



# COMMERCIAL WIND ORDINANCE

- The Planning Commission started review of a new wind ordinance in October of 2007.
- This came about because the County received an application from a wind energy company to put up meteorological towers to test the wind for a potential wind farm.
- Current county code allows for a wind farm as a conditional use.
- Planning Commission held public workshops about every two weeks throughout 2008 and 2009.



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- Planning staff investigated existing zoning ordinances in Washington State and around the U.S.
- After considering the various options, it was decided by the Planning Commission to use the Adams County wind ordinance as a starting template for a Whitman County wind ordinance.
- It was decided in June 2009 to separate residential wind turbines from commercial wind turbines and create separate ordinances.



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- At the beginning of June 2009, the Planning Commission finalized a draft ordinance.
- On June 11, 2009, the Planning Office issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS).
- The SEPA process allows for comments and three comments were received within the 14-day comment period.
- On July 23, 2009, the County Planner responded to these comments and affirmed the original SEPA decision.



# DETAILS OF THE DRAFT CODE

- Commercial wind turbines are allowed in the Agricultural District with a conditional use permit and a SEPA review.
- In a wind farm application, a micro-siting area is to be identified where the wind turbines and all associated developments are to be located.
- Site-specific studies on potential impacts are to be submitted with the SEPA checklist.
- There will be a setback from non-participating occupied structures of five times the height of the turbine measured to the full extent of the rotor.



# DETAILS OF THE DRAFT CODE

- There will be a minimum, non-waivable setback of 1.5 times the height of the turbine to occupied structures on the participating landowner's property.
- There will be a minimum setback of 1.5 times the height of the turbine to non-participating adjacent landowner's property line.
- An adjacent non-participating landowner may waive the five times the height of the turbine setback.
- During construction and operations the project shall comply with applicable state noise standards.



# DETAILS OF THE DRAFT CODE

- There are provisions in the code to protect public roads from effects resulting from project activities.
- Stormwater and erosion control plans are required.
- Prior to commencing construction of the project, the applicant shall prepare a decommissioning plan.
- A bond, letter of credit, or other security is required to ensure proper decommissioning of turbines and other equipment.
- If the project is abandoned or ceases operation for more than 270 consecutive days, the project is to be dismantled.



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## STATUS OF SEPA PROCESS

- On August 21, 2009, two lawsuits were filed in the Whitman County Superior Court against the County Planner's SEPA decision.
- The main complaints concerned low frequency noise emissions from the turbines; setbacks from turbines to occupied structures; the measurement scale by which noise from turbines is determined; despoiling the views on the Palouse with turbines; insufficient protection in the code for birds and bats; and the lack of provisions for a Technical Advisory Committee.



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- The petitioners are asking that the setback from occupied structures to a wind turbine be  $\frac{5}{8}$  of a mile, which is 8.25 times the height of a tower @ 400 feet, or 3,300 feet. The proposed ordinance has a setback of five times the height of a tower or approximately 2,000 feet on an estimated tower height of 400 feet.



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- The petitioners allege that the SEPA DNS decision fails to use all practicable means to assure safe, healthful surroundings due to low frequency noise, setbacks from turbines to occupied structures; the measurement scale that noise from turbines is determined; despoiling the views on the Palouse with turbines; insufficient protection in the code for birds and bats; and the lack of a Technical Advisory Committee.



# COMMERCIAL WIND ORDINANCE

- In the 18 months that the Planning Commission worked on this ordinance they read many studies, reports, articles and internet stories both for and against wind turbines. They received significant testimony from members of the public and representatives from the wind industry.
- Utility-scale wind turbines have been in operation around the world since the early 1980s giving ample time to study their effects.
- There is much information available proclaiming both that commercial wind turbines are problematic and that they are safe. After 18 months of careful consideration of the evidence, the Planning Commission agreed on the current draft ordinance.



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- The county already has an ordinance in place allowing for a commercial wind farm with a 1,500 foot setback to residences. The new draft code provides for a bigger setback.
- It is not illegal to develop a wind farm in Washington or the United States.
- The private property rights of landowners who could have turbines on their land have to be balanced with the rights of non-participating landowners.
- Washington has hundreds of wind towers already in place.
- There are several counties in Washington that have wind turbine zoning ordinances in place similar to the one crafted by Whitman County.
- The data from counties that already have turbines in place show that there are many economic benefits from operating wind farms.



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- All the evidence forwarded by the opponents has not been published in a peer-reviewed journal therefore raising questions as to the scientific validity of the research.
- The opponents claim that wind turbines produce harmful amounts of low-frequency sound.
- Evidence uncovered by the Whitman County Planning Commission and staff states the opposite, that wind turbines do not produce levels of low-frequency noise sufficient enough to cause physical and psychological harm to people at setback distances of more than four times the turbine height.
- One example of this evidence is presented in a white paper by Mark Bastasch, P.E./CH2M HILL. A copy of his paper is available by request from planning staff.
- The proposed wind ordinance provides standards and requires environmental studies to carefully site wind turbines in relationship to nearby occupied structures to protect the health, welfare and safety of all Whitman County citizens.



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- Peer review is the process of subjecting an author's scholarly work, research, or ideas to the scrutiny of others who are experts in the same field. Peer review requires a community of experts in a given field, who are qualified and able to perform impartial review. Peer review ensures the data collection methods and interpretation of results are accurate/appropriate, and the work is unbiased.



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- Dr. Pierpont is a pediatrician who interviewed 10 self-selected families, a total of 38 people, all who lived within 1,000 to 1,500 feet from wind turbines. Dr. Pierpont's findings, contained in a self-published book, are not endorsed by academics who specialize in low frequency sound. None of her research has been published in a single peer-reviewed medical journal. Methods used in her study are fundamentally flawed. A sample of 10 self-selected families cannot be regarded as statistically reliable. There was no clinical baseline for the study and no case control group to validate the research. The evidence makes the very simple mistake of concluding that a correlation proves causation. This is scientifically unfounded.



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- Washington State has a process where a wind company or a landowner could apply to the state for a permit to develop a wind farm thus overruling local authority.
- This process was used in Kittitas County to site a wind energy project.
- Opponents challenged this and the case went to the Washington State Supreme Court.
- The justices affirmed the state's right to permit a wind farm.
- The state setback standard to non-participating residences was set at four times the height of a turbine, by the Supreme Court.



# COMMERCIAL WIND ORDINANCE

What could a wind farm do for Whitman County's economy?

A Lewis County Economic Development study determined that a 100 mw wind farm would generate:

- 150 jobs during construction.
- \$16 million total economic benefit during construction.
- \$5.4 million local business revenue.
- 23 family-wage jobs permanently created.
- \$7.6 million added annually.
- \$2 million in property taxes to fund much needed services.
- Between \$6,000 and \$25,000 rent per turbine to participating landowners.