

CUP Application Requirements

1. Application for a Conditional Use Permit
2. Development Plan shall include and/or display:

The boundary: the properties included within the "leased lands" on which the WECS is proposed to be constructed. Specific siting of individual components of the WECS should be included conceptually within the Development Plan. After the Development Plan has been approved, when in the course of carrying out the Development Plan, minor adjustments that conform to the minimum standards established by the approved Development Plan may be requested to the Zoning Administrator (Article 12-105). If the requested adjustments are deemed by the Zoning Administrator to exceed the minimum standards established, the revised Development Plan must be submitted to and approved by the Planning Commission and Governing Body before further work can proceed.

Topography survey indicating:

- Legal description
- Property boundary
- Existing contours
- Existing utilities and easements
- Natural and manmade features of the property

Development Plan drawn to the same scale as the topography survey, indicating:

- Existing contours
- Proposed contours
- Location and orientation of all existing and proposed buildings
- Areas to be used for parking, including the number and arrangement of stalls
- Areas to be developed for screening, location of materials, screening structures and features
- Pedestrian and vehicular circulation, their relationship to existing streets, alleys, rights-of way
- Points of ingress and egress
- Location of existing and proposed utilities (sewer, water, storm drainage, gas, telephone, & electrical lines)
- Drainage controls (retention, detention ponds)
- Location, size and characteristics of identification and business signs
- Lighting layout, appurtenances, and intensity of illumination
- Proposed finished floor elevations of all buildings and structures
- Necessary safeguards for protection of surrounding property, persons and neighborhood values

3. Statement of Intent to explain the measures used to achieve compatibility with surrounding properties
4. Owner/ Agent Agreements must be signed by all land owners if agent is acting on behalf land owners.
5. Notification Area List of all owners of record of lands located within at least 1,000 feet of the area proposed to be altered within Unincorporated Portions of the County, and 200 feet in those areas where it extends into Incorporated city limits.

6. Application Fee

7. Traffic and/or other studies: The Governing Body may require the applicant procure the services of a competent professional consultant or expert for the purpose of preparing traffic and/or other studies deemed necessary

- Traffic study must address how the traffic generated by the proposed development will be handled on the site, vehicular ingress and egress from the site onto public roads, and that no undue burden will be placed upon the existing public road system. The study shall include recommendations of the on-site and off-site improvements necessary to achieve appropriate levels of traffic safety
- Other studies shall address concern and/or impacts, identify the extent of such impacts, and any mitigation remedies possible to lessen those impacts on the neighborhood and/or citizens and taxpayers of Marion County
- The results of traffic studies or other studies shall be used in determining the impact of the proposed use and guide the requirements of construction and/or installation of the recommended improvements outlined with the traffic study or other studies

*The applicant may request a waiver of any standards or requirements when shown to be unnecessary as applied to the specific case in question.

*Planning Commission may impose certain limitations or restrictions necessary to protect the public interest and surrounding properties (see Article 12-104).

*Phasing, Time Restrictions- Applicant may submit the entire development plan, or separately for the first and each successive phase of construction, or for all of the project with a depiction of the phasing sequence. However, construction must begin within two years of said approval by the Governing Body. A one-year extension may be requested in writing (Article 12-105 and 27-106).

Legal Notification in the official county newspaper at least 20 days prior to the date of the public hearing

Written Notification mailed at least 20 days prior to the public hearing, to cities (if applicable), property owners within 1,000 feet of the area proposed to be altered, and 200 feet in those areas where the notification area extends within the corporate limits of a city.

Posting of Signs within 48 hours of filing CUP application, to be placed as designated by the Zoning Administrator

Public Hearing to be held at the place and time so stated within the legal notice. Action may be taken by a majority of the members present and voting:

- Vote to recommend approval of the application
- Vote to approve with conditions (as authorized by the Regulations)
- Vote to disapprove the application
- Table the issue until the next meeting

Protest Period within 14 days after the date of the conclusion of the public hearing

- Signed and acknowledged by the owners of record of 20% or more of any property proposed to be rezoned, or by the owners of record of 20% or more of the notification area (less road rights-of-way)
- The resolution of approval shall not be passed except by $\frac{3}{4}$ majority vote of the Governing Body

BOCC to make final decision. The Planning Commission's recommendation is typically presented to the BOCC following the end of the protest period. The BOCC may take action:

- Adopt CUP and the reasons therefore
- Override the Planning Commission's recommendation by a $\frac{2}{3}$ majority vote of the membership of the Governing Body
- Return recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove
 1. If the Governing Body returns the recommendation, the Planning Commission, after considering, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation.
 2. Upon receipt of such recommendation, the Governing Body, by a simple majority, may adopt, may revise or amend and adopt, or may disapprove such recommendation by resolution, or it need take no further action thereon.
 3. The CUP, if approved with or without conditions, shall become effective upon publication of the adopting resolution.

Factors to be considered:

- Would approval of the use be consistent with the intent and purpose of these Regulations
- Would the location of the proposed use be compatible to other land uses in the surrounding neighborhood
- Would the proposed use place an undue burden on the existing transportation and service facilities in the area affected. If so, would additional transportation and service facilities be provided
- Is the proposed use necessary or desirable because of changed/changing conditions in the area affected
- The length of time the property has remained vacant or undeveloped (not agricultural purposes)
- Is the applicant's property suitable for the proposed use
- The recommendations of permanent or professional staff
- Will the proposed use be in conformance to and further enhance the implementation of the Comprehensive Plan
- Will the relative gain to the public health, safety, and general welfare outweigh the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed use
- Does the use comply with all the conditions upon which the approval is made; will the use adversely affect the property in the area affected.
- Such other factors as may be relevant from the facts and evidence presented in the application
- Will the use substantially change traffic patterns, create traffic congestion, and/or have a perceived impact on the community of such magnitude warranting a special traffic study

Article 27

Required Topics

- “Boundary” of project shall be properties included with “leased lands” on which WECS is being constructed
 - Specific siting included in the Development Plan and are permitted to move without modifications as long as new lands aren’t added to the original “boundary” and still conforms to set backs
- Measuring from the nearest edge of the right-of-way or public road easements no Turbine shall be located:
 - Closer than 500ft from public roads
 - Or
 - 50ft added to highest point of the blade system during rotation
 - Whichever is greater
- No Turbine shall be closer than 1,320ft from non-participating residential structure
- Turbine locations on participating landowners with residential structures shall be decided between WECS owners and landowners
- Communication lines and power collection lines install underground covered by CUP
 - Least amount of disruption and damage as possible
 - Located under or at edge of access roads
 - Above ground transmission lines maybe used only in public rights-of-way when it is infeasible or impractical
- Designation of public roads to use as transportation routes
 - Include in Road Maintenance Agreement
- Smallest number of access roads as possible
 - Low profile roads
 - Constructed so runoff from upper portions of watershed readily flows to lower portions
 - Must follow FEMA regulations
- Lowest point of rotor blades shall be at least 50ft above ground level
- All hazardous materials should follow all state and federal regulations
- No lights installed all towers unless requires by the Federal Aviation Administration (FAA)
 - If required only install red lights shall be permitted
 - Doesn’t apply to infrared heating devices for monitoring
 - No white strobe lights will be permitted
- Structures for wind turbines shall be self-supporting neutral colors
 - No lattice structure or logos

- Turbine marked with visible identification No higher than 15ft above ground level
- At the end of individual turbines life, all WECS equipment shall be removed from site
 - Foundation for the base of each tower and covered with a minimum of 18 in. of topsoil and reseeded with native grass
 - Request greater than this should be negotiated
 - Access roads removed to landowners satisfaction
- Reasonable Measures identified to mitigate specific adverse visual impacts within or immediately adjacent to the project area such as
 - Reflections
 - Shadow Flicker
 - Blade Glint
- Identify potential fire risk project
 - Natural/Accidental
 - Address high angle rescue
 - Prescribed burning is common practice in this area
 - Mitigation plans show how towers and equipment are protected from fire
- WECS project area contains riparian watershed areas, native to prairie grasses, or other sensitive areas need to comply with:
 - Shall be preserved or be substituted for open space as approved by the county
 - No clearing or grading shall be permitted with 125ft from centerline or drainage area
 - Any development within limits of historical features:
 - i. Trees determined to endanger preservation of trial shall be removed
 - ii. Interpretative signage
 - iii. Minimal impact on existing historical/cultural resources
 - Existing environment issues
 - i. Wildlife Habitat
 - ii. Bird Mitigation
 - iii. Flora: Vegetation, threatened species, habitat conditions
 - iv. Fauna: Species, habitat assessment
 - v. Geno conservation: sites of Signification
 - vi. Flood zones
 - Soil Erosion, Sediment Control, & Storm Water Runoff
 - i. Grading
 - ii. Construction and drainage of access roads and turbine pads
 - iii. Necessary soil information
 - iv. Design Features to maintain down-stream water quality
 - v. Revegetation to ensure slope stability
 - vi. Restoring the site after temporary project activities

1. Disposal or storage of excavated materials
 2. Protecting exposed soil
 3. Stabilizing restored materials and removal of silt fences or barriers when the area is stabilized
 4. Maintenance of erosion control throughout the life of the project
- Lighting & Utility Standards
 - No light source greater than 1ft candle shall be directed:
 - i. Onto any public right-of-way
 - ii. To cause any glare onto a vehicle roadway
 - iii. To trespass onto any residentially used or zoned property
 - Security/Safety lighting shall follow the same rules
 - Lighting sources should be adequately shielded
 - Noise
 - Audible noise shall not exceed 55 decibels at all times
 - Move turbines to comply with conditions

Special Regulations

- Time line restrictions in 12 & 19 not applicable
 - 1yr extension when construction permit expires
 - Must show valid reasons to zoning administrator
 - Construction permit must be applied for within 2 years of CUP
 - Terminated if not timely

Requirements for Construction Permit

- No Permit until road agreement has been approved and other public entities having jurisdiction
 - WECS owner liable for damages
 - Maintain/Repair to better than what existed before
- Permit required by each turbine and fees associated
 - Construction will be allowed once all submittals for the permit outlined
 - Max of 20 working days to review and notify applicant
- Construction Plans
 - Description and general schedule of major construction activities
 - Outlined of any proposed site preparation
 - Volume & Route for traffic generated during construction
 - WECS owner is responsible for informing everyone working on the project of the terms and conditions of the approved CUP
- Marion County Retains the authority to retain the services of a structural engineering firm to conduct all necessary inspections on each turbine
 - Inspections
 - Foundation, Structural, Assembly, Mechanical, and Electrical
 - Most Current Code

- International Code Council (Construction) & National Fire Protection Association (Fire)
- Construction (On-site)
 - Designated field rep responsible for overseeing compliance with conditions of CUP
 - Field rep shall be accessible to the Zoning Administration
 - Gives Address, Phone #, and Emergency # to Zoning Administrator & Emergency Services
 - Notifications sent out if the field rep changes
 - Right to move turbine if environment conditions are found in discovery by law to prevent such use
- Construction (Off-site)
 - Requirements for new transportation infrastructure
 - Changes to electrical substation
 - Changes to existing power transmission system
 - Requirements for realignment of other utilities
- WECS can only disturb or clear site only to assure suitable access for construction/safe operation and maintenance
 - Minimize the removal of trees and can't remove without approval from landowners
 - Separate and protect topsoil from subsoil
 - Minimize composition of land confined to as small area as possible
 - Temporary erosion controls shall be installed and left in place until new vegetation covers bare ground around turbine
- Cleanup
 - Remove all waste and properly dispose of
 - Litter disposed of daily
- Operation & Maintenance (WECS concerning info)
 - Requirements (Including frequency of activities) for turbines and transmission lines
 - Width of transmission line easements required
 - Restriction on land use, Development, and Access within said easements
- Ownership change of WECS
 - New owner shall be responsible for and accountable for CUP and everything else entailed
 - Notice of transfer by new owner shall be provided to the zoning administrator