42. In addition to the AGO document, for the meeting April 2, 2025, the Whitman County Planning Commission was emailed 9 other wind energy related documents. Folder 2025-04-02 At this meeting, paper submissions were received from Carol Black and Shane Roche, Harvest Hills Lead Developer.

43. After the April 2, 2025, meeting, the Whitman of County Commissioners received a letter from Steelhead/Harvest Hills with concerns about the process and concluding with:

> Given the safety concerns and lack of progress, we are adjusting our engagement strategy. **We will no longer attend Planning Commission meetings in person**, and we will encourage our supporters and landowners to refrain from attending as well. We will respond to questions in writing and have team members attend meetings virtually. If and when draft ordinance language is developed, we will be available for feedback. **Finally, because we see no path forward to a workable wind ordinance, Harvest Hills is beginning the pre-application process with the Washington Energy Facilities Site Evaluation Council (EFSEC.)**

44. Jullian Matthews was appointed to the Whitman County Planning Commission by the Board of Whitman County Commissioners at their regular meeting on April 14, 2025. This appointment returned the Whitman County Planning Commission to a full, nine (9) member board.

45. At the Whitman County Planning Commission meeting April 16, 2025, Paul Kimmel of Avista gave an update of his presentation of January 6, 2024, for the benefit of the new (and ongoing) members.

46. At the Whitman County Planning Commission meeting April 16, 2025, Shawn Elston from Palouse Wind answered questions from the County Planner and PC members.

47. At the Whitman County Planning Commission meeting April 16, 2025, the commission began a detailed review of **WCC 19.61 – Commercial Wind Energy Facilities.** Starting with Section 19.61.010 Declaration of Intent. Public comments were received from: Denise McCardle, Shane Roche, Tom Thompson, Bonnie Brumley, Shawn Elston, and Carol Black

48. Review continued with Section 19.61.020 -Application of Standards and Criteria. Subsections A. Purpose, B. Permits, C. Pre Conditional Use Meeting, and D. Permits Required. Public comments were received from: Tom Thompson, Kevin Akesson, Carol Black, and Shane Roche.

49. Review continued with Section 19.61.020 -Application of Standards and Criteria. Subsection E Permit Application, Public comments were received from: Carol Black, Tom Thompson, and Shane Roche.

50. The Whitman County Planning Commission received 13 electronically transmitted documents for the meeting of April 16, 2025. Folder 2025-04-16

51. May 5, 2025, the Board of Whitman County Commissioners passed Ordinance 089101. Adopting Interim Zoning Controls prohibiting any new Commercial Wind Energy Generating Facilities. Commercial Solar Energy Facilities and Commercial Battery Energy Storage Systems in Whitman County effective until July 7, 2025. Folder 2025-05-07

52. At the Whitman County Planning Commission meeting May 7, 2025, there was discussion about the effects of the new Interim Controls and the ongoing moratorium.

53. At the Whitman County Planning Commission meeting May 7, 2025, there was discussion about a letter from Washington State Department of Fish and Wildlife dated February 27, 2025. Folder 2025-05-07

54. At the Whitman County Planning Commission meeting May 7, 2025, Whitman County Prosecuting Attorney Denis Tracy discussed issues of property rights, limitations on County authority.

55. At the Whitman County Planning Commission meeting May 7, 2025, County Attorney Tracy also provided more information about the Interim Controls and Moratorium.

56. At the Whitman County Planning Commission meeting May 7, 2025, review continued with Section 19.61.020 – Applications of Standards and Criteria subsection F. Review Procedure. Public comments were received from: Kevin Akesson, Carol Black, and Tom Thompson.

57. At the Whitman County Planning Commission meeting May 7, 2025, review continued with Section 19.61.020 – Applications of Standards and Criteria subsection G. SEPA Appeal. There was no comment on this subsection.

58. At the Whitman County Planning Commission meeting May 7, 2025, review continued with Section 19.61.020 – Applications of Standards and Criteria subsection H. Amendment of a Corridor/Area Site Plan. Public comments were received from: Tom Thompson, Shane Roche, and Carol Black.

59. At the Whitman County Planning Commission meeting May 7, 2025, review continued onto Section 19.61.030 Other Applicable Requirements. Public comments were received from Shane Roche.

60. At the Whitman County Planning Commission meeting May 7, 2025, review continued onto Section 19.61.40 – Conditions for Meteorological Towers. Public comments were received from: Tom Thompson, Commissioner Myers, a pilot also commented. County

Planner Thompson provided some suggested changes to setbacks. These suggestions did not get included in the changes proposed here.

61. The Whitman County Planning Commission received 13 electronically transmitted documents for the meeting of April 16, 2025. Folder 2025-05-07.

62. At the Whitman County Planning Commission meeting May 21, 2025, there was a period of public comment before detailed work began. Comments were received from: Mike Dymkoski, Greg Nolan, Greg Nolan, Denise McCardle, and Adam Simmons.

63. At the Whitman County Planning Commission meeting May 21, 2025, review continued with Section 19.61.050 SEPA Requirements for Expanded SEPA checklist. There was extensive discussion by PC members and the County Planner. Public comments were received from: Carol Black, Denise McCardle, Todd Imeson, Kevin Akesson. County Attorney Tracy also commented.

64. At the Whitman County Planning Commission meeting May 21, 2025, review continued to Section 19.61.055, Micrositing Corridors/Areas. The Commissioners and the Planner discussed Agricultural vs. Industrial and other zones, including the concept of zoning overlays. Public comments were received from: Carol Black, Kevin Akesson, and Mike Dymkoski.

65. The Whitman County Planning Commission received 4 electronically transmitted documents for the meeting of May 21, 2025. Folder 2025-05-21.

66. At the Whitman County Planning Commission meeting June 4, 2025, Bob Morris, Lance Energy Chair for Montana Technical University and a retired SEL employee made a presentation titled Pacific Northwest Energy Ensuring Reliable Affordable and Clean Energy for Our Future. Folder 2025-06-04. The following members of the public asked questions: Carol Black, Tom Thompson, and Mark Webber.

67. At the Whitman County Planning Commission meeting June 4, 2025, Whitman County Assessor, Wraylee Flodin repeated parts of her February 7, 2024, presentation about the revenue and taxing of renewable energy facilities. She also provided some information on home sales price changes in the vicinity of Palouse Wind since construction. Public questions came from: Shane Roche, Tom Thompson, Con Bannister, and Rick McNannny.

68. At the Whitman County Planning Commission meeting June 4, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection A. Setbacks. PC members, the County Planner and County Attorney Tracy engaged in extended discussion. Public comments were received from: Carol Black, Ken Duft, Tom Thompson, Con Bannister, Mike Dymkoski, Jacob Segebart, Rick McNanny, Mark Webber, Tucker Senter, Babs Pfaff, Tresa Bannister, and Shane Roche.

69. The Whitman County Planning Commission received 13 electronically transmitted documents for the meeting of June 4, 2025. Folder 2025-06-04.

70. After the Whitman County Planning Commission meeting June 4, 2025, Chair Gibney asked County Attorney Tracy, County Planner Thomson, and Director of Public Works Storey several questions relating to setbacks and protecting areas of significance via email. Some of these questions were referred to outside counsel. At the Whitman County Planning Commission meeting June 18, 2025, further discussion on these issues was deferred awaiting response(s). Folder 2025-06-18.

71. At the Whitman County Planning Commission meeting June 18, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection C Site Access

and Traffic Management. Public comments were received from: Carol Black and Tom Thompson.

72. At the Whitman County Planning Commission meeting June 18, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection D. Noise. Public comments were received from: Denise McCardle, Carol Black, Tom Thompson, Mark Webber, Kevin Akesson, Con Bannister, and Julie Clarkson- Gulick, Babs Pfaff, Kevin Akesson, and Tresa Bannister.

73. At the Whitman County Planning Commission meeting June 18, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection E. Air quality: Public comments were received from: Denise McCardle. Con Bannister, and Mike Dymkoski.

74. At the Whitman County Planning Commission meeting June 18, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection F. Vegetation and wildlife construction limitations. Public comments were received from: Carol Black, Con Bannister, Kevin Akesson, and Tresa Bannister,

75. At the Whitman County Planning Commission meeting June 18, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection G Overhead electrical transmission and collector lines:

76. At the Whitman County Planning Commission meeting June 18, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection H Avian and bat studies and requirements: Public comments were received from: Tom Thompson, Rod Hubner, and Kevin Akesson,

77. At the Whitman County Planning Commission meeting June 18, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection I Stormwater: : Public comments were received from: Tom Thompson, Con Bannister, and Kevin Akesson.

78. The Whitman County Planning Commission received 8 electronically transmitted documents for the meeting of June 18, 2025. Folder 2025-06-18.

79. June 30, 2025, the Board of Whitman County Commissioners held a public hearing and extended Ordinance 088670. Moratorium for Commercial Wind Energy Facilities and Ordinance 089101 Interim Controls for an additional six (6) months expiring January 7, 2026.

80. At the Whitman County Planning Commission meeting July 2, 2025, there was discussion of the goal, process and timeline for this review.

81. At the Whitman County Planning Commission meeting July 2, 2025, public comment was received from: Jack Lein, Todd Imeson, Tom Thompson, Carol Black (statement read by Tom Thompson), and Carolyn Imeson.

82. At the Whitman County Planning Commission meeting July 2, 2025, the memo dated February 27, 2025, from the Washington State Department of Fish and Wildlife was again discussed. Staff clarified that WDFW and other agencies will be involved throughout the SEPA process. Public comments were received from Tom Thompson, Todd Imeson, and Kevin Akesson.

83. At the Whitman County Planning Commission meeting July 2, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection I Stormwater: : Public comments were received from: Rob Hubner, Tom Thompson, and Kevin Akesson.

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84. At the Whitman County Planning Commission meeting July 2, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection J Geologic and Flood Hazards: Public comments were received from: Kevin Akesson.

85. At the Whitman County Planning Commission meeting July 2, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection K Water Resources. Public comments were received from: Tom Thompson, Kevin Akesson, and Boyd Jefferies.

86. At the Whitman County Planning Commission meeting July 2, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection L Cultural Resources: Public comments were received from: Tom Thompson, and Kevin Akesson.

87. At the Whitman County Planning Commission meeting July 2, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection M Visual Resources: Whitman County's "viewshed" ordinance was discussed at length. Public comments were received from: Tom Thompson, Todd Imeson, Tresa Bannister, Kevin Akesson

88. At the end of the Whitman County Planning Commission meeting July 2, 2025, public comment was received from: Mike Dymkoski, and Tresa Bannister.

89. The Whitman County Planning Commission received 6 electronically transmitted documents for the meeting of July 2, 2025. Folder 2025-07-02.

90. At the Whitman County Planning Commission meeting July 16, 2025, County Attorney Tracy reported on the status of the responses to the legal questions.

91. At the Whitman County Planning Commission meeting July 16, 2025, PC discussion continued about various related topics. Public comments were received from: Tom Thompson, Rick McNanny, Doug Robinson, and Todd Imeson.

92. At the Whitman County Planning Commission meeting July 16, 2025, review continued with Section 19.61.060 – Development Standards and Criteria subsection N Decommissioning and Site Restoration. Public comments were received from Mike Dymkoski, Tom Thompson, Carolyn Imeson, Doug Robinson, and Rick McNanny.

93. The Whitman County Planning Commission received 6 electronically transmitted documents for the meeting of July 16, 2025. Folder 2025-07-16.

94. The Whitman County Planning Commission did not meet in August 2025.

95. The Board of Whitman County Commissioners joined the Whitman County Planning Commission for a joint meeting on September 10, 2025.

96. At the Whitman County Planning Commission meeting September 10, 2025, County Attorney Tracy provided verbal, preliminary responses to the legal questions posed by Chair Gibney in June. Carol Black, Mark Webber, and Nicole Frazier asked questions.

97. At the Whitman County Planning Commission meeting September 10, 2025, two experts on the protection of public health and safety during wind turbine sitings, Christoper Ollson of Ollson Health Management, PhD. and Robert McCunney MD, MPH, MS, Brigham and Women's Hospital, Boston gave a presentation. Several members of the commission asked questions during the following question and answer period. In addition, the following members of the public made remarks and asked questions: Ken Duft, Julie Clarkson-Blewett, Tom Thompson, Mark Webber, and Mike Dymkoski.

98. The Whitman County Planning Commission received 13 electronically transmitted documents for the meeting of September 10, 2025. Folder 2025-09-10.

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99. At the Whitman County Planning Commission meeting September 24, 2025, Paul Krupin, a retired Environmental Protection Specialist and attorney, presented on the Horse Heaven Hills Wind Project, sharing experiences from Benton County and Tri-City C.A.R.E.S.

100. At the Whitman County Planning Commission meeting September 24, 2025, the commission began formally drafting a revision of WCC 19.61 – **Commercial Wind Energy Facilities.** A motion was made to place the current language before the commission for amendments. A motion was then made to postpone to the next meeting.

101. The Whitman County Planning Commission received 1 electronically transmitted document for the meeting of September 10, 2025. Folder 2025-09-24.

102. At the Whitman County Planning Commission meeting October 1, 2025, the PC debated and agreed on amendments to Section 19.61.10 ~~Declaration of Intent~~ Purpose, 19.61.020 C, and agreed to begin developing a new Definitions Section.

103. At the Whitman County Planning Commission meeting October 1, 2025, public comment was received from: Carol Black, Tom Thompson, Mike Dymkoski, and Kevin Akesson.

104. The Whitman County Planning Commission received 1 electronically transmitted document for the meeting of October 1, 2025. Folder 2025-10-01.

105. At the Whitman County Planning Commission meeting October 15, 2025, Jasona Rondeau presented on wind power sound effects, referencing research by Dr. Ursula Bellut-Staeck and recent scientific findings about infrasound and its potential health impacts. She also presented some critiques of the data and presenters of September 10.

106. At the Whitman County Planning Commission meeting October 15, 2025, County Attorney Tracy reported on the legal questions posed about setbacks and landmark protection.

107. At the Whitman County Planning Commission meeting October 15, 2025, review returned to Section 19.61.060 – Development Standards and Criteria subsection A Setbacks. Public comments were received from: Mike Dymkoski, Rick McNanny, Carol Black, Tom Thompson, Kevin Akesson, Bonnie Brumley, and Tresa Bannister. A straw poll of the commissioners indicated a majority were in favor of setbacks greater than 4x but not greater than 8x.

108. At the Whitman County Planning Commission meeting October 15, 2025, the PC decided to hold an additional meeting on October 29, 2025,

109. At the Whitman County Planning Commission meeting October 15, 2025, review returned to Section 19.61.060 – Development Standards and Criteria subsection B Heights. Public comments were received from: Mike Dymkoski, Tom Thompson, Kevin Akesson, Willard Morgan, Teressa Bannister, and Rick McNannay.

110. The Whitman County Planning Commission received 6 electronically transmitted documents for the meeting of October 15, 2025. Folder 2025-10-15.

111. Friday October 16, 2025, Chair Gibney sent an email to the BoCC requesting additional BoCC direction. The BoCC discussed this at their meeting of October 2025 and BoCC Chairman Handy replied with an email dated October 21, 2025. Chair Gibney forwarded the email to the PC.

112. At the Whitman County Planning Commission meeting October 29, 2025, County Attorney Tracy provided legal guidance, discussed procedure, and commented on EFSEC:

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113. At the Whitman County Planning Commission meeting October 29, 2025, the PC debated and agreed on amendments to Section 19.61.060 A Setbacks

114. The Whitman County Planning Commission received 6 electronically transmitted documents for the meeting of October 29, 2025. Folder 2025-10-29.

115. At the Whitman County Planning Commission meeting November 5, 2025, the PC discussed timelines, logistics and agreed to target December 17, 2025, for public hearing on the current work on **WCC19.61**.

116. At the Whitman County Planning Commission meeting November 5, 2025, the PC decided to hold an additional meeting on November 12, 2025,

117. At the Whitman County Planning Commission meeting November 5, 2025, the PC debated and agreed on amendments to Section 19.61.060 N Decommissioning and Site Restoration.

118. The Whitman County Planning Commission received 4 electronically transmitted documents for the meeting of November 5, 2025. Folder 2025-11-05.

119. At the Whitman County Planning Commission meeting November 12, 2025, the PC debated and agreed on part of a new Section 19.61.05n Exclusion Zones covering Incorporated Area, Zone, RCR, RCC-1, RCC-2, and designated landmarks. Additional areas to be discussed at next meeting.

120. At the Whitman County Planning Commission meeting November 12, 2025, the PC debated and agreed on a new subsection D of Section 19.61.030 – Other Applicable Requirements requiring transmission lines to be underground.

121. At the Whitman County Planning Commission meeting November 12, 2025, a motion to add a new subsection P Fire Mitigation Requirements to Section 19.61.060 – Development Standards and Criteria was made and postponed to the next meeting.

122. The Whitman County Planning Commission received 13 electronically transmitted documents for the meeting of November 12, 2025. Folder 2025-11-12.

123. At the Whitman County Planning Commission meeting October 29, 2025, County Attorney Tracy provided legal guidance and advice during the meeting.

124. At the Whitman County Planning Commission meeting November 19, 2025, the PC added Section 19.61.015 Definitions to the draft changes.

125. At the Whitman County Planning Commission meeting November 19, 2025, the PC made final adjustments in several parts of the proposed draft.

126. At the Whitman County Planning Commission meeting November 19, 2025, the PC voted to submit the draft revised ordinance for SEPA review, publish it, and hold a public hearing on December 17th.

127. The Whitman County Planning Commission received 12 electronically transmitted documents for the meeting of November 19, 2025. Folder 2025-11-19.

References to documents in the record.

Folder 2025-01-15

088670_Moratorium_Wind Energy Facilities_01.08.2025.pdf

Folder 2025-03-05

20250304 Thoughts regarding moratorium, wind code changes and what is legal.pdf
email dated 5-March-2025 from "Save the Palouse" .pdf
wind ordinance sugg_001 (002).pdf
Save the Palouse suggest_001 (002).pdf

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Canada study on wind tur_001.pdf
Columbia Law School rese_001.pdf
EFSEC_001.pdf
Haul Route Agreemet - 2012 Work_Final_15 March 2012.doc
Horizon Wind EFSEC decis_001.pdf
Kitittas County EFSEC de_001.pdf
lowfrequency noise EIS P_001.pdf
October 2024 AGO Takings Guidance FINAL.pdf
Study on noise and wind_001.pdf
summery of creation of wind ordinance_001.pdf

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ACP_Property-Values-Land-Based-Wind-Turbines_Fact-Sheet-Dec-2023.pdf
ACP_Wind-Turbines-and-Health-Fact-Sheet_8.24.pdf
Clean energy assessments PP.pptx
Harvest Hills Wind Project Letter to Whitman County Commissioners.pdf
Infrasound and wind turb_001.pdf
Kamiak Butte Preservation.doc
Mark Bastasch memo on no_001.pdf
Overview of creation of_001.pdf
PC Meeting April 16 - Carol Black.pdf
Study on home values_001.pdf
Study on noise and wind_001.pdf
Study on shadow flicker_001.pdf
Wind Turbines.docx

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01 PALOUSE WIND CUP 07272010_CoverLetter.pdf
02 PALOUSE WIND CUP 07272010_App.pdf
CB Comment PC May 7.pdf
CBA Overview.pdf
Chapter_19.61___COMMERCIAL_WIND_ENERGY_FACILITIES with markups Akesson.docx
County Planner Website Docs Apr 28.pdf
Critical Area letter April 24 C Black.pdf
EIS process_001.pdf
Health effects related t_001.pdf
INTERIM ZONING CONTROLS_commercial wind_solar_battery - May 1 Draft.docx

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Palouse Wind CUP decision.pdf
Co Wind Energy Code - 2025-02-27.pdf
Whitman County Wind Turbine Letter.docx

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CB Comments PC May 21.pdf
Horse Heaven Hills EFSEC 001.pdf
Palouse Wind staff repor 001.pdf
Review of human exposure 001.pdf

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Adverse Health Effects of Industrial Wind Turbines.pdf
Book - Wind Turbine Syndrome-A Report on a Natural Experiment (2009).pdf
Executive Summary - Wind Turbine Syndrome.pdf
Health Effects of Wind Turbines-Ben Johnson Testimony.pdf
Horizon Wind EFSEC decis 001.pdf
Human Health, Rights and Wind Turbine Deployment in Canada-Journal of Social Sciences 2017.pdf
Letter to Whitman Co. Planning Commission 2-June-2025.docx
Long-term quantification and characterisatio of wind farm noise amplitude modulation-Science Direct 2021.pdf
PNW Electrical System Whitman County Planning Commission copy.pptx
Road Damage Wind Farm 2011.pdf
SEPA code 001.pdf
Wind ordinances in Iowa 001.pdf
WTS guide.pdf

Folder 2025-06-18

Dave Gibney Agenda Plan 2025-06-20 (PDF).pdf
Whitman Non Participating Setbacks Figure 20250611 599ft Existing Turbine Setbacks.pdf
20250611 599ft Proposed Non-Participating Property.pdf
Whitman Non Participating Setbacks Figure 20250611 599ft Proposed Non-Participating Residence.pdf
Whitman Non Participating Setbacks Figure 20250611 699ft Existing Turbine Setbacks.pdf
Whitman Non Participating Setbacks Figure 20250611 699ft Proposed Non-Participating Property.pdf
Whitman Non Participating Setbacks Figure 20250611 699ft Proposed Non-Participating Residence.pdf
Wind Energy - 2025 - Rogers - Simulation Analysis and Safety Risk Assessment of a Wind Turbine Blade Failure Event.pdf

Folder 2025-07-02

2021 wind turbines and adverse health effects.pdf
ACP Wind-Turbines-and-Health-Fact-Sheet 8.24.pdf
CB Comment PC June 20.pdf
Draft solar ordinance Decommissioning Section 2-25-25 ela 05062025 changes accepted.docx
Renewables and Spanish b 001.pdf
Whitman Co Wind Energy Code - 2025-02-27.pdf

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2008 11-19 Planning Commission workshopdoc minutes clean copy.doc
Findings sent to PC on commercial wind.doc
Responses to SEPA comment letters for wind ordinance DNS.doc
SEPA conditions Paloue W_001.pdf
SEPA conditions Palouse Wind_001.pdf
Ursula_Maria_Bellut-Staeck - Mechanotransduction Study.pdf

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TCC Update Presentation Whitman County Sep 24 2025 final 1100.pdf

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August Directions.pdf
Biographical Sketch 042323-3.pdf
CB Comment Data PC Sept 2..pdf
Chapter 19.61 Commercial Wind Ordinance vanilla.docx
Christopher Ollson CV - July 2025.pdf
CV 032525 doc.pdf
Knopper Ollson WTS study.pdf
Legislative Process Memo.docx
Letter to county comm ref fire code.docx
marshall-et-al-the-health-effects-of-72-hours-of-simulated-wind-turbine-infrasound-a-double-blind-randomized-crossover.pdf
systematic-review-wind-farms-eh54.pdf
webinar_neweep_wind_noise_health_mccunney.pdf
World Health Organization Env Noise review and recommended guidelines.pdf

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TCC Update Presentation Whitman County Sep 24 2025 final 1100.pdf

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Chapter 19.61 Commercial Wind Ordinance working update copy.doc
Infrasound at Cellular Level Flyer - History.pdf

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CB Comment Data PC Sept 2..pdf
VanNess Ollson Setbacks Oct. 13.pdf
Formal complaint against Whitman County Planner-Alan Thomson.docx
Memo re Appearance of Fairness Doctrine and Procedural Due Process.pdf
Memo re Increased Setbacks From Non-Consenting Property Lines – Oct 15.pdf
Memo re Setbacks for Landmarks - Oct 14.pdf
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References to documents in the record.

20250304 Thoughts regarding moratorium, wind code changes and what is legal.pdf
29377_X[]_Decision 29377-D01-2025 - Oyen Wind Power Project_000195.pdf
CB Personal Property and Homes Oct. 21.pdf
Interim 19 61 update.pdf
Study on property values_001.pdf
Suggested framwork.pdf

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Draft solar ordinance Decommissioning Section 2-25-25_ela_05062025 changes accepted.docx
Kinser suggestions_001.pdf
Microsoft Copilot_Your AI companion NIH question.html
Motion to amend the section on Decommissioning.pdf

Folder 2025-11-12

CB Comment PC Nov 11.pdf
Kinzer 1_001.pdf
Kinzer 10_001.pdf
Kinzer 11_001.pdf
Kinzer 2_001.pdf
Kinzer 3_001.pdf
Kinzer 4_001.pdf
Kinzer 5_001.pdf
Kinzer 6_001.pdf
Kinzer 7_001.pdf
Kinzer 8_001.pdf
Kinzer 9_001.pdf
Nov 5 version with legal comments & suggestions re DECOMMISSIONING.docx

Folder 2025-11-19

19.61.015 Definitions.pdf
BOCC Handy meeting Nov. 17.docx
BOCC Swannack meeting Nov. 17.docx
BOCC Whetzel meeting Nov. 17.docx
260740 Chapter 19.61 Commercial Wind Ordinance as of Nov 17 DAG.pdf
370423 Chapter 19.61 Commercial Wind Ordinance to edit Nov 18.pdf
Memo re Setbacks for Landmarks - Oct 14.pdf
planning commision wind code motion .docx
Proposed Fire Code Requirements for Wind Ordinance.docx
reconsideration of the "Planning Commission Schedule".docx
Setbacks for Turbines from Non Participant Structures.pdf
Setbacks for Turbines from Property Lines.pdf

RECOMMENDATION

NOW, THEREFORE, BE IT RECOMMENDED to the Whitman County Board of Commissioners that they duly amend the Whitman County Zoning Ordinance, to approve updating the Commercial Wind Energy Facilities ordinance, Chapter 19.61, as described in the proposed ordinance hereto attached and made a part of by reference.

BE IT FURTHER ORDERED that the Recommendation, Findings of Fact, Minutes, and proposed ordinance shall be transmitted to the Board of County Commissioners for the purpose of being accepted or rejected in accordance with the provisions of RCW Chapter 36.70, a copy of said Amendment being attached and made part hereof.

DONE at Colfax, Washington, on the 17 day of December, 2025

Dave Gibney, Chair
Whitman County Planning Commission

ATTEST:

Amy Mclain, Clerk
Whitman County Planning Commission

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 19.61 - COMMERCIAL WIND ENERGY FACILITIES, to clarify the Declaration of Intent section. Add a definitions section. Add one more pre-conditional use meeting and have one of those meetings to be held within 20 nautical miles of the proposed project site. Add all transmission lines to be underground. Add wind turbine exclusion areas to include a 2-mile setback to incorporated and unincorporated communities; a 7-mile setback to Kamiak and Steptoe Buttes. A six times the height of a turbine setback to Palouse to Cascades State Park, Klemgaard County Park, Elberton County Park, Colfax Trail County Park, Wawawai County Park, Rock Lake and the Escure Ranch. Change the non-waivable occupied building setback from one-times the height of a turbine plus 100 feet to one and a half times the height of a turbine. Increase the setback from non-participating property lines from one-times the height of a turbine plus 100 feet to six times the height of a turbine. Add a setback of four times the height of a turbine from non-consenting parcels. Increase the minimum setback from non-participating landowner's occupied building from four times the height of a turbine to six-times the height of a turbine. The decommissioning section was completely rewritten to shore up protections to all the parties involved, as described in the proposed ordinance hereto attached and made a part of by reference. These changes are consistent with the Whitman County Comprehensive Plan and Zoning Ordinance.

BE IT ORDAINED and enacted by the Board of County Commissioners of Whitman County, State of Washington, it having been determined by the Board after hearing the Planning Department's Recommendations and Findings of Fact, after the Board's public hearing and adoption of Findings of Fact.

PASSED AND APPROVED by the Board of Whitman County Commissioners of

Whitman County, Washington, on the _____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
WHITMAN COUNTY, WASHINGTON

_____
CHAIRMAN

_____
COMMISSIONER

_____
COMMISSIONER

ATTEST:

Corey Mitzimberg
Clerk of the Board

Chapter 19.61 – COMMERCIAL WIND ENERGY FACILITIES

Section 19.61.010 - ~~Declaration of Intent~~ Purpose

~~A. To provide requirements for permitting of wind energy facilities based upon locations where wind energy facilities can meet the standards and criteria set forth herein and/or can be mitigated in relation to the County's Agricultural District.~~

A. To provide requirements for permitting, operating, and decommissioning of commercial wind energy. With safeguards that the impacts of such facilities on the health, safety, and welfare to people in the County are avoided, minimized, and/or mitigated accordingly

B. To provide site criteria for the utilization of the County's wind energy resources. Each commercial wind energy facility will be subjected to individualized review and the imposition of conditions based on site-specific information that will be tailored to address project impacts in accordance with the adopted site criteria. The ultimate goal is to achieve a predictable but sensitive siting process that effectively addresses project impacts.

Section 19.61.015 Definitions

A. Applicant
The entity responsible for the application of this project; and any subsequent parties to whom ownership is transferred through the life of the project up until decommissioning is complete.

B. Commercial Operations
The phase of facility operation that begins after construction and testing are complete and the facility is approved for operation, during which the energy facility generates electricity for commercial sale or on-site use. For purposes of this ordinance, the commencement of commercial operations shall mark the start of the operational phase for compliance and decommissioning timelines.

C. Commercial Wind Energy Facilities
An electricity-generating facility under common ownership or operating control consisting of one or more wind turbines of generating capacity exceeding 1 Megawatt (MW) including substations, meteorological towers, cables/wires and ancillary buildings or structures.

D. Decommissioning
The process of permanently ceasing operations and dismantling a wind energy facility, including removal of turbines, towers, foundations, transmission lines, and ancillary structures; proper disposal or recycling of materials in accordance with applicable laws; and restoration of the project site in accordance with approved decommissioning and site restoration plans.

E. Decommissioning and Site Restoration Plan
The written plan submitted by the applicant and approved by Whitman County, describing the methods, schedule, and financial assurances for decommissioning and site restoration of a wind energy facility. The plan shall include provisions for

removal of equipment, disposal or recycling of materials, restoration of the project site, and demonstration of adequate financial assurance to guarantee completion of decommissioning and site restoration obligations.

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

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

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

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

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

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

L. Occupied Building
A residence (occupied or unoccupied), dwelling, school, hospital, church, public

library, or other structure regularly used for public assembly, as well as barns, stables, or other agricultural buildings used for housing or sheltering livestock, that are occupied or in use at the time of permit application.

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

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

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

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

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

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

S. Surety Bond.
A financial guarantee instrument issued by a surety company listed as acceptable in Circular 570 of the U.S. Department of the Treasury and authorized to do business in

the State of Washington, posted by the wind energy facility owner or operator, and payable to Whitman County, to ensure performance of decommissioning and site restoration obligations in accordance with county the approved decommissioning and site restoration plan and applicable requirements.

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

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

Section 19.61.020 – Application of Standards and Criteria
Due to the unique nature of each wind energy project site, this section sets forth the requirements and standards for the review and granting of a conditional use permit for a commercial wind energy facility.

A. Purpose. The following standards and regulations are necessary for the health, safety, general welfare and convenience of the inhabitants of the County.

B. Permits. No person or applicant shall establish a commercial wind energy facility without first complying with the provisions and standards of this ordinance and obtaining all necessary state and local permits and approvals.

C. Pre ~~Conditional Use~~ Application Public Meeting. ~~The~~ Prior to submitting an application, the project applicant will hold a minimum of ~~one~~ two informal community meetings. ~~within the County to~~ One of which will be held within twenty nautical miles of the proposed project site and the other shall be held in the County Seat of Whitman County, to inform the public about the proposed facility and provide opportunity for public comment. Planning staff will take responsibility for arranging these meetings.

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

E. Permit Application. Application for a conditional use permit to create a commercial wind energy facility shall be filed with the Planning Office. The application for a conditional use permit shall be in writing, signed by the applicant, and shall include the following:

1. The name and address of the applicant;

2. The project site location and a listing of the tax parcels and parcel ownerships of the proposed facility;

3. Twelve copies of the complete layout plan for persons reviewing the application. These plans shall contain the following information:

   a. Area and dimensions of the project site;

b. Corridor(s) or area(s) within which proposed wind tower turbines and facilities will be located. This includes the study area where micrositing for the final project layout occurs;
c. Number, dimensions and preliminary footprint of all turbines including the size of the monopoles;
d. Preliminary location and dimensions of all roads and connections to county roads;
e. Preliminary location of underground and overhead ~~transmission~~ electrical line corridors;
f. Location of any proposed buildings or facilities, such as operations and maintenance buildings or substations;
g. Location of any existing buildings;
h. Location of existing water, sewer or any existing gas lines;
i. A map or maps of the existing and proposed site topography including conceptual grading and drainage plans;
j. All existing occupied buildings within one mile of turbine "micrositing" corridors or areas and/or proposed turbine locations;
k. Any other applicable information as might be necessary to interpret the compliance of the plans to the regulation of this ordinance.

4. Such further information as may be requested by the County Planner to enable him/her to determine if the proposed facility will comply with all the requirements of this Ordinance and other applicable state and local regulations.

F. Review Procedure. Upon receipt of the application and plans, the County Planner shall distribute for review and comment the plans to the following: the County Engineer, the Director of Public Works, the County Environmental Health Officer, the County Building Inspector and the affected utilities. These personnel shall review the application and submit written comments to the County Planner within 20 days of the date of distribution of the application.

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

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

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

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

Section 19.61.030 – Other Applicable Requirements

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

B. Uses Permitted Outright. The following uses are permitted outright, without the need for a conditional use permit, subject to compliance with the provisions stated in 19.61.040 and other applicable code requirements:

Temporary uses associated with investigatory work to determine the suitability of the site for energy development, such as meteorological towers. The placement of meteorological towers and other such equipment need not obtain a permit through this chapter. However, all other applicable code requirements apply.

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

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

19.61.040– Conditions for Meteorological Towers

A. There is no height restriction on meteorological towers in Whitman County. Towers over 200 feet are subject to conditions applied by the Federal Aviation Authority (FAA) regarding lighting and markings. The towers will have four FAA red marker balls installed at the uppermost portion of the guy wires to serve as a visual aid for low-flying planes and helicopters.

B. For meteorological towers and associated accessory structures the front setback shall be 35 feet from the right-of-way of any state or county road and side or rear setbacks shall be 20 feet. The setback from parcel or lease lines shall be 20 feet for meteorological towers and five feet for accessory structures.

C. The meteorological towers and guy wires shall be fenced sufficient to prevent unauthorized access. The fence shall be at a minimum six feet high.

D. If a meteorological tower is no longer in use it is to be removed at the time of decommissioning of a wind energy facility. In the case of a meteorological tower that is not a part of the facility, it is to be removed at the end of its use.

19.61.050 – SEPA Requirements

Expanded SEPA Checklist

A. An Expanded SEPA Checklist shall be submitted to the Planning Office for each application for a commercial wind energy generating facility. The Expanded Checklist shall be submitted simultaneously with any other permit application(s) that may be required by the County; *provided* that if the County determines that an Environmental Impact Statement (EIS) will be required, an Expanded Checklist will not be required.

B. The Expanded Checklist shall (in addition to being consistent with the SEPA Checklist required in this chapter) provide analysis of impacts to elements of the environment as noted in the SEPA Checklist required in this chapter and Chapter 197-11 WAC, and explain the measures proposed to avoid, minimize or mitigate those impacts.

C. Site specific studies for impacts to habitat/wildlife (including avian species), cultural resources, and a grading and stormwater management plan complying with applicable local or state best management practices and stormwater quality standards, shall be submitted with the Expanded Checklist.

D. Because additional studies may be required by the Planning Office for effective review and siting, a pre-application meeting with a representative from the Planning Office is strongly recommended. The level of detail and analysis necessary is dependent on the type of project proposed, its location, and the currently available environmental information and review relevant to the proposal.

E. The Expanded Checklist shall include sufficient information to adequately describe the proposal and its impacts, including but not limited to, information regarding the total square footage of buildings to be constructed, the maximum height and number of wind turbines, expected noise generation levels, the location of occupied structures in proximity to the proposed project, the locations and length of new roads and above-ground and below-ground electrical cables and power lines, and transportation impacts.

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

Chapter 19.61 – COMMERCIAL WIND ENERGY FACILITIES

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

A. Wind energy turbine towers are not permitted within 2 miles of the boundaries of incorporated communities.

B. Wind energy turbine towers are not permitted within 2 miles of the areas zoned

1. RURAL COMMUNITY RESIDENTIAL DISTRICT (RCR),
2. RURAL COMMUNITY CENTER DISTRICT (RCC-1), or
3. RURAL COMMUNITY COMMERCIAL DISTRICT (RCC-2)

C. Wind energy turbine towers are not permitted within 7 miles of the following areas of National, State and local significance.

1. Kamiak Butte County Park
   a. Measured from the park boundaries.
2. Steptoe State Park
   a. Measured from the park boundaries.
3. Palouse Falls State Park
   a. Measured from the point on the line between Whitman and Franklin County at the crest of the falls.

D. Wind Energy Facility Setback from Sensitive Public Areas
Wind energy facilities shall be prohibited within six times the height of a turbine (measured from the ground to the tip of the blade at its fullest vertical position) of the following Sensitive Public Areas:

1. Palouse to Cascades Trail State Park Trail, The Columbia Plateau Trail State Park Trail;
2. Klemgaard County Park, Elberton County Park, Colfax Trail County Park, Wawawai County Park;
3. Rock Lake;
4. The Escure Ranch,

19.61.055 - Micrositing Corridors/Areas

A. All terrestrial habitat, critical area assessments, and cultural resource studies required shall be conducted within identified study corridors/areas of sufficient width and dimension to enable comprehensive environmental assessment while allowing flexibility in the final layout. In order to encourage the maximum sufficiency of studies and to enable the maximum flexibility of final layout based upon site-specific attributes, the County shall review and provide written approval of "micrositing" corridors/areas for all roads, wind turbine locations, and above- and below-ground electrical transmission locations. This micrositing review occurs at the time of the final layout approval of the project after the conditional use permit has been issued. The final location of wind turbines and all buildings associated with the wind energy facility shall be recorded by GPS coordinates.

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

19.61.060 - Development Standards and Criteria

A. Setbacks.

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

1. Physical safety and damage

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

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

2. Setbacks from non-consenting buildings.

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

3. Setbacks from non-consenting property lines.

   a. Wind energy turbine towers shall be a minimum distance of six-times (6X) the height of the wind turbine generator from the property line of any non-

consenting, non-participating adjacent parcels, including state and improved county rights-of-way.

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

~~19.61.060 - Development Standards and Criteria~~

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

~~1. Minimum, non-waivable occupied building setbacks: Wind energy turbine towers shall be sited a minimum of one-times (1X) the height of the wind turbine generator plus 100 feet away from existing occupied building structures, measured from the ground to the maximum extent of the turbine blade, regardless of whether the occupied building structure owner consents to the location.~~

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

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

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

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

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

B. Height Limits

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

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

1. Public roads to be utilized by the applicant shall be identified in the application.
2. A qualified third party engineer shall document road conditions prior to construction and again within thirty (30) days after construction is complete or as weather permits. The applicant shall enter into a county road use agreement for the repair of damage to public roads resulting from project activities.
3. Ingress and egress points shall be located and improved (if needed) in order to assure adequate structural and operational capacity for existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic and projected construction traffic.
4. All applicable governmental permits or approvals shall have been obtained, including: permits to access state or county roads (if needed), construction within state or county right-of-ways, overweight and oversize loads, weight restricted bridges and structures, haul route agreements, etc.
5. A franchise agreement pertaining to the long term use of public right-of-ways for underground utilities, above ground utilities, private facility features, and private infrastructure.
6. All weather access roads (including graveled roads) suitable to accommodate year-round emergency response vehicles and equipment, shall be provided to within 150 feet of any built structure or surface activity area.
7. Engineering studies, plans, reports necessary to substantiate any engineering related elements of the plan.
8. Planned phasing requirements of the traffic management plan (if required) to accommodate multi-phase or multi-year construction plans.

D. Noise: State noise standard compliance: During construction and operations, the project shall comply with applicable state noise standards.

E. Air quality: All applicable air emission permits shall be obtained and all conditions complied with. The applicant shall re-vegetate any disturbed areas that are not permanently occupied by the project features. The applicant shall comply with county

road standards for dust control and erosion. The applicant shall maintain a water truck on-site during construction for dust-suppression.

F. Vegetation and wildlife construction limitations: Based upon the information provided in the Expanded SEPA Checklist, the applicant shall limit construction disturbance by flagging sensitive areas and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided. The applicant shall develop a reseeding/restoration and weed management plan in consultation with the Whitman County Weed Control Board.

G. Overhead electrical transmission and collector lines: Overhead electrical transmission and collector lines should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor protection on power lines and such other commonly accepted industry or regulatory standards.

H. Avian and bat studies and requirements: The County shall consider recommended conditions listed in the current, and as amended, Washington State Department of Fish and Wildlife Wind Power Guidelines. However, any recommended conditions taken from the Guidelines or recommended by the Department of Fish and Wildlife must be reasonable and objective and address project impacts. The following conditions and requirements shall be mandatory:

1. The applicant shall conduct project pre-assessment studies consistent with the Washington Department of Fish and Wildlife Wind Power Guidelines effective on the date of submitting a complete permit application. Project applicants are further advised to consult with WDFW and local habitat/wildlife experts regarding turbine siting before making final site decisions.
2. The facility shall use bird flight deflectors on guy supported permanent meteorological towers or use un-guyed permanent meteorological towers.
3. The applicant shall assess and monitor raptor nests on the project site for activity prior to construction and modify construction timing and activities to avoid impacts to nesting raptors. At a minimum, one raptor nest survey during breeding season within 1-mile of the project site should be conducted to determine the location and species of active nests potentially disturbed by construction activities, and to identify active and potentially active nest sites with the highest likelihood of impacts from the operation of the wind plant. A larger survey area (e.g., a 2-mile buffer) is recommended if there is some likelihood of nesting occurrence of state and/or federally threatened and endangered raptor species (e.g., ferruginous hawk, bald eagle, golden eagle), or if empirical data on displacement impacts may be monitored after construction.
4. A minimum of one full season of avian use surveys is recommended following current state-of-the-art protocols to estimate the use of the project site by avian species/groups of interest during the season of most concern (usually spring/early summer). Additional seasonal data (e.g. fall or winter) is recommended in the following cases: 1) use of the project site for the avian

groups of concern is estimated to be high relative to other projects, and 2) there is very little existing data regarding seasonal use of the project site. This additional avian use data should be collected to refine impact predictions and make decisions on project layout.

5. The County shall require the applicant to identify and remove all carcasses of livestock, big game, etc. from within the project that may attract foraging bald eagles or other raptors.
6. The CUP shall require the applicant to monitor the project for a minimum of one year following project start-up to estimate bird and bat fatality rates using standard protocol. The applicant shall report bird fatalities observed for the life of the project to WDFW and USFWS on a quarterly basis, unless and until these wildlife agencies waive or reduce this reporting requirement.

I. Stormwater: Design and implement stormwater drainage systems in consultation with a professional engineer to ensure that minimal erosion will occur. After construction, monitor the site for erosion on a regular schedule as approved by the Department of Ecology or Whitman County, and after large rainfall or snowmelt events, and take corrective action as necessary.

J. Geologic and Flood Hazards: The applicant shall design structural foundations and buildings in accordance with applicable International Building Code requirements for the relevant seismic zone. Compliance with all applicable local requirements is required.

K. Water Resources: Water required for onsite use (construction phase work, restroom facilities and general maintenance) shall be obtained in accordance with state and local requirements.

L. Cultural Resources: The applicant shall complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. During construction, the applicant shall flag and avoid cultural resources, and monitor construction activities to ensure that flagged cultural properties are avoided. The applicant shall train construction workers on the need to avoid cultural properties and procedures to follow if previously unidentified cultural properties, including Indian graves, are encountered during construction. If any previously unidentified cultural resource properties are encountered during construction, the applicant shall cease construction activities in the immediate vicinity of the site pending evaluation by a qualified archeologist and consultation with the Department of Archaeology and Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery.

M. Visual Resources:

1. The applicant shall prepare visual simulations of wind turbines from key view points, chosen in consultation with the Planning Office.
2. Lighting for security shall be minimized. Lighting fixtures, except those required by the FAA for safety purposes, must be shielded, hooded, and oriented towards the ground so that direct rays of light don't shine onto neighboring properties or

serve as a source of light pollution. FAA lights shall be minimized to the extent practicable in consultation with the FAA.

3. The applicant shall provide a clean looking facility free of debris and unused or non-functioning equipment by: storing equipment and supplies off-site (post-construction), and removing damaged or unusable equipment from the site.
4. To the extent practicable, and subject to industry standards and requirements to meet the FAA's daytime lighting and marking standards, the applicant shall chose paint colors that are a non-obtrusive color such as white, off-white or gray.
5. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with any wind energy system visible from any public road are prohibited.

N. Decommissioning:

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

    a. The applicant, at its sole expense, shall commence work on the decommissioning elements of the plan within sixty (60) days of the termination of commercial operations of the project. The applicant must fully complete the decommissioning elements of the decommissioning and site restoration plan within twelve (12) months after the termination of commercial operations of the facility. The decommissioning elements that shall be addressed are at a minimum:

        i. Removal of all above-ground and below-ground project facilities, material, and infrastructure to a depth of 10 feet;
        ii. Safe disposal, recycling or salvage of removed project facilities, materials, and infrastructure;
        iii. Removal of project access roads;

iv. Appropriate worker safety precautions to be observed during decommissioning activities;

v. A detailed engineering estimate, prepared by a licensed professional engineer, of the costs to fully implement the decommissioning and site restoration plan.

a) The estimate must be based on the costs of Whitman County hiring a third party to fully implement the decommissioning and site restoration plan.

b) The estimate may not be reduced for "net present value.

c) The estimate may not include any credit for salvage value that may be realized from the sale of facility structures or equipment, property interests, or other assets associated with the facility at the time the decommissioning and site restoration plan is implemented.

vi. Any agreements with any underlying landowner(s) regarding project facilities, materials, infrastructure and roads that landowner wishes to retain. Removal of the wind turbine and concrete pad may not be waived.

b. The applicant shall, at its sole expense, fully implement and complete the site restoration elements of the decommissioning and site restoration plan within twelve (12) Months after the end of all decommissioning activities. The site restoration elements of the Plan shall include, at a minimum,

i. The evaluation and documentation, by a qualified soil scientist, of the soil conditions of the project site prior to commencement of site preparation;

ii. The evaluation and documentation, by a qualified biologist, of the presence, types, extent, and conditions of all vegetation existing on Project site prior to commencement of site preparation;

iii. Measures for the identification and remediation of any hazardous waste materials adversely affecting the project site as a result of the project's site preparation, construction, commercial operations, and/or decommissioning;

iv. Detailed plans for restoration of project site soil and vegetation as near as possible to their documented conditions prior to commencement of site preparation;

v. The duration and metrics for measuring and monitoring the success of soil and vegetation restoration, including how the metrics will be informed by periodic soil and vegetation assessments (including re-vegetation success) during commercial operations of the project; and

vi. Within sixty (60) days of completion of all restoration activities, applicant shall provide a proposed final report to the Whitman County Planner documenting all restoration activities and results. Within sixty (60) days of receipt of the final report, the Whitman County Planner shall consult with

a qualified soil scientist and a qualified biologist to review and either provide detailed directions to applicant for further restoration in accordance with the decommissioning and site restoration plan or approve the final report, which approval shall not be unreasonably withheld. Upon approval of the final report on restoration, the Conditional Use Permit and all other County-issued project permits shall terminate and be of no further effect.

c. The applicant shall provide the Whitman County Planner with a notice of intent to terminate commercial operations of the facility not later than six (6) months before commercial operations cease. Absent delivery of a notice of intent to terminate commercial operations, the facility will be presumed to be at the end of its useful life, and commercial operations will be deemed to have terminated without further action by the applicant, if the facility generates no electricity for commercial use for the continuous period of twelve (12) months.

d. The applicant shall deliver to the Whitman County Planner an updated decommissioning and site restoration plan every five years on the anniversary date of issuance of the facility's conditional use permit. The updated decommissioning Plan shall account for new technologies and processes for decommissioning, salvaging, or repowering the facility.

e. The decommissioning and site restoration plan and the responsibilities thereunder shall transfer to and be fully binding upon any successor of the applicant, including the owner and operator at the time of decommissioning.

f. If the Project site owner(s) waives the implementation of any part of the decommissioning and site restoration plan they must also demonstrate, to the satisfaction of the Board of Whitman County Commissioners, their financial ability and agreement to assume responsibility for maintaining any remaining permitted facilities, where applicable, with the appropriate regulatory agency. Copies of the approved permit transfers must be provided to the Planning Department.

g. All references to applicant in this Section 19.61.060(N) of the Whitman County Code shall include and be interpreted to include successors or transferees from the applicant.

2. Except as provided at WCC 19.61.060.N.(3) below, the applicant is responsible for decommissioning and site restoration financial assurance. The Applicant shall maintain financial assurance in an amount documented to be 115% of the cost to fully implement the decommissioning and site restoration plan based on detailed engineering estimates. The financial assurance instrument may be in the form of a surety bond, as further described below. Whitman County must be named as

an obligee or beneficiary on any financial assurance instrument. A copy of the financial assurance instrument cover page(s), showing the effective coverage dates, the amount of coverage, and identification of Whitman County as an obligee or beneficiary shall be provided to the Whitman County Planner annually. The financial assurance instrument cover page(s) provided to Whitman County shall also clearly state that applicant and Whitman County are to be notified in writing, by certified, return receipt requested mail sent not less than one hundred and twenty (120) days in advance of cancellation or other termination of the financial assurance security instrument.

a. The amount of the financial assurance instrument shall be redetermined once every five years on the anniversary date of the commencement of commercial operations under the initial CUP for years 1 - 15 of commercial operations, and then annually in years 16 and beyond, provided that if the facility is repowered, the obligation reverts to once every 5 years for years 1-15 of continuing operation on the anniversary date of the commencement of commercial operations of the repowered facility and annually in years 16 and beyond

    i. During the period of the project's commercial operations, the applicant must adjust the decommissioning and site restoration plan cost estimate for inflation as determined by reference to the U.S. Bureau of Labor Statistics' Consumer Price Index within sixty (60) days prior to the anniversary date of the establishment of the financial instrument used to provide financial assurance.
    ii. Applicant must increase the amount of financial assurance consistent with the adjusted estimate of cost to fully implement the decommissioning and site restoration plan to ensure sufficient funds for site restoration.

b. The duty to provide financial assurance shall commence sixty (60) days prior to the beginning of site preparation and shall be continuously maintained through to the completion of decommissioning and site restoration. Site preparation shall not commence until an adequate financial assurance in the amount in an amount established in accordance with WCC 19.61.060.N.1 above is provided as follows:

    i. *Surety Bond.* The applicant shall provide financial security for the performance of its decommissioning and site restoration obligations through a Surety Bond issued by a surety listed as acceptable in Circular 570 of the U.S. Department of the Treasury, as may be amended from time to time. Each bond must remain in place for a period of at least one year and shall be renewed annually until acceptance by Whitman County of the final report on the decommissioning and site restoration as provided at WCC 19.61.N. above.

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

ii. Guarantees that the funds to finance the required decommissioning and site restoration activities are available.
iii. Guarantees that the required decommissioning and site restoration assurances will be available until decommissioning and site restoration is completed.
iv. Guarantees that the surety entity's chief financial officer will notify in writing, via certified, return receipt requested mail, the applicant and the Whitman County Planner within ten days any time that the entity no longer passes the financial test or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy. Such a proceeding under Title 11 will cause the entity to fail the financial test.
v. Guarantees that after written notification is delivered to the applicant and the Whitman County Planner that the surety entity no longer passes the financial test the surety entity shall deposit the restoration funds into the standby trust fund if so directed by Whitman County.

c. If the surety entity should not pass the required tests, the applicant must obtain an alternate financial assurance method as described in this section within 15 days of notification from the guarantor in order to provide continuous financial assurance coverage.

d. If the financial assurance agreement is transferred after its effective date, Whitman County has the right to require, consider, and approve an alternate financial security assurance device as described in the Whitman County Code that assures the applicant's performance of its decommissioning and site restoration obligations.

e. If the standby trust fund is funded for any reason above, the Whitman County Treasurer shall be named the Trustee and Whitman County shall be the sole beneficiary.

3. If the project is owned and operated by an investor-owned electric utility regulated by the Washington Utility and Transportation Commission, such financial assurance requirements as described in this section may be waived and the decommissioning and site restoration obligations hereunder shall be a general obligation of the investor-owned utility as defined in a contractual agreement with Whitman County.

4. The Applicant must provide pollution legal liability insurance coverage in an amount demonstrated to the satisfaction of the Board of Whitman County Commissioners to be sufficient to protect applicant, the project site, and its owners against:

a. unexpected pollution exposures and environmental accidents; and

b. cleanup and remediation costs, property damage, and legal expenses.

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

~~N. Decommissioning:~~

~~1. Prior to commencing construction of the project, the applicant shall prepare a decommissioning plan in a form acceptable to the County. A bond, letter of credit, or other security acceptable to the County is required to ensure proper decommissioning of each turbine and other equipment. The amount of the security shall be determined on the basis of the site-specific conditions affecting the costs of decommissioning, access, depth of foundation, terrain, etc., to include credit for salvage value of the equipment. The timing for supplying the security shall be determined in consultation with the County. If, however, the project is owned and operated by an investor-owned electric utility regulated by the Washington Utility and Transportation Commission, such security device as described in this condition may be waived and the removal and restoration obligations hereunder shall be a general obligation of the investor-owned utility.~~

~~2. Upon termination of operations, or if the project is abandoned, or ceases operation for more than 270 consecutive days (except in the event of man-made or natural disaster not in the control of the applicant), the applicant, or the then current owner shall, at their sole cost and expense, dismantle and remove above ground improvements including wind turbines, step-up transformers, substations, overhead transmission lines and support structures, control hardware, and meteorological towers. Foundations will be removed to a level of three (3) feet below the surface of the ground unless requested to be maintained by the landowner. At the request of the landowner, they shall also remove operations and maintenance buildings. The applicant shall repair any damage as a result of such removal, restore the property to grade, and implement erosion and control devices and procedures, restoring the site as reasonably as possible to its pre-project condition. In the event that the applicant or the then current owner does not fulfill their obligations under this section, the County may, at its sole election, dismantle and remove any wind tower or related facility. In such case, the applicant and the then current owner shall pay and be liable to the County for all costs incurred by the County to complete the decommissioning.~~

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

O. Public Safety, Inquiries and Complaints:

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

P. Fire Mitigation Requirements

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

19.61.070 - Compliance with Project Conditions

A. Upon proving reasonable notice to the project owner or operator, County officials shall have the right to enter the project site to verify compliance with project conditions.

B. Compliance with project conditions and code requirements is required. In addition to such other remedies available under law, any County department or other decision maker issuing any decision, environmental determination (such as a mitigated

determination of non-significance), approval, authorization, or other determination, including a determination on the conditions to apply to a particular project under this chapter ("authorization"), may conduct enforcement activities in accordance with County code and Washington law.

19.61.080 – Severability

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

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