

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **House Bill 2714**

By Delegates Ward, Anders, Stephens, Bridges, T.

Clark, Jennings, and D. Cannon

[Introduced February 20, 2025; referred to the  
Committee on Energy and Public Works then the  
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, relating to establishing requirements for the commission to approve  
3 a siting certificate; defining terms; mandating a minimum setback for the siting of a wind  
4 turbine from a property line, residence, paved public road or overhead transmission line of  
5 115kV capacity or greater; and providing methodology for calculation.

*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; definitions; waivers; measurement methodologies.**

1 (a) In order for the commission to grant or approve a siting certificate as described in §24-  
2 2-11c after the effective date of this section, the owner of a proposed wind energy system must  
3 meet the requirements established in this section. This section does not apply to applications for  
4 modifications pursuant to §24-2-11c for siting certificates issued prior to the effective date of this  
5 section.

6 (b) For purposes of this section:

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

11 (2) "Residence" means an single or multi-family dwelling, school, or any licensed health-  
12 care facility intended for human habitation, and which has water service, and a sanitary sewer or  
13 septic service.

14 (3) "Wind energy system" means equipment and associated facilities that convert and then  
15 store or transfer energy from the wind into usable forms of energy: *Provided, That said equipment*  
16 and facilities exceed 500 kilowatts of potential generation.

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

19           (c) An owner shall demonstrate that the design and construction of a wind energy system,  
20 or an addition to an existing wind energy system, meets the following requirements as of the date  
21 the siting certificate application is filed:

22           (1) The minimum setback from any non-participating landowner's property line for any wind  
23 turbine which is part of a wind energy system shall be equal to one and one-tenth (1.1) times the  
24 total combined height of the tower, turbine, and maximum blade height to the nearest point on the  
25 property line: *Provided*, That a landowner may elect to sign a written waiver to allow any wind  
26 turbine or group of turbines which are part of a wind energy system to be placed less than the  
27 minimum set back provisions from the property line.

28           (2) The minimum setback from any non-participating landowner's residence for any wind  
29 turbine which is part of a wind energy system shall be equal to at least one and one-half (1.5) times  
30 the total combined height of the tower, turbine, and maximum blade height to the nearest point on  
31 the outside wall of the residence: *Provided*, That a landowner may elect to sign a written waiver to  
32 allow any wind turbine or group of turbines which are part of a wind energy system to be placed  
33 less than the minimum set back provisions from the residence.

34           (3) The minimum setback from paved public roads and overhead transmission lines of  
35 115kV capacity or greater shall be equal to one and one-tenth (1.1) times the total combined height  
36 of the tower, turbine, and maximum blade height to such paved public road or transmission line.

37           (4) The owner shall measure wind turbine setback distances as a straight line from the  
38 vertical centerline of the wind turbine to the nearest point on the paved public road, transmission  
39 line, property line, or outside wall of the residence, as is applicable.

NOTE: The purpose of this bill is to establish a minimum distance from residences and certain infrastructure for wind turbines in order for the commission to award a siting certificate for a wind energy system.

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