Wind Energy Permitting in Klickitat County, Washington
Permitting Options in Washington

• Regardless of Wind Energy Project Size:
  – Washington State Energy Facility Site Evaluation Council (EFSEC); or
  – County,
    • Conditional Use Permit,
    • Klickitat County: Energy Overlay Zone Permit or Conditional Use Permit.
Permitting in Klickitat County

• Started Process to Establish an Energy Overlay Zone (EOZ) Ordinance in 2002:
  – Programmatic EIS under State Environmental Policy Act (SEPA),
    • Power Generating Technologies
      – Evaluated Thermal (e.g., biomass and Natural Gas), Wind, and Solar;
  – Klickitat County Planning Commission,
    • Public Hearings on Proposed Comprehensive Plan Policies, Development Regulations, and Zoning Overlay;
    • Recommended EOZ Ordinance for Wind, Solar, and Biomass;
  – Board of County Commissioners,
    • Public Hearings on the Proposal,
    • Adopted the Proposed Ordinance with Minor Modifications;
  – Appeals and Settlement.
Permitting in Klickitat County

• EOZ Ordinance Enacted in 2005:
  – Wind Turbines, Solar Energy Facilities, and Associated Accessory (e.g., Utility Infrastructure) and Temporary Uses (e.g., Rock Mining, Crushing, and Processing), Only;
  – Geographic Area Delineated;
  – Projects Subject to EOZ Standards Instead of Standards for the Underlying Zone;
  – Projects Still Subject to Other Applicable Requirements (e.g., Critical Areas Ordinance, Environmental Review Regulations, and County Building Code);
  – EOZ Permit Required;
  – Administered by Klickitat County Planning Department;
  – Appeal Process Specified;

• EOZ Ordinance Reevaluated and Amended in 2010/2011.
Permitting in Klickitat County

• Critical Areas Ordinance Adopted in 2001 and Amended in 2004;
  – Critical Areas Include the Following:
    • Wetlands;
    • Areas with Critical Recharging Effect on Aquifers;
    • Critical Fish and Wildlife Habitat Conservation Areas; and
    • Geologically Hazardous Areas.
Permitting in Klickitat County

• Critical Areas Ordinance -- Critical Fish and Wildlife Habitat Conservation Areas:
  – Areas with which Federal or State Threatened, Endangered, or Sensitive Species have a Primary Association;
  – Habitats of Local Importance;
  – Areas Designated by State DNR as Natural Area Preserves or Natural Resource Conservation Areas;
  – Naturally Occurring Ponds under 20 Acres and their Submerged Aquatic Beds that Provide Fish or Wildlife Habitat;
  – Waters of the State as Defined in Title 222 WAC; and
  – Waters Planted with Game Fish.
Permitting in Klickitat County

- Critical Areas Ordinance – Performance Standards:
  - Habitat Management Plan Required If Within Fish and Wildlife Habitat Conservation Area and Habitat Functions and Values are Likely to be Impaired;
    - Prepared by Qualified Professional;
    - Mitigation.
EOZ Permitting in Klickitat County

• Requirements for Both Wind and Solar Projects:
  – Permit Application and Expanded SEPA Checklist or EIS,
    • Detailed Description of the Project and Its Impacts,
    • Site Specific Studies for Impacts to Habitat/Wildlife, Roads, and Cultural Resources,
    • Grading and Management Plan,
    • Pre-Application Meeting Recommended;
  – Public Notices, Including Community Meeting and Notification of Nearby Property Owners.
EOZ Permitting in Klickitat County

• Conditions/Standards for Both Wind and Solar Projects:
EOZ Permitting in Klickitat County

• Conditions/Standards for Both Wind and Solar Projects:
  – Assess Sensitivity of the Site for Impacts to Wildlife Habitat;
  – Prepare Management Plan,
    • Can Address Requirements of Both EOZ Ordinance and Critical Areas Ordinance,
    • Describe Habitat Conditions and Impacts,
    • Detail Mitigation,
      – Wind Project Mitigation Consistent with WDFW Wind Energy Siting Guidelines.
EOZ Permitting in Klickitat County

• Conditions/Standards for Both Wind and Solar Projects:
  – Limit Construction Disturbance – Flag Construction Limits and Monitor
  – Reseeding/Restoration and Weed Management Plan;
  – Construct Collector Lines and Transmission Lines Consistent with APLIC Recommendations, Including Conductor Spacing and Use of Anti-Perch Guards;
EOZ Permitting in Klickitat County

• Additional Conditions and Standards for Wind Energy:
  – Project Pre-Assessment Studies Consistent with WDFW Wind Energy Siting Guidelines Effective Date of Ordinance,
    • Consider Guideline Amendments,
    • Consult with WDFW and Local Experts Regarding Turbine Siting;
  – Bird Flight Deflectors on Guided Permanent Met Tours or Use Unguyed Met Towers;
EOZ Permitting in Klickitat County

• Additional Conditions and Standards for Wind Energy:
  – Minimum One Full Season of Avian Use Surveys, Additional Seasonal Data Recommended if:
    • Use by Species of Concern Estimated to be Relatively High,
    • There is Little Existing Data Regarding Seasonal Use, or
    • The Project is Especially Large.
  – Monitor Raptor Nests Prior to Construction and Modify Construction Timing and Activities to Avoid Impacts;
    • Minimum One Raptor Nest Survey within One-Mile of Project Site,
      – Survey Larger Area (e.g., 2-Miles) if Likelihood of Threatened or Endangered Raptor Species;
EOZ Permitting in Klickitat County

• Additional Conditions and Standards for Wind Energy:
  – Remove Animal Carcasses;
  – Minimum One Year Avian and Bat Fatality Monitoring,
    • Report Fatalities to USFWS & WDFW;
  – Technical Advisory Committee (TAC),
    • Invite WDFW, USFWS, Landowners, Yakama Nation, and Local Environmental Groups,
    • TACs Review Fatality Monitoring Plan and Advise During Monitoring,
    • TACs Consider Problems and Impact Mitigation,
      – Recommend Whether Further Mitigation Appropriate.