

Low Carbon Energy Project Siting Improvement Study

Advisory Board Meeting
March 16, 2022



Today's Topic: Local Government and Upfront Planning

Objectives:

- Understand the opportunities and value of upfront planning for low-carbon energy projects, barriers to upfront planning, and potential solutions
- Understand opportunities and challenges for local governments from low-carbon energy projects and solutions that increase benefits or reduce negative impacts
- Inform ways to engage the broader public and local communities in the low-carbon energy project siting improvement study through upcoming public information meetings

Please note this meeting is being recorded; the recording and all slides will be posted to Ecology's project website



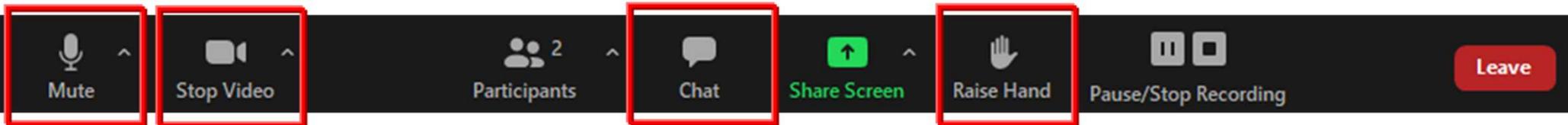
Agenda

- State Updates
- Growth Management Act and SEPA Planning Options Overview
- Upfront Planning for Low-Carbon Energy Projects (Breakout sessions)
- *Break (2:40)*
- Opportunities and Challenges for Local Government (Breakout sessions)
- Planning for Public Engagement in Low-carbon Energy Project Siting Improvement Study
- Wrap up and Next Steps
- Public Comment (4:15)



Participating Effectively via Zoom

- To reduce background noise, please mute yourself when you are not speaking
- Advisory Board members please show your video
- If you have questions or ideas to share during presentations, please chat them to the group, and we can address them during the Q&A and discussion time
- During discussions, please let us know you'd like to jump in by "raising your hand"

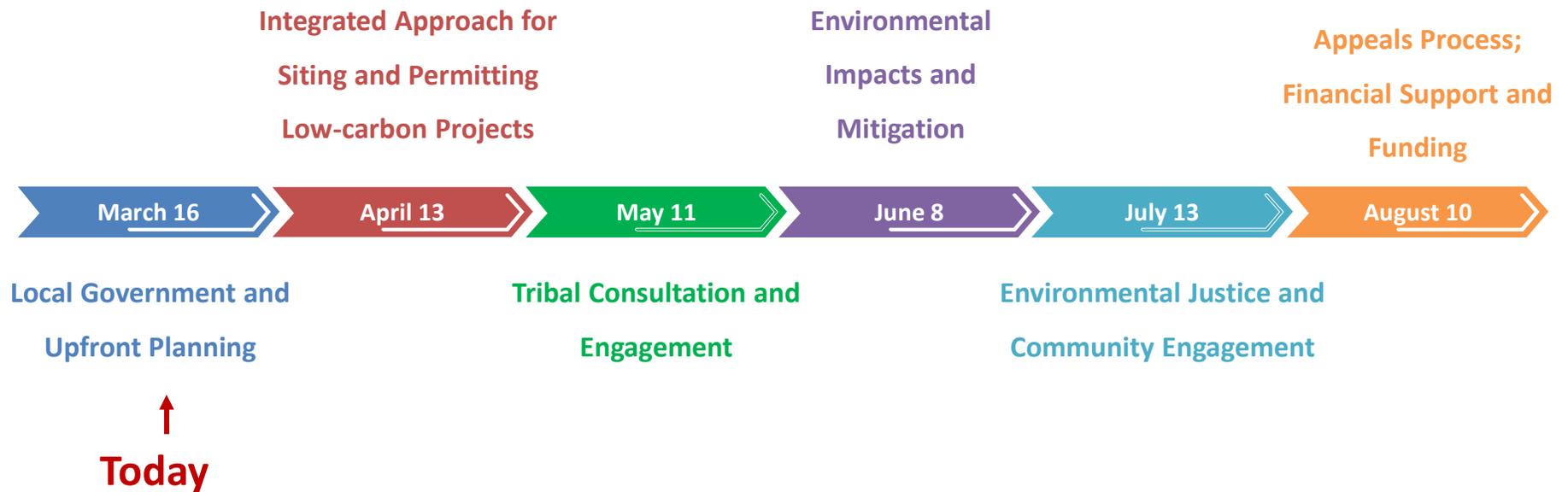


Public Participation

- This meeting will be recorded and posted on the Ecology website: <https://ecology.wa.gov/Air-Climate/Climate-change/Greenhouse-gases/Reducing-greenhouse-gases/Clean-Fuel-Standard/Low-carbon-energy-siting>
- Members of the public will be muted, off video, and off chat until public comment
- Members of the public may observe breakout discussions
- There will be an opportunity for 2-minute public comments at the end of the meeting. At that time, members of the public who would like to comment should raise their hands if they would like time to speak
- You may also submit comments at the e-comment site: <https://sea.ecology.commentinput.com/?id=tiufU>



Proposed Topic Schedule (March-Aug)



Meetings will be 1:00-4:30 PM (will adjust calendar invitations)



Today: Local Government and Upfront Planning

C. Upfront Planning

What are opportunities for up-front planning that can help guide and support siting, permitting, and environmental review?

What can help encourage this type of up-front planning for low-carbon facilities?

E. Community Engagement

Why might engagement with local communities and understanding of local concerns or opportunities be inadequate?

What would it take for more robust community engagement about low-carbon facilities, especially for highly-impacted communities and vulnerable populations?



Upfront Planning

Key Issues

Opportunities:

- Can streamline siting by addressing issues upfront
- Can help developers understand site issues early, identify high risk sites, and avoid surprises
- Visible public processes can attract Tribal, stakeholder, and community input

Challenges:

- Cost can be a significant barrier for counties
- Can be difficult to attract Tribal, stakeholder, and community involvement
- Less clear to Tribes and stakeholders what key issues are in planning vs. site-specific process
- Unclear or conflicting roles for local and state governments

Potential Solutions

- Overcome county planning costs (e.g., grants, recouping costs from developers)
- Proactive outreach to Tribes and stakeholders, and communities to engage them in planning
- Clarify state and local roles



Opportunities and Challenges for Local Government

Key Issues

- How to facilitate effective Tribal, stakeholder, and community involvement in siting and permitting decisions
- How to understand and communicate project benefits and impacts
- Increasing local opposition to new projects/facilities
- Technical complexity of some projects and limited local government capacity
- Impacts on local tax revenue
- Opportunities for local jobs and other benefits

Potential Solutions

- Local government guidance on siting and permitting new low carbon technologies, particularly in rural and resource lands
- Earlier and broader engagement for community conversations
- Shift to levelized taxes for clean energy facilities (vs. depreciation)



Quick Ice Breaker

- What was your least favorite food as a child? Do you still hate it or do you love it now?

Please use Zoom chat to respond





State Updates



Growth Management Act and SEPA Planning Options Overview

Growth Management Act and SEPA Planning Options Overview

- **Local government and the Growth Management Act**, *Scott Kuhta, Commerce*
- **SEPA options for advanced planning**, *Brenden McFarland, Ecology*





Upfront Planning for Low-Carbon Energy Projects

Upfront Planning for Low-Carbon Energy Projects

- **Klickitat County Energy Overlay Zone**, *Dave McClure, Klickitat County*



Wind & Solar Energy Permitting in Klickitat County, Washington

- Permitting Options:
 - Washington State Energy Facility Site Evaluation Council (EFSEC); or
 - Klickitat County,
 - Conditional Use Permit, or
 - Energy Overlay Zone 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 Energy Facilities, 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.



SSB 5107 Amended the Land Use Petition Act, RCW 36.70C.020 Definitions

- “Energy overlay zone” means a formal plan enacted by the county legislative authority that established suitable areas for siting renewable resource projects based on currently available resources and existing infrastructure with sensitivity to adverse environmental impact.
- “Renewable resources” has the same meaning provided in RCW 19.280.020.

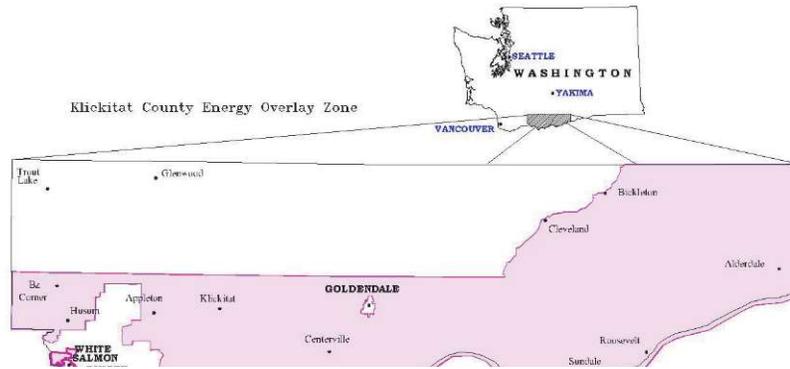


SSB 5107 Amended Land Use Petition Act, RCW 36.70C.030

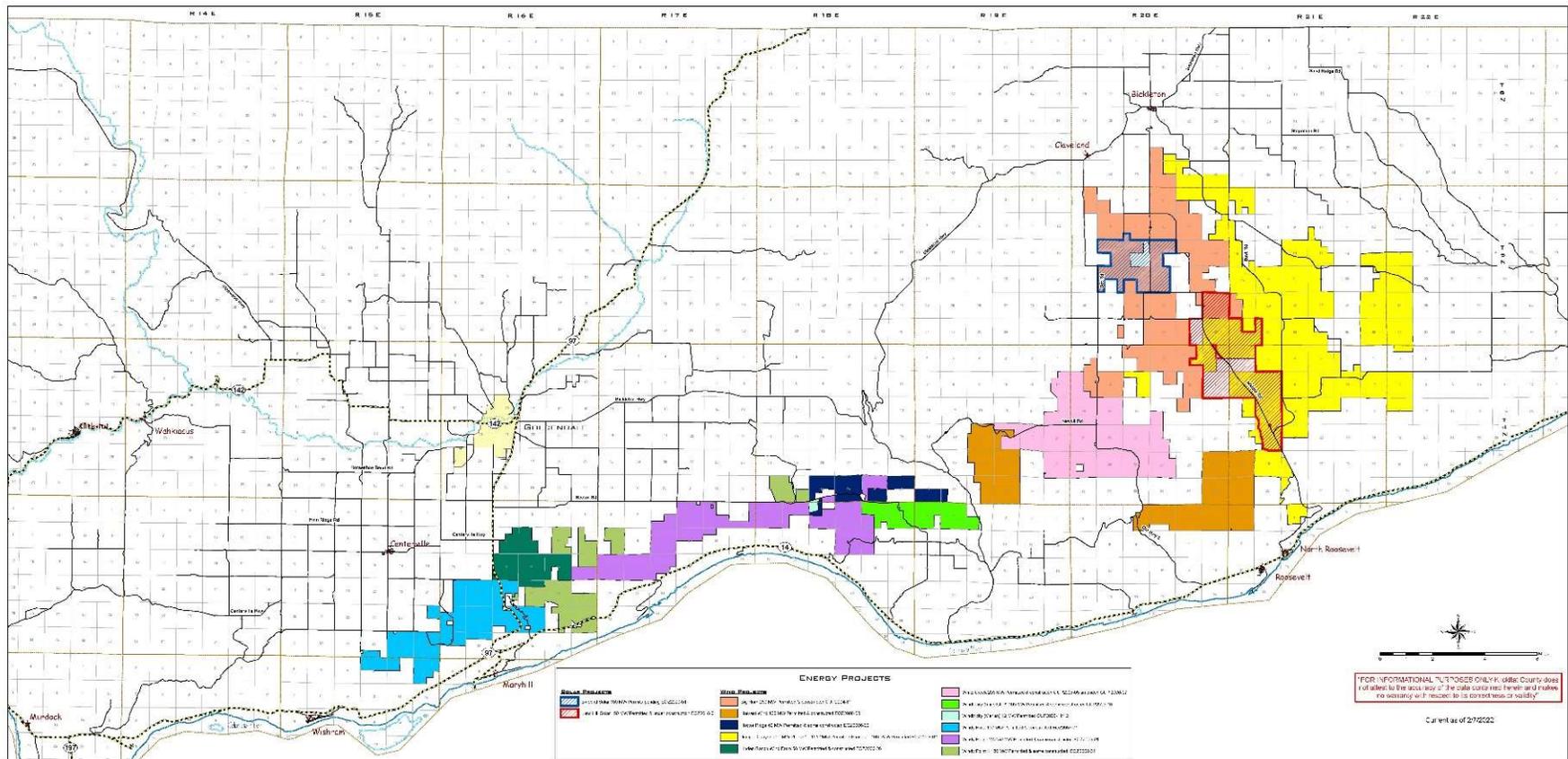
Standards for Granting Relief

- Land use decisions made by a local jurisdiction concerning renewable resource projects within a county energy overlay zone are presumed to be reasonable if they are in compliance with the requirements and standards established by local ordinance for that zone. However, for land use decisions concerning wind power generation projects, either:
 - (3) (a) The local ordinance for that zone is consistent with the department of fish and wildlife's wind power guidelines; or
 - (b) The local jurisdiction prepared an environmental impact statement under chapter [43.21C](#) RCW on the energy overlay zone; and
 - (i) The local ordinance for that zone requires project mitigation, as addressed in the environmental impact statement and consistent with local, state, and federal law;
 - (ii) The local ordinance for that zone requires site specific fish and wildlife and cultural resources analysis; and
 - (iii) The local jurisdiction has adopted an ordinance that addresses critical areas under chapter [36.70A](#) RCW.
- If a local jurisdiction has taken action and adopted local ordinances consistent with subsection (3)(b) of this section, then wind power generation projects permitted consistently with the energy overlay zone are deemed to have adequately addressed their environmental impacts as required under chapter [43.21C](#) RCW.





CLICKITAT COUNTY ENERGY PROJECTS



EOZ Permitting in Klickitat County

- Requirements for Both Wind and Solar Projects:
 - Permit Application and 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 Stormwater Management Plan,
 - Pre-Application Meeting Required;
 - Public Notices, Including Community Meeting and Notification of Nearby Property Owners.



EOZ Permitting in Klickitat County

- Conditions/Standards for Both Wind and Solar Projects:
 - Noise, Air Quality, Stormwater, Geologic and Flood Hazards, Water Resources, Cultural Resources, Visual Resources, Public Safety, Road Impacts, Communications Interference, Vegetation and Wildlife, and Decommissioning.



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.



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 Towers 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.



David McClure, Director
Klickitat County Natural Resources & Economic
Development Departments

115 West Court Street, MS 204
Goldendale, WA 98620

(509) 773-7060
davem@klickitatcounty.org

Breakout Sessions

- ~30-minute small group discussions followed by report-outs (one in plenary, one in a breakout room)
- Members of the public invited to observe breakouts
- Please do not click “Close Breakout Room” button



Breakout Sessions: Discussion Questions

- *What is the value of upfront planning to local governments, applicants, Tribes, and stakeholders?*
- *What are barriers to effective upfront planning and how can they be overcome?*



Breakout Notes (Plenary)

What is the value of upfront planning to local governments, applicants, Tribes, and stakeholders?
What are barriers to effective upfront planning and how can they be overcome?

Notes:

- Chris – As a project proponent the value of upfront planning is to try and identify issues early on. We try and do this on a number of fronts. We try to develop relationships with council members and landowners. Try to consult with stakeholders as much as we can
- Brenden – One is the value of land use planning and planning for conflicts in uses. We have residential development, solar and wind all vying for the same ag land. When it gets to SEPA you have some basis for the proposals, and if you have some of the review done it is good.
- Chris – The land use component of it is sometimes a hurdle that we need to overcome. You are coordinating with planning groups and there is a particular zone that is prohibited you have to work through that and in some jurisdictions, you can only update code once a year. It takes a lot of time to update the code. Batterie systems just haven't been contemplated under local code even though they are very useful. We are working with local counties to update code to include battery projects. Upfront planning really helps identify land use issues and get a resolution even before we submit an RFP to a customer and get into permitting. Also, helpful to get upfront stakeholder coordination
- A barrier to this is that a battery system is very individualized, there is an endless number of ways to configure them to meet the local land use code. We want to be as upfront as we can, but people ask site specific questions for county wide code. We can't address the questions until we address the code.
- Chris – Idea of getting an energy overlay zone is pretty interesting. It's not a barrier, we just want to make sure all folks are aware of what the issues could be. Want to make sure elected officials are aware of benefits of these projects to communities. Increase taxable value of that land.



Breakout Notes (Plenary) 2

What is the value of upfront planning to local governments, applicants, Tribes, and stakeholders?
What are barriers to effective upfront planning and how can they be overcome?

Notes:

- Chris – There are certain strategic advantages to not disclosing all info about exact locations of project. There are developers out there who are constantly tracking other developers. We are all responding to same RFPs. If we can keep stuff proprietary until we have an actual project, it can prevent us from sharing everything. We also don't have all the answers for upfront plans. We sometimes identify a good area and have willing landowners. You have a general area that we target, and we go to all stakeholders and explain the idea of what we are thinking, and folks want details that we just don't have yet.
- Adam – We are interested in least conflict priority process in Columbia Basin. Can you say a little more about some barriers you mentioned? Our goal is to have this process lead to streamlined building of solar in low conflict areas, I think developers see it as valuable.
- Chris – As a mapping exercise for low conflict areas, they may be identified in places that the industry doesn't see as the best site for projects. A lot of what we do is relationship base, there needs to be a good way to connect to local infrastructure and need to have a good source of solar or wind. Sometimes these low conflict areas are identified but they don't consider everything that goes into choosing a project. There are a lot of factors that go into siting these areas. We have our analytics team and know where there is good wind and solar resources, we have relationships with utilities, and potential interconnection areas. We have teams that are always prospecting and cross referencing the potential heat maps. The landowner piece is overlooked a lot, you need to have a willing landowner. Farmers are more and more interested in having renewable for an alternate stream of revenue. They are seeing solar as a great alternative. However, that landowner's property may be a great location for solar, and to interconnect, but it is not a least conflict area or overlay zone. It may just not be a good site. IF we are looking at a site, we look at it almost a decade in advance, there is so much that goes in beyond just permitting.



Breakout Notes (Plenary) 3

What is the value of upfront planning to local governments, applicants, Tribes, and stakeholders?
What are barriers to effective upfront planning and how can they be overcome?

Notes:

- Adam- That makes sense, and those time horizons make sense.
- Chris – It's no secret that transmission in WA is the biggest constraint of all. Getting energy into substations and into higher populated areas is the hard part
- Breean - Upfront planning is a heavy lift to get us into that mode, I don't think a lot of counties or cities know how to do it
- Brenden – How do you engage the public in upfront planning? People get excited for individual projects, but you can plan for an entire area with multiple projects. The challenge of engaging the public is hard
- Chris – I agree with that, once there is a real project in somebody's back yard that's when people get interested.
- About bandwidth for local governments. Sometimes they just don't have funding or bandwidth to meet about a project that doesn't exist yet.
- Breean – I was referring to both staff resources, but it is also a newer type of issue, getting that momentum going even with the staff is very hard. The city of Spokane is very interested. Anytime we try doing something new it just seems longer and harder to do it. Having templates and continuing education up to speed would be helpful



Breakout Notes (Tom)

What is the value of upfront planning to local governments, applicants, Tribes, and stakeholders?
What are barriers to effective upfront planning and how can they be overcome?

Notes:

- Value—certainty and time; lay out a beginning and an end
- Good for those that are applying—it will go faster
- Takes a lot of time and energy for local government
 - Have to go through a huge amount of public process to go there, including with applicants
 - Applicants don't want to go through all of that.
 - Dave McC—there were projects that followed the other route as we were going through it.
- Dave—what prompted the county to do the work; drivers
 - Much of economy was timber; aluminum. It was going down. Created economic drivers. Saw EOZ as a dependable source of revenue. Landowners less likely to break up into ranchettes.
 - Had renewable energy interests early on. Boeing put in a wind farm early
- Paul—upfront planning can create a competitive advantage. Paving the road. Folks that want to get projects done. Can become the go-to location for projects.
 - If you are a target for these types of developments and there is concern in the community—this is a way to address them upfront. Allay concerns with a better process.
- Rebecca—limitation on upfront planning: need for project specifics. Project proponents aren't able to share full impacts, etc.
 - Dave: still a lot of site-specific detail required
- Dawn Vyvyan—EOZ. Whether/not. Any need to go back to review/update—what is working on the landscape. Solar/wind is coming to Klick. Anything you'd have done differently? (thinking about 1000s for solar and impacts on Tribes/communities).
 - Solar is pretty new; nothing in pipeline for wind currently. Wind's footprint is less than acre/megawatt. Solar is larger
- Haley—Echo Rebecca's comment. Need for more specifics for projects/impacts; need to have information early on.



Breakout Notes (Tom) 2

What is the value of upfront planning to local governments, applicants, Tribes, and stakeholders?
What are barriers to effective upfront planning and how can they be overcome?

Notes:

- Haley—who go to look at cumulative impacts across the state.
 - Dave—did a cumulative impact assessment
 - Joenne—
- Paul—another barrier: EFSEC process. Barrier to local planning. Local gov'ts invest in planning and then get over-ridden by EFSEC that isn't bound by any of those planning requirements.
 - Recent legislation passed; changes the calculus
 - Dave McClure—have concerned neighbors; now more concerned because of EFSEC
 - **Haley, EFSEC; tracked bill closely; helpful for this group to take a longer look at it.
- What kind of funding levels helpful for upfront planning
 - \$500m for EIS; then another \$500m after appeals
- *GMA needs to address (Scott)—Make RE considered in the GMA; leaves counties to deal with it on their own.
 - Leg is paying for aerial imagery. DFW. Might help with





Opportunities and Challenges for Local Government



Break – Back at 3:05

Opportunities and Challenges for Local Government

- *Breean Biggs, City of Spokane*
- *Paul Jewell, Washington Association of Counties*
- *Amy Keenan, Whatcom County*



Breakout Sessions

- ~30-minute small group discussions followed by report-outs (one in plenary, one in a breakout room)
- Members of the public invited to observe breakouts
- Please do not click “Close Breakout Room” button



Breakout Sessions: Discussion Questions

- *What are local opportunities and challenges of low-carbon energy projects?*
- *How can negative impacts to local communities be reduced?*
- *How can coordination and information sharing between local governments and state agencies and Tribes be improved?*



Breakout Notes (Plenary)

What are local opportunities and challenges of low-carbon energy projects?

How can negative impacts to local communities be reduced?

How can coordination and information sharing between local governments and state agencies and Tribes be improved?

Notes:

- Gary – What about facilities that facilitate low carbon fuel production. Particularly from the Midwest. A piece of the business model is to increase production of bio refined fuels. Last 10 years the DOE has approved cradle to grave production. What about facilities that aren't creating low carbon fuels but are critical to production of low carbon fuels? One of our issues has been being able to build facilities that support this industry.
- Breean – We are trying to attract more of these kinds of projects. We are interested and looking to build facilities like this.
- Gary – The whole subject of batteries storage. Are storage facilities considered a critical component
- Scot Kuhta – Was talking to a gentleman, battery facilities can catch fire easily. Hard to have them near places that will catch fire easily. A lot of authorities do not have the codes and knowledge to regulate them. Even larger governments struggle with this.
- Joenne – I know sometimes it's very difficult for a project proponent or a local gov entity to know sometimes the right entry level for the agency on a particular issue. We have to internally take a look at process. ECY is looking internally on how to improve our process. I know we have opportunities to improve our own info sharing if we get connected at the right level we can start at our end. We need to think about as a state there is value in broad communication. The value of the interagency team is seeing what processes happen at other agencies and if there are parallel process. Helps in communicating clearly and consistently and in advance for the next step of the process. Early and frequent communication gives folks an entry point where you can help somebody connect the dots.



Breakout Notes (Plenary) 2

What are local opportunities and challenges of low-carbon energy projects?

How can negative impacts to local communities be reduced?

How can coordination and information sharing between local governments and state agencies and Tribes be improved?

Notes:

- Haley – One thing the Vice Chairman has spoken to is we hear “I don’t know how to get a hold to tribes a lot”. What we discussed with Joenne about this process is for some kind of tool to making those connections early and having a place to get that info. Mapping tool for tribes to define their own space. Tools allowing Tribes to opt in and provide contact and other info. This info sharing needs to happen. We tracked EFSEC bill closely, thought there might be some seats, also tracked Climate Commitment act to have consultation. Opportunity for this body to make meaningful recs in conjunction with tribal engagement
- Becky – strongly agree with Haley, a lot of simultaneous things going on that point to folks needing to speak to tribes. We need to provide tools to people to know who to be talking to and how. The Gov office will have a role in that.
- Scott – Bill that passed that required some counties to engage with tribes. Then if counties, cities, and tribes can’t agree on Tribe’s interests they can reach out to commerce for mediation. We will provide guidance on that at commerce
- Haley – A lot of this should be coming from a larger pool of tribal reps.



Breakout Notes (Tom)

What are local opportunities and challenges of low-carbon energy projects?

How can negative impacts to local communities be reduced?

How can coordination and information sharing between local governments and state agencies and Tribes be improved?

Notes:

- Dave—Jobs. Local contractors aren't unionized. For RE 100% reimbursement, you need a community workforce agreement. PLA. PLA is a barrier to develop business for local contractors. Ensure apprenticeship opportunities available locally.
- Joe—Non-union can sign on to a PLA. There are other tiered elements of the tax incentive.
- Rebecca—Amy's points are well taken; there is a lack of expertise at the local scale to evaluate and understand the impacts like vessel traffic, orca recovery that can't be mitigated. End up doing an EIS. At some point identify that there are impacts that are not worth if for Washington state. There are some things that you can't mitigate, which means that the project can't change or move forward. Way that this process can highlight those impacts. Simply not in the interest of the state.
- Paul—What are some of those impacts?
 - Orca recovery?
 - Rebecca: Goldendale—cultural impacts. irreparably take away cultural property
 - Salmon recovery
 - Dawn: Species impact in shrub steppe habitat; plants important to the lifecycle of an ecosystem; e.g., solar eliminates access of species to sunlight; areas susceptible—can't regenerate.
- Amy—isolated in figuring out tough questions. We have a great relationship with. Good experiences working with ECY on pre-consultation on Green Apply. Public notification.
 - GHG emissions—state is going through rulemaking; parameters and what to do about it
 - Vessel traffic and southern resident killer whales. Any jurisdiction near Salish Sea will deal with these issues.



Breakout Notes (Tom) 2

What are local opportunities and challenges of low-carbon energy projects?

How can negative impacts to local communities be reduced?

How can coordination and information sharing between local governments and state agencies and Tribes be improved?

Notes:

- Laura Miner. Every project is different. In general, we talk about the tax benefits. Largest contributor to local and state economic development. Jobs created are mostly during construction and fewer during operations. Projects last a couple of years. Indirect benefits.
 - Paul idea benefits are not local because power is going elsewhere. Electrons flow where they flow.
 - Paul—communities are forced to have projects for power that they don't need. (Could make same argument about apples, cars, computers, etc.) These other facilities give more local benefits. They start with lack of benefits.
- Paul—solution ideas:
 - Tax issues. Tax facilities that are built on these properties. Tax as real property
 - Excise/severance process
 - EFSEC





Planning for Public Engagement in Low-carbon Energy Project Siting Improvement Study

Planning for Public Engagement in Low-carbon Energy Project Siting Improvement Study

- Overview: Intent of public information meetings
- Group discussion: *What are the best ways to reach communities and engage them on these topics?*





Wrap Up & Next Steps

Wrap Up and Next Steps

- Follow-up from today
- Next Meeting: April 13: *Integrated Approaches for Siting and Permitting Low-carbon Projects*





Public Comment

Instructions for Public Comment

- Members of the public that are interested in making 2-minute statements are invited to do so
- Please use Zoom to raise your hand if you would like to make a statement, and you will be unmuted
- Please introduce yourself
- To the extent possible, please frame remarks as comments rather than questions
- Written statements can be sent to the e-comment site:
<https://sea.ecology.commentinput.com/?id=tiufU>

