
HOUSE BILL 1021

State of Washington 59th Legislature 2005 Regular Session

By Representatives Morris, Morrell, B. Sullivan, McCoy and Chase

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Committee on Technology, Energy & Communications.

1 AN ACT Relating to small wind permitting standards; and adding a
2 new chapter to Title 70 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that: (a) Wind
5 energy is an abundant, renewable, and nonpolluting energy resource; (b)
6 when converted to electricity, wind energy reduces dependence on
7 nonrenewable energy resources and reduces air and water pollution that
8 result from conventional sources; (c) distributed small wind energy
9 systems also enhance the reliability and power quality of the power
10 grid, reduce peak power demands, increase in-state electricity
11 generation, diversify the state's energy supply portfolio, and make the
12 electricity supply market more competitive by promoting consumer
13 choice; and (d) small wind energy systems, designed for on-site home,
14 farm, and small commercial use, are an excellent technology to help
15 achieve the goals of increased in-state electricity generation, reduced
16 demand on the state electric grid, increased consumer energy
17 independence, and nonpolluting electricity generation.

18 (2) The legislature further finds that the implementation of

1 consistent statewide standards to achieve the timely and cost-effective
2 installation of small wind energy systems is a matter of statewide
3 concern.

4 (3) It is the intent of the legislature that this chapter apply to
5 all local agencies.

6 NEW SECTION. **Sec. 2.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Department" means the department of community, trade, and
9 economic development.

10 (2) "Local agency" means any county, city, town, or local entity
11 in the state of Washington with authority to enact construction or
12 building ordinances or otherwise conduct construction or building
13 permitting or zoning

14 (3) "Small wind energy system" means a wind energy conversion
15 system consisting of a wind turbine, a tower, and associated control or
16 conversion electronics.

17 (4) "Tower height" means the height above grade of the fixed
18 portion of the tower, excluding the wind turbine.

19 NEW SECTION. **Sec. 3.** (1) A local agency may, by ordinance,
20 provide for the installation of small wind energy systems on parcels of
21 land of at least one acre in its jurisdiction. The local agency may
22 establish a process for the issuance of a conditional use permit for
23 small wind energy systems.

24 (2) The ordinance may impose conditions on the installation of
25 small wind energy systems that include, but are not limited to, notice,
26 tower height, setback, view protection, aesthetics, aviation, and
27 design safety requirements. However, the ordinance shall not require
28 conditions on notice, tower height, setbacks, noise level, turbine
29 approval, tower drawings, engineering analysis, or line drawings that
30 are more restrictive than the following:

31 (a) Except as otherwise provided in this section, notice of an
32 application for installation of a small wind energy system shall be
33 provided to property owners within three hundred feet of the property
34 on which the system is to be located.

35 (b) Tower heights of not more than sixty-five feet shall be allowed
36 on parcels between one and five acres and tower heights of not more

1 than eighty feet shall be allowed on parcels of five acres or more,
2 provided that the application includes evidence that the proposed
3 height does not exceed the height recommended by the manufacturer or
4 distributor of the system.

5 (c) Setback requirements for the system tower shall be no farther
6 from the property line than the height of the system, provided that it
7 also complies with any applicable fire setback requirements.

8 (d) Except during short-term events such as utility outages and
9 severe windstorms, decibel levels for the system shall not exceed sixty
10 decibels, as measured at the closest neighboring inhabited dwelling.

11 (e) The system's turbine must be certified by a national program
12 recognized and approved by the department.

13 (f) The application shall include standard drawings and an
14 engineering analysis of the system's tower, showing compliance with the
15 state building code, chapter 19.27 RCW, and certification by an
16 engineer licensed under chapter 18.43 RCW.

17 (g) The system shall comply with all applicable federal aviation
18 administration requirements, including 14 C.F.R. 77, Subpart B,
19 regarding installations close to airports.

20 (h) The application shall include a line drawing of the electrical
21 components of the system in sufficient detail to allow for a
22 determination that the manner of installation conforms to the national
23 electric code.

24 (3) The ordinance may require the applicant to provide information
25 demonstrating that the system will be used primarily to reduce on-site
26 consumption of electricity. The ordinance may also require the
27 application to include evidence, unless the applicant does not plan to
28 connect the system to the electricity grid, that the electric utility
29 that serves the proposed site has been informed of the applicant's
30 intent to install an interconnected customer-owned electricity
31 generator.

32 (4) In the event a small wind energy system is proposed to be sited
33 in an agricultural area that may have aircraft operating at low
34 altitudes, the local agency shall take reasonable steps, concurrent
35 with other notices issued under this section, to notify pest control
36 aircraft pilots.

37 (5) A local agency may, if it deems it necessary due to
38 circumstances specific to the proposed installation, provide notice by

1 placing a display advertisement of at least one-eighth page in at least
2 one newspaper of general circulation within the jurisdiction in which
3 the installation is proposed.

4 (6) Nothing in this section alters or affects existing law
5 regarding the authority of local agencies to review an application.

6 NEW SECTION. **Sec. 4.** (1) A local agency that does not adopt an
7 ordinance under section 3 of this act shall approve applications for
8 small wind energy systems if all of the following conditions are met:

9 (a) The size of the parcel where the system is located is at least
10 one acre;

11 (b) The tower height on parcels that are less than five acres does
12 not exceed eighty feet;

13 (c) No part of the system, including guy wire anchors, extends
14 closer than thirty feet to the property boundary, if it also complies
15 with any applicable fire setback requirements;

16 (d) Except during short-term events such as utility outages and
17 severe windstorms, the system does not exceed sixty decibels, as
18 measured at the closest neighboring inhabited dwelling;

19 (e) The system's turbine is certified by a national program
20 recognized and approved by the department;

21 (f) The application includes standard drawings and an engineering
22 analysis of the tower, showing compliance with the state building code,
23 chapter 19.27 RCW, and certification by a professional engineer
24 licensed under chapter 18.43 RCW;

25 (g) The system complies with all applicable federal aviation
26 administration requirements, including any necessary approvals for
27 installations close to airports;

28 (h) The application includes a line drawing of the electrical
29 components of the system in sufficient detail to allow for a
30 determination that the manner of installation conforms to the national
31 electric code;

32 (i) Unless the applicant does not plan to connect the system to the
33 electricity grid, the application includes evidence that the electric
34 utility service provider that serves the proposed site has been
35 informed of the applicant's intent to install an interconnected
36 customer-owned electricity generator; and

1 (j) If a proposed site for a small wind energy system is in an
2 agricultural area that may have aircraft operating at low altitudes,
3 the local agency shall take reasonable steps, concurrent with other
4 notices issued under this chapter, to notify pest control aircraft
5 pilots.

6 (2) No other local ordinance, policy, or regulation shall be the
7 basis for a local agency to deny the siting and operation of a small
8 wind energy system under this section.

9 (3) No changes in the general plan are required to implement this
10 section. A local agency, when amending its zoning ordinance or general
11 plan to incorporate the policies, procedures, or other provisions
12 applicable to the approval of small wind energy systems, must do so in
13 a manner consistent with the requirements of this section.

14 NEW SECTION. **Sec. 5.** This chapter does not limit the authority of
15 local agencies to adopt less restrictive requirements for the siting
16 and operation of small wind energy systems.

17 NEW SECTION. **Sec. 6.** A local agency shall review an application
18 for a small wind energy system as expeditiously as possible.

19 NEW SECTION. **Sec. 7.** Any requirement of notice to property owners
20 imposed under section 3 of this act shall ensure that responses to the
21 notice are filed in a timely manner.

22 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
23 a new chapter in Title 70 RCW.

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