

Overcoming Restrictive Ordinances, High Fees, and Time Consuming Processes

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Introduction

- How I was launched into the Wind Energy Business
 - Bought an 18 year old Bergey Excel and thought I would be able to just get a permit and put it up. -WRONG-
 - This started my 2 year battle to get a permit.



Obstacles I Have Encountered

- Restrictive Ordinances that are outdated and were not designed with wind generators in mind.
- Excessive Fees that are designed to discourage installations.
- Time Consuming Application Processes that a person of average intelligence cannot tackle.



Restrictive Ordinances

- Low Height Limits
- High Acreage Requirement
- Large Setbacks
- Cities that say “NO” they are prohibited completely.
- Unrealistic Sound Requirements
- Unrealistic View Restrictions



Solution

Write what a reasonable requirement would be.


Meet with decision makers one-on one.

Educate them on basics of Wind Power

Height Matters

Reasonable Setbacks

Encourage them to help make their jurisdiction “Green”

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- **Over-Legislation**
Some Jurisdictions try to make such confining codes it is impossible to comply, so therefore no projects are done.



Solution

- They need to be reminded that property owners have rights that are protected by the Constitution and the Bill of Rights.
- A Property owner is the sovereign of his property to use it for its “highest and best use” – this is a legal definition.
- Their job is to make sure it is built SAFELY.



Exorbitant Fees

- Problem:
 - Fees are used as a weapon to discourage installations.
 - We have seen fees range from \$0 to \$13,000 for the same project in different counties.
 - Departments that are not involved try to add fees to the project.



Solution

Fees need to be a reasonable amount that would be charged for:

- 1 hour of plan check

- 1 hour or less to issue permit

- 2 inspections

Fees should be a reasonable fixed amount so you can quote a job to your customers, not a moving target.

Time Consuming Application Processes

- As contractors we get paid to complete jobs, and most of us do not enjoy paperwork.
- When customers are faced with applications that a person of average intelligence cannot tackle, they tend to shy away from the project, get discouraged, and cancel their projects.



Solution

- Limit applications to one page.
- The County should not request documents they already have at their disposal, like grant deeds, addresses of neighbors, etc.
- The County should just ask about the product that is being installed and where and how it is being installed.



Solution

- Think:
 - Eliminate and Simplify
 - How does this rule serve the landowner?
 - What can be done to fast track a project
(San Bernardino County 45 minutes to issue a permit after the project is approved by Planning)



War Stories

- Hardest project to get through permitting
- Craziest requirements
- Question and Answer Time