

Kittitas County, Washington

BOARD OF COUNTY COMMISSIONERS

District One
Paul Jewell

District Two
Alan Crankovich

District Three
Mark McClain

January 14, 2010

Honorable Judy Warnick
13th Legislative District Representative
403 J.L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600

Dear Representative Warnick:

The Kittitas County Board of County Commissioners requests you not approve House Bill 2516.

This proposed legislation significantly modifies the role of the Energy Facility Site Evaluation Council (EFSEC) by expanding its authority beyond original legislative intent to include the siting and permitting of small wind energy systems. If passed, this measure would bypass local legislative authority by creating an administrative process through EFSEC that would encourage individuals to apply and receive approval for the placement of wind turbines up to 170 feet tall without public input, without oversight by any other authority, without consideration of local regulations and zoning, and if necessary, preempting the decision of a local government.

According to EFSEC's website "the State of Washington Energy Facility Site Evaluation Council (EFSEC or Council) provides a 'one-stop' siting process for major energy facilities in the State of Washington" (emphasis added). Single wind turbines that are up to 170 feet tall certainly are not considered major. Further supporting the intent of EFSEC to review and make recommendations for major energy facilities can be found in RCW 80.50.071 which outlines and requires certain application fees including \$25,000 per site plus applicable expenses of independent consultants, the council, etc. HB 2516 proposes to exempt small wind energy systems from these fees.

Currently, RCW 80.50.090 (1) requires "the council shall conduct an informational public hearing in the county of the proposed site" for all applications. Presumably, this is to comply with the legislative intent in RCW 80.50.010 which states "it is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public." By removing any public process or input as HB 2516 proposes for small wind energy systems, legislative intent is clearly undermined. Accordingly, RCW 80.50.090 (2) further states "...the council shall conduct a public hearing to determine whether or not the proposed site is consistent with city, county, or regional land use plans or zoning ordinances." HB 2516 proposes to exempt small wind energy systems from the basic and fundamental analysis of compatibility with local regulations.

In our view it is unacceptable for the state to enact laws that remove the authority of the local legislative body in favor of an unelected agency which, in this proposal, will act on these applications without oversight. In its current form, RCW 80.50.100 requires EFSEC to prepare a written report to the Governor with recommendations for approval or denial of an application. It is then the responsibility of the Governor to make the final determination. In contrast to this well established standard, HB 2516 again proposes to exempt small wind energy systems from this basic oversight, leaving full authority in the hands of EFSEC alone. We already have too many instances whereby state agencies are empowered to impact local conditions significantly without proper oversight or recourse.

Finally, HB 2516 proposes in Section 6 (3) that "a small alternative energy resource facility site certification issued by the council preempts any permit issued by a local government". If passed, this measure would give EFSEC ultimate authority over these facilities. No longer would EFSEC be in place for overseeing major infrastructure improvements in energy for the State of Washington and its citizens,

but in our back yards and neighborhoods as well. Passage of this bill is a message to communities throughout Washington that the state does not trust or care about the values and desires of the residents and the officials whom they choose to represent them.

The size of the facilities included in this proposed legislation are certainly outside the scope of statewide significance and therefore the siting and permitting decisions for them should clearly be left to local authority.

Finally, we believe it is also important to note the sponsors of this legislation are all from the region of the state where it is much less likely these facilities will be sited. The majority of wind and solar resources for viable energy production exist in Eastern Washington and therefore the most likely siting locations exist east of the Cascades. Clearly, this is a case of legislation being proposed by elected representatives that will likely only impact areas outside their respective districts.

For these reasons, we respectfully request you not approve House Bill 2516.

Sincerely,



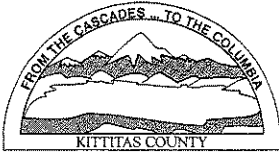
Mark McClain
Chairman



Paul Jewell
Vice Chairman



Alan Crankovich
Commissioner



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January 14, 2010

Honorable Janea Holmquist
13th Legislative District Senator
106B Irv Newhouse Building
PO Box 40413
Olympia, WA 98504-0413

Dear Senator Holmquist:

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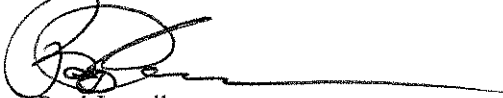
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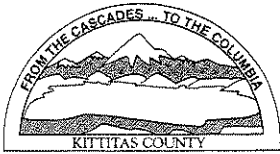
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January 14, 2010

Honorable Bill Hinkle
13th Legislative District Representative
404 J.L. O'Brien Building
PO Box 40600
Olympia, WA 98504-0600

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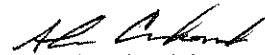
Sincerely,



Mark McClain
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