

4.7 WIND ENERGY FACILITY

4.7.1 Purpose

The purpose of the provision is to provide a regulatory framework for the siting, construction and operation of wind energy facilities in the county, subject to reasonable restrictions, which will preserve the safety and well-being of the residents, while allowing equitable and orderly development of wind energy facilities.

4.7.2 Regulatory Framework

- 1) Wind energy facilities require a conditional use permit and are subject to the restrictions and conditions of this Ordinance.
- 2) Principal or Accessory Use - A different existing use or an existing structure on the same lot shall not preclude the installation of a wind energy facility or a part of such facility on such lot. Wind energy facilities that are constructed and installed in accordance with the provisions of this Ordinance and State requirements shall not be deemed to constitute expansion of a nonconforming use or structure.
- 3) Applicability - The requirements of this Ordinance shall apply to all wind energy facilities with one or more wind turbines rated at fifty (50) kilowatts nameplate capacity or larger constructed after the effective date of this Ordinance. No operation of an existing wind energy facility shall be allowed without full compliance with this Ordinance and its conditional use permit, and no modification or alteration of an existing wind energy facility shall be allowed without issuance of a new conditional use permit pursuant to section 5.8 of this Ordinance.

4.7.3 General Requirements for Wind Energy Facilities

- 1) Appearance, Lighting, Facility Footprint, Agricultural Operations, Roads and Power Lines.
 - a) Each wind turbine shall be marked with a visible identification number to assist with provision of emergency services, and the permittee shall file with local fire departments, law enforcement and the county emergency management coordinator a wind energy facility map identifying wind turbine locations and numbers.
 - b) Roads accessing the wind energy facilities may be required by the County Engineer and all roads must be constructed to county

standards. This shall not apply to private access roads and drives that are not generally used by the public.

- c) The permittee shall ensure that, following completion of construction of a wind energy facility, county roads will be repaired or restored to a condition satisfactory to the County Engineer.
- 2) Setbacks from wind turbines shall be a distance not less than two thousand six hundred and forty (2,640') feet from the nearest occupied dwelling, commercial building or publicly-used structure or facility.
- 3) The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than fifty (50') feet.

4.7.4 Reclamation of Property

Within one hundred and eighty (180) days of termination or abandonment of leases or easements for a wind energy facility in the county, the permittee shall, at its expense, comply with the following decommissioning requirements:

Decommissioning and site reclamation includes dismantling and removal of all towers, turbine generators, transformers, and overhead cables; removal of underground cables to a depth of four (4') feet; removal of foundations, buildings and ancillary equipment to a depth of four feet and removal of surface road material and restoration of the roads and turbine sites to substantially the same physical condition that existed immediately before construction. The site must be restored and reclaimed to the same general topography that existed prior to the beginning of the construction of the wind energy conversion facility. Areas disturbed by the construction of the facility and decommissioning activities must be graded, top-soiled, and reseeded according to Natural Resource Conservation Service technical guide recommendations and other agency recommendations, unless the landowner requests in writing that the access roads or other land surface areas be retained.

To ensure compliance with these regulations the permittee shall post a reclamation bond per the standards set forth in section 2.13 of this Ordinance.