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## Environment Committee

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### HB 1193

**Brief Description:** Notifying landowners of applications to construct wind turbines.

**Sponsors:** Representative Wilcox.

#### Brief Summary of Bill

- Requires an applicant for a permit to construct a wind turbine with an electrical generating capacity of more than 100 kilowatts to provide notice of the application to adjacent landowners whose property is located within 1,000 feet from each proposed turbine.

**Hearing Date:** 1/31/13

**Staff:** Scott Richards (786-7156).

#### Background:

State land use and planning statutes affecting local governments include various provisions for public participation and notification. For example, counties and cities planning under the Growth Management Act (GMA) are required to adopt procedures that are reasonably calculated to notify property owners and others affected by or interested in amendments to comprehensive plans and development regulations. "Development regulations" as the term is defined in the GMA, includes zoning ordinances.

Reasonable notice provisions required by the GMA include, but are not limited to, publishing notice in a newspaper of general circulation or in other publications, posting the property for site specific proposals, notifying individuals or interest groups with a known interest in a certain proposal or type of proposal, and sending notices to mailing lists.

#### Energy Facility Site Evaluation Council.

The Energy Facility Site Evaluation Council (Council) provides a siting process for major energy facilities in Washington. The Council coordinates all evaluation and licensing steps for siting

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certain energy facilities in Washington. The Council specifies the conditions of construction and operation. If approved, a site certification agreement is issued in lieu of any other individual state or local agency permits. The Council also manages a post-site certification environmental and safety oversight program of facility and site operations.

The Council is required to notify the public, including nearby landowners when it receives an application for site certification. The Council is required to have an initial public meeting to discuss the proposal within 60 days of receiving an application.

**Summary of Bill:**

An applicant of a permit to construct a wind turbine with an electrical generating capacity of more than 100 kilowatts must provide, in accordance with applicable requirements or guidelines of a city, town, county, or the Energy Facility Site Evaluation Council, notice of the application to adjacent landowners by mailing or personally serving the notice to the latest recorded real property owners. The notice must be served to adjacent landowners whose property is located within 1,000 feet from the base of each proposed turbine.

A notice must include the base height, blade diameter, electrical generating capacity in kilowatts, and detailed siting location information for each proposed turbine, including proposed setback distances from adjacent properties. The notices must also specify which entity or entities, including pertinent contact information, are responsible for a decision on the application.

Notices are not required if the properties located within 1,000 feet from the base of each proposed turbine are owned by the person or persons who own the property upon which the proposed turbine or turbines are to be located.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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