
**Technology, Energy &
Communications Committee**

HB 1021

Brief Description: Providing small wind permitting standards.

Sponsors: Representatives Morris, Morrell, B. Sullivan, McCoy and Chase.

Brief Summary of Bill

- Provides that local authorities can provide for the permitting of small wind energy systems by ordinance and sets limits on the restrictions that a local authority can include in that ordinance.
- Requires local authorities to approve permit applications that meet certain requirements if the local authority has not provided for the permitting of small wind energy systems by ordinance.

Hearing Date: 1/14/05

Staff: Sarah Dylag (786-7109).

Background:

A person or entity seeking to construct a small wind energy system generally must seek a permit from the local authority where the system will be constructed. The permit process varies depending on the jurisdiction and can include a building permit application process, a conditional use application process, and related administrative hearings.

Under current law, energy facilities of any size that exclusively use alternative energy resources, such as wind, can also opt-in to the Energy Facility Site Evaluation Council (EFSEC) review and certification process. This process involves six steps and the applicant is required to pay the costs of the EFSEC in processing an application.

Summary of Bill:

A county, city, town, or other local entity with authority to enact construction or building ordinances or otherwise conduct construction or building permitting, may provide, by ordinance, for the installation of small wind energy systems on parcels of land of at least one acre. The local authority may establish a process for the issuance of a conditional use permit.

If a local authority enacts an ordinance, the ordinance can include various conditions on construction. The conditions shall not be more restrictive than the following:

- Tower heights of up to 65 feet must be allowed on parcels between one and five acres.
- Tower heights of up to 80 feet must be allowed on parcels of five acres or more so long as the height does not exceed manufacturer recommended height.
- A requirement to provide notice of an application to property owners within 300 feet may apply.
- A requirement that building setbacks be no farther from the property line than the height of the system as long as they are in compliance with any applicable fire setback requirements.
- A requirement that decibel levels not exceed 60 decibels except during windstorms or outages.
- A requirement that the system's turbine be certified by a national program recognized and approved by the Department of Community, Trade and Economic Development.
- A requirement that the application include standard drawings showing compliance with the Washington State Building Code.
- A requirement that the system comply with all Federal Aviation Administration requirements.
- A requirement that the application include a line drawing of electrical components showing compliance with the National Electric Code.

The ordinance may require an applicant to provide information demonstrating that the system will be used primarily to reduce on-site electricity consumption. An applicant intending to connect to their system to the electricity grid may also be required to provide evidence that the electric utility that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.

If the local authority does not implement an ordinance, the local authority must approve applications when the applications comply with the following:

- The proposed parcel of land is at least one acre.
- Tower heights are no greater than 80 feet for parcels of land less than five acres.
- No part of the system extends closer than 30 feet to the property boundary.
- Decibel levels for the system do not exceed sixty decibels except during outages or windstorms.
- The turbine is certified by a national program recognized and approved by the Department of Community, Trade and Economic Development.
- The application includes standard drawings and engineering analysis by a certified engineer.
- The system complies with Federal Aviation Administration requirements.
- The application includes line drawing of electrical components.
- The application includes evidence that the electrical utility that serves the proposed site has been informed of the applicant's intent to install an interconnected generator, if the applicant so intends.

Additional notice requirements may apply if a small wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes. In such cases, the local authority shall take reasonable steps to notify pest control aircraft pilots.

A local authority shall review an application for a small wind energy system as expeditiously as possible.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.