

From: [Reiley Beth](#)
To: [Koopman Samantha](#)
Subject: FW: Testimony on SB 258
Date: Monday, February 02, 2015 7:40:41 AM

Beth Reiley
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From: ROBIN SEVERE [mailto:severe@wildblue.net]
Sent: Monday, February 02, 2015 7:09 AM
To: Reiley Beth
Subject: Fwd: Testimony on SB 258

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From: **ROBIN SEVERE** <severe@wildblue.net>
Date: Mon, Feb 2, 2015 at 7:03 AM
Subject: Testimony on SB 258
To: BethReiley@state.or.us, Sen.Michael@state.or.us, Sen.ChrisEdwards@state.or.us,
Sen.AlanOlsen@state.or.us, Sen.FloydProzanski@state.or.us,
Sen.ChuckThomsen@state.or.us

Hello,

I am submitting my written testimony on SB 258 and am requesting to be put on the docket to speak in the public hearing on this SB on Feb. 4,2015 in hearing room C.

I oppose SB 258. This bill removes the local controls and ordinances of energy facility siting. Our Bill of Rights guarantees due process and it starts at the local level. SB 258 circumvents due process at the local level.

I live in an area that has approximately 400 wind turbines in a 15 square mile radius. There have been multiple wind projects sited and built in this area since 1999. In 2009, the Energy Facility Siting Council (EFSC) granted an expedited site certificate to Iberdrola, for the Helix Wind Power Facility (HWPF). Approved for 60 turbines. In 2011, EFSC granted amendment #1 and allowed the facility to more than double in size. 2012, EFSC granted a time extension that would run through 2017. I opposed both amendments.

Why EFSC should not have granted these amendments are as follows:

1. Public Health and Safety

(exhibits attached to these issues will be provided to the committee on 2/4/2015 to read at their leisure)

"A Proposed Metric for Assessing the Potential of Community Annoyance from Wind Turbine Low-Frequency Noise Emissions" author- N.D. Kelley prepared for the U.S. Dept of Energy 1987

2. Cumulative Effects

exhibit- area map of Stateline Wind I&II&III, Combine Hills I&II, Vansycle Ridge I&II in conjunction with the Helix wind facility noise modeling map and residences

3. Noise

exhibit- summary of noise software used in measuring noise and the model that EFSC applies OAR 340-035-0035(iii)(IV) DEQ Noise Regulations for wind turbines

"Problems Related to the Use of the Existing Noise Measurement Standards When Predicting Noise from Wind Turbines and Wind Farms" authors-Niels Nielson for Vestas, Ejler Kristensen for Bonus Energy, Bo Sondergaard for Delta Energy

"Neglect of Wind Shear in Assessing Long Range Propagation of Wind Turbine Noise" author- M.W. Toft (partial)

4. Fire Danger

Facts, documentation and testimony presented to EFSC made little difference. Both amendments were granted to the applicant.

My request that ORS 469.401 apply was denied by EFSC. I, subsequently, applied for contested cases with those being denied by EFSC.

At an August 2012 EFSC meeting, in recorded testimony, Oregon Dept of Energy (ODOE) siting officer for the Helix project, gave misleading and manipulated testimony on a new Umatilla County siting ordinance (UCDC 152.616HHH) and how it related to ORS 469.401. The record was closed and the public was unable to refute his false statements. Due process was denied the public.

To mount an appeal to the Oregon Supreme Court is an extraordinary hardship for the average citizen. Consider that bringing to bear the full resources of ODOE, Dept of Justice (DOJ), the applicant and their stable of lawyers is formidable. But that is just what myself and a group of citizens did in Blue Mountain Alliance vs. EFSC. It was the only recourse left to the public.

SB 258 targets ORS 469.401 and erodes local control. The ODOE Siting Division is funded by the applicants. By the very nature of this fact, the balance is tipped in favor of the applicant.

In 2011, I began participating in making changes to the local ordinances, that govern our county of Umatilla, in the siting of wind energy. The local process gives fair representation and a level playing field to citizens.

Research, documentation and testimony helped convince the Umatilla County Planning Commission (UCPC). They unanimously recommended a 2 mile setback (for rural residences from turbines) and sent their recommendation on to the Umatilla County Board of Commissioners (BOC). The BOC were presented with over 3,400 signature petitions from citizens who demanded the 2 mile setback. The BOC responded by voting with their constituency. Umatilla County wind siting will now require a 2 mile setback from rural residences and turbines.

Senators, you must not deny due process at the local level by allowing this SB 258 forward. Circumventing the local process will result in no protections for the unique environments and populace of those counties. Land use laws originated because citizens demanded protections of, not only, their properties but for Public Health and Safety. This is a right we shouldn't be denied.

Thank you,
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Will you please verify that you have received my e mail? Thank you!