WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5069

By Delegates D. Cannon and Hillenbrand

[Introduced February 03, 2026; referred to the

Committee on Energy and Public Works]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §24-2-11e, relating to establishing requirements for the commission to approve a siting certificate; defining terms; mandating a minimum setback for the siting of a wind turbine from a property line, residence, paved public road or overhead transmission line of 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.

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

(b) For purposes of this section:

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

(2) "Residence" means a single or multi-family dwelling, school, or any licensed health-care facility intended for human habitation, and which has water service, and a sanitary sewer or septic service and a permanent foundation – such as concrete slab, cinder block, concrete poured walls, 6x6 post frame (barndominium), steel post frame, concrete pier, superior walls, or ribbon foundation.

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

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

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

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

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

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

(4) The owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine to the nearest point on the paved public road, transmission 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.