



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Larry Keeton, Director

September 9, 2008

William B. Anderson, PE
Kingston Electric
PO Box 600
Kingston, WA 98346

RE: Director's Interpretation, Kitsap County Code Title 17 Zoning

Dear Mr. Anderson:

I am responding to your August 22, 2008 letter requesting a Director's Interpretation, pursuant to Kitsap County Code Section 21.04.010 'Purpose; Applicability; General Process; Administrative Code Interpretation' regarding the implementation of Kitsap County Code (KCC) Title 17 Zoning for the review and approval of wind turbines, pursuant to KCC 17.100.040 'Permitted Uses' for uses not specifically listed.

You have proposed the construction of a wind turbine on a 45-foot monopole support structure on a subject property 6.19 acres in size, zoned Rural Residential (1 dwelling unit per 5 acres). The parcel is located on the corner of NW Sherman Hill and Kipola Lane NW, west of State Highway 3 NW in North Kitsap County. The property includes a single-family residence, pasture and several outbuildings. The wind turbine is proposed to be located approximately 177 feet from the east property line and 136 feet from the north property line

The following is a Departmental Interpretation regarding interpretation of certain sections of the above referenced County Code. The Departmental Interpretation should be implemented immediately and consistently applied.

The following standards are hereby established for small residential wind energy conservation (WECs) systems within rural zones:

1. Wind Turbine Height: Height is determined as a measurement from the base elevation, prior to any ground improvements, to the highest point of the turbine (not including the rotor blade during its rotation),
2. A residential wind turbine (support structure and turbines) is classified as an accessory use that is commonly associated with, but subordinate to, any principal use or structure on lots greater than one (1) acre, i.e. residential use in rural residential zone pursuant to definition KCC 17.110.030 'Accessory Use' (includes the combined total of rural lots under contiguous ownership greater than one acre);
3. Exceptions to the height limitation for an accessory structure is allowed, pursuant to 17.382.110 Footnote # 40 'Height Limitations';
4. There shall be no more than one (1) wind turbine and related support structures and other improvements per lot, unless specifically authorized. Rural wind systems shall be used for

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residential power and shall not be commercial in nature (eg, for routine or regular power sales to utility providers);

5. Wind turbines up to 45 feet are permitted, as reviewed by the Dept of Community Development Building Division, pursuant to KCC Chapter 14.04. Support structures that have a height of forty-six (46) feet to sixty (60) feet are reviewed through a Type II Administrative Conditional Use application, and sixty (60) feet or greater through a Type III Conditional Use application pursuant to KCC Title 21 Land Use and Development Procedures. In no case shall a WEC exceed 100 feet in height.
6. In the rural zone all structures 46 feet or greater are subject to environmental review. Visual impact analysis will be required to determine if a wind turbine may create more than a moderate potential visual impact on viewsapes. Impacts associated with noise, flickering of light on adjacent property owners and visual impacts will be mitigated through the project application per KCC 18.04 'State Environmental Policy Act (SEPA)'.
7. A wind turbine height of thirty five (35) feet or greater with other related improvements are subject to the following conditions:
 - a. Support structures shall be located on rural lots where standard rural setbacks are applied in the rural zone;
 - b. The lowest point on all rotor blades shall be at least thirty (30) feet above ground level;
 - c. Wind turbines up to sixty (60) feet must be setback from all property lines at a minimum distance equal to one (1) foot for every foot in height of the support structure and wind turbine (including the rotator blades). Wind turbines sixty (60) feet or greater must be setback from all property lines at a distance equal to twice the associated wind turbine height.
 - d. All wind turbines over 60 feet must not be located within two hundred (200) feet of a residence on adjacent property.
 - e. The support structure, wind turbine and rotor blades must be painted with a non-reflective paint to prevent glare or flashing light on adjacent properties;
 - f. If the use of the WEC system is discontinued for more than six (6) months, the discontinued WEC system shall be removed.

The following standards are for WEC systems on urban lots and small historic lots (urban-sized lots less than one (1) acre) within rural zones:

1. Wind Turbine Height: Height is determined as a measurement from the base elevation, prior to any improvements to the highest point of the turbine (not including the rotor blade during its rotation).
2. All requests for wind turbines will be processed through a Type III Application on urban and rural lots that were legally created classified as historic lots with a lot width or depth less than 140-feet or less than one acre consistent with KCC 17.382.110 'Parks, Rural and Resource Density and Dimensions Table', pursuant to KCC Title 21 'Land Use and Development Procedures';
3. For all urban and urban-sized lots, visual impact analysis will be required for all facilities to determine if a wind turbine may create more than a moderate potential visual impact

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on viewscales. Impacts associated with noise, flickering of light on adjacent property owners and visual impacts shall be determined and mitigated through KCC 18.04 'SEPA'; and

4. All wind turbine and support structures are subject to the following conditions:
 - a. The lowest point on all rotor blades shall be at least thirty (30) feet above ground level;
 - b. Wind turbines less than sixty (60) feet must be setback from all property lines at a minimum distance equal to one (1) foot for every foot in height of the support structure and wind turbine (including the rotator blades). Wind turbines sixty (60) feet or greater must be setback from all property lines at a distance equal to twice the associated wind turbine height.
 - c. The support structure, wind turbine and rotor blades must be painted with a non-reflective paint to prevent glare or flashing light on adjacent properties;
 - d. If the use of a WEC system is discontinued for more than six (6) months, the discontinued WEC system shall be removed.

Pursuant to KCC 17.100.040 'Permitted Uses', the Director has compared the new proposed use with similar listed uses in KCC Title 17, and makes the following findings to support the interpretation:

1. *The proposed wind conservation system use is consistent with the goals, objectives, and policies of the Utility Section of the Kitsap County Comprehensive Plan to promote renewable energy projects and technologies;*
2. *The proposed small residential wind conservation system is consistent with the standards in KCC Title 17 Zoning to allow accessory uses or structures associate with the principal use or structure;*
3. *The proposed facilities will be reviewed through the appropriate building codes in KCC Chapter 14.04 to prevent adverse impacts to public health, safety and general welfare of the residents of the county; and*
4. *The proposed small residential wind conservation system shares characteristics common with, is not greater in intensity than, and does not generate more environmental impact than those use listed in the land use zone in which it is to be located.*

Should you desire to discuss the interpretation, please do not hesitate to contact me.

Sincerely,

Signature on file at DCD

Larry M. Keeton Director
Department of Community Development

JS

Cc: David Jackson, 2100 NW Sherman Hill Road, Poulsbo, WA 98110
Planning
Building
Environmental Review