

COMMISSIONERS' PROCEEDINGS

Regular Meeting
Adams County Courthouse, Ritzville

September 8, 2008
(Monday)

Call to Order @ 8:30 a.m.

Present:

Chairman Jeffrey W. Stevens
Vice-Chairman Rudy Plager
Commissioner Roger L. Hartwig

10:01 a.m.

Public Works

Roads affected by the potato harvest are receiving maintenance attention; and, work continues on construction of improvements at the transfer stations. Engineer Johns provided updates on the Cemetery Bike/Walk Path and on the status of the Joint Aquatic Permit needed for the Cow Creek project.

Billington Bridge

Commissioner Plager moved, Hartwig seconded, to *authorize the Chairman to sign the Sales Purchase Order for bridge planking for the Billington Bridge with Wheeler Lumber, LLC, Bloomington, MN in the amount of \$18,596.00.* **Motion carried.**

Planning Department

Planning Director Wiltse reported that there was a state-wide workshop scheduled for September 24 at the Kittitas County Fairgrounds to discuss 'exempt wells'. Non-commercial ag building permit fees are tentatively scheduled for discussion before the Farmland Preservation group.

Solid Waste Fees/Penalties

Commissioner Hartwig moved, Plager seconded, to *approve **Resolution No. R-34-08 In the Matter of Rescinding Resolution No. R-74-79; Adopting New Language for Section 13.08.070 of the Adams County Code; and, Adding a New Section 13.08.065 to Chapter 13.08 of the Adams County Code.*** **Motion carried.**

10:31 a.m.

11:00 a.m.

State Auditor Exam - Exit Conference

The Board requested of the State Auditor's specific information regarding the 'management letter of representation' required as a portion of the financial statements. The letter, as prepared by the State Auditor's Office and required prior to filing and fulfillment of the official audit, contained numerous statements according to the Board that had not been included in previous required letters. Following brief discussion, the Board requested a statement-by-statement review.

Each of the thirty-seven (37) statements were read and clarified by the State Auditor's.

Following the review, Commissioner Plager moved, Hartwig seconded, to *authorize the Chairman to sign the 'Letter of Representation'*. **Motion carried.**

The Auditor's then conducted the exit conference for the January 1, 2006-December 31, 2007 Accountability; and, January 1, 2007-December 31, 2007 Financial/Single Audit. Detailed were: audit scope, accountability for public resources and legal compliance, financial statements, Federal compliance, and audit results/recommendations. There were no findings, but one management letter over cash receipting was issued.

12:54 p.m.

Recess @ 12:00

Reconvene @ 1:00 p.m.

2:00 p.m.

Amend Zoning Ordinance

Chairman Stevens convened the public hearing on the proposed Ordinance amending Ordinance No. 01-05, Title 17; amending Exhibit A; Adding Definition Sections to Chapter 17.04; Amending Section 17.04.445 , 17.04.450, 17.68, and 17.08.040; and, Amending Chapter 17.70.

Planning Director Wiltse reviewed the details of the amendments/additions and responded to questions from the Board. Wiltse noted the Adams County Planning Commission's recommendation for approval.

Comments were heard from:

Tyson Utt, Project Manager for Horizon Wind Energy – in favor of adoption; explained and defined the term/concept of ‘micrositing’

Attorney Erin Anderson of Stoel Reves, LLP. – commenting on the quality and extent of the rules/regulations contained in the ordinance; noted that those entities that retain siting authority at the local level are most effective in handling applications for wind tower energy projects

Chairman Stevens expressed appreciation for the hard work of the Adams County Planning Commission as well as that of Planner Wiltse.

Mr. Michel’s arrived late, but spoke briefly in favor of the ordinance.

Hearing no further comments, the hearing was closed at 2:48 p.m.

Tyson Utt noted that the collection of real data by the county would continue to serve the county well and that all factors required in support a wind farm were included in this document.

Commissioner Plager moved, Hartwig seconded, to *approve Ordinance No. O-03-08 An Ordinance amending Ordinance No. O-01-05, Title 17, Zoning; Amending Exhibit “A”; Adding the Following Definition Sections to Chapter 17.04: .182 “Commercial Wind Energy Facilities”, .183 “Non-Commercial Wind Energy Facilities”, .191 “Conditional Use Administrative Approval”, .451 “Home Occupation Group C, Parking Lots Trucks”, .772 “Semi-Truck”, .867 “Townhouse”, .877 “Trailer”, .881 “Truck” and .882 “Truck-Tractor”; Amending Section 17.04.445 “Home Occupation Group A: and Section 17.04.450 “Home Occupation Group B”; Amending Section 17.68 to Provide Administrative Review and to Establish Standards for Truck Parking; Amending Section 17.08.040 to Establish Areas of Use for “Commercial Wind Energy Facilities”, “Non-Commercial Wind Energy Facilities”, “Home Occupation Group C”, “Townhouse”, and Multi-Family Dwelling; and, Amending Chapter 17.70 “Commercial Wind Energy Facility Standards”. Motion carried.*

2:53 p.m.

3:16 p.m.

2009 Preliminary Budget

Auditor McBroom per RCW 36.40.050 and RCW 36.40.071 filed the preliminary 2009 Adams County Budget with the Board.

Auditor McBroom reviewed major changes in the 2009 v. 2008 budget including cash carryover estimates. A Departmental Forum focusing on the budget is scheduled for Monday, September 15, 2008.

4:11 p.m.

Consent Agenda

Commissioner Hartwig moved, Plager seconded, *to approve the Consent Agenda*. **Motion carried.**

Preliminary minutes of September 2 and 3, 2008

Payroll for August, 2008 in the amount of \$666,706.58; and, benefits in the amount of \$206,588.24 (Warrant #Series 513063-513238; Direct Deposit #Series 20435-20598; Benefit/Deduction #Series 1065326-1065346)

Vouchers audited and certified by the Adams County Auditor as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090 and recorded on a listing, which was made available to the board. These vouchers were listed as follows:

<u>Fund</u>	<u>Control Number</u>	<u>Amount</u>
001	083984-084030	\$ 99,286.45
103	084031-084033	\$ 13,441.01
104	084034-084048	\$ 3,813.52
104B	084049-084054	\$ 4,883.77
105	084055-084056	\$ 15,458.35
112	084057	\$ 167.75
117	084058-084061	\$ 944.99
502	084062-084069	\$ 7,578.49
001	2601-2603	\$ 389.84
108	2604-2607	\$ 1,865.06
115	2608-2617	\$ 72,114.10
401	2618-2635	\$ 43,729.91
501	2636-2643	\$ 4,446.49
590	2644-2662	\$ 54,881.93
TOTAL		\$323,001.66

Permanent Minutes Signed

August 25 and 27, 2008

Correspondence Received

Pet Rescue re: thank you note for donation
Copy of letter from Washington Courts, Jeff Hall, Administrator re:
Judicial Position Needs
WSDOT Terry Mattson, North Central Region Consultant Manager
re: status update on SR26/Reynolds Road Project and partnership
proposal with follow up meeting scheduled for Wednesday, September 10,
2008, at Othello City Hall

Adjournment @ 4:45 p.m.

Submitted:
s/Linda Reimer, MMC
Clerk of the Board

Edited and Approved:

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Jeffrey W. Stevens, Chairman
s/Rudy Plager, Vice-Chairman
s/Roger L. Hartwig, Commissioner

RESOLUTION NO. R-34-08

**ORDER OF BOARD OF COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

**IN THE MATTER OF RESCINDING RESOLUTION NO. R-74-79; ADOPTING NEW
LANGUAGE FOR SECTION 13.08.070 OF THE ADAMS COUNTY CODE; AND,
ADDING A NEW SECTION 13.08.065 TO CHAPTER 13.08 OF THE ADAMS COUNTY
CODE**

WHEREAS, changes have been recommended that will further the goals and policies of the solid waste plan with the establishment of certain new rates for solid waste disposal at the Ritzville and Bruce Transfer Stations; and,

WHEREAS, the changes meet the county obligations as well as the requirements under State Law;

THEREFORE BE IT HEREBY RESOLVED THAT Resolution No. R-74-79 is rescinded;
and,

BE IT FURTHER RESOLVED THAT new language is adopted for Adams County Code Chapter 13.08, Section .070 to read as follows:

13.08.070

Violation - Penalty

- A. It is unlawful for any person to fail or refuse to pay the solid waste disposal fee set by Adams County and as posted at the Transfer Station sites.
- B. Any person or persons violating any provision of this chapter shall be guilty of a misdemeanor and upon any conviction thereof shall be punished by a term not to exceed thirty days in jail or by a fine not to exceed two hundred fifty dollars or by both such jail term and fine.

AND, BE IT FURTHER RESOLVED THAT a new section is added to Chapter 13.08, Section .065 to read as follows:

13.08.065

Fees

Pursuant to the application of this title, the person or persons involved shall pay non-refundable fees established and set by the Board of County Commissioners. Such fees are to defray the expenses of providing solid waste services including but not limited to handling, hauling, or transporting of refuse; and, for work related to reviewing, giving notice, holding hearings, issuing permits, or planning for solid waste services.

AND, BE IT FURTHER RESOLVED THAT any chapter or section in conflict with the provisions set forth in this resolution are amended or rescinded.

THIS RESOLUTION IS EFFECTIVE THIRTY (30) DAYS FOLLOWING ADOPTION.

DATED this 8th day of September, 2008.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Jeffrey W. Stevens, Chairman
s/Rudy Plager, Vice-Chairman
s/Roger L. Hartwig, Commissioner

ATTEST:

s/Linda Reimer, MMC
Clerk of the Board

ORDINANCE NO. O-03-08

AN ORDINANCE AMENDING ORDINANCE NO. O-01-05, TITLE 17, ZONING; AMENDING EXHIBIT "A"; ADDING THE FOLLOWING DEFINITION SECTIONS TO CHAPTER 17.04: .182, "COMMERCIAL WIND ENERGY FACILITIES," .183, "NON-

COMMERCIAL WIND ENERGY FACILITIES,” .191, “CONDITIONAL USE ADMINISTRATIVE APPROVAL,” .451, “HOME OCCUPATION GROUP C, PARKING LOTS TRUCKS,” .772, “SEMI-TRUCK,” .867, ”TOWNHOUSE,” .877,” TRAILER,” .881, “TRUCK,” AND .882, “TRUCK-TRACTOR;” AMENDING SECTION 17.04.445 “HOME OCCUPATION, GROUP ‘A’ AND SECTION 17.04.450 “HOME OCCUPATION, GROUP ‘B’; AMENDING SECTION 17.68 TO PROVIDE ADMINISTRATIVE REVIEW AND TO ESTABLISH STANDARDS FOR TRUCK PARKING; AMENDING SECTION 17.08.040 TO ESTABLISH AREAS OF USE FOR “COMMERCIAL WIND ENERGY FACILITIES,” “NON-COMMERCIAL WIND ENERGY FACILITIES,” “HOME OCCUPATION, GROUP C,” “TOWNHOUSE,” AND MULTI-FAMILY DWELLINGS; AND, AMENDING CHAPTER 17.70 “COMMERCIAL WIND ENERGY FACILITY STANDARDS.”

WHEREAS the Adams County Planning Commission during public meetings discussed and recommended changes to the Adams County Zoning Code in order to further the goals and policies of the comprehensive plan for physical development of the county;

WHEREAS the objective of the title are to protect the public health, safety and welfare; encourage the orderly growth of the county; promote compatible uses of land; provide desired levels of population density and intensity of land use; facilitate adequate levels of community services and utilities and to provide workable relationships between land uses, the transportation system and the environment;

WHEREAS the Adams County Planning Commission held the duly advertised public hearing as prescribed by law on July 17, 2008, regarding the proposed amendments to Ordinance No. O-01-05 Adams County Zoning Code;

WHEREAS an environmental review process on associated documents was conducted on the proposed amendments as prescribed by WAC 197-11;

NOW THEREFORE BE IT ORDAINED by the Board of Adams County Commissioners as follows:

SECTION I

The following Sections of 17.04 are hereby added or amended to read as follows:

.182 Commercial wind energy facilities.

“Commercial wind energy facilities” means: A facility comprised of wind turbine generator(s) greater than 120 feet in height, measured from the ground to the highest extent of turbine blades, and their construction and micro-siting corridors; temporary and permanent meteorological towers; laydown and construction areas and trailer yards; temporary and permanent access roadways and crane pads; under-ground and above-ground electrical collection/interconnection and communication systems and their respective corridors and rights-of-way; electrical step-up and interconnection substations; visitor kiosks; operations and maintenance facilities; and other related and supporting facilities. Temporary meteorological towers constructed for the purpose of measuring the wind generation potential of potential wind energy project sites are not considered “commercial wind energy facilities,” and are allowed as a permitted use in all zoning districts where commercial wind energy facilities are allowed

.183 Non-commercial wind energy facilities.

“Non-commercial wind energy facilities” means: Wind turbine generators less than 120 feet in height, measured from the ground to the highest extent of turbine blades, and wind turbine generators that are capable of generating no more than 25 kW of power, with a total electrical generation capacity for a facility not to exceed 100 kW, and all related and supporting facilities associated with the wind turbine generators.

.191 Conditional use, Administrative approval.

“Conditional Use, Administrative Approval” means a use listed among those classified in Section 17.08.040 District Use Chart as “A.C.U.P.” in any given zone. Such uses shall be approved subject to a review and finding by the Planning Department that the granting of an Administrative Conditional Use Permit imposing such performance standards and regulations as noted in the Section 17.68.016.

.445 Home occupation, Group A.

“Home occupation, Group A” means a home occupation, as defined here, that does not involve customers coming and going from the residence, and within which only family members are employed. (Trucking businesses may be considered under a this definition only when all equipment, trucks, semi-trucks, truck tractors, trailers etc are contained within an enclosed building and only involves one truck or truck tractor or semi-truck and trailer and all are licensed and operable)

.450 Home occupation, Group B.

“Home occupation, Group B” means a home occupation, as defined here, that may involve customers coming and going from the residence, and which not more than one person other than family members may be employed. (Trucking businesses may be considered under this definition only when all equipment, trucks, semi-trucks, truck tractors, trailers, etc., are contained within an enclosed building and only involves one truck or truck tractor or semi-truck and trailer and all are licensed and operable)

.451 Home occupation, Group C parking lots-Trucks.

“Home occupation, Group C” means a home occupation, as defined herein, that involves the operation, maintenance and/or storage of a limited number of trucks, truck/tractor's or semi-trucks as defined herein with or without trailers as defined herein all of which are owned by or registered to the resident. Such approval shall be limited to areas having access to all weather public roads and shall require a commercial road access permit.

.772 Semi-truck.

“Semi-truck” means a truck and trailer combination designed and used primarily for carrying material and property.

.867 Townhouse.

“Townhouse” means a form of ground-related housing in which individual dwelling units are attached along at least one (1) common wall to at least one (1) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space in both the front and back. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage. Townhouse properties containing more than two (2)

residential dwelling units may be individually owned and billed separately for property taxes.

.881 Truck.

"Truck" means any motor vehicle designed, used, or maintained primarily for the transportation of property.

.882 Truck tractor.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to permit carrying a load in addition to part of the weight of the vehicle and load so drawn.

.877 Trailer.

"Trailer" means a non-motorized vehicle designed to be towed by a motor vehicle.

SECTION II

Amending Chapter 17.08.040 "District use chart" to add the following uses within the noted use sections and to add the following footnotes:

Section 17.08.040 District Use Chart.

District Use Chart

PUBLIC/SEMI PUBLIC USES	R-1	RR	RS	C	LI	HI	PA	GA		
<u>Commercial Wind Energy Facilities</u>							CUP ⁸	CUP ⁸		
<u>Non-Commercial Wind Energy Facilities</u>							PRM ⁹	PRM ⁹		
RESIDENTIAL USES										
⁸ Multi Family Dwelling	PRM	PRD	PRM							
<u>Townhouses</u>		PRD								
<u>Home Occupations Group C</u>		ACUP								

^{FN8)} Commercial wind energy facilities include all activities described in Chapter 17.70. Where allowed as a conditional use ("CUP"), commercial wind energy facilities shall comply with performance and use standards in Chapter 17.70. Temporary meteorological towers constructed for the purpose of measuring the wind generation potential of potential wind energy project sites are not considered "commercial wind

energy facilities,” and are allowed as a permitted use in all zoning districts where commercial wind energy facilities are allowed.

^{FN9)} Non-Commercial wind energy facilities proposing electrical generation exceeding 100 kW shall be allowed as a conditional use (“CUP”). Such facilities shall comply with performance and use standards in Chapter 17.70.

SECTION III

Amending Chapter 17.68, Conditional Uses, to add Sections .016, “Administrative Review and Approvals” and Section .240 “Parking Lots – Trucks” to read as follows:

.016 Administrative Review and Approvals

Where a use is permitted by administrative review, application shall be made by an applicant. Such application shall be in written and graphical form and contain information sufficient to adequately portray that the project meets the general criteria contained in Section 17.68.015 and any specific standards adopted for the specific use(s).

The Planning Department may ask for additional information as needed to insure that such project ordinarily complies with the standards of the district within which it is located. The department may establish other conditions per Section 17.68.015(k).

.240 Parking Lots – Trucks

Conditional standards for Parking Lots-Trucks as Home Occupation Group C:

1. Minimum lot area, two and one-half (2.5) acres;
2. The owner or operator of such a use shall furnish evidence that the obnoxious characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently as not to constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of persons residing or working in or passing through the neighborhood of such proposed use;
3. Site design shall include adequate measures to control potential negative impacts to adjacent properties, including but not limited to fugitive dust, late hours of operation, light and glare. Measures include but are not limited to:
 - A. Paving or graveling road surfaces;
 - B. Watering;
 - C. Limited hours of operation;
 - D. Buffers;
 - E. Limiting Trucks and trailers to those licensed and operable and using only original equipment that is in good working order.
 - F. Other such measures as may be deemed necessary.
4. All truck parking lots shall be set back a minimum of seventy-five (75) feet from street/road-bordered property lines. All truck parking lots shall be set back

a minimum of fifty (50) feet from rear and side property lines not bordered by streets/roads. All access points to/from truck parking lots shall be set back a minimum of fifty (50) feet from side or rear property lines not bordered by streets/roads;

5. All truck parking lots closer than two hundred and fifty (250) feet to any existing residence shall be enclosed by a six (6) foot high sight-obscuring fence maintained in good condition;
6. Applicant(s) shall propose a plan to keep the setback areas weed free. Control may be spraying, cultivation, landscaping or other weed-control practice normally acceptable in the County;
7. All materials and equipment used in support of the semi-truck, truck, truck-tractor etc. shall be kept inside of the sight-obscuring fence;
8. Entrance and egress sites must be so designed by means of off-ramps or other facilities permitting wide turning radii, and other necessary means so that traffic hazards on the public thoroughfares are minimized and blocking of the public thoroughfares is eliminated. The design shall be acceptable to the County Engineer and to the Washington State Department of Transportation where state highways are involved;
9. All private truck roads connecting with county or state roads shall be kept wet while being used, or shall be oiled or hard-surfaced and maintained so as to prevent the creation of dust;

SECTION IV

Adding Chapter 70 to Title 17 Zoning, "Commercial Wind Energy Facility Standards," to read as follows:

Chapter 17.70

Commercial Wind Energy Facility Standards

.010 Purpose

A. To provide areas suitable for the establishment of wind energy facilities based upon where wind energy facilities can be sited and mitigated in relation to the County's adopted agricultural zoning.

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

.020 Application of Standards and Criteria

A. Commercial wind energy facilities are allowed in the zoning districts as shown in Section 17.08.040, "District Use Chart," by conditional use permit (CUP). Projects permitted through this chapter shall comply with the standards of this chapter rather than the general conditional use permit standards and criteria as set forth in Chapter 17.68. Upon satisfying the standards and criteria in this Chapter, the wind energy facility shall be considered to be compatible with adjacent and surrounding land uses and other discretionary zoning requirements. Subject to imposition of clear and objective conditions in accordance with this chapter, the wind energy facility shall be deemed to comply with the County's conditional use permit requirements.

B. Wind turbines greater than 120 feet in height are considered "commercial wind energy facilities," and are subject to the requirements of this chapter. Wind energy facilities and all related and supporting equipment that can generate no more than 25kw, and wind turbines 120 feet in height or less are permitted outright and are not subject to the additional requirements of this chapter, so long as the total electrical generation shall not exceed 100 kW. All other code requirements still apply.

.030 Other Applicable Requirements

A. Project applicants will need to comply with other applicable County requirements, such as the critical areas ordinance, 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 other applicable code requirements:

1. Non-Commercial scale wind turbines: Wind energy facilities and systems that can generate no more than 25kw, and wind turbines 120 feet in height or less, with total electrical generation not to exceed 100 kW. A

conditional use permit issued in compliance with all standards and requirements of this Chapter 17.70 shall be required for all Non-Commercial scale wind turbines proposed in a facility or project designed for generation over 100 kW.

2. 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 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.

.040 Review Process

A. Commercial wind energy facilities are allowed by conditional use permit. The conditional use permit will ensure compliance with mitigation measures and conditions of approval developed in accordance with the requirements of this chapter.

B. The project applicant is encouraged to hold one or more informal community meetings within the County to inform the public about the proposed facility.

C. All commercial wind energy facilities will be reviewed by the Adams County Planning Department (the "Department"). The Department will develop a recommendation for the Board of Adjustment, including proposed conditions to be imposed with any CUP. The Board of Adjustment shall hold a public hearing in accordance with the County's applicable procedural ordinances for the consideration of the application.

D. In the event of an appeal of the County's SEPA determination, the appeal hearing shall be conducted by a hearings examiner who is licensed to practice law in the state of Washington and is experienced in presiding over and rendering decisions in quasi-judicial land use hearings and appeals. In such an event, the hearings examiner shall render a final decision on both the SEPA appeal as well as the conditional use permit application. Additionally, the Board of County Commissioners may, in its discretion, refer a permit application to the hearings examiner for a hearing in circumstances where any party seeks to challenge a County decision or recommendation on procedural grounds, such as appearance of fairness violations. A request for a referral to a hearings examiner may be made by the applicant, the planning director, or by the Board of Adjustment. The applicant shall be obligated to reimburse the County for the services of the hearings examiner.

.050 Public Notice Requirements

A. When an application is deemed complete, the Department will post a notice of application in the official county newspaper.

B. Additional public notice specific to the application is required by the County's SEPA regulations, Chapter 18.04.

C. The public shall be notified of any public hearing in accordance with County procedural ordinance.

.060 Application Requirements

A. The applicant shall complete an application for project review and approval on the form adopted by the Department. The application shall include: 1) a location map showing the location of the project area in relation to the surrounding vicinity; 2) a map depicting all study corridors and/or "micrositing" corridors as described in this chapter; 3) conceptual turbine locations that will be refined during the "micrositing" process as defined in this chapter, and identified for completion of environmental studies and analysis provided with the Expanded SEPA Checklist as set forth below; and 4) all existing residences within one mile of turbine "micrositing" corridor.

B. Expanded SEPA Checklist.

1. An Expanded SEPA Checklist shall be submitted to the Department. The Expanded Checklist shall be submitted simultaneously with any other permit applications that may be required from the county; *provided* that if the County determines that an Environmental Impact Statement will be required, an Expanded Checklist will not be required.

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

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

4. Because additional studies may be required by the Department for effective review and siting, a pre-application meeting with a representative from the Department 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. In general, smaller projects will require less analysis than larger, more complex ones.

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

6. An application for review under this Chapter shall not be deemed complete until the information required under section 5 above is provided. Except for site specific studies for impacts to habitat/wildlife, upon a clear showing by the applicant that the study is not applicable or is unnecessary, the Department 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 Department 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 A, above.

C. Micrositing Corridors.

1. All terrestrial habitat, critical area assessments, and cultural resource studies required shall be conducted within identified study corridors 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 for all roads, wind turbine locations, and above- and below-ground electrical transmission locations.

2. Actual final locations of wind turbine generators, below-ground electrical cables, and above-ground electrical transmission towers will be established during the micrositing process, occurring after permit review and prior to actual construction; provided that all such facilities must be sited within the study corridors 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.

.070 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 a residence (home).

1. Minimum, non-waiveable residential setbacks: Wind energy turbine towers shall be sited a minimum of 1.1 times the height of the wind turbine generator away from existing residential structures, measured from the ground to the maximum extent of the turbine blade, regardless of whether the residential structure owner consents to the location.

2. Residential visual and aesthetic setbacks: Visual 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 residence. In view of the low density, rural/agricultural nature of the zoning districts deemed to be suitable for commercial wind energy facilities, the minimum residential structure visual and aesthetic standard shall be considered sufficient to address any visual and aesthetic impacts.

3. State noise standard compliance: During operations, the project shall comply with applicable state noise standards.

4. Setbacks from non-participating property lines: There shall be a minimum distance of 1.1 times the height of the wind turbine generator away from the property line of any non-participating landowner, measured from the ground to the maximum extent of the turbine blade.

5. Public roads to be utilized by the applicant shall be identified in the application. A qualified third party engineer shall document road conditions prior to construction and again within thirty (30) days after construction is complete or as weather permits. The applicant shall enter into a county road use agreement for the repair of damage to public roads resulting from project activities after construction.

6. For purpose of this section, any consents to visual setback distances of less than 4X turbine height from non-participating residences and less than the minimum setbacks from non-participating 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 Department with a construction phase traffic management plan.

1. Ingress and egress points shall be located and improved (if needed) in order to assure adequate capacity for existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic.

2. All applicable governmental permits or approvals shall have been obtained, including: access or driveway permits to state or county roads (if needed), construction within state or county highways, and overweight or oversize loads.

3. All weather access roads (including graveled roads), suitable to handle emergency equipment, shall be provided to within 150 feet of any built structure or surface activity area.

D. Noise: The facility shall maintain sound levels at project boundaries that are under the maximum levels for the adjacent receiving properties based on the receiving properties' environmental designation for noise abatement in accordance with state regulations. The facility shall at all times comply with applicable noise control regulations adopted by the Washington Department of Ecology or such other state agency with jurisdiction.

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 Adams 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 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 unguyed permanent meteorological towers.

3. The applicant shall assess and monitor raptor nests on 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 the occurrence of nesting 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 area 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 site for the avian groups of concern is estimated to be high relative to other projects, 2) there is very little existing data regarding seasonal use of the project site, and/or 3) the project is especially large. 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.

7. The applicant shall form a Technical Advisory Committee (TAC) typically comprised of no more than seven members before project construction and after all permit appeal periods have closed. Representatives of Adams County

planning department, Washington State Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, landowners, the applicant, local Indian tribes, and local citizen group(s) with local knowledge of avian use and species shall be invited to participate. The TAC will consider problems and impact mitigation issues and will serve for the life of the project or until TAC members determine that ongoing involvement of the TAC is not meaningful for project operation. The TAC will examine information relevant to assessing project impacts to avian and bat species. The TAC will consider whether further mitigation measures would be appropriate, considering factors such as the species involved, the nature of the impact, monitoring trends, and new scientific findings regionally or at a nearby wind power facility. If appropriate in the TAC's judgment with respect to the significance of the impact identified, the TAC may recommend mitigation measures. The ultimate authority to implement additional mitigation measures, including any recommended by the project TAC, will reside with the project owner. The TAC's participation is intended to ensure that monitoring data is considered in a forum in which independent and informed parties can collaborate with the owner to develop appropriate responses.

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 Adams 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 Uniform or 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 Department.

2. Lighting for security shall be minimized and lighting fixtures shall be directed away from adjacent properties, to the maximum extent practicable. 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 broken down equipment by: storing equipment and supplies off site (post-construction), and promptly 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 and use non-reflective paints to reduce glare.

N. Decommissioning: Prior to commencing operations, 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 Department.

O. Public Safety:

1. The applicant shall develop and maintain an on-site health and safety plan that informs employees and others on site what to do in case of emergencies, including the locations of fire extinguishers and nearby hospitals, telephone numbers for emergency responders, and first aid techniques. Employees shall be trained to address health and safety emergencies, and to safely operate and maintain the turbines and other mechanical equipment.
2. For projects in which hazardous substances are stored or used, a Spill Prevention and Emergency Cleanup Plan will be designed to assist on-site workers with accidental releases. Any large spill will require emergency response through the local fire department or designated contractor.
3. 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.
4. The applicant shall provide project staff with cellular or on-site phones to enable timely communication with the Fire Department and other emergency services.
5. 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.
6. The applicant shall monitor the site for evidence of unauthorized use and provide additional security as appropriate.

.080 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"), shall conduct enforcement activities in accordance with County code and Washington law.

SECTION V

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.

SECTION VI

Effective Date. This Ordinance shall take effect and be in full force five (5) days after adoption.

ADOPTED this 8th day of September, 2008.

BOARD OF COUNTY COMMISSIONEERS
ADAMS COUNTY, WASHINGTON
s/Jeffrey W. Stevens, Chairman
s/Rudy Plager, Vice-Chairman
s/Roger L. Hartwig, Commissioner

ATTEST:
s/Linda Reimer, MMC
Clerk of the Board

Approved as to form:
s/Randy J. Flyckt, Prosecutor