

## SECTION 15 ADMINISTRATION

### G. CONDITIONAL USE PERMITS FOR COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS-C)

#### 1. PURPOSES AND GENERAL PERMIT REQUIREMENTS

- 1.1 These regulations are intended to regulate the placement and construction of commercial wind energy conversion systems (WECS-C) in order to protect and promote the public health, safety, and welfare, to protect the environment, to promote the efficient use of land and to preserve property values.
- 1.2 No WECS-C as defined herein shall be constructed, erected, maintained or operated except under Conditional Use Permit issued in accordance with these regulations in areas zoned Wind Energy Conversion Overlay District (WECOD).
- 1.3 All Conditional Use Permits for WECS-C shall comply with the procedures and standards of Section 15 A. of these regulations and the Wind Energy Conversion Overlay District, Section 29.

#### 2. APPLICABILITY

- 2.1 These regulations apply to WECS-C facilities and accessory facilities such as staging yards, maintenance yards, maintenance buildings, or laydown yards, in a Wind Energy Conversion Overlay District (WECOD).

#### 3. APPLICATION STANDARDS FOR A NEW WECS-C

- 3.1 In addition to the standards contained in Section 15 A.(5), applications for new WECS-C shall be required to meet the following standards. Any application that does not meet these requirements shall be returned to the applicant for revision and supplemental material.
- 3.2 Limited Number of Applications per Month:
  - 3.2.1 Up to three (3) applications from the same project owner may be submitted per month.
  - 3.2.2 Each application may contain up to two (2) WECS-C that are located less than 1.5 times the minimum spacing distance from each other.

3.2.3 The Director may allow groups of up to six (6) WECS-C to be included in one application if:

- All towers are in a single cluster;
- Each tower within the group is less than 1.25 times its minimum spacing distance from at least one (1) other tower in the group;
- There is sufficient room on the Planning and Zoning Commission agenda without displacing other items or resulting in an unreasonably long meeting.

### 3.3 Project Owner Information:

3.3.1 Name, address, phone number, and e-mail address of the project owner and the project owner's contact person for the project;

3.3.2 A statement from the project owner providing relevant information regarding an overview of the company, the company's financial condition, the company's environmental management history and the company's qualifications and experience in WECS-C development. Specific references regarding other WECS-C projects are required;

3.3.3 A description of the entity identified as the project owner and builder of the proposed project and a complete financial statement for such entity including audits or reviews, whichever are applicable, for three (3) years preceding the date of application;

3.3.4 The name, address, phone number and e-mail address of the manager of the project in the event the project is approved and the name, address and phone numbers of any proposed buyers of the project.

### 3.4 Site Plan:

3.4.1 A site plan drawn in sufficient detail to clearly describe the following:

- General vicinity of the project location within the County;
- Scale and north arrow;
- Acreage of the site;
- Physical dimensions of the property and the physical location of the project boundary including the property lines of the discrete lot;
- Any previous survey work of record within the project boundary and any deed work showing consolidations of separate lots into the single proposed lot upon which the project is proposed;

- Location and physical dimensions of existing structures and location and physical dimensions of proposed structures, including the proposed wind turbines and accessory structures;
- Houses within one thousand feet (1,000') of the parcel boundary and the approximate distance of such houses from the proposed tower, and any additional houses within one-half (1/2) mile of the proposed tower;
- Location of existing electrical lines and facilities, including transmission lines and whether overhead or underground;
- Approximate location of proposed electrical lines and facilities, including transmission lines and whether overhead or underground;
- Existing topography;
- Proposed grading and removal of natural vegetation;
- Wind characteristics and dominant wind direction;
- Proposed setbacks of all proposed structures from the project boundary;
- Anticipated ingress and egress locations and projected methods of circulation on the project property;
- Location of and distance to public roads in all four directions surrounding the project perimeter;
- Approximate location of any major known underground pipelines or other underground utilities;
- Approximate location of any major known utility easements;
- Location of any delineated 100-year floodplains, stream buffers, sinkholes, wetlands, and other environmentally sensitive areas;
- Approximate area/size of land disturbance.

3.5 A summary of the economic Cost/Benefit Analysis (CBA) that was submitted and reviewed as part of the approval process for the WECOD in which the proposed WECS-C is located and:

3.5.1 A description of how the proposed WECS-C relates to the CBA;

3.5.2 A description of any mitigation measures identified in the CBA.

- 3.6 A summary of the environmental assessment of the potential adverse impacts from the project that was submitted and reviewed as part of the approval process for the WECOD in which the proposed WECS-C is located as well as:
  - 3.6.1 A description of how the proposed WECS-C relates to the assessment;
  - 3.6.2 Identification of any proposed measures to mitigate or lessen the effects of the adverse impacts that relate to the construction and operation of the proposed WECS-C.
- 3.7 A copy of written notification to the utility company(s) of the proposed interconnection with their corresponding service(s).
- 3.8 Detailed information on the type, size, height, rotor size, rotor material, color scheme, rated power output, performance, safety and noise characteristics of the proposed wind turbine model, tower and electrical transmission equipment.
- 3.9 A decommissioning and land reclamation plan to be implemented in the event the project is abandoned or upon the end of the useful life of the project. The plan shall include a statement specifying the anticipated useful life of the project.
- 3.10 A summary of the Transportation and Infrastructure Mitigation Plan developed during the approval process for the WECOD in which the proposed WECS-C is located in addition to:
  - 3.10.1 A description of how the proposed WECS-C relates to that plan;
  - 3.10.2 The mitigation measures that are to be implemented and a schedule of when such measures are to be completed.
- 3.11 A plan for the physical security of the site and the structure(s) authorized by the Conditional Use Permit.
- 3.12 A Federal Aviation Administration Determination of No Hazard (if required), or a written statement from FAA that the tower is exempt from such requirements.
- 3.13 The project owner has demonstrated compliance with United States Fish and Wildlife Service Land-Based Wind Energy Guidelines and compliance with all recommendations resulting there from.

#### 4. APPROVAL STANDARDS FOR A NEW WECS-C

4.1 It is the responsibility of the project owner to provide sufficient information and documentation to allow approval of the Conditional Use Permit (CUP).

4.2 Before authorizing the issuance of a CUP for a WECS-C, the County Commission shall satisfy itself that the following approval standards are met and the requirements of Section 15 A. (2) are met:

- The project owner has addressed mitigation as identified in the economic Cost/Benefit Analysis (CBA) that was submitted and reviewed as part of the approval process for the WECOD in which the proposed WECS-C is located;
- The project owner has addressed measures to mitigate or lessen the effects of the adverse environmental impacts that relate to the construction and operation of the proposed WECS-C as identified in the environmental assessment of the potential adverse impacts that was submitted and reviewed as part of the approval process for the WECOD in which the proposed WECS-C is located;
- The project owner has notified applicable utilities of the proposed interconnection;
- The type, size, height, rotor size, rotor material, color scheme, and noise characteristics of the proposed wind turbine model and tower are similar to all other towers in the same WECOD;
- A satisfactory Decommissioning and Land Reclamation Plan has been submitted including procedures to address project abandonment or upon the end of the useful life of the project;
- The project owner has negotiated a draft agreement with Boone County to mitigate traffic and road related impacts as identified in the Transportation and Infrastructure Mitigation Plan submitted and reviewed as part of the approval process for the WECOD in which the proposed WECS-C is located;
- Adequate measures are proposed to protect the physical security of the site and the structure(s) authorized by the Conditional Use Permit;
- The project owner has submitted a Federal Aviation Administration (FAA) Determination of No Hazard (if required), or a written statement from FAA that the tower is exempt from such requirements;

- The project owner has demonstrated compliance with United States Fish and Wildlife Service Land-Based Wind Energy Guidelines and compliance with all recommendations resulting therefrom;
- The proposed WECS-C complies with all requirements and standards of the Wind Energy Conversion Overlay District, Section 29;
- The County Commission may use testimony and evidence, presented in the public hearings to establish the WECOD, to impose additional conditions on the CUP.

## 5. STANDARD CONDITIONS

5.1 The following conditions shall be attached to each Conditional Use Permit granted under this section, unless the County Commission specifically omits one or more.

5.1.1 Prior to construction of any structure authorized by this permit, the owner shall enter into a Transportation and Infrastructure Mitigation Agreement approved by the County Commission of the County of Boone.

5.1.2 Any alteration to any lot line, as it existed at the time of application submittal, that results in a conflict with any adopted standard or condition of approval, shall be cause for revocation of the permit in accordance with procedures established in Section 15 A. (4).

5.1.3 The owner shall submit an annual report detailing monthly power generation for each WECS-C for the previous twelve (12) months. The annual reporting period shall commence on the date the Conditional Use Permit is issued. Reports are due within 60-days of the end of each annual reporting period.

5.1.4 The owner shall continue to comply with the United States Fish and Wildlife Service Land Based Wind Energy Guidelines.

5.1.5 Any division of land, regardless of the acreage involved, on which a Conditional Use Permit (CUP) for a WECS-C has been issued is subject to review by the Director. The Director's review is to ensure that the proposed division is compatible with the requirements of the CUP.

- If proposed division is not compatible with the requirements of the CUP, it is prohibited.

- The owner shall record, in the land records of the Boone County Recorder of Deeds, a Notice of Land Division Review (NLDR). The NLDR shall be on forms provided by the Director and shall clearly state the requirements of this condition.

5.1.6 All WECS-C shall be equipped with an automatic fire suppression system that meets the applicable NFPA standard or is otherwise approved by the fire district with jurisdiction.