

League of Women Voters of Pullman Observer Report

Name of Agency: Whitman County Planning Commission

Date: 5/7/2025

Observer Reporting: Chambers-Fox Shelley

Length of Meeting: 2 hours 9 minutes

Members Present: Dave Gibney (Chair Pullman), Brian Davies (vice chair), Tammy Southern (Garfield), Bill Myers (Colfax), David McKeirnan (Pullman), Dean Kinzer (Pullman). On Zoom: Julian Mathews (Nez Perce Tribe).

Members Absent: Chris Melhus (Malden), Weston Kane (LaCrosse)

Others Present (e.g., media, public): Staff: Alan Thomson, Whitman County Planner, Grace DiBiasi

(Assistant Planner), Brandon Johnson, Public Works, Denis Tracy (District Attorney) Elinor Huber (Clerk)

Public: Ken Duft, Eric Slusher, Nicole Frazier, Spectator, Shane Roche, Steelhead America, Ashley

Hartman, Clark Rein, Jacob, Rick McCarty, Todd Imeson, Kevin Atkinson, Carol Black, Tom Thompson.

Business pertaining to League Positions or Topics of Interest: *Include in this section 1) issues discussed that relate to League priorities or positions. Do you recommend local league action? If so, please refer to the League position that supports your suggestion. 2) links to further information available on an issue, if available.*

The meeting started with a public meeting to consider a zone change from heavy industrial limited to agricultural district at 4700 Airport Drive, Pullman, requested by Andrew Patrick with Interstate Aviation. The property to be rezoned includes a residence. The property is surrounded by farmland. South of the site is the Pullman-Moscow Regional Airport which is within the city limits of Pullman. There will remain a parcel that is zoned heavy industrial for the purpose of storing heavy equipment. The purpose of the zone change is to allow Interstate Aviation to sell the parcel with the residence. Neighbors have been notified. The re-zone was passed and will be sent to the Board of County Commissioners.

Alan Thomson announced that the County Commissioners have created an interim code that adds solar and battery facilities to the moratorium on new permits for renewable energy facilities.

Denis Tracy addressed the Commissioners about guiding principles in their deliberations about regulating renewable energy projects. He asked Commissioners to please look at the primer from the attorney general's office on property rights. Zoning regulation is a balancing process. The state of Washington recognizes the fundamental right of citizens to hold and keep private property and do with it what the owner wants. If we burden that right with zoning ordinances, it has to be done carefully and in a limited way. The ordinance must improve the county health, safety and welfare. Thus if there are suggestions that are made to be included in the regulations that do not improve the public's health, safety or welfare then they would be considered illegal. Dave Gibney asks if the aesthetics of the surrounding countryside is included in the public's health, safety or welfare. Mr. Tracy says that the infrasound, the vibration that turbines make, and shadow flicker could have bearing on health, safety and welfare. Case law has not established this yet. In January the BOC put a moratorium on the establishment of new wind farms in the county but recently the state FSEC (Washington State Energy Facility Site Evaluation Council) has approved projects in other counties that had moratoria in place. They created the above referenced interim zoning

code on Monday that prohibits any wind, solar or battery facility construction. This prevents either the County or FSEC (the Washington state energy facility council) from permitting new renewable energy developments using an expedited process for approving projects.

The workshop on the commercial wind energy facilities ordinance was continued at 1961.020E. Fish and Wildlife would like the section on a public meeting notices to include partner agencies. Commissioners would like to proceed with discussing the review process, SEPA Parts G and H. They will proceed in the discussion as they did last meeting, first reviewing the draft ordinance, allowing Commissioners to comment and question and Alan to clarify. The comment session will follow, allowing 3 speakers on each side for 3 minutes each.

Review Process: The county engineer, director of public works, health officer, building inspector and affected utility will review permits and report back within 20 days. Once the application is reviewed internally to ensure that it is complete, the application is put on the website. The Environmental Impact Statement is a process in which the health, safety and welfare concerns of the public can be addressed and public comment will be allowed. Dave Gibney points out that there has been no application submitted to the County.

Kevin Atkinson would like to comment about allowing 60 days rather than 20 days for public review and comment.

Carol Black would like the planning commission to see the application as well as the aforementioned personnel. She also points out that the County's Comprehensive Plan talks about the importance of community centric values, large open spaces and sweeping views of the Palouse Hills and would like the ordinance to match those values.

Tom Thompson: It has been 16 years since the last application was filed. Is 20 days enough time to review an energy facility application?

David Gibney notes that the Comprehensive Plan is always in play whether the language is added to the regulation.

Kevin Atkinson suggests that planning consultants such as Van Ness Feldman (a law firm that consults on planning functions) can be contracted by the County to provide services and should be included in the review of applications. Mr. Tracy recommended against adding consultants to the list of reviewers. Section G SEPA (State Environmental Protection Act) appeal: In the event of the appeal of a SEPA determination, the board of adjustment or hearing examiners shall hold a hearing.

Section H: Amendment of a Corridor/Area Site Plan: cannot alter the number of towers or a change in the project boundary must be approved by the Board of Adjustment or the Hearing Examiner. Micro-siting changes are not considered substantial changes.

The Harvest Hills application has requested 45 turbines, the FAA and DOD were asked about 25 alternate sites. This concerns the public that there might be more than 45.

Shane Roche, Steelhead America states that there are only 45 turbines being proposed. Carol Black would like the language of the ordinance to specify what a substantial change in a siting plan

would be. Alan points out that the determination of significance is made by the Board of Adjustment. Julian Matthews and Dave Gibney would like to revise this section to specify what 'substantial' means.

Section 030: applicants must comply with other applicable county requirements such as the critical area ordinance. Placement of meteorological towers need not obtain a permit through this chapter. Mining and utilization of on-site gravel for on-site use only is allowed. The gravel work is still subject to noise ordinances. Shane Roche from Steelhead America states that although this is a temporary impact, they would still need to comply with other County rules.

Dave Gibney asked the audience members who submit comments to submit them by Tuesday so that Alan can share them with the Commissioners before the meeting.

Section 040 – Conditions for Meteorological Towers: Towers over 200 feet are subject to conditions applied by the FAA regarding lighting and markings. They will be the height of the tower plus 35 ft from the right of way county road and all adjacent landowner's property lines.

A pilot in the audience states that the ball intended to make guy wires visible on meteorological towers are very hard to see and would like there to be a notification process of the coordinates until they appear on maps or place lights on them.

The towers shall be fenced to prevent unauthorized access and setback 20 ft from the fence.

Tom Thompson agrees with these alterations.

Next section is 19.61.050 SEPA Requirements for Commercial Wind Energy and will be considered at the next meeting.

Public Meetings of Interest to League: *Were there any public meetings announced that you think League members may be interested in attending and/or becoming involved with that relate to League positions?*

none

Process & Protocol: *(Observations about participants and procedures of the meeting) e.g., Did the members appear to have done their "homework"? Were members courteous to each other and the public? Was access to materials for certain agenda items available to you?*

The draft of the ordinance that was discussed was displayed on the Zoom screen for participants to read.