

# SENATE BILL REPORT

## SHB 1008

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As Reported by Senate Committee On:  
Environment, Water & Energy, March 25, 2009

**Title:** An act relating to small wind permitting standards.

**Brief Description:** Concerning permit requirements for small wind energy systems.

**Sponsors:** House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, Upthegrove, Seaquist and Morrell).

**Brief History:** Passed House: 3/03/09, 97-0.

**Committee Activity:** Environment, Water & Energy: 3/18/09, 3/25/09 [DPA].

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Majority Report:** Do pass as amended.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Hatfield, Holmquist, Morton and Ranker.

**Staff:** William Bridges (786-7416)

**Background:** The process for siting and constructing small wind energy systems is generally governed by local ordinances. It may include building permits, conditional use permits, and related administrative hearings.

Energy facilities of any size that exclusively use alternative energy resources, such as wind power, can also opt-in to the Energy Facility Site Evaluation Council (EFSEC) review and certification process. An EFSEC site certification authorizes an applicant to construct and operate an energy facility in lieu of any other permit or document required by any other state agency or subdivision.

**Summary of Bill (Recommended Amendments):** The Department of Community, Trade, and Economic Development must compile and analyze siting and permitting requirements of local agencies regarding small wind energy systems and meteorological towers. The report must include recommendations for any further legislative action, if any, to enact an expedited siting and permitting system to preempt local siting regulations for small wind energy systems and meteorological towers. The report is due December 31, 2010.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**EFFECT OF CHANGES MADE BY ENVIRONMENT, WATER & ENERGY COMMITTEE (Recommended Amendments):** Strikes the underlying bill that creates detailed statewide default siting requirements for small wind systems meteorological towers. The striking amendment requires the Department of Community, Trade, and Economic Development to compile and analyze siting and permitting requirements of local agencies regarding small wind energy systems and meteorological towers. The report must include recommendations for any further legislative action, if any, to enact an expedited siting and permitting system to preempt local siting regulations for small wind energy systems and meteorological towers. The report is due December 31, 2010.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Substitute House Bill:** PRO: Some local governments have out-of-date ordinances or no ordinances at all for the siting of wind systems. In addition, some local governments don't have any expertise to site these systems. All of these factors create a barrier for the development of wind systems, a renewable energy source. The bill is modeled on a Wisconsin statute that specifies the safest behavior for siting wind systems, and it will provide an expedited siting process for those local governments in Washington that do not have siting ordinances. A wind system outside the parameters of this bill must use the local siting process.

CON: The bill should expressly exclude the Columbia River Gorge Scenic Area. A 170 foot tower would be equivalent to a 17-story building. The Growth Management Act already requires special planning for general aviation airports. The bill should be amending the current RCW chapters concerning land use, cities, and counties; it should not create a new RCW chapter in the title that includes a variety of health and safety provisions. The Municipal Research and Services Center should be tasked with developing a model ordinance on siting wind systems that local governments could use.

OTHER: The number one cause of aviation accidents in the U.S. is airspace obstructions. While more wind farms are desirable, the bill should address safety issues for airport zones. Local control should remain for the siting of wind systems near the flight paths of airports. The Washington Department of Transportation (WSDOT) recommends references to federal aviation regulations. Additional provisions should be considered for heliports, instrument landings, military airports, and the future extension of airports. In order to promote wind systems, the one-acre limit should be removed, height restrictions should be removed, underground wiring requirements should be removed, and aesthetic and view restrictions should be removed if not defined. The city of Seattle is concerned that state law not preempt its current efforts to develop an ordinance on wind systems. Local control should remain for electrical codes and other building permit considerations.

**Persons Testifying:** PRO: Representative Morris, prime sponsor.

CON: Nathan Baker, Friends of Columbia Gorge; Scott Merriman, Association of Washington Counties.

OTHER: John Dobson, Washington Pilots Association; Carrie Dolwick, NW Energy Coalition; Tim Gugerty, city of Seattle; David Ketchum, Washington State Community Airport Association; Carol Moser, Washington State Transportation Commission; John Shambaugh, WSDOT, Aviation.