

ORDINANCE NO. 0 031505

AN ORDINANCE OF KLICKITAT COUNTY, WASHINGTON, RELATING TO LAND USE AND ZONING; ADOPTING AN ENERGY OVERLAY ZONE, IMPLEMENTING REGULATIONS, AND ZONING MAP AMENDMENT; AND ADOPTING COMPREHENSIVE PLAN POLICIES RELATING TO ENERGY USE.

WHEREAS, Klickitat County is authorized to plan for and regulate energy use within the County; and

WHEREAS, Klickitat County has certain features that are attractive to energy developers, including a predictable wind regime, solar energy resources, and an extensive electric transmission grid. These features have resulted in developer interest in siting energy projects in Klickitat County; and

WHEREAS, the County proposed an energy overlay in which specified energy uses would be specified outright in certain areas of the County, if properly mitigated;

WHEREAS, the County studied how best to plan for, mitigate, and encourage energy use within the County through an Environmental Impact Statement "EIS", issued on September 3, 2004; and

WHEREAS, the EIS provides analysis on the types of energy projects likely to be proposed for siting in Klickitat County in the foreseeable future; the environmental issues typically associated with energy projects; alternative locations for an energy overlay; and review/permitting processes intended to address environmental impacts; and

WHEREAS, based on this analysis, comprehensive plan amendments, development regulations, and proposed energy overlay maps, were drafted and appended to the EIS; and

WHEREAS, the Planning Commission held a hearing on September 20, November 15, 2004, and December 20, to review these proposed comprehensive plan policies, development regulations, and zoning overlay mapping. Public testimony was heard and written comment accepted;

WHEREAS, the Planning Commission, after considering written and oral public comment, recommended approval of the proposed comprehensive plan policy and map amendments for wind and solar energy, development regulation amendments for wind and solar energy, and an energy overlay zone (“EOZ”) for solar and wind energy, with a single location for biomass;

WHEREAS, the Planning Commission recommended that the Plan and zoning map amendments should include within the EOZ the areas identified in the preferred alternative in the EIS for wind and solar energy. Natural gas was not recommended for inclusion in the EOZ. Biomass was included only as identified in the limited geographic alternative for that area currently zoned Industrial Park or General Industrial in the Bingen vicinity south of State Route;

WHEREAS, the Board of County Commissioners held a public hearing on February 17, 2005, that was continued to March 8, 2005 and accepted written and oral public comment;

WHEREAS, the Klickitat County Board of Commissioners considered all public comment and found that with minor modifications, the proposed Plan and zoning map amendments, Plan policies, and development regulations (“Amendments”) should be adopted; and

WHEREAS, the Amendments should include the areas identified in the preferred alternative in the EIS for wind and solar energy with the exception of the Snowden planning area which the Snowden Community Council requested be removed from the EOZ and is a residential community; and

WHEREAS, biomass need not be included as the existing site is located within the City of Bingen, and the conditional use permit process is available should expansion into the County be proposed, and natural gas can similarly be addressed through the existing conditional use permit process; and

WHEREAS, projects which can use the EOZ should retain the option of using the existing conditional use permit process, which can provide increased flexibility to tailor conditions to a specific proposal, such as for smaller wind and solar projects which may not require the same degree of mitigation as large-scale industrial facilities; and

WHEREAS the attached Planning Commission Recommendation is incorporated by reference, as if fully set forth herein, except for sections stricken as shown in Attachment A; and

WHEREAS, the EIS was appealed to the Board of County Commissioners by Friends of the Gorge, Columbia River Keeper, Jay Letto Dawn Stover and Daniel Lichtenwald (“Appellants”), and the County appointed a hearing examiner to hear the appeal (appeal hereafter referred to as “Appeal”); and

WHEREAS, the Appellants and County agreed to enter into settlement negotiations as an alternative to litigation; and

WHEREAS, the County and Appellants prepared a Settlement Agreement (Attachment B) with attached, revised development regulations (“SA Development Regulations”) and an attached zoning map (“SA Zoning Map”);

WHEREAS, under the Settlement Agreement the Appellants agreed to withdraw their appeal if Klickitat County adopts amended development regulations in substantially the same form as attached to the Settlement Agreement, and further agreed to (1) stipulate to dismissal of the Appeal with prejudice (provided that Appellants have not forfeited the right to challenge future energy projects and future development regulations adopted by the County on SEPA compliance); and (2) not file a new suit or appeal of the Amendments; and

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:


Section 1. SA DEVELOPMENT REGULATIONS ADOPTED. The attached development regulations are hereby adopted by Klickitat County (Attachment B).

Section 2. COMPREHENSIVE PLAN POLICIES ADOPTED. The attached Comprehensive Plan policies are hereby adopted by Klickitat County (Attachment C).

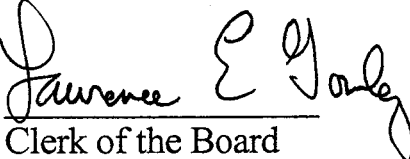
Section 3. ZONING MAP ADOPTED. The zoning map signed this day is hereby adopted. A copy of the map is attached (Attachment D). This zoning map is substantially the same as the SA Zoning Map, except, as authorized by the Settlement Agreement, reduces the EOZ area to exclude the Snowden area.


Section ⁴ 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force immediately.

At a regular, open meeting this 15th day of March, 2005.


Chairman Don Struck

ATTEST:



Clerk of the Board


Commissioner Joan Frey


Commissioner Ray Thayer

Constituting the Klickitat
County Board of
Commissioners, Klickitat
County, Washington

APPROVED AS TO FORM:


Timothy S. O'Neill
Prosecuting Attorney