

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4784**

By Delegates Ward, Chiarelli, Mallow, Heckert, Criss,  
Coop-Gonzalez, Kump, Jennings, Sheedy, Willis, and  
Foggin

[Introduced January 16, 2024; Referred  
to the Committee on the Energy and Manufacturing  
then Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §24-2-11e, all relating to establishing requirements for the commission to  
 3 approve a siting certificate; defining terms; mandating a minimum setback of two miles for  
 4 the siting of a wind turbine from a residence.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.**

**§24-2-11e. Siting certificates for wind energy systems; setback requirement for wind turbines.**

1 (a) In order for the commission to grant or approve a siting certificate as described in §24-  
 2 2-11c of this code, the owner of a proposed wind energy system must meet the requirements  
 3 established in this section.

4 (b) For purposes of this section:

5 (1) "Owner" means a person with a direct ownership interest in a wind energy system,  
 6 regardless of whether the person was involved in acquiring the necessary rights, permits,  
 7 certificates, and approvals or otherwise planning for the construction and operation of a wind  
 8 energy system.

9 (2) "Residence" means an occupied primary or secondary personal residence including a  
 10 manufactured home, a hospital, community-based residential facility, residential care apartment  
 11 complex or similar facility, or a nursing home.

12 (3) "Wind energy system" means equipment and associated facilities that convert and then  
 13 store or transfer energy from the wind into usable forms of energy.

14 (4) "Wind turbine" is a component of a wind energy system that uses the aerodynamic  
 15 force from the rotor blades to turn wind power into electricity.

16 (c) An owner shall demonstrate that the design and construction of wind energy system, or  
 17 an addition to an existing wind energy system, meets the following requirements:

18 (1) The minimum setback for the construction of any wind turbine is two miles from the

19 closest residence; and  
20 (2) The owner shall measure wind turbine setback distances as a straight line from the  
21 vertical centerline of the wind turbine to the nearest point on the permanent foundation of a  
22 building or residence or to the nearest point on the property line.

NOTE: The purpose of this bill is to establish the requirement that in order for the commission to award a siting certificate for a wind energy system, the minimum distance from a wind turbine to the closest residence be two miles.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.