

		Comparison by Topic	
Topic	Staff reports	KRS 278.700 to 278.716 (HB 677)	Comparison
Turbine height	200-foot maximum to the highest point of the WECS, blade tip, with a limited variance concept.	Default statewide rule: wind turbine maximum height may not exceed 350 feet , measured from natural grade to the top of the hub .	Staff is stricter . Also, the measurement point differs: staff uses highest point/blade tip; HB 677 uses hub height. A 350-foot hub could mean a much taller blade-tip height.
Zoning location	Commercial WECS only as a conditional use in M-2 Heavy Industrial and subject to Planning Commission site plan approval.	HB 677 does not create a zoning district restriction; it requires compliance with local planning and zoning requirements existing when the application is filed.	Staff adds a local zoning control not supplied by the statute.
Occupied-structure setback	Minimum one-mile setback from occupied structures, with a written waiver option only for occupied-structure setbacks.	State default focuses on 1,000 feet from adjoining property boundary and 2,000 feet from residential neighborhood, school, hospital, or nursing home , unless local planning and zoning establishes different requirements.	Staff is more restrictive , especially because it protects individual occupied structures, not just “residential neighborhoods” and specified institutional uses.
Property lines, roads, utilities, access easements	At least 1,640 feet , or 1.5 times turbine height , or ice-throw distance plus 250 feet , whichever is greater, from property lines, public roads, above-ground utilities, transmission facilities, access easements/driveways, and waived occupied structures.	Default property-boundary setback is 1,000 feet from adjoining property boundary.	Staff is stricter and more detailed . HB 677’s default does not separately address roads, utilities, driveways, or ice-throw distance in the same way.
Rivers, refuges, conservation lands	One-mile setback from rivers, wildlife refuges, publicly owned nature reserves, dedicated natural areas, and similar conservation lands.	HB 677’s wind provisions do not set comparable conservation-land or river setbacks in the retrieved wind-related sections.	Staff fills a gap not specifically addressed by HB 677.
Noise	Meeting #2 recommends 35 dBA at nonparticipating occupied structures , with modeled and post-construction compliance, and separate standards for tonal noise, low-frequency noise, and amplitude modulation.	HB 677 requires the application to certify compliance with local noise-control ordinances and lets the siting board consider anticipated construction and operational noise levels.	Staff is much more specific . HB 677 does not itself set a wind-turbine decibel limit. A local 35 dBA ordinance would likely become the operative standard through the statute’s local-compliance requirement.

<p>Shadow flicker</p>	<p>Staff recommends setback/modeling of one mile or 10× rotor diameter, plus mandatory mitigation or curtailment if adopted annual/daily flicker thresholds are exceeded.</p>	<p>HB 677 requires wind applications to certify that facilities will be sited to minimize shadowing/flicker and that impacts will not significantly adversely affect neighboring or adjacent property uses through siting or mitigation.</p>	<p>Staff is more measurable and enforceable. HB 677 provides a qualitative certification standard but no numeric modeling radius, daily threshold, or annual-hour limit.</p>
<p>Public notice / participation</p>	<p>Staff recommends conditional-use notice to adjoining owners and every property owner within a one-mile radius, with applicant paying postage.</p>	<p>HB 677 requires public notice to bordering landowners and newspaper publication within 30 days before application filing, plus a public involvement report showing a public meeting at least 90 days before filing and notice to adjoining owners at least two weeks before that meeting.</p>	<p>Both require notice. Staff’s one-mile mailed notice is broader geographically; HB 677 adds a state application/public-involvement process. They should be combined rather than treated as alternatives.</p>
<p>Site plan / local review</p>	<p>Staff requires Planning Commission site plan approval.</p>	<p>HB 677 requires compliance with local planning and zoning and asks applicants to disclose local setback requirements.</p>	<p>Staff’s recommendation is compatible with HB 677 and gives the local ordinance a clear mechanism for review.</p>
<p>Decommissioning</p>	<p>Meeting #1 references a decommissioning plan and a bond set/administered through the Planning Commission for energy systems, and staff recommends requiring site plan materials including decommissioning.</p>	<p>HB 677 requires a detailed decommissioning plan, removal of above-ground facilities, removal of underground components/foundations unless landowner agrees otherwise, restoration of land, and a bond/security based on the greater of engineered decommissioning cost or local bond requirement.</p>	<p>HB 677 is more detailed on decommissioning. Staff should align the local ordinance with HB 677’s minimum bond/security language while preserving any stricter local requirement allowed by the statute.</p>
<p>State/local hierarchy</p>	<p>Staff assumes local ordinance controls WECS placement and standards.</p>	<p>HB 677 expressly says local planning and zoning may establish maximum height, decommissioning, and setback requirements, and those local requirements have primacy over state defaults, except the minimum decommissioning bonding amount.</p>	<p>HB 677 appears to support, not undermine, adopting the staff’s stricter local standards—provided the standards are formally adopted by the planning/zoning authority.</p>