Wind Energy Development

A Guide for Local Authorities in New York

Appendices

October 2002

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Appendix C

Examples of County Permitting Requirements

Examples of county permitting requirements used in this guide that contain provisions specifically addressing wind turbines are included herein. States from which county requirements were obtain include:

- California
  - Riverside County
    - Section 17.1 W-E Zone (Wind Energy Resource Zone)
    - Section 18.41 Commercial Wind Energy Conversion System Permits
    - Summary Table of County Zoning Requirements
- Oregon
  - Wasco County – Chapter 19 Standards for Energy Facilities and Commercial Energy Facilities
- Minnesota
  - Cook County – Tower Facility Ordinance #46
- Illinois
  - Schaumburg – Section 154.90 Wind Energy Conversion Systems
- Nebraska
  - Lincoln – Article 4 “AG” Agricultural District

This list does not represent the results of an exhaustive search through all county government requirements. However, it provides some pertinent examples.

- California
  - Riverside County
    - Section 17.1 W-E Zone (Wind Energy Resource Zone)
    - Section 18.41 Commercial Wind Energy Conversion System Permits
    - Summary Table of County Zoning Requirements

ARTICLE XVII
W-E ZONE
(Wind Energy Resource Zone)

SECTION 17.1. W-E Zone (WIND ENERGY RESOURCE ZONE) INTENT. There are some areas of the County which by virtue of strong prevailing winds and the absence of extensive development are ideally suited for large scale development of wind energy. The Riverside County General Plan provides the basis for the development of this resource.

The provisions of this article are intended to recognize this unique wind resource in the County and the need for the development of alternative energy sources.

Added Effective:
11-11-82 (Ord. 348.2104)

SECTION 17.2. USES PERMITTED.

a. Public Utility Uses.
   (1) Structures necessary to the conservation and development of water such as dams, pipelines, and pumping facilities.
   (2) Transmission facilities for gas.
   (3) Transmission facilities for electricity which are subject to the jurisdiction of the California Public Utilities Commission.
   (4) Electrical substations.
   (5) Railroads, including the necessary facilities in connection therewith.
   (6) Cable television transmission facilities.

b. Meteorological Towers

   (1) Towers under 50 feet high.
   (2) Towers 50 feet and higher provided approval of a plot plan shall first have been granted pursuant to the provisions of Section 18.30.a.(1) of this ordinance. Such a plot plan shall be valid for a period of two years unless a WECS permit is approved on the underlying property within the two-year period, in which case the plot plan shall be valid as long as the WECS permit is valid.

   Amended Effective:
   10-05-93 (Ord. 348-3567)

c. Deleted
   Amended Effective:
   10-05-93 (Ord. 348-3567)

d. Commercial WECS and WECS arrays with no limit as to rated power output are permitted provided a commercial WECS permit has been granted pursuant to the provisions of Section 18.41 of this ordinance.

e. Accessory WECS are permitted provided an accessory WECS permit has been granted pursuant to the provisions of Section 18.42 of this ordinance.

f. The following uses are permitted provided approval of a plot plan shall first have been granted pursuant to the provisions of Section 18.30 of this ordinance:

(1) Electrical transmission facilities which are not subject to the jurisdiction of the California Public Utilities Commission and are not included in a commercial WECS permit application.

(2) Electrical storage facilities for the temporary storage of power primarily produced upon the land where a permitted WECS or public utility use is established.

(3) Storage of trucks and other vehicles, machinery and materials on land where a permitted WECS or public utility use is established.

(4) Offices and maintenance shop buildings and structures on land where a permitted WECS or public utility use is established.

(5) One family dwellings for caretakers or watchmen and their families on land where a permitted WECS or public utility use is established, provided no compensation is received for the use of any such dwellings."

Amended Effective:
10-05-93 (Ord. 348.3567)

g. The following uses are permitted provided a conditional use permit has been granted pursuant to the provisions of Section 18.28 of this ordinance:

(1) Mining operations which are exempt from the provisions of the California Surface Mining and Reclamation Act of 1975 and County Ordinance No. 555.

h. Mining operations which are subject to the California Surface Mining and Reclamation Act of 1975 are permitted provided the operator holds a valid permit pursuant to County Ordinance No. 555.

Added Effective:
11-11-82 (Ord. 348.2104)

SECTION 17.3. DEVELOPMENT STANDARDS. The following development standards shall apply in the W-E Zone:

a. Height Limits:

(1) No commercial WECS shall exceed 500 feet in height.

(2) No other building or structure shall exceed 20 feet in height unless a height up to 75 feet for buildings or 400 feet for other structures is specifically permitted under the provisions of Section 18.34 of this ordinance.

b. Setbacks. Minimum setbacks are as follows:

(1) No building or structure shall be closer than 50 feet from any lot line.

(2) Setbacks for accessory WECS shall be as prescribed by Section 18.42 of this ordinance.

(3) Setbacks for commercial WECS and WECS arrays of all sizes shall be as prescribed by Section 18.41 of this ordinance.

(4) Setbacks for a commercial WECS or WECS array used primarily for research or experimentation shall be as prescribed by Section 18.41 of this ordinance.

c. Automobile storage space shall be provided as required by Section 18.12 of this ordinance.

Added Effective:

11-11-82 (Ord. 348.2104)
03-29-88 (Ord. 348.2848)
10-05-93 (Ord. 348.3567)

06-03-75	(Ord. 348.1457)	05-31-83	(Ord. 348.2156)
10-02-75	(Ord. 348.1469)	09-22-83	(Ord. 348.2219)
10-23-75	(Ord. 348.1468)	06-05-86	(Ord. 348.2580)

SECTION 18.41. COMMERCIAL WIND ENERGY CONVERSION SYSTEMS PERMITS (COMMERCIAL WECS PERMITS):

a. APPLICABILITY.

(1) Notwithstanding any other provision of this ordinance, commercial WECS or WECS arrays having a total rated power output of 100 kw or less are permitted in all zoning classifications provided a commercial WECS permit is granted pursuant to this section.

(2) Commercial WECS or WECS arrays having a total rated power output of more than 100 kw are permitted in the W-E Zone, and in the W-1 Zone provided a commercial WECS permit is granted pursuant to this section.

b. PROCEDURE. A public hearing shall be held on an application for commercial WECS permit in accordance with the provisions of Section 18.26 of this ordinance and all of the procedural requirements and rights of appeal as set forth therein shall apply. In addition to the notice of hearing provided under Section 18.26 of this ordinance, notice of hearing shall be given by mailing to all owners of real property which is located within one half mile of the exterior boundaries of the proposed project, as such owners are shown on the last equalized assessment roll and any update. The hearing body shall be the Planning Commission.

c. APPLICATION. Every application for a commercial WECS permit shall be made in writing to the Planning Director on the forms provided by the Planning Department and shall be accompanied by the filing fee set forth in County Ordinance No. 671. The permit application shall include the following information:

(1) Name and address of the applicant.

(2) Evidence that the applicant is the owner of the property involved or has written permission of the owner to make such application.

(3) A plot and development plan drawn in sufficient detail to clearly describe the following:

a) Physical dimensions of the property, existing structures, and proposed structures.

b) Location of existing and proposed structures.

c) Location of electrical lines and facilities.

d) Existing topography.

e) Proposed grading and removal of natural vegetation.

f) Wind characteristics and dominant wind direction is the direction from which 50 percent or more of the energy contained in the wind flows.

g) Setbacks.

h) Methods of circulation.

i) Ingress and egress identifying the following factors:

1. Location and distance to the nearest County maintained road;

2. A description of the access route from the nearest County maintained road to include:

a) Road surface material stating the type and amount of surface cover;

b) Width and length of access route;

c) Dust control procedures;

d) A road maintenance schedule or program.

e) Utilization of the property under the requested permit.

(4) Utility interconnection data and a copy of written notification to the utility of the proposed interconnection.

(5) Specific information on the type, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each WECS model, tower and electrical transmission equipment.

(6) A geotechnical report that shall at a minimum include the following:

a) soils engineering and engineering geologic characteristics of the site based upon on-site sampling and testing.

b) foundation design criteria for all proposed structures.

c) slope stability analysis.

d) grading criteria for ground preparation, cuts and fills, soil compaction.

e) detailed fault hazard evaluation prepared by a California registered geologist or certified engineering geologist for WECS located within an Alquist-Priolo Special Studies Zone, County Fault Zone, or within 150 feet of any other active or potentially active fault.

Amended Effective:
11-30-95 (Ord. 348.3752)

f) seismic hazards evaluation to include regional seismicity, potential for strong groundshaking, and all appropriate primary and secondary seismic hazards.

g) recommendations regarding the need for automatic shutdown systems in event of groundshaking greater than the seismic design specifications of the WECS and tower.

(7) A location map to scale of all dwellings within ½ mile of the boundary of the property upon which the WECS are to be located.

(8) An analysis to reduce air navigation clutter on airport radar facilities.

(9) If the Planning Director determines it is necessary, the application shall be

accompanied by a photograph or detailed drawing of each model of WECS including the tower and foundation; and one or more detailed computer or photographic simulation drawing showing the site fully developed with all proposed WECS and accessory structures.

(10) If the application includes any WECS with a total height over 200 feet or any WECS which is located within 20,000 feet of the runway of any airport, the application shall be accompanied by a copy of written notification to the Federal Aviation Administration.

(11) If the application includes any WECS which requires the approval of a greater height limit pursuant to Section 18.34 of this ordinance, the two applications shall be filed concurrently.

(12) An application including any WECS which is located within a two miles of any microwave communications link shall be accompanied by a copy of a written notification to the operator of the link.

(13) An application including any WECS which is located within a 100-year flood plain area, as such flood hazard areas are shown on the maps designated in County Ordinance No. 458, shall be accompanied by a detailed report which shall address the potential for wind erosion, water erosion, sedimentation and flooding, and which shall propose mitigation measures for such impacts.

(14) Such additional information as shall be required by the Planning Director.

d. STANDARDS AND DEVELOPMENT CRITERIA. No person shall erect or maintain a commercial WECS in the unincorporated area of the County of Riverside except in accordance with the following provisions.

(1) Safety Setbacks.

a. No commercial WECS shall be located where the center of the tower is within the distances indicated in the following table:

ABOVE GROUND ELECTRICAL TRANS-MISSION LINE OF MORE THAN 12 kV*	PUBLIC ROAD,PUBLIC HIGHWAY OR RAILROAD**	PUBLIC ROAD OR PUBLIC HIGHWAY CLASSED AS AN ARTERIAL OR GREATER WITH ADT OF 7,000 OR MORE***	LOT LINE ADJOINS A LOT ZONED W-E OR W-1	LOT LINE OF ANY LOT CONTAINING A "HABITABLE DWELLING" ‡	ALL OTHER LOT LINES
1.25 X TOTAL WECS HEIGHT†	**1.25 X TOTAL WECS HEIGHT**	**1.5 X TOTAL WECS HEIGHT or 500 feet whichever greater**	**1.1 X TOTAL WECS HEIGHT**	**3 X TOTAL WECS HEIGHT or 500 feet whichever greater**	**1.1 X TOTAL WECS HEIGHT**

NOTES:

* Measured from the outer boundary of the public utility right of way or easement.

** Measured from the outer boundary of the public road/highway right of way or railroad right of way.

*** ADT means Average Daily Trips; based on traffic field measurements as determined by the Director of the Department of Transportation (Information: in 1999, public roads or highways with ADT of 7,000 or more included I-10, Hwy 62, Hwy 111 & Indian Avenue).

‡ For the purposes of this subsection, a "habitable dwelling" shall be a dwelling which contains a kitchen and which is deemed fit for human occupancy as determined by the Director of the Department of Building and Safety.

† Measurement of the WECS and tower with the blade of a horizontal WECS at 12 o'clock position; measurement of a vertical axis WECS shall be the height of the tower.

(2) Wind Access Setbacks.

a. No commercial WECS shall be located where the center of the tower is within a distance of five rotor diameters from a lot line that is perpendicular to and downwind of, or within 45 degrees of perpendicular to and downwind of, the dominant wind direction.

b. Notwithstanding the provisions of subsection a., above, such setbacks from lot lines do not apply if the application is accompanied by a legally enforceable agreement for a period of 25 years or the life of the permit, whichever is longer, that the adjacent landowner agrees to the elimination of the setback and will not develop his land in such a way as to decrease wind velocity or increase wind turbulence at the location of the proposed WECS. In addition the provisions of subsection a., above, regarding setbacks from lot lines do not apply if Planning Commission determines that the characteristics of the downwind property, such as, but not necessarily limited to, topography or use of such property as a transportation corridor, eliminate the ability to develop said downwind property with commercial WECS. Whenever a wind access setback reduction is proposed to the Planning Commission based on the characteristics of the downwind property, the wind access setback reduction shall be included in all notices regarding the commercial WECS permit, and, if granted, the commercial WECS permit shall specifically state the required alternative wind access setback.

(3) Scenic Resource Protection.

a. No commercial WECS array shall be located easterly of Indian Avenue or northerly of Pierson Boulevard and its extension westerly of Highway 62.

b. No commercial WECS array shall be located southerly of Highway 111 within Sections 9, 16 and 21, T3S, R3E, SBBM.

c. No commercial WECS shall be located where the center of the tower is within the distances indicated in the following table:

SCENIC SETBACKS	I-10 easterly of Highway 111	State Highway 111 south of I-10 and north of the City of Palm Springs	All other state or county eligible or designated scenic highways*
	WECS total height of 150 feet or less: **500 foot setback**	**2/3 mile setback**	**1/4 mile setback**
	WECS total height of more than 150 feet: **1000 foot setback**		

NOTES:

* Scenic highways are those designated in the Scenic Highway Element of the Comprehensive General Plan (Information: in 1999, other designated scenic highways included Hwy 62, I-10 westerly of Highway 111 and Whitewater Canyon Road), and, for the purpose of this subsection, Snow Creek Road.

d. The setback specified in subsection c., above, shall be measured from the outer boundary of the public right of way of the designated highway.

e. Notwithstanding the provisions of subsection c., above, the setbacks therein specified may be reduced to 1.25 times the total WECS height if the Planning Commission determines that the characteristics of the surrounding property eliminate or substantially reduce considerations of scenic value. Whenever a setback reduction is proposed pursuant to this subsection, the setback reduction shall be included in all notices regarding the commercial WECS permit, and, if granted, the commercial WECS permit shall specifically state the required setback.

(4) Safety and Security.

a. Fencing or other appropriate measures shall be required to prevent unauthorized access to the WECS or WECS array.

b. Guy wires shall be distinctly marked.

c. Signs in English and Spanish warning of the electrical and other hazards associated with the WECS shall be posted at the base of each tower and on fences or barriers.

d. Horizontal-axis WECS. The lowest extension of the rotor of a horizontal-axis WECS shall be at least 25 feet from the ground.

e. Vertical-axis WECS. A fence or other barrier shall be elected around a vertical-axis WECS whose rotors are less than 15 feet from the ground.

f. A security patrol or other security measure may be required if specified

within the conditions of approval of a commercial WECS permit.

(5) Seismic Safety. All WECS including the tower, foundation and accessory structures, shall comply with the requirements of the applicable seismic zone of the Uniform Building Code, the applicable groundshaking zone in the Riverside County Comprehensive General Plan, and with the seismic design recommendation in an approved geotechnical report on the project.

(6) Fire Protection. Upon recommendation of the County Fire Department, commercial WECS and WECS arrays shall include fire control and prevention measures. No construction permit shall be issued for any human occupancy structure upon the property containing commercial WECS and WECS arrays without first establishing fire protection requirements; this requirement includes the establishment of a minimum fire flow per Riverside County Ordinance No. 787. Additional measures required for fire control and prevention shall be stated in the conditions of approval of a commercial WECS permit, and such measures may include, but are not limited to, the following:

a. Areas indicated below to be cleared of vegetation and maintained as a fire/fuel break as long as the WECS or WECS array is in operation:

(1) Thirty (30) feet around the periphery of the WECS or WECS array; access driveways and roads that completely surround the project may satisfy this requirement as approved by the County Fire Department.

(2) Ten (10) radius feet around all transformers and WECS towers and their foundations.

(3) Thirty (30) feet around all buildings.

(4) All buildings or equipment enclosures of substantial size containing control panels, switching equipment, or transmission equipment, without regular human occupancy, shall be equipped with an automatic fire extinguishing system of a Halon or dry chemical type, as approved by the County Fire Department.

b. Service vehicles assigned to regular maintenance or construction at the WECS or WECS array shall be equipped with a portable fire extinguisher of a 4A40 BC rating.

c. All motor driven equipment shall be equipped with approved spark arrestors.

(7) Interconnection and Electrical Distribution Facilities. All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the utility. Interconnection shall conform to procedures and standards established by the Federal Energy Regulatory Commission, the California Independent System Operator and/or the California Public Utilities Commission, as applicable.

(8) Unsafe and Inoperable WECS.

a. Unsafe commercial WECS, inoperable commercial WECS, and commercial WECS for which the permit has expired shall be removed by the owner. All safety hazards created by the installment and operation of the WECS shall be eliminated and the site shall be restored to its natural

condition to the extent feasible. A bond or other appropriate form of security may be required to cover the cost of removal and site restoration.

b. Every unsafe commercial WECS and every inoperable commercial WECS is hereby declared to be a public nuisance which shall be subject to abatement by repair, rehabilitation, demolition, or removal in accordance with the procedure contained in Section 3 of County Ordinance No. 457. Every commercial WECS shall be subject to the provisions of this subsection commencing with the date of issuance of final building permit inspection approval. An inoperable commercial WECS shall not be considered a public nuisance provided the owner can demonstrate that modernization, rebuilding or repairs are in progress or planned and will be completed within no more than six months.

(1) A commercial WECS constructed pursuant to a commercial WECS permit with an effective date prior to July 23, 1985, shall be deemed inoperable if it has not generated power for 12 consecutive months.

(2) A commercial WECS permit constructed pursuant to a commercial WECS permit with an effective date on or after July 23, 1985, shall be deemed inoperable if it has not generated power within the preceding two calendar quarters equal to at least 60 percent of the total "Projected Quarterly Production Per Turbine (kWh)" for the two calendar quarters. As used herein, the term "Projected Quarterly Production Per Turbine (kWh)" shall be defined as provided in Section 1382 of Title 20 of the California Administrative Code.

c. All notices required under Section 3 of County Ordinance No. 457 shall also be given to the concerned utility.

(9) Interference with Navigational Systems.

a. No commercial WECS or WECS array shall be installed or operated in a manner that causes interference with the operation of the VORTAC installation on Edom Hill.

b. All WECS siting shall comply with Federal Aviation Administration regulations for siting structures near an airport or VORTAC installation.

c. All WECS shall include a locking mechanism which prevents the blades from rotating when not producing power, in order to limit airport radar interference or “clutter”. The Planning Commission may modify or eliminate the requirement for a locking mechanism if sufficient evidence is presented that no significant airport radar interference or “clutter” will be caused by the WECS or WECS array.

(10) Site Disruption. Prior to the issuance of building permits for a commercial WECS development, all areas where significant site disruption is proposed shall be temporarily marked off. All construction activities shall be limited to the areas marked off.

(11) Certification.

a. The foundation, tower and compatibility of the tower with the rotor and

rotor-related equipment shall be certified in writing by a structural engineer registered in California that they conform with good engineering practices and comply with the appropriate provisions of the Uniform Building Code that have been adopted by the County.

b. The electrical system shall be certified in writing by an electrical engineer, registered in California, that it conforms with good engineering practices and complies with the appropriate provisions of the National Electrical Code that have been adopted by the County.

c. The rotor overspeed control system shall be certified in writing by a mechanical engineer, registered in any state, that it conforms with good engineering practices.

(12) Noise.

a. Permit Approval.

1. A commercial WECS permit shall not be granted unless the applicant demonstrates that the proposed WECS or WECS array complies with the setbacks requiring no acoustical studies as set forth in subsection d.(12)a.2, below, or that the projected WECS noise level will comply with the noise standards as set forth in Subsection d.(12)a.3, below. The projected WECS noise level is the level of noise projected to be produced by all commercial WECS proposed under the permit application and shall be calculated in accordance with the technical specifications and criteria adopted pursuant to Subsection d.(12)c, below. A variance from this property development standard may be granted pursuant to the provisions of Section 18.27 of this ordinance.

2. WECS array setbacks requiring no acoustical studies. WECS arrays with 10 or fewer WECS (comprised of WECS designed "in accordance with proven good engineering practices") set back (where each WECS in the array are) 2,000 feet or more from the nearest receptor as set forth in subsection d.(12)a.5, below, shall be permitted without an acoustical study. WECS arrays with more than 10 WECS (comprised of WECS designed "in accordance with proven good engineering practices") can qualify for this condition if each WECS in the array is set back 3,000 feet or greater. WECS designed with the following characteristics shall be deemed "in accordance with proven good engineering practices": at least 3 blades; upwind rotor; no furling; tapered and twisted blades; airfoils designed to stall softly (defined in technical specifications and criteria adopted pursuant to Subsection d(12)c, below). WECS arrays approved under this subsection shall have noise standards as set forth in subsection d.(12)a.3, below.

3. Noise Standards. The projected WECS noise level to each receptor (as set forth in Subsection d.(12)a.5, below) shall be at or below 55 dB,A weighted (unless at setback distances as set forth in Subsection d.(12)a.2, above, are adhered to).

4. The noise standard set forth in Subsection d.(12)a.3. above, shall be reduced by five dB(A) where it is projected that pure tone noise will be generated. A pure tone shall exist if the one-third octave band sound pressure level in the bandwidth of the tone exceeds the arithmetic average of the sound pressure levels on the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above, and 8 dB for center frequencies between 160 and 400 Hz, and by 15 dB for center frequencies less than or equal to 125 Hz.

5. Receptor (the point of measurement) for the calculation of the WECS noise level projected pursuant to Subsection d.(12)a.1. above shall be determined as follows:

   a) Existing structures in the vicinity of the commercial WECS project property which are actually used as a "habitable" dwelling, hospital, school, library, or nursing home shall be identified.

   b) The point of measurement shall be a point ten (10) feet from the outer wall, or equivalent distance, from the WECS being measured to any "habitable" dwelling, hospital, school, library or nursing home.

6. Low Frequency Noise Criteria. Where acoustical studies are required, and the WECS are not designed in "accordance with proven good engineering practices" as defined in subsection d.(12)a.2., above, the low frequency noise shall not exceed the following at a receptor: 75 dB,C weighted (5 to 100 hertz) or Predicted C(PC) for nonimplusive WECS. 67 dB,C weighted (5 to 100 hertz) or PC for impulsive WECS (as defined in technical specification and criteria adopted pursuant to Subsection d.(12)c., below). WECS array low frequency impacts shall be calculated in accordance with technical specifications and criteria adopted pursuant to subsection d.(12)c, below.

b. Operations.

1. Unless the conditions of approval provide a more restrictive standard, a commercial WECS or WECS array shall not be operated so that noise is created exceeding 60 dB(A) where the point of measurement is a point ten (10) feet from the outer wall, or equivalent distance, from the WECS being measured to any "habitable" dwelling, hospital, school, library or nursing home.

2. A commercial WECS or WECS array shall not be operated so that impulsive sound below 20 Hz adversely affects the habitability or use of any dwelling unit, hospital, school, library, or nursing home.

c. All noise measurements and noise projections shall be made in accordance with the technical specifications and criteria developed by the County Health Services Agency and adopted by resolution of the Board of

Supervisors.

d. A toll-free telephone number shall be maintained for each commercial WECS project and shall be distributed to surrounding property owners to facilitate the reporting of noise irregularities and equipment malfunctions.

(13) Electrical Distribution Lines.

a. Electrical distribution lines on the project site shall be undergrounded up to the low voltage side of the step-up transformer or to the utility interface point of an on-site substation.

b. Any electrical distribution line of less than 34 kv, not subject to the jurisdiction of the California Public Utilities Commission, which is located within one mile of a state scenic highway or a highway designated in the scenic highway element of the General Plan, or within an area designated by the Planning Director as visually critical or very critical, shall be installed underground if such installation is feasible.

(14) Monitoring. Upon reasonable notice, County officials or their designated representatives may enter a lot on which a commercial WECS permit has been granted for the purpose of monitoring noise environmental impacts, and other impacts which may arise. Twenty-four hours advance notice shall be deemed reasonable notice.

(16) Height Limits. A commercial WECS or WECS array shall conform to height limits of the zoning classification in which it is located. A lower height limit may be imposed as a condition of a commercial WECS permit.

(17) Development Impacts. A one time fee and a requirement to provide public works or services may be imposed as a condition of a commercial WECS permit. Such exactions must be related to the public need created by the energy development. The purposes for which the permit exaction may be used include, but are not limited to, providing roads required by the wind development, and establishing and operating a monitoring system, a visitor center that is primarily oriented toward wind development and a wind energy information program for local residents.

(18) Signs. No advertising sign or logo shall be placed or painted on any commercial WECS. A commercial WECS permit may permit the placement of no more than two advertising signs relating to the development on the project site, but no such sign shall exceed 15 square feet in surface area or eight feet in height.

(19) Color and Finish of WECS. All commercial WECS shall be either light environmental colors (such as white, beige, or tan), or darker fully saturated colors (such as dark blue, maroon, rust red, or dark green), or galvanized. All commercial WECS shall have a matte or galvanized finish which weathers to a lusterless condition within six (6) months unless such finish adversely affects the performance of the WECS or other good cause is shown to permit any other finish.

(20) Contingent Approval. A commercial WECS permit may be granted subject to necessary approvals from the Federal Aviation Administration or other approving authorities and utility acceptance of any electrical interconnection.

(21) General Conditions. The County may impose conditions on the granting of a commercial WECS permit in order to achieve the purposes of this ordinance and

the General Plan and to protect the health, safety or general welfare of the community.

(22) Findings. The following findings shall be made in writing prior to granting a commercial WECS permit:

a. The project will be consistent with the Comprehensive General Plan.

b. The project will not be detrimental to the health, safety or general welfare of the community.

c. The project site is or will be adequately served by roads and other public or private service facilities.

(23) Notification. Upon approval of a commercial WECS permit, the Planning Department shall provide written notice to the California Energy Commission and the concerned utility.

Amended Effective: 09-24-99 (Ord. 348.3884)

e. USE OF PERMIT.

(1) Any commercial WECS permit that is granted shall be used within two years from the effective date thereof, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of five years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than five years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the Board of Supervisors, on forms provided by the County Planning Department and shall be filed with the Planning Director, accompanied by the fee set forth in County Ordinance No. 671. Within 30 days following the filing of a request for an extension, the Planning Director shall review the application, make a recommendation thereon, and forward the matter on the regular agenda of the Board of Supervisors. An extension of time may be granted by the Board of Supervisors upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of five years, calculated from the effective date of the issuance of the permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.

(2) Life of Permit. A commercial WECS permit shall be valid for the useful life of the WECS included in the permit. The life of the permit shall be determined at the time of approval and shall not exceed 30 years.

(3) (Deleted - 348.2686)

f. REVOCATION OF PERMIT. A commercial WECS permit may be revoked pursuant to Section 18.31 of this ordinance.

Added Effective:
11-11-82 (Ord. 348.2104)

Amended Effective:

05-12-83	(Ord. 348.2174)	06-05-86	(Ord. 348.2592)
10-13-83	(Ord. 348.2218)	07-23-87	(Ord. 348.2686)
08-02-84	(Ord. 348.2338)	05-24-89	(Ord. 348.3029)
08-22-85	(Ord. 348.2500)	10-05-93	(Ord. 348.3567)
11-12-85	(Ord. 348.2534)	09-24-99	(Ord. 348.3884)

NOTE: This ordinance is an urgency ordinance necessary for the immediate preservation of the public peace, health, or safety and shall go into immediate effect pursuant to Section 25123 of the Government Code. It is necessary for this ordinance to take effect immediately in that some may be approved commercial WECS be unable to meet the previously enacted minimum standard for power production even though such commercial WECS are fully operable, thereby impeding the timely development of otherwise acceptable commercial WECS projects.

SECTION 18.42. ACCESSORY WECS PERMITS.

a. APPLICABILITY. Notwithstanding any other provision of this ordinance, an accessory wind energy conversion system (WECS) may be permitted in any zone classification provided that an accessory WECS permit is granted pursuant to the provisions of this section.

b. PROCEDURE. Applications and permit approval for an accessory WECS permit shall be governed by all the provisions of Section 18.30 of this ordinance and of this section.

c. APPLICATION. Applications for an accessory WECS permit shall be made in writing to the Planning Director on the forms provided by the County Planning Department and shall be accompanied by the filing fee set forth in County Ordinance No. 671. In addition to the information specified in Section 18.30 of this ordinance, the permit application shall include the following:

(1) A photograph or detailed drawing of the WECS including the tower.
(2) Specific information on the WECS including: type, size, rated power output, rotor material, performance, safety, and noise characteristics.
(3) Specific information on the type, height, and material of the tower.
(4) Proof of notification to the utility of the proposed interconnection.
(5) Dominant wind direction at the site. Dominant wind direction is the direction from which 50 percent or more of the energy contained in the wind flows.
(6) If the WECS requires approval of a greater height limit pursuant to Section 18.34 of this ordinance, the two applications shall be filed concurrently.

d. REQUIREMENTS FOR APPROVAL. No accessory WECS permit shall be approved unless it complies with the following standards:

(1) The WECS rotor shall clear the ground by at least 15 feet.

(2) Safety Setbacks.

a) No accessory WECS shall be located where the center of the tower is within the distance indicated in the following table:

ABOVE-GROUND ELECTRICAL TRANS-MISSION LINE OF MORE THAN 12 kv*	PUBLIC ROAD, PUBLIC HIGHWAY OR RAILROAD**	PUBLIC ROAD OR PUBLIC HIGHWAY CLASSED AS AN ARTERIAL OR GREATER WITH ADT OF 7,000 OR MORE***	LOT LINE ADJOINS A LOT ZONED W-E OR W-1	LOT LINE OF ANY LOT CONTAINING A "HABITABLE DWELLING"‡	ALL OTHER LOT LINES
1.25 X TOTAL WECS HEIGHT†	**1.25 X TOTAL WECS HEIGHT**	**1.5 X TOTAL WECS HEIGHT**	**1.1 X TOTAL WECS HEIGHT**	**3 X TOTAL WECS HEIGHT**	**1.25 X TOTAL WECS HEIGHT**

NOTES:

* Measured from the outer boundary of the public utility right of way or easement.

** Measured from the outer boundary of the public road/highway right of way or railroad right of way.

*** ADT means Average Daily Trips; based on traffic field measurements as determined by the Director of the Department of Transportation (Information: in 1999, public roads or highways with ADT of 7,000 or more included I-10, Hwy 62, Hwy 111 & Indian Avenue).

‡ For the purposes of this subsection, a "habitable dwelling" shall be a dwelling which contains a kitchen and which is deemed fit for human occupancy as determined by the Director of the Department of Building and Safety.

† Measurement of the WECS and tower with the blade of a horizontal WECS at 12 o'clock position; measurement of a vertical axis WECS shall be the height of the tower.

(3) Wind Access Setbacks.

a) No accessory WECS shall be located where the center of the tower is within a distance of five rotor diameters from a lot line that is perpendicular to and downwind of, or within 45 degrees of perpendicular to and downwind of, the dominant wind direction.

b) Notwithstanding the provisions of subsection a., above, such setbacks from lot lines do not apply if the application is accompanied by a legally enforceable agreement for a period of 25 years or the life of the permit, whichever is longer, that the adjacent landowner agrees to the elimination of the setback and will not develop his land in such a way as to decrease wind velocity or increase wind turbulence at the location of the proposed accessory WECS. In addition the provisions of subsection a., above, regarding setbacks from lot lines do not apply if the Planning Director determines that the characteristics of the downwind property, such as, but not necessarily limited to, topography or use of such property as a transportation corridor, eliminate the ability to develop said downwind property with WECS. Whenever a wind access setback reduction is proposed to the Planning Director based on the characteristics of the downwind property, the wind access setback reduction shall be included in all notices regarding the accessory WECS permit, and, if granted, the accessory WECS permit shall specifically state the required alternative wind access setback.

(4) Access to the WECS shall be restricted by one or more of the following means:

a) Tower-climbing apparatus located no closer than 12 feet from the ground; or

b) A locking anticlimb device installed on the tower; or

c) Enclosure of the tower by a fence at least six feet high with locking portals.

(5) Anchor points for guy wires shall be located within the lot lines and shall be enclosed by a fence at least six feet high. Guy wires shall not cross any above ground electric transmission or distribution line.

(6) The WECS shall comply with Federal Aviation Administration (FAA) regulations regarding air traffic interference and with all other applicable federal and state laws.

(7) The WECS shall be constructed to withstand the predicted seismically induced ground shaking.

(8) All distribution lines and other interconnection facilities shall be constructed to the specifications of the utility. Interconnection shall conform to procedures and standards established by the Federal Energy Regulatory Commission, the California Independent System Operator and/or the California Public Utilities Commission, as applicable.

(9) (Reserved).

(10) Electrical distribution lines shall be buried underground. Signs warning of high voltage electricity in English and Spanish shall be posted on non-moving portions of the WECS or its tower at a height of three to five feet above the ground.

(11) The WECS shall not be operated in a manner that causes communications interference. In the event that communications interference is caused by the WECS, the operator shall take the necessary steps to remedy the situation or shall terminate operation.

(12) The WECS shall not create noise beyond the lot containing the WECS which exceeds 60 db(A) as measured at a point ten (10) feet from the outer wall, or equivalent distance, to any "habitable" dwelling, hospital, school, library or nursing home.

(13) The foundation, tower and compatibility of the tower with the rotor and rotor related equipment shall be certified in writing by a structural engineer registered in California, that they conform with good engineering practices and comply with the appropriate provisions of the Uniform Building Code that have been adopted by the County. The electrical system shall be certified in writing

by an electrical engineer, registered in California, that it conforms to good engineering practices and complies with the appropriate provisions of the electrical code adopted by the County. The mechanical system shall be certified in writing by a mechanical engineer, registered in any state, that it conforms to good engineering practices and complies with appropriate provisions of the mechanical code adopted by the County. As an alternative to certification of the mechanical system as provided above, the applicant may present a statement from either a registered engineer or an independent testing laboratory recognized by the County that the system complies with standards developed by the American Wind Energy Association or other accepted standards organization.

(14) Every unsafe accessory WECS and every accessory WECS which has been inoperable for six months is hereby declared to be a public nuisance which shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure contained in Section 3 of County Ordinance No. 457. All notices required by Section 3 of County Ordinance No. 457 shall also be given to the concerned utility.

(15) The WECS shall comply with all applicable provisions of the National Electrical Code including, but not limited to, Article 250 (Grounding).

(16) Notwithstanding any other provision of this ordinance, an accessory WECS with a total height of 80 feet or less may be permitted in any zone classification.

Amended Effective:
09-24-99 (Ord. 348.3884)

e. APPROVAL PERIOD. The approval of an Accessory WECS permit shall be valid for a period of two years from its effective date, within which time the construction authorized must be substantially begun or the WECS be in use; otherwise, the approval shall be void and of no further effect.

f. REVOCATION OF PERMIT. An accessory WECS permit may be revoked pursuant to Section 18.31 of this ordinance.

SECTION 18.42a. APPLICATIONS FOR MODIFICATIONS TO APPROVED COMMERCIAL AND ACCESSORY WECS PERMITS. A request for approval of a modification to an approved wind energy conversion system (WECS) permit, shall be made in accordance with the provisions of this section. A modification under this section means a request for a determination of substantial conformance or a revised permit as further defined herein.

a. APPLICATIONS. Applications for substantial conformance or a revised permit shall be filed in writing with the Planning Director, shall be accompanied by the applicable fee set forth in County Ordinance No. 671, and shall include the following:

(1) All information required under this ordinance for the filing of a new WECS permit application, unless the Planning Director determines that the information is duplicative of information

previously filed in connection with the approved WECS permit or the Planning Director otherwise waives the information requirement.

(2) A statement explaining the proposed modification and the reason the modification has been requested.

(3) A list of names and addresses of all owners of real property located within one half mile of the exterior boundaries of the proposed project as shown on the last equalized assessment roll and any update issued by the County Assessor.

(4) A study comparing the cumulative effect of the approved WECS permit on surrounding properties and the cumulative effect of the proposed modification on those same properties. The study shall at a minimum discuss the following issues: height, rotor diameter, turbine noise, and total turbine number.

(5) An efficiency study comparing the electrical output of the approved WECS permit and the proposed modification.

(6) A removal/abandonment plan if the proposed modification calls for the removal of installed WECS.

(7) Such additional information as shall be required by the Planning Director.

b. SUBSTANTIAL CONFORMANCE. Substantial conformance means a modification of an approved WECS permit which does not increase the density or intensity of the approved use, which does not increase the number of WECS, which does not result in more environmental impacts than the approved use and which does not have a greater cumulative effect on surrounding property than the approved use.

The following shall constitute substantial conformance:

(1) The replacement of WECS installed or authorized pursuant to an approved WECS permit when:

a) The replacement WECS meet the noise standards set forth in Resolution No. 93-378;

b) The total number of replacement WECS will be at least 25 percent less than the number originally permitted;

c) The replacement WECS will be no greater than 200 feet high measured at the highest point in the arc of the blades; and

d) WECS installed or authorized within 1200 feet of a residence will be removed, or, in the alternative, such residences are within areas designated "Desert" or "Mountainous" on the Western Coachella Valley Plan and the Planning Director determines that the owners of such residences have waived the 1200 foot requirement in writing.

(2) The replacement or alteration of all or part of the major component systems of WECS installed or authorized pursuant to an approved WECS permit when:

a) The modified WECS meet the noise standards set forth in Resolution No. 93-378;

b) Rotor diameter of the modified WECS will not be increased by more than 50 percent of its prior size;

c) The replacement WECS will be no greater than 200 feet high measured at the highest point in the arc of the blades; and

d) WECS installed or authorized within 1200 feet of a residence will be removed, or, in the alternative, such residences are within areas designated "Desert" or "Mountainous" on

the Western Coachella Valley Plan and the Planning Director determines that the owners of such residences have waived the 1200 foot requirement in writing. Substantial conformance may also include, but is not limited to, the following:

1. Other replacement or alteration proposals which fall within the definition of substantial conformance set forth above.
2. Modifications necessary to comply with final conditions of approval; or
3. Modifications to lighting, parking, fencing or landscaping requirements.

c. REVISED PERMITS. Revised permit means a modification of an approved WECS permit which does not change the basic concept or use allowed by the original approval. A revised permit may include, but is not limited to, on-site reorientation of structures, replacements of WECS, that do not constitute substantial conformance, movement of or alterations to signs, changes to the original conditions of approval that do not constitute to substantial conformance, including extensions to the overall life of the permitted use, increases in the density or intensity of the permitted use or increases in the number of WECS. Applications for extensions of time shall be subject to any restrictions set forth in this ordinance as to the maximum overall life of the original permit.

d. PROCEDURE.

(1) Substantial Conformance.

a) The Planning Director shall approve, conditionally approve or disapprove an application for substantial conformance within 30 days after accepting a completed application. The Planning Director's determination shall be based upon the standards of this section and those standards set forth in the ordinance governing approval of the original application and the conditions of approval applicable to the approved WECS permit. An application for substantial conformance shall not require a public hearing. Notice of the decision shall be filed by the Planning Director with the Clerk of the Board of Supervisors not more than 15 days after the decision. A copy of the notice of decision, including the original conditions of approval which remain in effect unless expressly modified and any additional conditions of approval, shall be mailed to the applicant, and to any person who has made written request for a copy of the decision, and to all owners of real property which is located within one half mile of the exterior boundaries of the project, as such owners are shown on the last equalized tax roll and any update. The Clerk of the Board shall place the notice of decision on the next agenda of the Board of Supervisors held five or more days after the Clerk receives the notice from the Planning Director.

b) The decision of the Planning Director is considered final and no action by the Board of Supervisors is required unless, within ten days after the notice of decision appears on the Board of Supervisors' agenda, the applicant or an interested person files an appeal, accompanied by the fee set forth in County Ordinance No. 671, with the Clerk of the Board or unless the Board of Supervisors assumes jurisdiction by ordering the matter set for public hearing. If a timely appeal is filed or the Board of Supervisors assumes jurisdiction, the Clerk of the Board shall set the matter for public hearing before the Board of Supervisors not less than 13 nor more than 60 days thereafter and shall give

notice of the time and place of the hearing in the same manner as the notice was given by the Planning Director of the notice of decision.

c) The Board of Supervisors shall hear the matter de novo; however, the documents and other evidence presented to the Planning Director shall be a part of the Board of Supervisors record at its hearing on the matter. The Board of Supervisors shall hear relevant testimony from interested persons and within a reasonable time after the close of the hearing, make its decision sustaining, reversing or modifying the decision of the Planning Director.

(2) Revised Permit. An application for revised permit shall be approved, conditionally approved or disapproved in accordance with the procedures for processing an original permit, including any requirements for public hearing, notice of hearing, and all rights of appeal. A revised permit shall meet the development standards applicable to a new WECS permit; provided, however, that a revised permit may be approved subject to lower development standards where the applicant demonstrates that such approval will reduce adverse impacts on residential properties.

e. APPROVAL PERIOD. The approval of an application for substantial conformance or revised permit shall be valid until the expiration of the original permit, unless an extension of time has been granted by an approved revised permit.

f. Notwithstanding any provision herein to the contrary, an application for substantial conformance may be approved only if the proposed modification is exempt from the provisions of the California Environmental Quality Act.

Amended Effective:

11-11-82	(Ord. 348.2104)
04-12-83	(Ord. 348.2174)
08-22-85	(Ord. 348.2500)
07-23-87	(Ord. 348.2686)
10-05-93	(Ord. 348.3567)
10-18-94	(Ord. 348.3613)

SECTION 18.43. APPLICATIONS FOR MODIFICATIONS TO APPROVED PERMITS. A request for approval of a modification to an approved plot plan, conditional use permit, public use permit, second unit permit, mobilehome permit under Article XIXb. of this ordinance, or variance, shall be made in accordance with the provisions of this section. A modification under this section means a determination of substantial conformance or a request for a revised permit as further defined herein. These provisions shall not be applicable to wind energy conversion system permits.

a. APPLICATIONS. Applications for substantial conformance or revised permit shall be filed in writing with the Planning Director, accompanied by the fees as set forth in County Ordinance No. 671, and shall include the following:

(1) All information required under this ordinance for the filing of a new application for the permit sought to be modified, unless the requirement is waived by the Planning Director.

(2) A statement explaining the proposed modification and the reason the modification has been requested.

(3) A list of names and addresses of all owners of real property as required by the County, and such additional names and addresses required in order to conform with the notification requirements for processing a permit if the application requires a public hearing.

(4) Such additional information as shall be required by the Planning Director.

b. REQUESTS FOR SUBSTANTIAL CONFORMANCE.

(1) A substantial conformance is a request for a non-substantial modification of an approved permit which does not change the original approval or the effect of the approval on surrounding property. A substantial conformance may include, but is not limited to the following:

a) Modifications for upgrading facilities.

b) Modifications for compliance with the requirements of other public agencies.

c) Modifications necessary to comply with the final conditions of approval.

d) Modifications to on-site circulation and parking, lighting, fencing or walls (placement and/or height), landscaping and/or signage requirements, provided said modifications, as determined by the Planning Director, will have no adverse effect upon public health, safety, welfare, and/or the environment.

(2) Notwithstanding any provision herein to the contrary, an application for substantial conformance may be approved only if the proposed modification is exempt from the provisions of the California Environmental Quality Act.

c. REVISED PERMITS. A revised permit means a modification of an approved permit which does not change the basic concept or use allowed by the original approval. A revised permit may include, but is not limited to, a significant increase in intensity of the approved use, changes resulting in significant adverse effects, expansion within the approved permit area, and changes to the original conditions of approval, including extensions to the overall life of the permitted use, as determined by the Planning Director.

d. PROCESSING PROCEDURES.

(1) Substantial Conformance. The Planning Director shall approve, conditionally approve or disapprove an application for substantial conformance within 30 days after accepting a completed application and give notice by mail of the decision, including any additional conditions of approval, to the applicant and any other person who has filed a written request for notice.

a) The Planning Director's determination shall be based upon the standards of this section and those standards set forth in this ordinance for the approval of an original application.

b) An application for substantial conformance shall not require a public hearing.

(2) Revised Permit. An application for a revised permit shall be approved, conditionally approved or disapproved in accordance with the procedures for processing an original permit, including any requirements for public hearing, notice of hearing, and all rights of appeal. A revised permit shall be subject to the development standards applicable to approval of a new permit.

e. APPROVAL PERIOD. The approval of an application for substantial conformance or revised permit shall be valid until the expiration of the original permit, unless an extension of time has been granted by an approved revised permit.

Added Effective:
10-17-85 (Ord. 348.2516)
07-23-87 (Ord. 348.2687)

Amended Effective:
07-04-96 (Ord. 348.3773)

SECTION 18.44. HAZARDOUS WASTE FACILITY SITING PERMIT

a. STATEMENT OF INTENT AND POLICY. Because of the increasing problems associated with the disposal of hazardous wastes within the County of Riverside, it is necessary to provide specific requirements applicable to the siting or expansion of a hazardous waste facility in order to safeguard life, health, property and the public welfare.

b. APPLICABILITY.

(1) A hazardous waste facility is permitted in the M-H (Manufacturing-Heavy) Zone provided a hazardous waste facility siting permit is first granted pursuant to this section.

(2) As used herein, the terms "hazardous waste" and "extremely hazardous waste" shall include any wastes now or hereafter defined as hazardous or extremely hazardous by applicable provisions of the Hazardous Waste Control Law (Health and Safety Code Section 25100 et seq.) and the regulations adopted thereunder. As used herein, the term "hazardous waste" shall not include any "extremely hazardous waste".

(3) As used herein, the term "hazardous waste facility" shall include any off-site facility at which hazardous waste is treated, stored, transferred, handled or disposed of, including but not limited to:

a) Incineration facilities such as rotary kiln or fluidized bed incinerators;
b) Residuals repositories;
c) Stabilization or solidification facilities;
d) Chemical oxidation facilities;
e) Neutralization or precipitation facilities;
f) Transfer or storage facilities.

(4) No application for a permit to site a hazardous waste facility shall be accepted, which application proposes to treat, store, transfer, handle or dispose of extremely hazardous waste at the proposed facility, nor shall any hazardous waste facility which is issued a siting permit pursuant to this section at any time accept any extremely hazardous waste for treatment, storage, transfer, handling or disposal.

c. PROCEDURE.

(1) A public hearing shall be held on an application for a hazardous waste facility siting permit in accordance with the provisions of Section 18.26 of this ordinance, and except as otherwise expressly provided herein, all of the procedural requirements and rights of appeal as set forth therein shall apply. The hearing body shall be the Planning Commission.

(2) In addition to the notice of hearing provided under Section 18.26, notice of hearing on an application for a hazardous waste facility siting permit shall be given by mail at least ten days prior to the hearing to:

a) All owners of real property which is located within five miles of the exterior boundaries of the subject property as such owners are shown on the last equalized assessment roll and any update; and

b) All registered voters residing within five miles of the exterior boundaries of the subject property.

(3) No application for a hazardous waste facility siting permit shall be approved unless an environmental impact report is completed in accordance with the California Environmental Quality Act (CEQA) and the Riverside County Rules Implementing CEQA.

d. APPLICATION. Every application for a hazardous waste facility siting permit shall be made in writing to the Planning Director on the forms provided by the Planning Department and shall be accompanied by the filing fee as set forth in County Ordinance No. 671. The permit application shall include the following information:

(1) Name and address of the applicant.

(2) Evidence that the applicant is the owner of the property involved or has written permission of the owner to make such application.

(3) A plot and development plan drawn in sufficient detail to clearly describe the following:

a) Physical dimensions of property and structures.

b) Location of existing and proposed structures.

c) Setbacks.

d) Methods of circulation.

e) Ingress and egress.

f) Utilization of property under the requested permit.

g. The distance from the project property line to the nearest residential structure.

h. Proximity of the project to 100-year flood prone areas.

i. Proximity of the project to any known earthquake fault zones.

j. The relationship of the proposed project to all aboveground water supplies and all known underground aquifers that might suffer contamination.

k. Topographic description of the property and surrounding area.

l. A preliminary geological study of the property and the surrounding area including a soils analysis extending to all known aquifers, regardless of the potability of the waters of those aquifers.

m. Existing and proposed utilities which will be required to service the facility.

(1) Identification of all wastewater, treated and untreated, which will be generated by the

proposed facility and the method and place of final discharge.

(2) An analysis of all visual, noise and olfactory impacts associated with the project and proposed mitigation measures.

(3) An analysis of all air quality impacts associated with the project and proposed mitigation measures to insure no degradation of air quality in the area.

(4) Identification of any rare or endangered species of plants or animals within the project site and proposed impact mitigation measures.

(5) Identification of the amounts, sources, and types of hazardous wastes to be treated, stored, transferred, handled or disposed of at the proposed facility; the ultimate disposition of the wastes; and the anticipated life of the facility. Information as to the amounts, sources, and types of hazardous wastes shall be based on an actual survey of the industries to be served and shall be representative of the wastes that will be processed at the facility.

(6) Three sets of mailing labels for all owners of real property located within five miles of the exterior boundaries of the subject property, as such owners are shown on the last equalized assessment roll and any update; and three sets of mailing labels for all registered voters residing within five miles of the exterior boundaries of the subject property. These mailing labels need not accompany the application but shall be supplied by the applicant prior to the public hearing upon notice from the Planning Director.

(7) A risk assessment that analyzes in detail the probability of accidents or discharges both at the facility and in transportation to and from the facility. The risk assessment shall identify mitigation measures to reduce identified risks, and shall identify the routes proposed for transporting hazardous wastes to and from the facility.

(8) A plan providing for an ongoing monitoring program to insure no unintentional release of any hazardous substance from the facility. The plan shall include any monitoring required by other permitting agencies.

(9) All applications shall contain a designation of at least two reasonable alternative sites which shall be reviewed pursuant to the California Environmental Quality Act.

(10) A plan for supplementary public review and comment on the proposed project prior to the public hearing. This plan shall provide for adequate public review and comment on the project in order to reduce public concerns prior to formal public hearing.

(11) A contingency plan for emergency procedures designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water. The plan shall provide for its immediate implementation whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. The contingency plan shall satisfy all requirements of the Hazardous Waste Control Law (Health and Safety Code Section 25100 et seq.) and the regulations adopted thereunder.

(12) Such additional information as shall be required by the Planning Director.

e. STANDARDS AND DEVELOPMENT CRITERIA. No person shall erect, maintain or operate a hazardous waste facility in the unincorporated area of the County of Riverside except in accordance with the following provisions:

(1) All internal roads and all access roads to the proposed facility shall be constructed or improved to County standards as approved by the Road Department.

(2) Locational Criteria:

a) No hazardous waste facility, except a transfer facility or a storage facility, shall be located closer than 1500 feet from any lot line.

b) No hazardous waste facility shall be located within 2000 feet of the lot line of any lot actually used or zoned for residential use. This setback shall not apply to an on-site caretaker residence.

c) No hazardous waste facility shall be located within a dam inundation zone.

d) No hazardous waste facility shall be located within a liquefaction area.

(3) Safety and Security.

a) The permit holder shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto any portion of the facility.

b) The permit holder shall provide a 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry onto the facility.

c) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff) shall be constructed which completely surrounds the facility.

d) All gates or other entrances to the facility shall be provided with adequate means to control entry at all times. Signs with the legend, "Danger - Hazardous Waste Area - Unauthorized Personnel Keep Out", shall be posted at each entrance to the facility and at sufficient other locations to be seen from any approach. The legend shall be written in English, Spanish, and any other language predominant in the area surrounding the facility, and shall be legible from a distance of at least 25 feet.

(4) Seismic Safety. A hazardous waste facility shall comply with the requirements of the applicable Seismic zone of the Uniform Building Code, the applicable groundshaking zone in the General Plan, or with the seismic design recommendation in an approved geotechnical report on the project.

(5) Monitoring.

a) Upon reasonable notice, County officials or their designated representatives may enter a parcel on which a hazardous waste facility siting permit has been granted for the purpose of monitoring the operation of the facility.

b) The holder of a hazardous waste facility siting permit shall report quarterly to the County of Riverside the amount, type and disposition of all wastes processed by the facility. The report shall include copies of all manifests showing the delivery and types of hazardous waste. The report shall also include a map showing the exact location (coordinates and elevation), quantities and types of wastes placed in repositories or otherwise stored or disposed of on the site.

(6) Signs. No more than two advertising signs will be permitted relating to the development on the project site. No such sign shall exceed 15 square feet in surface area or eight feet in height.

(7) No hazardous waste facility siting permit shall be granted for the treatment, storage, transfer, handling or disposal of an amount or type of waste beyond that generated within the County of

Riverside unless satisfactory compensation is arranged through the Southern California Hazardous Waste Management Authority.

(8) A hazardous waste facility siting permit shall be granted for only those wastes and quantities of wastes specified in the conditions of approval. No additional types of wastes or increases in the quantities of approved wastes shall be allowed beyond those specified in the approved permit unless a separate application is made therefor in accordance with the same procedures as those required for an initial application.

(9) Emergency Procedures. Every hazardous waste facility shall have a contingency plan for emergency procedures designed to minimize hazards to human health and the environment from fires, explosions, or unplanned release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The plan shall provide for its immediate implementation whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. The contingency plan shall satisfy all requirements of the Hazardous Waste Control Law (Health and Safety Code Section 25100 et seq.) and the regulations adopted thereunder. Copies of the plan and all amendments to the plan shall be filed with all local emergency response officials and the Riverside County Health Department.

(10) Closure.

a) Every hazardous waste facility shall have a written closure plan. The plan shall identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan shall satisfy all requirements of the Hazardous Waste Control Law (Health and Safety Code Section 25100 et seq.) and the regulations adopted thereunder. A copy of the closure plan and all revisions to the plan shall be filed with the County Department of Health and shall be kept at the facility until closure is completed.

b) Every hazardous waste facility where hazardous waste will remain after closure shall have a written post-closure plan providing for post-closure monitoring, care, and maintenance. The post-closure plan shall satisfy all requirements of the Hazardous Waste Control Law (Health and Safety Code Section 25100 et seq.) and the regulations adopted thereunder. A copy of the post-closure plan and all revisions to the plan shall be filed with the Riverside County Department of Health.

c) The holder of a hazardous waste facility siting permit shall establish and continuously maintain financial assurance for closure of the facility and for post-closure care if required. Financial assurance shall satisfy all requirements of the Hazardous Waste Control Law (Health and Safety Code Section 25100 et seq.) and the regulations adopted thereunder. Copies of all documents demonstrating such financial assurance shall be filed with the County Department of Health.

(11) Financial Responsibility.

a) Prior to the commencement of any use under a hazardous waste facility siting permit, the holder of the permit shall provide proof of insurance as required in the conditions of permit approval. The types, amounts, periods of coverage, and provisions for periodic review as to adequacy of coverage shall be specified in the conditions of approval. Required insurance shall include, but not be limited to: general liability insurance, automotive liability insurance, environmental impairment liability insurance, and architect's and engineer's professional liability insurance. All such insurance shall name the County as an additional insured and shall be maintained for the life of the site and such additional periods as shall be specified in the conditions of approval.

b) The holder of a hazardous waste facility siting permit shall defend, indemnify and hold harmless the County and its officers, agents, servants and employees from all claims, actions and liabilities arising out of the issuance of a hazardous waste facility siting permit, operations at the hazardous waste facility, and transportation of wastes to or from the hazardous waste facility.

(12) General Conditions. The County may impose conditions on the granting of a hazardous waste facility siting permit in order to achieve the purposes of this ordinance and the Riverside County General Plan and to protect the health, safety or general welfare of the community.

(13) Findings. The following findings shall be made in writing prior to granting a hazardous waste facility siting permit:

a) The facility will be consistent with the Riverside County General Plan.

b) The facility will not be detrimental to the health, safety or general welfare of the community.

c) The facility site is or will be adequately served by roads and other public or private service facilities.

e. USE OF PERMIT.

(1) Any hazardous waste facility siting permit that is granted shall be used within two years from the effective date thereof, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of five years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than five years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the Board of Supervisors, on forms provided by the Planning Department and shall be filed with the Planning Director, accompanied by the fee set forth in County Ordinance No. 671. Within 30 days following the filing of a request for an extension, the Planning Director shall set the matter on the regular agenda of the Planning Commission which shall review the application, make a recommendation thereon, and forward the matter on the regular agenda of the Board. An extension of time may be granted by the Board upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of five years, calculated from the effective date of the issuance of the permit. The term "use" shall mean the beginning of substantial construction of the use that is

authorized, which construction must thereafter be pursued diligently to completion.

(2) Life of Permit. The life of the permit shall be determined at the time of approval and shall not exceed ten years.

f. REVOCATION OF PERMIT. A hazardous waste facility permit may be revoked pursuant to Section 18.31 of this ordinance.

Added Effective:
08-14-86 (Ord. 348.2613)

RIVERSIDE COUNTY PLANNING DEPARTMENT

SUMMARY OF RIVERSIDE COUNTY ZONING REQUIREMENTS

ZONE	DEFINITIONS/TYPICAL USES Ordinance No. 348	MINIMUM LOT REQUIREMENTS			MINIMUM SETBACKS			MAXIMUM STRUCTURAL HEIGHT	
		SQ. FT.	WIDTH	DEPTH	FRONT	SIDE	REAR	FEET	FLOORS
R-R **R-R-O**	RURAL RESIDENTIAL, ART. V One-family dwellings, mobilehomes, light agriculture, animal husbandry, farm animals (Max. 5 animals per acre), kennels/catteries pursuant to provisions of Sec. 18.45. Numerous commercial uses allowed with Conditional Use Permit. Limited uses allowed with approved Plot Plan.	½ ac	40	80	20	10	5	40 Single-family	3
					Setbacks same as the original zone permitting the use.			50-75 Other bldgs. Per Sec. 18.34	
R-T	MOBILEHOME SUBDIVISIONS & MOBILEHOME PARKS, ART. VIII B One-family dwelling, or mobilehomes on lots. Mobilehome parks with approved conditional Use Permit. All subdivision development shall comply with provisions of Riverside County Ordinance No. 460.	7200	60	100	20	5	5	40	3
				Minimum size of mobilehome shall be 450 sq. ft. Minimum size of conventional one-family house shall be 750 sq. ft. Mobilehome front setbacks may be reduced to 10 ft. if community recreational facilities exist in tract.					
		3600	40	Minimum frontage of 30 ft. If Community recreation/open space is developed as part of the subdivision: -A min. Of 500 sq. Ft. for each residential lot shall be useable recreational area. -Combined sq. Footage of community area and lot area, excluding street ROW, shall total no less than 6000 sq. ft. for each residential lot.					
		Subdivisions with recreational facilities							
		2500	30	The minimum size site that may be developed for a mobilehome park shall be 5 ac. gross.					
		Mobilehome Parks							
R-T-R	MOBILEHOME SUBDIVISION-RURAL ART. VIII C One-family dwelling, or mobilehomes on lots. Noncommercial keeping of horses, cattle, sheep and goats on lots of at least 40,000 sq, ft. Noncommercial keeping of rabbits, birds, and poultry. Other limited agriculture. Home occupations. Kennels/catteries approved pursuant to provisions of Sec. 18.45.	40,000	100	100	20	5	5	40	3
R-VC	RUBIDOUX-VILLAGE COMMERCIAL ART. IX E General business and appurtenant accessory uses only in enclosed buildings with not more than 200 sq. ft. of outside storage or display. Certain uses approved with Conditional Use Permit. All other uses require Plot Plan approval. All development shall be subject to an architectural theme as illustrated in the "Rubidoux Village Design Workbook".	PROJECT TYPE 1: Storefront improvements limited to exterior wall facing street. Project type invokes only the most limited development standards, mostly from the design guidelines. No setbacks required. Max. Height 50 ft; towers and non-habitable structures 70 ft.							
		PROJECT TYPE 2: Improvements to the shell of the structure beyond the storefront, but utilizing the existing buildings and site improvements. No setbacks required. Max. Height 50 ft; towers and no-habitable structures 70 ft.							
		PROJECT TYPE 3: Improvements based on vacant or cleared land requiring new construction. A further distinction is made between small projects with less than 100 feet of Mission Blvd. Frontage, and those with more than 100 feet of such frontage. Standard setback is 15 feet behind curb face. Max. Height 50 ft; towers and non-habitable structures 70 ft.							
R-D	REGULATED DEVELOPMENT AREAS ART. XV A One-family dwellings, apartment houses, hotels, non-profit clubs, and professional offices with Plot Plan approval. Mobilehome parks with approved Conditional Use Permit. Noncommercial keeping of horses, cattle, sheep, and goats on lots over 20,000 sq. Ft. in area and 100 ft. Width. Two such animals on each 20,000 sq. Ft. up to one acre, and two such animals on each addt'l. acre. Some agricultural uses and limited noncommercial animal husbandry, 4-H projects permitted. Agricultural mobilehomes permitted for owner/farm worker on lots at least 10 acres being farmed.	20,000	100	150	20	10	5		
					Setbacks same as the original zone permitting the use.				
A-1	LIGHT AGRICULTURE, ART. XIII One-family dwellings. Light agriculture, animal husbandry, farm animals (Max. 5 animals per acre). Agricultural mobilehomes for owner/farm worker with Plot Plan approval. Kennels/catteries pursuant to provisions of Sec. 18.45. Menagerie, feed store, farm labor camp, and mobilehome park with an approved Conditional Use Permit.	20,000	100	150	20	5	10	40 Single-family	
								50-75 Other bldgs.	
A-2	HEAVY AGRICULTURE, ART. XIV One-family dwelling. Light agriculture, animal husbandry, farm animals (Max. 5 animals per acre), agricultural mobilehomes for owner/farmworker with Plot Plan approval. Kennels/catteries pursuant to provisions of Sec. 18.45. Lodge hall, feed store, private school, church, real estate office, with approved Plot Plan. Menagerie, farm labor camp, mobilehome park, dairy farm, winery, composting facility with an approved Conditional Use Permit.	20,000	100	60	20	10	10	40 Single-family	

								50-75 Other bldgs. Per Sec. 18.34	
A-P	LIGHT AGRICULTURE WITH POULTRY ART. XIII A One-family dwelling. Farms for commercial egg production and poultry. Fish, frogs, chinchilla, and other small animals. Nurseries, greenhouses, row orchards, and field crops, packing and processing in connection with farm operations. Grazing of farm animals (Max. 5 animals per acre). Agricultural mobilehome with approved Plot Plan.	5 AC	200		20	10	10	40 Single-family	
		10,000 Utility Uses			50	25	25		
			100 Utility Uses		Commercial Poultry Operations			50-105 Other structures Per Sec. 18.34	
A-D	AGRICULTURE-DAIRY, ART. XIV A Dairy farming, one-family dwellings in conjunction with a dairy operation, general agriculture, kennels/catteries pursuant to Sec. 18.45, and farms for rabbits, fish, frogs, chinchilla, and other small animals. Grazing of farm animals (Max. 5 per acre). Agricultural mobilehomes with approved Plot Plan. Abattoirs with approved Conditional Use Permit.	20 AC			20	10	10	40 Single-family	
					50	25	25	50-105 Other structures Per Sec. 18.34	
					Dairy Operations				
C/V	CITRUS VINEYARD, ART. XIV B Vineyards, citrus groves, orchards, aviaries, apiaries, greenhouses, mechanical produce processing, grazing of farm animals (Max. 5 per acre). With Plot Plan approval: Bed and breakfast inns pursuant to Sec. 14.73, sampling rooms, incidental gift sales, and restaurants. With approved Conditional Use Permit: Commercial stable, breeding operations, equestrian training facility, and farm labor camp.	5 AC	200		20	10	10	40 Single-family	
					50	50	50	50-105 Other structures Per Sec. 18.34	
					Winery, citrus processing, appurtenant uses				
C-1/ C-P	GENERAL COMMERCIAL, ART. IX General business and appurtenant accessory uses, only in enclosed buildings with not more than 200 sq. ft. of outside storage or display of materials. Certain uses permitted with approved Conditional Use Permit. All other uses require Plot Plan approval. Off-site advertising permitted at 500-ft. Intervals. On-site operators residence allowed with plot plan approval.				No setbacks required for permitted commercial uses under 35 ft. in height. Any portion of a building which exceeds 35 ft. in height shall be set back from the front, rear, and side lot lines not less than 2 ft. for each foot by which the height exceeds 35 ft.				
C-P-S	SCENIC HIGHWAY COMMERCIAL, ART. IX B Specific wholesale and retail commercial uses with approved Plot Plan. Limited commercial uses with approved Conditional Use Permit. On-site operator's residence allowed with Plot Plan approval.				No setbacks required for permitted commercial uses under 35 ft. in height. Any portion of a building which exceeds 35 ft. in height shall be set back from the front, rear, and side lot lines not less than 2 ft. For each foot by which the height exceeds 35 ft.			50-75 Per Sec. 18.34	
C-T	TOURIST COMMERCIAL. ART. IX A Automobile and truck service stations, restaurants, bars, motels, gift shops, and new/used automobile/truck sales. All uses require Plot Plan approval. No residential uses allowed.	10,000			No setbacks required for permitted commercial uses under 35 ft. in height. Any portion of a building which exceeds 35 ft. in height shall be set back from the front, rear, and side lot lines not less than 2 ft. For each foot by which the height exceeds 35 ft.			50-75 Per Sec. 18.34	
C-R	RURAL COMMERCIAL, ART. IX C Small-scale commercial uses for the convenience of rural residents and travelers. Bed and breakfast inns, automobile/truck service stations, convenience markets, hotels, motels, professional offices permitted with Plot Plan approval. Animal hospitals, building supply stores, liquor stores, automobile/truck repair garages permitted with approved Conditional Use Permit.	20,000			25	25	25	40	
					Total building coverage on a single parcel shall not exceed 20% of net lot size.				
C-O	COMMERCIAL OFFICE, ART. IX D Administrative and professional offices, provided that no stock is manufactured for retail sales. With approved Plot Plan: banks, pharmacies, day care centers, travel agency. With approved Conditional Use Permit: clinics, health and exercise center, hotels, restaurants (not fast food), and professional studios.				25	25	25	50-75 Per Sec. 18.34	
					Where front, side, or rear property line adjoins a street, or property zoned R-R, R-1, R-A, R-2, R-3, R-4, R-6, R-T, R-T-R, W-2-M, or SP.				
					No minimum setback when property adjoins zones not specified above.				
S-P	SPECIFIC PLAN, ART. XVIII A Residential, commercial, manufacturing, open space, public facilities, health, and community facilities, agricultural uses pursuant to the permit requirements outlined in the adopted specific plan. If the specific plan does not specify a procedure, the use shall be subject to the most restrictive permit procedures contained in any zoning classification where the use is listed.	Uses shall conform to the development standards of the specific plan. If the specific plan lacks one or more standards, the standards from the zone, which most closely fits the land use assigned to the site, shall be utilized.							

M-SC	MANUFACTURING-SERVICE COMMERCIAL, ART. XI Most light manufacturing and industrial uses defined under the Standard Industrial Classification Code (SIC) with Plot Plan approval. Uses include food, textile, metal, lumber and wood, leather, chemical products, machinery, electrical equipment, services to selected commercial uses, and caretakers' residence. Conditional Use Permit required for variety of uses such as recycling centers, fuel storage, and batch plants. Off-site advertising permitted at 500-ft. intervals with Planning approval.	10,000	75		25	25	25	40 at yard setback line	
		Unsewered			Where front or rear yard adjoins a street, or property zoned R-R, R-1, R-A, R-2, R-3, R-4, R-6, R-T, R-T-R, W-2-M, or SP.			50-105 Structures per Sec. 18.34	
		7,000	65		No minimum setback when property adjoins zones not specified above.				
		Sewered							
M-M	MANUFACTURING-MEDIUM, ART. XI A Most light and medium industrial and manufacturing uses within the SIC Code with Plot Plan approval. Certain uses with approved Conditional Use Permit. Caretakers' residence allowed with approved Plot Plan. Off-site advertising at 500-ft. intervals with Planning approval.	Same as M-SC Zone above.							
M-H	MANUFACTURING-HEAVY, ART. VII Most light, medium, and heavy industrial and manufacturing uses with Plot Plan approval. Certain uses require approved Conditional Use permit. Caretakers' residence allowed with approved Plot Plan. Off-site advertising at 500-ft. intervals with Planning approval.	Same as M-SC Zone above							
I-P	INDUSTRIAL PARK, ART. X Planned industrial area with special attention to circulation, parking, utility needs, aesthetics, and compatibility. Development subject to area site improvement, landscaping and performance standards. All development requires Plot Plan approval. Limited uses with Conditional Use Permit approval.	20,000	100		25	10	15	35 All structures	
					Minimum 25 ft. setback on any street. Minimum 50 ft. setback on any boundary where property abuts residential or commercially zoned property. Setbacks increase for buildings over 35 ft. in height.			50-105 Per Sec. 18.34	
M-R	MINERAL RESOURCES, ART. XII A Uses permitted: agricultural uses, public utilities, water development and storage. With Conditional Use Permit: Sewage sludge/organic waste composting facilities. Uses permitted with Surface Mining Permit: mining, quarrying, rock crushing, batch plants. Caretakers' residence permissible. No other residential development permitted. Special development and performance standards required for noise suppression, landscaping/fencing, hours of operation, insurance, ponding, rehabilitation, roads & driveways.	5 AC	200		50	50	50	50-105 Per Sec. 18.34	
					Except those use permitted in Sec. 12.50a				
					Any structure exceeding 50 ft. in height shall have front, side, and rear yard setbacks equal to the height.				
M-R-A	MINERAL RESOURCES & RELATED MANUFACTURING, ART. XII B Uses permitted: agricultural uses, public utilities, water development and storage. With Conditional Use Permit: Sewage sludge/organic waste composting facilities. Uses permitted with Surface Mining Permit: mining, quarrying, rock crushing, ore reduction plants, batch plants, specialty processing for mineral products, manufacture of block, pipe, tile, brick, cement, plaster, and asphalt concrete. Caretakers' residence permissible. No other residential development permitted. Special development and performance standards required for noise suppression, landscaping/fencing, hours of operation, insurance, ponding, rehabilitation, roads & driveways.	5 AC	200		50	50	50	50-105 Per Sec. 18.34	
					Except those uses permitted in Sec. 12.60a				
					Any structure exceeding 50 ft .in height shall have front, side, and rear yard setbacks equal to its height.				
N-A	NATURAL ASSETS, ART. XV B Permitted uses: One-family dwellings, field and tree crops, apiaries limited grazing of cattle, horses, sheep or goats. Uses permitted with Plot Plan: Public utility substations, menageries, museums, agricultural mobilehomes. Uses permitted with Conditional Use Permit: Recreational vehicle parks, hotels, extraction and bottling of well water, riding academies, golf courses and appurtenant facilities, fishing lakes, camps, guest ranch.	20 AC	400		100	50	50	20	
W-1	WATERCOURSE, WATERSHED & CONSERVATION AREAS, ART. XVI Land subject to periodic flooding and other hazards, and not suitable for permanent occupancy. Permitted uses include agriculture, apiaries, grazing of farm stock, golf courses without buildings, aquaculture. An approved Conditional Use Permit is required for airports, heliports, hunting clubs, shooting ranges, recreational vehicle parks, and athletic fields.							400 Comm'l. Wecs	
								50 Other bldgs.	

								105 Per Sec. 18.34	
W-2	CONTROLLED DEVELOPMENT AREAS, ART. XV Allowed uses: One-family dwellings, light agriculture, aviaries, apiaries, grazing of farm animals, animal husbandry. With Plot Plan approval: guest ranches, educational institutions, country clubs, churches, meat cutting/packaging plants without slaughtering. With Conditional Use Permit approval: airport, cemetery, hunting clubs, lumber mill, trail bike park, rodeo arena, commercial stable, menagerie, animal hospital.	20,000	100	150	20	5	10	40 Single- family	
					25	10	25	50-75 Per Sec. 18.34	
					Mobilehomes				
W-2-M	CONTROLLED DEVELOPMENT AREAS WITH MOBILEHOMES, ART. XV C Same as W-2 Zone but requires a mobilehome to have a floor living area of 450 sq. ft. or more, and have the area between ground level and floor level screened from view with an opaque skirt and landscaping.	20,000	100	150	20	5	10	40 Single-family	
					25	10	25	50-75 Per Sec. 18.34	
					Mobilehomes				
W-E	WIND ENERGY RESOURCE ZONE, ART. XVII C Allowed uses: gas, and electric transmission facilities (PUC), electrical substations, railroads, cable television transmission facilities, meteorological towers under 50 ft. in height. Plot Plan approval: meteorological towers over 50 ft. in height, gas an electric transmission facilities (non-PUC), vehicle storage with approved WECS, office, and maintenance buildings with approved WECS, caretakers residence for approved WECS. Conditional Use Permit approval: mining operations exempt from Ordinance No. 555 and SMARA.				50	50	50	500 Comm'l. WECS	
					Setbacks for WECS vary based on surrounding zoning.			20 Other structures	
								75-400 Per Sec. 18.34	

- Oregon
    - Wasco County – Chapter 19 Standards for Energy Facilities and Commercial Energy Facilities

CHAPTER 19 STANDARDS FOR ENERGY FACILITIES AND COMMERCIAL ENERGY FACILITIES

SECTION 19.005 Purposes

This chapter describes how to apply for county approval of a proposed hydroelectric, wind energy, biomass, or geothermal facility with a nominal rated electric capacity of 25 MW or less, or transmission facilities carrying 230 kV or less. It also describes how the county will consider the energy, environmental, economic, and social consequences of a proposed energy facility. A use approved by the county under this chapter will protect the public health, safety, and general welfare, comply with the Statewide Planning Goals and Guidelines, and comply with the Wasco County Comprehensive Plan.

SECTION 19.010 Classification of Energy Facilities

A. PERMITTED SUBJECT TO STANDARDS. A proposed energy facility shall be approved by the Planning Director as a use permitted subject to standards if the proposed facility complies with the applicable standards of subsection 19.030 (A) through (C) and section 19.040, subject to the applicable conditions of section 19.050.

B. CONDITIONAL USE. A proposed energy facility that is not permitted subject to standards may be approved by the Planning Commission as a conditional use if the proposed facility complies with the applicable standards of subsection 19.030 (D) through (F) and section 19.040, subject to the conditions of section 19.050 and other conditions found necessary to fulfill the purpose of this chapter.

SECTION 19.020 Other Energy Facilities

Energy facilities and commercial energy facilities other than hydroelectric, wind energy, and transmission facilities are subject to the provisions of Chapter 5.

SECTION 19.030 Standards for Approval

A. A HYDROELECTRIC FACILITY AS A USE PERMITTED SUBJECT TO STANDARDS. A proposed hydroelectric facility is a use permitted subject to standards if it complies with part 19.030 (A)(1) and with part (A)(2), or part (A)(3) below, and the applicable conditions of Section 19.050.

1. LOCATION. The facility shall comply with subsection 19.040(A) through (D).

2. CAPACITY AND SOURCE OF WATER. The facility will comply with either subpart 19.030(A)(2)(a) or (b).

   a. The facility will produce 100 theoretical horsepower (thp) or less, or

   b. The facility takes water from and returns water to a man-made water conveyance system, without increasing the system's use of surface and ground waters.

3. OTHER SMALL SCALE FACILITIES. A facility other than one in part 19.030(A)(2) with a maximum generating capacity of 5 megawatts (MW) shall comply with all of the following:

   a. Does not increase the maximum surface area of an impoundment at an existing dam or diversion or does not impound more than two acre feet at a new impoundment or diversion.

   b. Does not change the prevailing regime of storage and release or impede fish management. Changes which improve fish management or existing adverse effects of the dam or diversion may be permitted.

   c. Does not require development of more than one mile of new vehicular access routes.

   d. Does not require construction of a transmission line in a new right-of-way or easement that results in clearing of a right-of-way or easement with a length exceeding one mile or with an average cleared width exceeding 50 feet in the zone.

   e. Does not use a diversion or intake structure the height of which is more than twice the diameter of the penstock or ten feet, whichever is less.

   f. Does not increase naturally-occurring head by more than five percent.

B. A TRANSMISSION FACILITY AS A USE PERMITTED SUBJECT TO STANDARDS. A transmission facility is a use permitted subject to standards if it complies with part 19.030(B)(1) or with parts (B)(2) and (B)(3), and the applicable conditions of section 19.050.

1. LOCATION AND HEIGHT.

a. The facility shall comply with subsections 19.040(B) and (C), and

b. The facility shall result in clearing of a right-of-way or easement with an average width not greater than 50 feet in the F-F and F-1 zones, or

c. The facility shall not increase the extent to which the right-of-way or easement is in an area listed in parts 19.040(A)(1) through (3), except as permitted by part 19.040(A)(4).

d. The facility is 200 feet or greater in height. (added 2-89)

2. EXISTING USE. The facility shall be built in or adjoining an existing public road or utility right-of-way or easement, and

3. WIDTH. The facility will not increase the average width of the clearing for the existing right-of-way or easement by more than 50% nor result in clearing of a right-of-way or easement with an average width greater than 125 feet, whichever is less, and

C. A WIND FACILITY AS A USE PERMITTED SUBJECT TO STANDARDS. A proposed wind facility is a use permitted subject to standards if it complies with parts 19.030(C)(1) through (8). A wind measurement device is a use permitted subject to standards if it complies with subpart 19.030(C)(3)(b) and parts (C)(5), (C)(7) and (C)(8). In addition, a WECS and a wind measurement device are subject to the standards of subsection 19.040(A) through (C) and the applicable conditions of section 19.050.

1. WECS HEIGHT. The total WECS shall not exceed 200 feet.

2. DENSITY. No more than two WECS shall be on the same site and under the same ownership or management.

3. SETBACKS.

a. A WECS shall be setback from all adjoining property lines as described in (1) and (2) below. An easement that complies with ORS 105.900 through .915 may be substituted for required setbacks. The setback shall be measured from the center point of the tower or pedestal.

1. A horizontal axis WECS shall be setback at least five rotor diameters.

2. A vertical WECS shall be setback the total WECS height.

b. The furthest horizontal extension of a WECS or wind measurement de vice (including guy wires) shall not extend into yards required in the underlying zones or be closer than twelve feet to any major structure, or right-of-way or easement for above-ground telephone, electrical transmission and distribution lines.

4. MINIMUM HEIGHT. The lowest point in the sweep of a WECS blade shall be a minimum height above the tallest current or foreseeable obstruction within a horizontal, 500 foot radius of a WECS or a radius of 10 rotor diameters (for horizontal axis) and 5 WECS heights (for vertical axis), whichever is greater, as described in (a), (b), and (c) below. The radius shall be measured from the center point of the tower.

   a. At least 30 feet for a horizontal axis WECS on a site without site-specific wind direction data or representative off-site data.

   b. At least 30 feet above current or foreseeable obstructions within 45 degrees of the direction(s) of prevailing wind for a horizontal axis WECS on a site with site-specific wind direction data or representative off-site data.

   c. At least six feet for a vertical axis WECS.

5. PUBLIC ACCESS. Public access to a vertical axis WECS shall be limited using (c) below. Public access to a horizontal axis WECS shall be limited using one or a combination of the following methods:

   a. Removal of tower climbing fixtures to 12 feet from the ground,

   b. Installation of a locking, anti-climb device on the tower, or

   c. Installation of a protective fence at lease six feet tall with a locking gate.

6. VISUAL EFFECTS. Except when the applicant demonstrates that such measures will significantly interfere with wind access over the life of the WECS, a WECS shall be sited to reduce visual impacts using means including, but not limited to, the following:

   a. Setting the WECS against a visual backdrop that, because of color, texture or topography, helps the WECS blend into its surrounding environment.

b. Using non-reflective materials and colors that blend into the background unless otherwise required by the Federal Aviation Administration or Oregon State Aeronautics Division.

c. No advertising shall be placed on the WECS. Advertising does not include the manufacturer's label or other signs required by law.

d. Setting the WECS back from scenic highways and zones containing any of the protected areas listed in subsections 19.040(A) and (B).

7. NOTICE. The following signs shall be clearly visible on the WECS tower and accessory facilities.

a. "No Trespassing" signs shall be attached to any perimeter fence.

b. "Danger" signs shall be posted at the height of five feet on WECS towers and accessory structures.

c. A sign shall be posted on the tower showing an emergency telephone number.

d. The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.

8. GUY WIRES. All guy wires shall be sheathed in a bright orange or yellow covering from three to eight feet above the ground.

D. CONDITIONAL USE STANDARDS FOR A HYDROELECTRIC FACILITY. A hydroelectric facility shall be approved if it complies with the following standards and section 19.040, subject to the conditions of section 19.050.

1. FISH, WILDLIFE, AND PLANT RESOURCES. The facility shall not have a significant adverse effect on endangered or threatened fish, wildlife, or plant species or their critical habitats or on other significant habitats identified in the comprehensive plan.

2. VISUAL EFFECTS. The facility considers visual effects by means including, but not limited to, the following.

a. Using materials and colors that blend with the background.

b. Setting development back from the edge of public arterial rights-of-way, viewpoints, and other significant visual resources identified in the comprehensive plan, and setting accessory facilities back from Class I and II streams.

c. Retaining or planting vegetation to obscure views of the development from significant viewpoints identified in the comprehensive plan.

3. WATER USE. Use of water for the facility is not detrimental to the public int erest or contrary to the achievement of an integrated, coordinated program for water management. A Water Resources Department or Water Policy Review Board decision to grant or approve use of the amount of water proposed for the use shall be conclusive proof that the facility complies with this standard, unless the approval has expired.

E. CONDITIONAL USE STANDARDS FOR A TRANSMISSION FACILITY. A transmission facility shall be approved if it complies with the following standards and section 19.040, subject to the conditions of section 19.050.

1. USE OF EXISTING ROUTES. The development uses available developed or approved road and utility rights-of-way or easements that can accommodate the proposed facility. New routes are permitted if more adverse energy, environment, economic, and social consequences would result from using an existing route than development of other rights-of-way or easements.

2. VISUAL EFFECTS. The facility considers visual effects by means including but not limited to the following.

a. Avoiding ridgelines, scenic areas, unique or significant views and vistas, hilltops, or other high or visually prominent areas.

b. Building the facilities near the edge of contiguous timber areas or in swales, dips, and depressions that provide a backdrop for or obscure the facility to the extent these features are available between the ends of the facility.

c. Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or Oregon State Aeronautics Division.

d. Setting development back from the edge of public arterial rights-of-way, Class I and II streams, viewpoints, and other significant visual resources

identified in the comprehensive plan and retaining or planting vegetation to obscure views of the development from those areas.

3. IN-STREAM TOWERS. A transmission tower may be permitted in a Class I or II stream if it complies with (a) and (b) below.

   a. Adjoining towers and conductors cannot safely and economically sup port the transmission line(s) that span the stream without an in-stream tower.

   b. The transmission line cannot be safely and economically placed under the water or streambed.

F. CONDITIONAL USE STANDARDS FOR WIND FACILITIES. A wind energy conversion system (WECS) shall be approved if it complies with parts 19.030(C)(6), (C)(7), (C)(8) and the standards in (F)(1) through (6) below. In addition, a WECS is subject to the standards in section 19.040 and the applicable conditions of section 19.050.

1. SETBACKS. WECS shall comply with subparts (a), (b) and (c) below.

   a. WECS shall comply with the requirements of subparts 19.030(C)(3)(a) and (b).

   b. A WECS tower or pedestal shall be setback as described in (1) and (2) below from the edge of a public arterial right-of-way and property lines of downwind lots. An easement that complies with ORS 105.900 through .915 may be substituted for required setbacks. The setback shall be measured from the center point of the tower or pedestal.

      1. A horizontal axis WECS shall be setback at least five rotor diameters or 100 feet, whichever is greater.

      2. A vertical axis WECS shall be setback at least the total WECS height.

   c. A WECS shall be set back from lots in residential zones and significant visual resources identified in the comprehensive plan one quarter mile or as described in (1) and (2) below, whichever is less.

      1. At least 20 rotor diameters for a horizontal axis WECS.

      2. At least 10 WECS heights for a vertical axis WECS.

2. MINIMUM HEIGHT.

   a. A horizontal axis WECS shall comply with subpart 19.030(C)(4)(b). However, a WECS in a windfarm is not an obstruction to other WECS on-site.

   b. A vertical axis WECS shall comply with subpart (D)(3)(d)(3).

3. PUBLIC ACCESS. Public access to WECS shall be limited using one or a combination of the methods contained in section 19.030(C)(5) and a protective fence at least six feet tall enclosing the site.

4. WIND RESOURCES. The site shall have site-specific data documenting wind speed and direction or off-site data from within the same topoclimatological zone as the proposed site.

5. FISH, WILDLIFE, AND PLANT RESOURCES. The facility shall not have a significant adverse effect on endangered species or their critical habitats or on other significant habitats identified in the comprehensive plans.

6. BONDING. An applicant who is not the owner of the proposed site shall post a bond or an alternative acceptable to the county which is sufficient to guarantee removal and disposal of the wind farm components and restoration of the land in case of noncompliance with the provisions of the ordinance.

SECTION 19.040 <u>Additional Approval Standards for Energy Facilities and Commercial Energy Facilities</u>

A. PROTECTED AREAS. An energy facility may not be sited in the areas listed in part 19.040(A)(1) through (3) unless the facility complies with part (A)(4) below.

   1. National parks, national monuments, national wildlife refuges, BLM Outstanding Natural Areas, BLM Areas of Critical Environmental Concern, Federal Research Natural Areas, U.S. Forest Service Special Interest Areas, Wilderness areas under the Federal Wilderness Act and areas recommended for designation as wilderness areas pursuant to section 603 of the Federal Land Policy Management Act of 1976, Federally designated Wild and Scenic Rivers or any rivers recommended for designation by the National Park Service.

   2. State of Oregon parks, waysides, refuges, wildlife management areas, and natural area preserves, scenic waterways and adjacent lands designated

pursuant to ORS 309.845, wild fish streams designated by the Oregon Department of Fish and Wildlife, and experimental areas established by the Rangeland Resources Programs, School of Agricultural, OSU.

3. Areas which the comprehensive plan designates as not suitable for a given type and size of energy facility, because the area contains significant open space, mineral resources, fish and wildlife habitat, scenic views and sites, waterbodies, wilderness, cultural, geologic, historic, botanical, research, or recreational resources that cannot be protected from the adverse consequences of the facility.

4. EXCEPTIONS. An energy facility may be permitted in an area listed in parts 19.040(A)(1) through (3) above if it complies with at least one of the following exceptions, and it will be compatible with adjacent uses and resources. However, a hydroelectric dam or diversion is not permitted in a scenic waterway or adjacent lands designated pursuant to ORS 390.825.

   a. ACCESSORY USE. A proposed energy facility is accessory to a permitted use.

   b. AUTHORITY GRANTED BY MANAGEMENT. The public agency responsible for designation or management of a protected area in which an energy facility is proposed has authorized the application or approved the proposed facility. However, this is not an exception for areas listed in part 19.040 (A)(3).

   c. SUBSTANTIALLY EQUIVALENT SUBSTITUTE. The applicant provides resources equal or better in quantity and quality to those adversely affected by the energy facility.

   d. COMPREHENSIVE PLAN DESIGNATION. The comprehensive plan designates the site for an energy facility of the scale and type proposed.

B. CONDITIONALLY PROTECTED AREAS. An energy facility or commercial energy facility in an area which the comprehensive plan designates as conditionally suitable for the scale and type of facility proposed shall comply with the conditions provided for the facility in the comprehensive plan.

C. F-1 ZONE. A transmission facility that results in a clearing with an average width greater than 50 feet, a hydroelectric facility on a site where the average slope of the land within 200 feet of the edge of the project area exceeds 20 percent or uses an impoundment containing not more than 1000 acre feet, and a wind facility on a site

which occupies not more than 50 acres on land zoned F-1 shall comply with parts 19.040(C)(1) through (4), except a facility that is accessory to a permitted use.

1. The facility is sited on land that is generally unsuited for forest use, or use of predominant forest areas is warranted for the safe, economical, and efficient operation of the facility;

2. Will not significantly affect forest uses on the site or surrounding land;

3. Will not alter the stability of the land use pattern in the area; and

4. Will be consistent with forest policies of the comprehensive plan.

D. COMPLIANCE WITH THE COMPREHENSIVE PLAN. The facility shall comply with the applicable policies of the comprehensive plan.

SECTION 19.050 Conditions of Approval

Approval of an energy facility shall be subject to the following conditions. In addition, the approval authority may require an energy facility that is approved as a conditional use to comply with other conditions as necessary to fulfill the purpose of this chapter.

A. COORDINATION.

1. CONTINUING NOTICE. The applicant shall provide the county with a copy of all applications for, or notices of, state or federal permits, licenses, exemptions, or variances in conjunction with the construction and licensing of the facility and proposed significant changes to the facility. The applicant shall make a good faith effort to provide the copy at the earliest possible time.

2. STATE AND FEDERAL AUTHORITY. The applicant should demonstrate that all necessary state and federal permits, licenses, exemptions, variances, or authority are approved before initiating construction of the facility.

3. OTHER TERMS AND CONDITIONS. The terms and conditions of the following authorities satisfy substantially similar standards and conditions of this chapter and supersede inconsistent county conditions.

a. A dredge and fill permit is granted by the Division of State Lands under ORS 541.615;

b. The proposed action is a forest operation that complies with the Forest Practices Act under ORS 526 - 527 and the Rules of Forest Practices;

c. Written approval of development within the Oregon Scenic Waterways System is granted by the Department of Transportation under ORS 390.800, the Energy Facility Siting Council under ORS 469.430 -469.570, or the Water Resources Department under ORS 537.130 through 537.450;

d. Written approval of the Department of Environmental Quality when air or water quality discharge permits, exemptions, or variances are granted; or

e. The facility complies with substantially similar standards of the special districts listed in section (F)(4) below.

4. CONSISTENCY WITH SERVICE DISTRICTS AND SPECIAL PURPOSE AGENCIES. The development shall comply with the hazardous or solid waste, flood, surface, or groundwater, soil conservation, or resource management program(s) adopted by the appropriate emergency management authority, drainage district, soil conservation agency, or resource management agency(ies).

B. ENVIRONMENTAL PROTECTION OVERLAY DISTRICTS. An energy facility or commercial energy facility in the following overlay, combining, or floating districts shall comply with applicable terms of those districts:

1. The Flood Hazard Overlay district,

2. The Geologic Hazard Overlay district,

3. The Mineral Resources Overlay district,

4. The Cultural, Historic and Archaeological Overlay district,

5. The Sensitive Wildlife Habitat district,

6. The Columbia Gorge Overlay district,

7. The Airport Impact Overlay district, and

8. The Natural Areas Overlay district.

C. PROTECTION OF WATER QUALITY.

Tower Facility Ordinance #46

Section I. Intent and Purpose

1.01 The unique and diverse landscapes of Cook County are among its most valuable assets, and greatly benefit both the indigenous population as well as a significant number of visitors to the area each year. The degradation of these assets would potentially risk undermining the very characteristics responsible for our economic vitality and future potential. Cook County understands and accepts the increasing demand and need for wireless communication technologies as well as other such activities that would require the use of tower facilities, and desires to integrate this demand with the balanced need to also protect and preserve the county's natural qualities.

Preserving our assets will require that the location and design of tower facilities be sensitive to, and in scale & harmony with, the area aesthetics of Cook County. Our goal is to provide predictable and balanced general regulations for the siting and screening of tower facilities within the jurisdiction of Cook County. These regulations are designed with the intent to protect the health, safety and general welfare of the people and natural environment in the area surrounding such tower facilities from possible adverse effects related to the placement, construction, use and subsequent disposition of regulated towers.

The use of existing structures or towers for the placement or co-location of wireless telecommunication facilities is preferred to the construction of new towers. In cases where the objectives of this ordinance are best served, the leasing of public buildings, publicly owned structures, and/or unobstructed public rights of way for the purposes of locating wireless telecommunication service facilities and/or equipment is encouraged. In cases where a facility is proposed on County property, specific locations and compensation to the County shall be negotiated in lease agreements between the County and the provider on a case-by-case basis, and would be subject to all of the review criteria contained in these provisions. Such agreements would not provide exclusive arrangements that could tie up access to the negotiated site(s) or limit competition, and must allow for the possibility of "co-locating" (sharing of facilities) with other providers.

Specifically, the Telecommunications Act of 1996, affirms local governments right to control the siting, construction and modification of cellular and other wireless telecommunication facilities. The permitting process within this ordinance will not discriminate among providers of functionally equivalent services and will not prohibit the provisions of personal wireless services.

Section II. Definitions

2.01 <u>Antenna</u> – Any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antennas such as whip antennas.

2.02 Applicant – A combination of the responsible parties for the siting, construction and operation of a tower facility including the property owner.

2.03 Camouflage Design – A wireless communication facility that is disguised, hidden or screened, but remains recognizable as a wireless communication facility. The design must be compatible with the year round historical, environmental and cultural character of the area.

2.04 Co-Location - The placement of wireless telecommunication antennae by two (2) or more service providers on a tower, building or structure.

2.05 Commercial Wireless Telecommunications Services – Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that are marketed to the general public.

2.06 Commercial Wind Energy Conversion System – Any WECS designed and operated at a capacity in more than incidental excess of the amount needed for basic residential use, and/or the purpose of such energy generation is intended for commercial sale.

2.07 Experimental & Homebuilt WECS – Wind machines that are one of a kind, first attempt machines build by a wind power company or individual.

2.08 Guyed Tower – A tower that is supported, in whole or in part, by wires and ground anchors.

2.09 Lattice Tower – A type of tower that is self-supporting with multiple legs and cross bracing of structural metal.

2.10 Lowest Extension of WECS Blades – The lowest point of the arc created by the rotation of the WECS rotor.

2.11 Monopole – A type of tower mount that is self-supporting through a single shaft usually constructed of wood, metal or concrete.

2.12 Production Phase WECS – Professionally designed wind machines that are built in significant numbers on a continuing basis after testing. Wind machines made from professionally designed kits will be considered production phase WECS.

2.13 Stealth Design – A wireless telecommunication facility that models or mimics something in the surrounding landscape, such as trees in a forested area, and is unrecognizable as a tower or antenna. The design must be compatible with the year round historical, environmental and cultural character of the surrounding area.

2.14 Total Height – The distance between the ground level at the base of a structure and its tallest vertical extension including any attachment thereon.

2.15 Tower – Any pole, spire, structure or combination thereof, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting antenna or to serve as an antenna, or for the placement of a wind energy conversion system.

2.16 Wetlands – As defined in Mn Statute 103G.005, Subd. 19

2.17 Wind Energy Conversion System (WECS) – Any device such as a wind charger, windmill or wind turbine, which converts wind energy to a form of usable energy.

2.18 Wireless Telecommunication Facility – Any ground or roof mounted structure of more than 35 feet in height above the average ground level built for the purposes of supporting, elevating or attaching antenna(s) for broadcasting of cellular, personal communications, specialized mobilized radio, enhanced specialized mobile radio, paging and other similar services. For all sections of this ordinance, wireless telecommunications shall not be considered a public utility.

Section III. Applicability

3.01 Permits Required - Unless otherwise address herein, it shall be unlawful for any person, firm, or corporation to erect, to place any tower, wireless telecommunication facility or wind energy conservation system in excess of 35 feet without first receiving the appropriate permit(s) from the Cook County Planning & Zoning Office. Nor may any person, firm, or corporation alter, modify, transform, or add to in any way an existing tower, wireless telecommunication facility or wind energy conservation system without first receiving the appropriate permit(s) from the Cook County Planning & Zoning Office.

3.02 Amateur Radio – The provisions contained herein shall not govern any privately owned tower, or the installation of any antenna that is under seventy (70) feet in height and operated by a federally licensed amateur radio station operator, or is used exclusively as a receive only antenna.

Section IV. General Provisions

4.01 Tower Setbacks – The tower facility shall have a minimum distance to the parcel and or recorded easement boundary equal to the height of the tower. This setback may be reduced to one-half (½) the height of the tower provided that the applicant submits an engineering report from a registered professional engineer that certifies that the tower is designed and engineered to collapse upon failure within the distance from the proposed tower to the property line or recorded easement. Wireless telecommunication tower facilities, including all support structures and security fencing shall not be located within 1,000 feet of any residence other than the residence on the parcel on which the tower is to be located, and shall not be located within 1,000 feet from the Ordinary High Water Level from any classified lake or within 300 feet any protected stream or river.

A lesser setback shall be allowed to a neighboring residence provided the owners of all residential dwellings located less than 1,000' from the telecommunication tower facility sign a release allowing the facility be located at a setback of less than 1,000', but any resulting setback shall not be less than 500'.

4.02 Accessory Building Setbacks – Any tower accessory building shall be subject to the setback requirements listed for the respective zone district in which the tower is constructed.

4.03 Fencing –All wireless communication tower facilities shall be secured by a fence at least six (6) feet in height to prohibit access by unauthorized persons. The radius of the perimeter shall be sufficient to contain the tower facility and all support equipment and accessory buildings.

4.04 Signage – No advertisement or identification of any kind is permitted on a tower facility except applicable warnings and equipment information as required by the manufacturer or by Federal, State or Local authorities. The owner's name, telephone number and site ID numbers shall be posted on the gate of the perimeter fence.

4.05 Lighting – Towers and antennae shall not be illuminated by artificial means except if the illumination is specifically required by the Federal Aviation Administration or other authority. Any light source utilized for security lighting shall feature down-directional, sharp cut-off luminaries that ensure there is no spillage of illumination off the parcel or easement boundary.

4.06 Screening – Screening may be prescribed by the Planning Commission depending on the site location and existing available vegetation.

4.07 Noise – The noise levels associated with any tower facility shall conform to the Minnesota Pollution Control Agency noise level requirements as listed in MN Rules Chapter 7030.

4.08 Tower Height – No tower shall be constructed at, or in excess of 200 feet in total height above ground level within Cook County.

Section V. Wireless Telecommunications Towers

5.01 Tower Design Requirements – Any proposed construction or modification of wireless telecommunication facility must meet the following design requirements:

a. Towers and antennae, including support cables, structures and fencing shall be designed to blend into the surrounding environment to the maximum extent practical through the use of color and the possible implementation of either stealth or camouflage design. Communication towers not requiring FAA or FCC painting or markings shall have either a galvanized finish or painted a non-contrasting color consistent with the surrounding area.

b. At the tower site, the design of the support buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

c. If an antennae is installed on a structure other than an independently standing tower, the antennae and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antennae and related equipment as visually unobtrusive as possible.

d. Towers shall be constructed of a monopole or other freestanding design without the use of guy-wires or supporting cables, unless the County Board determines that an alternative design would better blend into the surrounding environment.

e. Tower facilities, including all support structures and security fencing shall not be constructed within 300 feet of existing wetlands, other known bird concentration areas or migratory routes.

f. Towers and their antennas shall be certified by a qualified and licensed engineer to ensure that they conform to applicable state structural building standards.

g. No part of any antenna or tower, nor any lines, cable, equipment, wires or braces shall at any time extend across or over any part of the right of way, public street, highway, or sidewalk without approval from the appropriate governing entity.

5.02 Co-Location Requirements – Proposals for new commercial wireless communication tower facilities shall not be approved unless the applicant, under corporate letterhead can reasonably document that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a two-mile search radius of the proposed tower due to one or more of the following reasons:

a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a competent registered professional structural engineer or a structural engineer with equivalent credentials, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate the planned equipment at a reasonable cost.

b. The planned equipment would cause interference materially impacting the usability of the other existing or planned equipment at the tower or building as documented by a competent electrical engineer specializing in radio frequency communications and the interference cannot be prevented at a reasonable cost.

c. Existing or approved towers or buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a competent electrical engineer specializing in radio frequency communications and/or structural engineer.

d. The applicants shall submit proof of best efforts to negotiate reasonable industry terms regarding the lease or purchase of space on an existing tower, or

e. Other reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

f. Coverage objectives of the carrier cannot be met by using existing towers and or other structures within a two-mile radius.

g. Any proposed tower shall be designed structurally, electrically and in all respects able to accommodate both the applicants' antennas and comparable antennas for at least three additional users. Proposed facilities that provide a greater capacity for the placement of additional antennas shall be considered more desirable than towers with more limited capacities. Towers must be designed to allow for future arrangements of antennas and accept antennas mounted at varying heights.

5.03 General Permitting Requirements – The following tower facility activities will be generally permitted in all zone districts within Cook County without having to make application, but must still meet the appropriate general provisions of this ordinance with the exception of private amateur radio or receive only antennas, which must meet the setbacks listed for towers herein but otherwise be regulated as accessory structures in each zone district identified within the Cook County Zoning Ordinance.

a. Antennas under seventy (70) feet in height, either utilized by amateur radio operators or receive-only antennas incidental to residential use.

b. Routine maintenance of existing tower facilities or modification of lighting to conform with federal, state or local requirements.

c. The addition of antenna(s) to a tower facility that meet the standards of this ordinance and does not increase the height of the tower facility (additional support facilities will still need an administrative land use permit).

5.04 Land Use Permits – The following tower facility activities will be given an administrative land use permit from the Cook County Planning & Zoning Office upon the completion of the application requirements and meeting the standards outlined within this ordinance:

a. The addition or placement of accessory structures at the tower facility premises.

b. The addition of commercial antenna(s) on existing structures such as but not limited to buildings, flagpoles, church steeples, cupolas, ball field lights and power line support devices that results in an overall height of less than thirty-five (35) feet of the structure and does not require major modifications to the structure.

5.05 Conditional Use Permits - The following tower facility activities shall require a conditional use permit by the Cook County Board of Commissioners, which may be granted upon completion of the application requirements, having conditions placed upon the tower facility, and findings of fact that support the tower facility:

a. All commercial wireless telecommunication facilities that require the placement of a new tower or expand an existing tower by adding to its overall height.

b. The addition of a commercial antenna(s) on existing structures identified in Section 5.04 of this ordinance that results in an overall height of the structure to exceed thirty-five (35) feet.

c. The addition of antenna(s) to an existing tower facility that would increase the total height to two hundred (200) feet and would require the placement of lighting.

5.06 Towers Prohibited –Wireless Telecommunication Tower Facilities at or above two hundred (200) feet in total height are prohibited within 1,000 feet from Highway 61.

5.07 Application Requirements – The Cook County Planning & Zoning Office may contract with an independent technical expert to review technical materials submitted by the applicant, and/or to determine if additional information is necessary. The

tower facility applicant shall pay the cost of such review and/or independent analysis. In addition to the general requirements for conditional use permit applications; all applications for new towers must also include the following:

a. Site plan(s) drawn to a scale of one (1) inch equals twenty (20) feet or less, specifying the location of the tower facility, support structures, transmission buildings and/or other accessory structures & uses, accesses, parking areas, fences, signs, lighting, landscaped areas and all adjacent land uses within 250 feet of the tower facility, including all support structures and security fencing.

b. A visual study depicting where within a one (1) mile radius any portion of the proposed tower facility will be visible. In regards to the placement of tower facilities within 1,000 feet from highway 61, the study shall include the visual impact as viewed from the highway within five (5) miles along either direction. The visual study shall include a viewshed representation of the affected area by means of computer generation, or engineering renderings, or a photo rendering of the proposed tower, as it would be viewed from each direction.

c. Map showing the search radius for the antenna location and the proposed broadcast coverage obtained by the tower facility, including a narrative describing a search radius of not less than one (1) mile for the requested site, clearly explaining why the site was selected, identifying and locating landing and takeoff areas of aircraft within the search radius, locating all existing tower facilities, and identifying all other structures that may be potential co-location sites.

d. Elevations drawings of "before" and "after" simulating and specifying ground levels, the location and height of antenna(s), support structures, equipment buildings and/or other accessory uses, fences and signs of the tower facility.

e. A letter that requires the tower facility owner and successors to allow the shared use of the tower facility if an additional user(s) agrees in writing to meet reasonable industry terms and conditions for shared use.

f. Copy of a certificate of insurance for liability and workers compensation insurance that requires notification to Cook County Planning & Zoning Office prior to cancellation will be furnished.

g. A copy of the FCC's license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with the current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions, or a statement from the applicant that no such compliance is necessary, and the reasons therefore.

h. A letter of intent or interest on behalf of a carrier that once the tower is constructed it is reasonably sure that an antenna will be mounted within one (1) year after completion.

i. A copy of a pre-FAA determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or that no compliance with Part 77 is required, and the reasons therefore.

j. The applicant shall submit proof, in the form of a signed affidavit, demonstrating a good faith effort to lease or purchase space on a nearby existing tower facility. The affidavit shall state why space is not available in accordance with the provisions listed in Section 5.02 of this ordinance.

k. Each applicant shall include a five-year wireless telecommunication facilities plan containing the following information. The plan must be updated with each submittal necessary:

   1. Written description, to the extent possible of type of consumer services each company/carrier will provide to its customers over the next five years (which shall include but not be limited to digital and analog Cellular, Personal Communication Services, Specialized Mobile Radio, Paging Private Radio or other anticipated communication technology).

   2. A list of all existing sites, existing sites to be upgraded or replaced, and proposed telecommunication facilities within the County for these services by the company.

   3. A presentation size map of the County that shows the five-year plan for telecommunication facilities, or if individual properties are not shown, the geographic service areas of the cell sites. Information provided as a part of the five-year facility plan that is a trade secret pursuant to Minn. Stat. 13.37 shall be classified as non-public data.

l. Written acknowledgement by the applicant and landowner that they will abide by all applicable conditional use permits.

m. The owner of the tower facility shall provide to Cook County with an acceptable financial guarantee in an amount equal to one-and-one-half (1 1/2) times the cost to remove the tower facility and restore the site. The Cook County Board of Commissioners shall determine this amount based on input from an independent technical expert and based on the likelihood that the tower facility may be abandoned.

n. Documentation shall be provided prior to the issuance of a land use permit demonstrating that the approved tower facility has been designed to conform to the applicable state structural building standards and accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code and a sworn statement that following completion of construction the tower facility will be inspected at the applicant's expense by a qualified engineer licensed by the State of Minnesota.

5.08 Factors Considered in Granting Conditional Use Permits – The Cook County Board of Commissioners shall consider the following factors in addition to the normally prescribed conditional use factors listed in the Cook County Zoning Ordinance, in determining whether to issue a conditional use permit. The Board may evaluate each of these criteria on a site-by-site basis with varying levels of preference in determining how the goals of this ordinance are best served:

a. Height of the proposed tower facility.

b. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.

c. Proximity of the tower to residential structures and residential district boundaries.

d. Nature of uses on adjacent and nearby properties.

e. Surrounding topography.

f. Surrounding tree coverage and foliage.

g. Design and siting of the tower, with particular reference to design characteristics and location that have the effect of reducing or eliminating visual obtrusiveness.

h. Proposed ingress and egress.

i. Availability of suitable existing towers and other structures as discussed in section 5.02 of this ordinance.

j. Impact to the existing aesthetics and character of the surrounding area.

k. Level of adherence to the provisions set forth in Section 1 of this ordinance and the adopted tower policy statement.

5.09 Time Limit on Tower Construction – Construction of an approved tower, including all accessory structures, including footings and foundations, must be completed within one year following the date of the permit, extendable for another year by the Cook County Zoning Office. All landscaping must be installed within the first growing season immediately following construction.

5.10 Effect of the Ordinance on Existing Tower Facilities – Tower facilities and antennas in all zone districts and in existence as of August 31, 2001 that do not conform to or comply with this ordinance are subject to the following provisions:

a. Towers may continue in use for the purpose now used and as now existing, but may not be replaced or structurally altered without complying in all respect with the provision contained herein.

b. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a land use permit if the cost of repairing the tower to its former use, location, and physical dimensions would be less than fifty (50) percent of its value, as determined be the Cook County Assessor.

5.11 Term of Permit – A condition use permit will remain in effect so long as the conditions contained within the permit are met.

5.12 Revocation of Permit – The grounds for revocation of a conditional use permit shall be based on a finding that:

a. The permittee has failed to comply with the conditions of approval imposed.

b. The facility has not been properly maintained.

c. The facility is no longer in use and has not been in use for the previous 12 months.

In the event of revocation of a permit, the tower and all accessory structures must be removed and the site restored to its original condition within 180 days. Failure to do so will result in the County completing the removal and site restoration and the permittee shall forfeit the financial guarantee listed in Section 5.07,m., or the cost will be assessed against the property.

Section VI. Wind Energy Conversion Systems

6.01 General Permitting Requirements – The following WECS facilities will be deemed generally to be permitted in Cook County without having to make application, but must still meet the appropriate provisions regarding accessory structures and uses listed in the Cook County Zoning Ordinance and setback provisions contained herein:

a. Any residential production phase WECS within the FAR-1, FAR-2 & FAR-3 zone districts where the lot size is conforming to the appropriate size requirement.

6.02 Land Use Permits Required – The following WECS facilities will be given an administrative land use permit from the Cook County Planning & Zoning Office upon the completion of the application requirements and meeting the standards outlined within this ordinance:

a. Any residential production phase WECS within the FAR-1, FAR-2 & FAR-3 zone districts where the lot size is substandard for the subject property, but the WECS is still able to meet the setback and height requirements contained herein.

b. Any residential production phase WECS under the total height of ninety (90) feet constructed within the R-1 and RC/R zone districts excluding the North Shore Management Zone, and that meet all of the applicable regulations contained herein and in the Cook County Zoning Ordinance.

c. Any residential homebuilt, experimental or prototype WECS facility constructed within the FAR-1, FAR-2 & FAR-3 zone districts where the lot size is conforming to the appropriate size requirement, provided that the WECS facility meet all of the height and setback requirements contained herein.

6.03 Conditional Use Permits – The following WECS facilities shall require a conditional use permit by the Cook County Board of Commissioners, which may be granted upon completion of the application requirements, having conditions placed upon the tower facility, and findings of fact that support the tower facility:

a. Any commercial level WECS facilities in all zone districts.

b. Any residential production phase WECS with a total height in excess of ninety (90) feet, constructed within the R-1 or RC/R zone districts, or any residential WECS proposed within the North Shore Management Zone.

c. Any WECS facility proposed within the LSR, GC, LI, HI and BDA zone districts.

d. Any homebuilt, experimental or prototype WECS facility constructed within the FAR-1, FAR-2 & FAR-3 zone districts where the lot is substandard in size to the extent where the lot is less than five (5) acres in size.

6.04 WECS Prohibited – Commercial Wind Energy Conversion Systems are prohibited within 1,000 feet from the Ordinary High Water Level from any classified lake or 300 feet from any protected stream.

6.05 WECS Performance Standards – All WECS facilities shall at a minimum conform to the following performance standards:

a. WECS facilities shall either have climbing apparatus located not closer than twelve (12) feet to the ground or be un-climbable by design for the first twelve (12) feet.

b. WECS sited on top of buildings shall comply with applicable provisions of the Minnesota State Building Code. Certification of compliance by a Minnesota professional engineer is required.

c. At least one sign shall be posted at the base of the WECS facility and shall contain the following information:

1. Notice of No Trespassing.

2. Warning of High Voltage.

d. The interconnection of the WECS with the local electric utility shall comply with all applicable federal and Minnesota state regulations. Individuals proposing a WECS facility must notify their electrical utility in advance of their installation plans.

e. Clearance between WECS facilities and electrical lines shall be in compliance with the requirements outlined in the most recent edition of the National Electrical Safety Code.

f. Noise pollution standards established by the Minnesota Pollution Control Agency shall be used to evaluate and regulate all noise from WECS facilities.

g. Efforts should be made to site WECS facilities to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the WECS owner and the individual receiving interference shall make reasonable efforts to resolve the problem short of shutting down the wind system. If the problem cannot be eliminated or reduced to a reasonable level, the use that was first in existence has priority in continued use.

h. All WECS shall be equipped with manual and automatic overspeed controls. The conformance of rotor and overspeed control design and fabrication with good engineering practices shall be certified by the manufacturer's engineering staff or by a Minnesota professional engineer or by an individual with technical training on WECS.

i. The safety of the design and construction of all WECS towers shall be certified by the manufacturer's engineering staff, by a Minnesota professional engineer, or by

an individual with technical training on WECS. The standard for certification shall be good engineering practices.

j. The design of the WECS tower shall be of a monopole or freestanding design. Guyed WECS towers shall not be allowed unless the Board of Commissioners determine that an alternative design may be more suited for the specific character of the area proposed.

k. All proposed WECS facilities shall be in compliance with any applicable airport zoning, and shall comply with Federal Aviation Administration notification requirements and any other FAA regulations.

l. The maximum height of the lowest extent of a WECS blade shall be 130 feet or thirty (30) feet above any obstacles within 300 feet from the WECS tower whichever is lower.

m. The maximum total height of a WECS tower shall be 199 feet.

n. The minimum height of the lowest extent of a WECS blade shall be thirty (30) feet above the ground.

o. The WECS facility shall have a minimum distance to the parcel and/or recorded easement boundary equal to the height of the tower. This setback may be reduced to one-half (½) the height of the tower provided that the applicant submits an engineering report from a registered professional engineer that certifies that the tower is designed and engineered to collapse upon failure within the distance from the proposed tower to the property line or recorded easement.

p. Any WECS that is abandoned or discontinued for a period of 12 months shall be removed from the site. Removal includes the complete tower facility including related infrastructures and equipment to ground level not including any base support pad if so desired by the property owner, and restoration to pre-existing vegetative cover. If the discontinued WECS has not been removed from the site within 180 days following the twelve-month period, the County may complete the removal process and site restoration, the cost of which to the County shall be assessed against the property.

6.06 Conditional Use Permits – In addition to the general requirements for conditional use permit applications; all applications for new WECS towers must also include the following:

a. Location of the proposed WECS including any guy wires and any other auxiliary equipment.

b. Property lines and physical dimensions of the lot, including the location and size of any obstructions within 300 feet that would be pertinent in the consideration of the permit request.

c. Clearance distances between the farthest extension of the WECS blades to the property lines.

d. Locations, dimensions, and types of existing structures and uses on the lot, including the location of all above ground utility lines within a distance equivalent to the total height of the proposed WECS.

Section VII. Variances

7.01 Variances from the literal provisions of this ordinance shall be processed and granted or denied in the same manner and based upon the same criteria as stated in the Cook County Zoning Ordinance.

Section VIII. Enforcement

8.01 Enforcement – The Planning and Zoning Administrator shall investigate all violations of this ordinance, notify owners of violations and direct property owner to correct violations within a reasonable period of time, and, if compliance is not obtained within a reasonable period of time, he shall report such violation to the County Attorney, who shall take appropriate and immediate action on the matter.

8.02 Penalties – Any person, firm or corporation, or agent, employees or contractors of such who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this ordinance shall be guilty of a misdemeanor. Each day that a violation continues to exist shall constitute a separate offense. All fines for violation shall be paid to the County and shall be accredited to the General Revenue Fund.

Section IX. Severability

9.01 If any portion of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of other portions of this ordinance.

Section X. Conflicting Ordinances

10.01 Any ordinance existing at the time of the adoption of this ordinance that has provisions in conflict with those provisions stated herein are, to the extent of such inconsistencies and no further, hereby

Section XI. Effectuation

This ordinance shall take effect on August 31, 2001.

The public hearing was held on July 18, 2001, and the Board of Commissioners adopted the ordinance on August 14, 2001 as follows:

Commissioner James Hall moved the adoption of the ordinance and Commissioner Mianowski duly seconded the motion which was adopted on the following vote:

Yeas: Fenwick, James Hall, Janice Hall, Mianowski, Gresczyk
Nays: None
Abstention: None

- Illinois
    - Schaumburg – Section 154.90 Wind Energy Conversion Systems

TITLE 15: LAND USAGE

CHAPTER 154: ZONING

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§ 154.90 WIND ENERGY CONVERSION SYSTEMS (WECS).

Wind energy conversion systems (WECS) have been found by the Village Board to be a viable and useful method of localized energy generation. Special use permits to authorize WECS are allowed in all zoning districts. Because of the highly specialized and technical nature of WECS, the following criteria have been established as minimum standards for the recommendation and granting of such permits.

(A) Application. Upon application for a special use permit, the applicant shall file a proposed site plan, scaled to accurate dimensions, showing the location and height of the proposed facilities with respect to the subject site and all structures within a 200 foot radius. The applicant shall also supply a copy of appropriate manufacturer's specifications and warranties, engineer's calculations and drawings and all such technical documents appropriate to substantiate compliance with the requirements of this chapter and the requirements for a building permit.

(B) Hearing and procedure. The application procedure, public hearing and approval procedure shall be the same as for all special use permits as governed by other sections of this article.

(C) Height limit. The maximum permissible height of a WECS shall not exceed 80 feet from the established grade. The applicant shall justify his height request with documentation on the relationship of the proposed height to the efficiency of the particular WECS to be used.

(D) Setbacks and spacing. A WECS shall not be located closer to any of the following than indicated:

(1) Property line. Tower must be located a minimum distance equal to 1.15 times the total WECS height from any property line.

(2) Adjacent structure. Tower must be located a minimum distance of 20 feet from any principal structures on a parcel.

(3) Other WECS. Tower must be located a minimum distance equal to five rotor distances, based upon the size of the largest rotor, from any adjacent WECS.

(E) Safety. All applicants must submit the results of electrical and structural safety tests from appropriate testing facilities for the specific WECS applied for.

(1) All WECS must contain an internal governor or braking device which engages at wind speeds in excess of 40 miles per hour and minimizes the potential for wind damage to the equipment.

(2) All WECS towers shall be equipped with a minimum of two, five-eighths inch diameter ground rods installed to a depth of eight feet.

(3) All WECS facilities shall be enclosed in a building or surrounded by a six foot high safety fence with a locking portal.

footings, anchors and electrical connections must meet the requirements of the Village of Schaumburg Building Code and Electrical Code.

(1) All WECS towers shall be embedded in an approved concrete foundation.

(2) All WECS towers shall be designed to withstand a minimum wind velocity of 100 miles per hour,

other electromagnetic radiators or receptors of quality and proper design.

(1) The determination of "degradation of performance" and "of quality and proper design" shall be made

American Institute of Electrical Engineers, the Institute of Radio Engineers and Electrical Industries

precedence in the interpretation of the standards and principals shall be in their order of listing (with the

(2) All WECS shall utilize non metallic rotor blades unless the applicant can supply documentation

not cause electromagnetic interference.

electromagnetic interference from that WECS becomes evident.

create a nuisance to adjacent uses.

any lot line, the values listed in the Maximum Sound Level Table below in any octave band of

MAXIMUM SOUND LEVEL TABLE

Sound Pressure
Frequency Band Cycles Level Decibels
Per Second e0.0002 dyns/cm2

20--75 70
75--150 55
150--300 48
300--600 43
600--1,200 38
1,200--2,400 35
2,400--4,800 33
4,800--10,000 31

(2) If the noise is not smooth and continuous, or if nighttime noise, one or more of the corrections below

shall be subtracted from each of the decibel levels given in the sound level table above. Only one of the additional corrections may be made for any noise source.

(a) For noise radiated between the hours of 9:00 p.m. and 7:30 a.m., five decibels must be subtracted.

(b) If the noise is of a periodic character (varying hum, screech, etc.), five decibels must be subtracted.

(3) Measurement of noise shall be made with a sound level meter and octave band analyzer meeting the standards prescribed by the American Standards Association. The instruments shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specifications. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

(4) Impulsive and periodic type noises shall be subject to the sound level standards of those noises capable of being accurately measured with the equipment specified in the paragraph above. Noises capable of being so measured, for the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of not more than plus or minus two decibels. Noses incapable of being so measured, but objectionable because of intermittence, beat, frequency or shrillness, shall be muffled and controlled so as not to become a nuisance to adjacent uses.

(I) Insurance. The applicant for a WECS must demonstrate to the village that he can obtain and maintain adequate liability insurance for the facility.

(J) Wind access. The village makes no assurance of wind access other than the provisions of this chapter. The applicant may provide evidence of covenants, easements or similar documentation from abutting property, owners providing access to wind for the operation of a WECS.
(Ord. 163, passed 12-5-61; Am. Ord. 2054, passed 9-22-81; Am. Ord. 95-62, passed 6-13-95)

- Nebraska
    - Lincoln – Article 4 “AG” Agricultural District

ARTICLE 4
"AG" AGRICULTURAL DISTRICT

This district is designated for agricultural use and is intended to encourage a vigorous agricultural industry throughout the county and to preserve and protect agricultural production by limiting urban sprawl as typified by urban or acreage development.

4.001. Scope of regulations. The regulations set forth in this chapter or elsewhere in this resolution when referred to in the chapter, are the district regulations in the "AG" Agricultural District.

4.003 Permitted Uses.

a) Agriculture, except commercial feedlots;

b) Breeding, raising, management and sale of fur-bearing animals and the produce thereof;

c) Dog breeding establishments and kennels;

d) Stables and riding academies;

e) Public uses: Including but not limited to public parks, playgrounds, golf courses and recreational uses; fire stations; schools; publicly owned or operated airports; and public utilities and utility distribution systems; excluding governmental landfill operations. (Approved Resolution No. 5367, August 26, 1996)

f) Single family dwellings;

g) Churches.

h) Cable and fiber optic communication distribution systems (Approved Resolution No. R-01-21, April 4, 2001)

4.005 Permitted Conditional Uses A building or premises may be used for the following purpose in the "AG" Agricultural District in conformance with the conditions prescribed herein:

a) Cemeteries, including mausoleums:

1) Mausoleums shall be located at least two hundred (200) feet from every street and adjoining property line;

2) Any cemetery established after the effective date of this title shall contain an area of twenty (20) acres or more;

b) Any public building or premises of any department of a governmental agency not included in Section 4.003(e) above;

c) Roadside stands for the temporary or seasonal sale of produce:

1) Such roadside stands shall be permitted in a required yard, however, no roadside stand shall be permitted in a right-of-way, nor closer than thirty (30) feet to the edge of a traveled roadway;

2) Such roadside stands shall not be operated for more than 180 days in any one year;

d) Group homes:

1) Group homes shall comply with all parking, sign, height and area regulations of the district and all provisions of the County Building Code;

2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;

3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.

e) Public uses: including but not limited to public parks, playgrounds, golf courses and recreational uses; fire stations; public elementary and high schools; airports; and public utilities and utility distribution systems; excluding governmental landfill operations. (Resolution No. 4147, January 21, 1986)

f) Wind energy conversion systems (WECS), provided they meet the following conditions:

1) The distance from all lot lines to any tower support base of the WECS shall be determined according to the following WECS setback table. Intermediate rotor size distance shall be interpolated. The County Board may grant a reduction in the specific setback table through appeal.

WECS SETBACK TABLE

Rotor Diameter In Feet	Setback Distance
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

2) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five (5) rotor distance figured by the size of the largest rotor. The County Board may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.

3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.

4) To limit climbing access to the WECS tower, a fence six (6) feet high with a locking portal shall be placed around the WECS tower base of the tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the WECS tower may be mounted on a roof top.

5) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS. (Resolution No. 3744A, October 5, 1982)

g) Mobile Homes:

1) The mobile home has:

i. No less than an eight hundred (800) square foot floor area, excluding garages.

ii. No less than an eighteen (18) foot exterior width;

iii. A three (3) inch in twelve (12) inch pitched roof or steeper;

iv. A non-reflective exterior siding material which is or simulates wood, stucco or masonry;

v. A non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock;

vi. Permanent connections to permanently located utilities complying with plumbing codes and electrical codes;

vii. A certificate stating the construction complies with the Federal Department of Housing and Urban Development's mobile home construction and safety standards.

2) The mobile home's longest exterior dimension is less than three (3) times the most narrow exterior dimension.

3) The towing bar and hitch, wheels and tires, and axles are removed.

4) The mobile home's exterior siding extends to the ground and is supported to withstand wind loads as set forth in the building code or the foundation forms a complete enclosure under the exterior walls. The space beneath the mobile home shall be properly ventilated.

5) The mobile home is securely and permanently attached to a permanent foundation complying with the building code.

6) The mobile home's placement is inspected and complies with this resolution before the mobile home is occupied. (Resolution No. 3777, January 18, 1983)

h) Family Airfield, under the following conditions;

1) The approach must provide a 150 feet clear height over any residential zoned area, 100 feet over any agriculture residential zoned area and safe and reasonable clearances over utility lines, poles, towers and appurtenances, which may be located in the path of any runway.

2) A minimum effective length of the runway shall be 300 feet if paved and 500' if turfed.

3) The paved runway shall be 25 feet or more in width, and the turfed runway shall be at least 50 feet wide. There shall be a primary surface (unobstructed area) along the full length of the turfed runway. All structures beyond the primary surface and the approach slope shall clear a 7:1 transitional or lateral slope as measured from the outside edge of the primary surface or approach slope.

4) The approach surface to each end of each paved runway or turfed runway extends outward along the runway centerline and shall be unobstructed along a 10:1 vertical slope for a horizontal distance of 500 feet. The approach slope shall begin at the turfed runway threshold or at a properly marked displaced threshold. The width of the approach slope shall be 50 feet at the beginning and widen out to 150 feet at a distance of 500 from the beginning. The surface area beneath the approach zone shall be controlled by ownership, fee title or easement.

5) The runway centerline extended shall not cross any existing building within 1/4 mile of the end of the runway.

6) The runway shall be set back 50' from all lot lines.

7) Runway lighting shall be limited to 45 watts in power. No more than 36" above grade and producing no more than 1/2 foot candle of illumination at the property line..

8) A "bubble" of clearance of 200' over and around all buildings shall be maintained.

9) Flight operations shall be prohibited from 10 PM to 5 AM.

10) Abutting property/families may use the same runway provided there are no more than four (4) properties,, each of which has at least 150' of frontage on the runway. (Resolution No. 5367, August 26, 1996)

(i) Domestic shelter:

1) Parking shall be one space for every four residents based on the maximum occupancy allowed by the lot area and two spaces for every three employees on the largest shifts.

2) The maximum number of residents occupying such a facility shall not exceed one person per 3,000 square feet of lot area.

3) The distance between the proposed use of any existing domestic shelter measured from lot line shall not be less than one mile. (Resolution No. 5407, November 19, 1996)

(j) Farm Winery:

1) No farm winery shall manufacture wine in excess of fifty thousand gallons per year;

2) A farm winery must produce a minimum of fifteen percent of product from fruit or other agricultural products harvested from the premises following five years business;

3) Wines produced at the farm winery may be sold on site at wholesale and retail and/or at off premise sites holding the appropriate license;

4) Wine samples and/or consumption on the licensed premises is permitted in reasonable amounts;

5) A farm winery may sell retail items as an accessory to wine sales through tasting or wine sales room. Retail space shall not exceed two thousand square feet;

6) A farm winery may only serve food prepared off site by a Health Department licensed establishment in association with sampling and/or consumption of wine. A farm winery may not act in the capacity of a retail food establishment. (Resolution No. 5437, February 18, 1997)

<u>4.007 Permitted Special Uses.</u> A building or premises may be used for the following purposes in the "AG" Agricultural District if a special permit for such use has been obtained in conformance with the requirements of Article 13:

a) Private schools;

b) Recreational facilities;

c) Dwellings for members of religious orders;

d) Radio and television towers and stations, and television production facilities; (Resolution No. 3958, August 21, 1984)

e) Campgrounds;

f) Veterinary facilities;

g) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;

h) Sale barns;

i) Garden centers;

j) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;

k) Except as provided in Section 17.031, church steeples, towers and ornamental spires which exceed the maximum district height; (Resolution No. 5408, November 19, 1996)

l) Expansion of non-conforming use;

m) Historic Preservation;

n) Pet cemeteries; minimum area shall be five (5) acres;

o) Trailer, Mobile Home Courts; (Resolution No. 3777, January 18, 1983)

p) Outdoor theaters;

q) Clubs and semi-public buildings; (Resolution No. 3569, March 10, 1981)

r) Nursing homes; (Resolution No. 3569, March 10, 1981)

s) Non-commercial distillation and storage of fuel and fuel products produced in whole or in part from agricultural products raised within the County; (Resolution No. 3501, July 29, 1980)

t) A mobile home on an individual lot subject to the following conditions:

1) The lot meets all the height and area regulations of this district except the County Board may increase the yard areas;

2) The mobile home is securely and permanently attached to a permanent foundation complying with the building codes;

3) The towing bar and hitch, wheels and tires, and axles are removed. (Resolution No. 3777, January 18, 1985)

u) Governmental landfill; (Resolution No. 4147, January 21, 1986)

v) Heritage center; (Resolution No. 4277, April 28, 1987)

w) Airfield; (Resolution No. 5367, August 26, 1996)

x) Storage of agricultural conservation construction equipment; (Resolution No. 5367, August 26, 1996)

y) Parking lots; (Resolution No. 4928, October 27, 1992)

z) Commercial agricultural airfields; (Resolution No. 5367, August 26, 1996)

aa) Heliports. (Resolution No. 5367, August 26, 1996)

4.009 A building or premises may be used for the following purposes in those parts of the "AG" Agricultural District designated "Agricultural" on the Future County Land Use May (Figure 17) all of the Lincoln-City Lancaster County Comprehensive Plan (which for this purpose only is hereby incorporated herein by reference) if a special permit for such use has been obtained in conformance with the requirements of Article 13.

a) Commercial feedlot;

b) Community unit plans shall be permitted in conformance with the provisions of Article 14. Any community unit plan in the said "Agricultural" area shall contain a minimum of seventy five (75) acres. (Resolution No. 5238, June 20, 1995)

4.011 Accessory Uses. Accessory uses permitted in the "AG" Agricultural District are accessory buildings and uses customarily incidental to any of the permitted uses in the district.

4.013. Parking Regulations. No parking is required except that one (1) space per 50 square feet of the largest meeting hall shall be provided at churches and schools.

4.015. Sign Regulations. Signs within the "AG" Agricultural District shall be regulated in conformance with the provisions in Article 16.

4.017. Height and Area Regulations. The height and minimum lot requirements within the "AG" Agricultural District shall be as follows:

a) General requirements:

	Min. Lot Area	Avg. Lot Width	Min Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Max Height
All Permitted Uses	20 acres	550'	550'	50'*	60'	100'	35'

* However, in no event need the sum of the distance from the centerline of the abutting road to the street line, and the required front yard exceed a total of 80'. The required front yard of any such property exceeding the 80' sum may be reduced accordingly. (Resolution No. 3740, August 31, 1982)

Minimum Lot Area. In all interior sections of the minimum area for a buildable lot shall be one half (1/2) of the total acreage contained in that quadrant of the quarter (1/4) section in which said lot is located.

In all closing sections except those which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be as follows:

i) For those lots located within a Government Lot, the minimum required area shall be one-half (1/2) of the total acreage contained in said Government Lot;

ii) For those lost which are not located within a Government Lot, the minimum required area shall be one-half (1/2) of the total acreage contained in that quadrant of the quarter (1/4) section in which said lot is located.

In those closing sections which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be 20 acres, provided, however that the Board of Zoning Appeals, in conformance with the terms of Article 19, may hear and decide upon petitions to vary strict application of this requirement. (Resolution No. 3478, June 24, 1980) For purposes of this section 4.017, Minimum lot area, County Section and one half Section Line Road Right-of-Way is included for the purpose of determining area. (Resolution No. R-00-16, February 22, 2000)

b) There shall be a required front yard on each street side of a double frontage lot;

c) There shall be a required front yard of each street side of a corner lot; provided, however, that the buildable width of a lot of record on the effective date of this title need not be reduced below thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards;

d) Where a buildable lot on the effective date of this Resolution has an average width of 550 feet or less, the required side yard may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than fifteen (15) feet; (Resolution No. 4130, December 3, 1985)

e) Where a buildable lot on the effective date of this Resolution has a depth of not more than three hundred (300) feet, there shall be a required rear yard having a depth of not less than fifty (50) feet or twenty percent (20%) of the depth of the lot, whichever is smaller;

f) (1) If a buildable lot has less area, width or frontage or any combination thereof, than herein required, and its entire boundary under different ownership on the effective date of this title and has not since been changed, such lot may be used in the following manner:

i) If the area of a parcel is 10 acres or more, such parcel may be used for:

a. Agriculture, except commercial feedlots;
b. Breeding, raising, management and sale of fur-bearing animals and the produce thereof;
c. Dog breeding establishments and kennels;
d. Stables and riding academies;
e. Public uses including but not limited to public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools, and public utilities and utility distribution systems;
f. A single-family dwelling;
g. Churches.

ii) If the area of such parcel is less than 10 acres, such parcel may be used for:

a. Agriculture, except commercial feedlots;
b. Public uses including but not limited to public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools and public utilities and utility distribution systems;
c. A single family dwelling;
d. Churches

iii) Those lots which would qualify under (i) above and have been since reduced by government right-of-way acquisition, may utilize the uses permitted in (i) if the remaining lot is nine (9) acres or larger. (Resolution No. 4689, October 23, 1990)

(2) If two or more abutting lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling provided that each lot shall contain a minimum area of two (2) acres and shall have an average lot width of one hundred fifty (150) feet. Abutting lots in common ownership may be combined to meet these minimum standards.
If a lot has less width or depth, the required side and rear yards may be adjusted as provided in (d) and (e) above. (Resolution No. 3740, August 31, 1983)

g) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located:

(1) In the required rear yard, but such accessory buildings shall not be nearer than two (2) feet to the side or rear lot line; and

(2) not nearer than a distance equal to ten percent (10%) of the average lot width from the side lot line. Such accessory buildings located in the required rear and required side yard shall not occupy more than thirty percent (30%) of the required rear yard. (Resolution No. 3740, August 31, 1983)

h) A lot or parcel of land of one (1) acre or more may be used for a single-family dwelling or public use including any public utilities and distribution systems, or for preservation or conservation of land having significant natural, scenic, historic or scientific value (Resolution No. 5172, November 1, 1994) provided that:

(1) Such lot or parcel of land and structure shall be in conformance with the following maximum height and minimum lot requirements:

(i) General requirements:

	Min. Lot Area	Avg. Lot Width	Min. Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Max. Height
All Permitted Uses:	1 acre	150'	120'	50'*	15'	Lesser of 50' or 20% of depth	30'

* The sum of (1) the distance from the centerline of the abutting road to the property line, plus (2) the required front yard, need not exceed a total of 80'. The required front yard may be reduced, where necessary, to reach this total.

(ii) There shall be a required front yard on each street side of a double frontage lot:

(iii) There shall be a required front yard on each street side of a corner lot; provided, however that the buildable width of a lot of record on November 2, 1953, need not be reduced below thirty-five (35) feet except where necessary to provide a required side yard of not less than five (5) feet in place of one of the required front yards.

(iv) Accessory buildings which are attached to or not located more than ten (10) feet from the main structure shall be considered a part of the main structure and shall comply with the front, side and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the rear yard, but such accessory building may not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to the side or rear lot line. However, if the lot or parcel of land and structure does not meet the requirements of item (i) above, it shall be considered a non-standard use.

(2) Such Single family dwelling:

(i) has existed on such land for more than five (5) years;

(ii) is, or has been used as the primary residence associated with a farm; and,

(iii) is in conformance with the other provisions of this resolution, the minimum housing code, and the minimum standards for water and sewage facilities and does not represent a hazard to the health and safety of occupants.

(3) Such lot or parcel created for such public use shall not be used by itself, for any purpose other than public use or agriculture. (Resolution No. 4048, April 9, 1985)

(4) Such a lot or parcel. created for preservation or conservation purposes;

(i) Shall be evaluated, prior to action by the County Board, by the Lancaster County Ecological Advisory Committee or other appropriate committee to determine the property's natural, scenic, historic or scientific significance;

(ii) Shall have an affected deed restriction or conservation easement attached to the deed, in perpetuity, assuring appropriate limitations on development of the property and permanent preservation of its natural, scenic, historic or scientific values. (Resolution No. 5172,. November 1, 1994)