

RESOLUTION NO. 10910

A RESOLUTION OF KLICKITAT COUNTY, WASHINGTON RELATING TO THE SETTLEMENT AGREEMENT OF MARCH 15, 2005.

WHEREAS, the County issued an Environmental Impact Statement (“EIS”) in September, 2004, which evaluated impacts associated with proposed development regulations, zoning map, and Comprehensive Plan amendments to implement an energy overlay; and

WHEREAS, Columbia Riverkeeper, Friends of the Columbia Gorge, Jay Letto, Daniel Lichtenwald, and Dawn Stover (“Appellants”) appealed the EIS; and

WHEREAS, rather than engaging in protracted litigation, the Appellants and County negotiated a Settlement Agreement, which the County approved on March 15, 2005, to resolve the EIS appeal; and

WHEREAS, as part of the Settlement Agreement, at section 3.2(c), the County agreed that:

In seven years, or after 1000 MW of wind energy is constructed (as calculated from the date of the Agreement), whichever occurs first, the Planning Commission will hold a public hearing. The purpose of the public hearing will be to reevaluate the energy overlay zone and take public comment on the energy overlay development regulations and comprehensive plan policies. Following the Planning Commission public hearing, the Board of County Commissioners will also hold a public hearing for the same purposes. Neither the Planning Commission nor the Board of County Commissioners is required to take any action as a result of these hearings, although it may elect to amend the comprehensive plan policies and/or development regulations.

WHEREAS, the County now has over 1,000 megawatts of constructed wind development; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2010 (which was continued to March 15, 2010) to address section 3.2(c) of the Settlement Agreement; and

WHEREAS, the Planning Commission approved a recommendation, which states:

The Planning Commission has fulfilled the County’s commitment under the 2005 settlement agreement “to hold a public hearing” on the EOZ [energy overlay zone]. The settlement agreement provides “the purpose of the public hearing will be to reevaluate the energy overlay zone and take public comment on the energy overlay development regulations and comprehensive plan policies.” The Planning Commission is not required to take any particular action on the EOZ.

The Planning Commission accepted written and oral comment at the February 16 hearing; and accepted further written comment both in advance of the hearing, and during an extended comment period. The comment evaluated the EOZ. Many comments supported EOZ continuation. Other comments did not. The Planning Commission considered these comments, and has decided to not recommend significant revisions to the EOZ. However, the Planning Department’s proposed EOZ revisions would improve the permit review and project mitigation procedure, as discussed in 2.2 below.

Consistent with the settlement agreement, the Commission considered comment and re-evaluated the EOZ.

WHEREAS, the County Commissioners held a public hearing on June 1, 2010, at which the Board accepted written and oral public comments and considered the Planning Commission recommendation; and

WHEREAS, the Board closed the hearing to further oral comment, but continued the written comment period to June 8, and continued the hearing to June 29, July 6 and August 10, 2010; and

WHEREAS, in addition to public comment received, the Commissioners received extensive analysis addressing renewable energy development, including:

- Klickitat County Wind Project Map
- Wind Project Status Spreadsheet, listing shortest distances between turbines and residents
- Wind development sound and health effects report
- Report on wind turbine setbacks
- Reports on economic impacts of wind development
- Resolution 04308 adopting the model decommissioning plan
- Western EcoSystems Technology, Inc. (WEST) analysis on avian/bat cumulative impacts
- Example cultural resources monitoring plan and inadvertent discovery plan
- Three 2009 EIS's on wind development within the County

WHEREAS, the Board considered the approaches taken to address renewable energy development by the state, other agencies, and wind developers, and the degree of wind development which has occurred to date within the County, and the broader Columbia Plateau Ecoregion in Washington and Oregon; and

WHEREAS, since the County adopted the EOZ, support for renewable energy development within the United States and Washington has increased; and

WHEREAS, in 2006, voters approved the Energy Independence Act, Ch. 19.285 RCW, which provides:

[A]ppropriately sited renewable energy facilities ... will promote energy independence in the state and the Pacific Northwest region. Making the most of our plentiful local resources will stabilize electricity prices for Washington residents, provide economic benefits for Washington counties and farmers, create high-quality jobs in Washington, provide opportunities for training apprentice workers in the renewable energy field, protect clean air and water, and position Washington state as a national leader in clean energy technologies¹

WHEREAS, in 2008, the legislature adopted state-wide emission reduction provisions associated with burning fossil fuels;² and

WHEREAS, this legislation, and related enactments, recognize renewable energy development as key to not only reducing emissions, but securing energy independence; and

¹ RCW 19.285.020.

² See RCW 70.235.020; RCW 80.80.005.

WHEREAS, securing energy independence is critical to ensuring the state and nation can compete in a global economy in which traditional energy supplies are increasingly difficult to obtain; and

WHEREAS, Washington's rural counties will continue to play an important role in generating renewable energy - a role critical to the County's own economic prosperity; and

WHEREAS, consistent with state and local objectives, renewable energy development is being permitted through the EOZ as intended; and

WHEREAS, the Board has held a public hearing to reevaluate the EOZ and take public comment on the EOZ development regulations and comprehensive plan policies, and has reevaluated the EOZ; and

WHEREAS, the Board is not required to take any action as a result of these hearings; and

NOW THEREFORE BE IT RESOLVED, that the County has addressed its obligation under section 3.2(c) of the 2005 Settlement Agreement to hold public hearings and take comment to reevaluate the EOZ as set forth in the Agreement.

Dated this 10th day of August 2010.


Rex F Johnston, Chairman

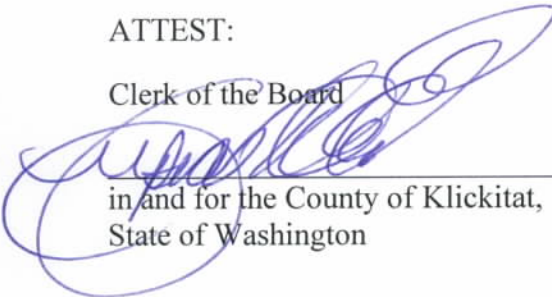

Ray Thayer, Commissioner


David Sauter, Commissioner


Constituting the Klickitat County
Board of Commissioners
Klickitat County, Washington

ATTEST:

Clerk of the Board


in and for the County of Klickitat,
State of Washington

APPROVED AS TO FORM:


Timothy S. O'Neill
Prosecuting Attorney