

7-20-18

WIND ENERGY SYSTEMS

Add the following as a PERMITTED USE in Section 501.03 of the AG-G, General Agricultural District:

10. On-site wind energy systems, subject to the requirements and limitations set forth in Section 612, Supplemental Regulations, of this zoning resolution.

Add the following as a PERMITTED USE in Section 502.03 of the AG-T, Transitional Agricultural District:

7. On-site wind energy systems, subject to the requirements and limitations set forth in Section 612, Supplemental Regulations, of this zoning resolution.

Add the following as a PERMITTED USE in Section 503.03 of the RCI - Rural Commercial / Industrial District:

8. On-site wind energy systems, subject to the requirements and limitations set forth in Section 612, Supplemental Regulations, of this zoning resolution.

Add the following as a CONDITIONAL USE in Section 501.05 of the AG-G, General Agricultural District:

16. Utility grid wind energy systems, subject to the requirements and limitations set forth in Section 612, Supplemental Regulations, of this zoning resolution.

Add the following as a CONDITIONAL USE in Section 502.05 of the AG-T, Transitional Agricultural District:

10. Utility grid wind energy systems, subject to the requirements and limitations set forth in Section 612, Supplemental Regulations, of this zoning resolution.

Add the following as a CONDITIONAL USE in Section 503.05 of the RCI - Rural Commercial / Industrial District:

5. Utility grid wind energy systems, subject to the requirements and limitations set forth in Section 9.8, Supplemental Regulations, of this zoning resolution.

Add the following SECTION 612, Supplemental District Regulations:

SECTION 612 WIND ENERGY SYSTEMS

A. INTENT:

According to the research conducted by the Michigan Department of Labor and Economic Development, Energy Office, generation of electricity in the United States is responsible for 36% of carbon dioxide pollution, 64% of sulfur dioxide pollution, 26% of nitrogen oxide pollution and 34% of mercury pollution.

Development of facilities to generate clean, renewable energy will reduce air pollution, increase the fuel diversity of our electric system, save natural resources and provide a hedge against increases in the price of fossil fuels used for electric generation.

The intent of these regulations is to strike an appropriate balance between our Nation's need and our State's need to develop clean, renewable energy resources and the necessity to protect the public health, safety and welfare within the zoning jurisdiction of Saline County, Nebraska.

B. DEFINITIONS: The following definitions shall be applicable to this Section.

1. AGGREGATE WIND ENERGY CONVERSION SYSTEM (WECS) PROJECT: A utility grid wind energy conversion system project (WECS) or projects that is / are developed and operated in a coordinated fashion, but which have multiple entities separately owning one (1) or more of the individual WECS(s) within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity, but are also part of the aggregate project.
2. AMBIENT: The sound pressure level exceeded ninety percent (90%) of the time.
3. ANSI: American National Standards Institute.
4. APPLICANT: An applicant may be the developer, utility, owner or operator of a proposed wind energy project. The applicant is the person, entity, agency or other group that submits the application to the County for review and action.
5. dB(A): The sound pressure level in decibels utilizing the "a" weighted scale defined by ANSI for weighting the frequency spectrum to mimic the human ear.
6. DECIBEL: The unit of measure used to express the magnitude of sound pressure and sound intensity.
7. FALL ZONE: The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of structural failure. This area is less than the total height of the tower.
8. FEEDER LINE: Any power line that carries electrical power from one (1) or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the wind energy conversion system.
9. IMPACT EASEMENT: An easement or deed restriction, recorded in the office of the Saline County Registrar of Deeds, which runs with the land, which is granted to the owner of an industrial use, a confined or intensive animal feeding use, a waste handling facility use, a wind energy conversion system or other use for the period of time that such use shall exist, by the owners of adjoining or neighboring real property in which it is mutually agreed between the grantor and grantee that the grantor shall hold the grantee harmless from odor, smoke, dust, noise, visual or other legal impacts associated with such use on the grantor's property when such use is operated in accordance with the terms of such easement or deed restriction.
10. METEOROLOGICAL or SCADA TOWER: A temporary or permanent tower, base plate, anchors, guy wires, hardware, anemometers, wind direction vanes, booms to hold equipment, data loggers, instrument wiring and any telemetry devices that are used to monitor or transmit wind speed, direction and flow characteristics over a period of time at a given location or free-standing monopole or guyed tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
11. MODIFICATION: Any change to the on-site WECS that materially alters the size, type, capacity or location of the WECS. Like-kind replacement and normal repairs shall not be construed to be a modification.

12. NET METERING: The difference between the electricity supplied to a customer over the electric grid system and the electricity generated by the customer's WECS that is fed back into the grid system over a billing period.
13. OCCUPIED BUILDING: A residential dwelling, school, hospital, church, public library or other building used for public gathering that is occupied by or used by human beings for its intended purpose. Occupied building shall not include barns, outbuildings, storage buildings, machine shops or other similar buildings.
14. ON-SITE WIND ENERGY CONVERSION SYSTEM: An on-site wind energy system with no or one (1) tower, intended to primarily serve the needs of the use on the premises where such system is located. Such system may be connected to the electric grid through net metering, but the primary use shall be to generate electricity to serve the needs of the use on the premises where such system is located.
15. OPERATOR: The entity responsible for the day-to-day operation and maintenance of any WECS, WECS project of substation, including any third-party subcontractors.
16. OWNER: The entity or entities with an equity interest in the WECS(s), including their respective, successors and assigns. Owner does not mean 1) the property owner from whom land is leased for locating the WECS(s) unless the property owner has an equity interest in the WECS(s) or 2) any person holding a security interest in the WECS(s) solely to secure an extension of credit or person foreclosing on such security interest, provided that after foreclosure such person seeks to sell the WECS(s) at the earliest practicable date.
17. NOISE SENSITIVE RECEPTOR: Any land area, building or facility which could experience interference with its common and normal use due to excess noise levels including, but not limited to, occupied buildings, as herein defined, hotels, motels, outdoor amphitheater, outdoor sports fields, parks, playgrounds, golf courses, water oriented recreation areas and riding stables
18. PROJECT BOUNDARY: All leased landowners and non-leased land owners that are surrounded by leased land for wind energy purposes.
19. PUBLIC CONSERVATION LANDS: Land owned in fee title by State or Federal Government agencies and managed specifically for conservation purposes, including but not limited to wildlife management areas, parks, wildlife refuges and waterfowl production areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations and private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
20. ROTOR: A component of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
21. SHADOW FLICKER: Alternating changes in light intensity caused by the moving blades of a wind energy system which cast a repeating pattern of shadows on the ground and stationary objects, such as a window of a dwelling.
22. SOUND PRESSURE: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of sound measured at the receiver.
23. SOUND PRESSURE LEVEL: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
24. SUBSTATION: The apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection to the utility grid transmission lines.

25. SYSTEM HEIGHT: The vertical distance from ground level to the tip of the wind generator blade when at its highest point from the ground.
 26. TOWER HEIGHT: The height above grade of the fixed portion of the tower, excluding the wind generator.
 27. TRANSMISSION LINE: The electrical power lines that carry voltages of at least sixty-nine thousand volts (69kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supply electrical energy to retail customers.
 28. UTILITY GRID WIND ENERGY SYSTEM: A wind energy conversion system which is designed and constructed to provide electricity to an electric utility grid.
 29. WIND ENERGY CONVERSION SYSTEM (WECS): A system with all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation and transformer, in any.
 30. WIND ENERGY CONVERSION SYSTEM PROJECT (WECS Project): The WECS(s) and associated support facilities including, but not limited to, roads, transformers, electrical cabling, substations, operation and maintenance buildings, SCADA towers within the boundaries of the project site.
 31. WIND GENERATOR: The blades and associated mechanical and electrical conversion components mounted on top of a tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.
 32. WIND SITE ASSESSMENT: An assessment to determine wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.
- C. ZONING PERMIT REQUIRED: Issuance of a zoning permit shall be required prior to construction of any on-site or utility grid WECS. Failure to comply with the permitting requirement or any requirement or standard of this section shall constitute a violation of this Resolution.

D. ON-SITE WIND ENERGY CONVERSION SYSTEM REQUIREMENTS:

1. Application Requirements: Applications for an on-site WECS shall contain a scaled site plan containing the following information together with attachments which provide non-map data indicated:
 - a. Property lines and physical dimensions of the property where the on-site WECS is proposed, including the right-of-way lines of any public road that is contiguous to the property.
 - b. Location, dimensions and types of existing major structures on the property and height to the top of the canopy of any tree(s) of other obstruction within three hundred feet (300') of the proposed WECS location.
 - c. Location of the proposed WECS, foundation, guy wire anchors and associated equipment.
 - d. Setback distances of the WECS as set forth in the regulation.
 - e. Location of overhead utility lines.
 - f. WECS specifications, including manufacturer, model, rotor diameter, tower height, tower type and nameplate generation capacity.
 - g. Sound level analysis prepared by the manufacturer or qualified engineer.

- h. Electrical components in sufficient detail to allow for determination of compliance with applicable electrical codes.
 - i. Evidence of compliance or non-applicability with the Federal Aviation Administration requirements.
 - j. For on-site WECS which will be connected to the power grid, a copy of the application for interconnection with the electric utility provider.
2. Standard and Requirements: On-site WECS shall be permitted in the applicable zoning district when in compliance with the following standards and requirements:

- a. SETBACKS: The setbacks shall be calculated by multiplying the minimum setback requirement number indicated in the table below by the system height and measured from the center of the tower base to property lines, public road rights-of-way or nearest wall of an occupied building. In no event shall the setbacks be less than the minimum setbacks required in the applicable zoning district, except that guy wire anchors shall have a minimum setback from property lines of ten (10) feet.

MINIMUM SETBACK REQUIREMENTS FOR WIND ENERGY CONVERSION TOWERS			
From occupied buildings on the same premises as the WECS	From occupied buildings on abutting properties	From property lines and utility lines	From public road rights-of-way
0	1.5	1.1	1.1

In the event any owner of abutting property shall grant an impact easement to the owner of the WECS project, the setback from the boundaries of the abutting owner's property and / or occupied buildings thereon shall be as set forth in said impact easement.

- b. SYSTEM HEIGHT: The maximum system height shall be forty (40) feet above the highest tree canopy of other obstruction within three hundred feet (300') of the WECS, provided that no system height shall exceed one hundred twenty feet (120').
- c. SOUND LEVEL: The on-site WECS shall not exceed sixty (60) decibels using the "A" scale (dBA), as measured at the property lines, except during short-term events such as severe wind storms and utility outages.
- d. SHADOW FLICKER: The on-site WECS shall be sited in a manner that does not result in shadow flicker impacts more than thirty (30) hours per year on any occupied building on abutting properties. The applicant shall provide a map of such shadow flicker impacts based upon high and low sun angles for the proposed site.
- e. SIGNS: There shall be no signs or logos of any type allowed in the WECS tower or wind generator with the exception of warning signs and manufacturer identification.
- f. AVIATION: Any on-site WECS proposed near an airport shall comply with applicable Federal Aviation Administration regulations.
- g. VISUAL IMPACTS:
 - 1) Screening of ground mounted electrical and control equipment from public roads and occupied buildings on abutting properties shall be provided by means of fencing and /or landscaping or a combination thereof.
 - 2) The color of the on-site WECS shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends with the surrounding environment. Approved colors shall include white, off-white or gray or such other color

that the applicant can demonstrate will blend with the surrounding environment and the sky.

- 3) The on-site WECS shall not be artificially lit in any manner unless lighting is required by the Federal Aviation Administration, in which case shall provide a copy of the FAA determination and the required markings and /or lights. Red lights shall be used during nighttime illumination to reduce impacts on abutting properties.
- h. ACCESS: The WECS tower shall be designed and installed so as not to provide step bolts, ladders or other means of access for a minimum height of eight feet (8') from ground level and the applicant shall provided evidence as to how all ground mounted equipment shall be secured to prevent unauthorized access.
 - i. DESIGN SAFETY: On-site WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI) and the National Electrical Commission (NEC). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party. Further, the applicant shall provide certification by a Professional Engineer, licensed in the State of Nebraska, that the WECS foundation and tower design is within accepted safety and design standards for the local soil and climate conditions. Such certification may be provided by the manufacturer of the WECS.
 - j. CONTROLS AND BRAKES: Each WECS shall be equipped with a redundant braking system, which may include aerodynamic overspeed controls (variable pitch, tip and / or other similar system and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection. Certification of compliance with these requirements shall be provided by the manufacturer.
 - k. CODE COMPLIANCE: On-site WECS(s) shall comply with the electrical codes applicable in the County and / or the National Electrical Code.
 - l. UTILITY CONNECTION: If the on-site WECS is to be connected to the utility grid, the applicant shall submit written verification that the utility serving the site of the proposed WECS has been notified and that the proposed interconnection complies with the requirements of said utility.
 - m. ABANDONMENT:
 - 1) At such time that an on-site WECS is scheduled to be abandoned or discontinued, the owner of said WECS shall notify the Zoning Administrator of the proposed date of abandonment or discontinuance of operation.
 - 2) Upon abandonment or discontinuation of use, the owner of the on-site WECS shall physically dismantle all above ground components of the WECS within ninety (90) days from the date of abandonment or discontinuation of use.
 - 3) In the event that an owner of an on-site WECS fails to give notice of abandonment or discontinuation of use, the WECS shall be considered to abandoned or discontinued if the system is out-of-service for a twelve (12) consecutive months. After such twelve (12) consecutive months the Zoning Administrator shall issue a written Notice of Abandonment by certified mail to the owner of the WECS at the address indicated for the site of the WECS in the County Treasurers Office. The owner of the WECS shall have the right to respond to the Notice of Abandonment within thirty (30) days from the date of receipt of such notice to present evidence that the WECS has not been abandoned or

discontinued. The Zoning Administrator shall review any such response to determine if the WECS has been abandoned or discontinued. If it is determined that said WECS has not been abandoned or discontinued, the Notice of Abandonment shall be withdrawn and notice of same shall be provided to the owner of said WECS. If, after review of the owner's response, it is determined that said WECS has been abandoned or discontinued, notice of such finding shall be provided by certified mail to the owner of the WECS.

If the owner of said WECS fails to respond to the Notice of Abandonment or of, after review of any response from the owner, the Zoning Administrator determines that the WECS has been abandoned or discontinued for twelve (12) consecutive months, the owner shall have ninety (90) days from the date of receipt of such notice to dismantle all above ground components of said WECS. If the owner of said WECS fails to dismantle said WECS within the prescribed time period, such shall be considered a violation of the Resolution and shall be subject to the penalties set forth in Section 15 of this Resolution.

- n. **PRIOR EXISTING USES:** On-site WECS(s) installed prior to the effective date of these regulations shall be exempt from the requirements of these regulations, except when modification of the WECS is proposed. Any on-site WECS which was abandoned or the use of which has been discontinued for a period of twelve (12) consecutive months prior to the effective date of these regulations shall be subject to the notice and dismantling requirements set forth in Item 13 immediately above.

E. UTILITY GRID WIND ENERGY CONVERSION SYSTEM REQUIREMENTS:

1. Application Requirements:

- a. **Preliminary Project Application:** At the option of the applicant, a preliminary project application may be filed. Such application shall be intended to consider the proposed project from a local land use perspective without submission of the required studies, detailed site plan and formal details of the project. Such application shall place local citizens, neighboring property owners and the general public on notice that a property or series of properties is under consideration for a utility grid wind energy conversion system project and shall give the applicant some awareness of the potential issues associated with the proposed project without having to incur all of the costs associated with a Final Project Application.

The process for review and action on any Preliminary Project Application shall be the same as prescribed for a conditional use / special exception application as set forth in Section 12 of this Resolution.

Action to approve any Preliminary Project does not indicate a final approval of the proposed project, but shall be interpreted to mean that such project may be approved in final form after the studies required in the Final Project Application have been completed and effective measures have been implemented to avoid or minimize impacts based on the wind energy facilities.

An applicant for a utility grid WECS project may, at their option, skip the preliminary project application process and proceed directly to a Final Project Application.

- b. **Preliminary Project Application Requirements:** The following mapped information and other data and exhibits shall be required in a Preliminary Project Application:
 - 1) The name(s), address(es) and telephone number(s) of the project applicant(s)
 - 2) A general site plan of the project area indicating:

- a) The proposed boundary of the property or properties to be included in the project.
 - b) The probable number, tower heights, diameter of rotors and location of such towers.
 - c) The public roadways included in or on the border of the project boundary.
 - d) The location of occupied buildings within and abutting the proposed project boundary.
 - e) The existing or proposed location of any meteorological tower(s) on or to be constructed to evaluate the proposed project area.
- c. Preliminary Project Application Review: In reviewing and acting on a preliminary utility grid wind energy conversion system project proposal, the Planning Commission and County Board of Commissioners shall consider the following:
- 1) The likelihood of the proposed project meeting or exceeding the minimum standards and requirements set forth under the Final Project Application section of this regulation. The applicant may submit a written statement or additional documentation indicating that the proposed project will comply with such final application standards and requirements.
 - 2) With regard to visual impacts of the proposed project and the typical human reaction of “not in my back yard”, the Planning Commission and County Board of Commissioners shall consider the historic impacts, or lack thereof, of the development of previously popular television reception towers and antennae, satellite dishes, and the current impacts, or lack thereof, of cellular and other communication towers, pivot irrigation systems and electrical transmission towers and lines when considering whether the potential visual impacts of the proposed WECS project on neighboring properties would be any different or less acceptable than the cellular and other communications towers, pivot irrigation systems and electrical transmission towers and line which already exist in the County.
 - 3) Identifying the particular issues of concern with regard to final action on the proposed utility grid WECS project that the applicant should address in greater detail in a final application.
- d. Final Project Application: Application for a final Utility Grid WECS Project approval shall include the following information:
- 1) The name(s), address(es) and telephone number(s) of the project applicant(s).
 - 2) The name, address and telephone number of the project owner.
 - 3) The legal description and address of the project.
 - 4) A written narrative describing the proposed Utility Grid WECS Project, including an overview of the project, the generating capacity of the WECS Project, the number, type, height or range of heights of the wind turbines to be constructed including their generating capacity, dimensions and respective manufacturers and a description of ancillary buildings, structures and facilities.
 - 5) A signed letter from the property owner(s) indicating that the WECS Project applicant has the permission of the property owner(s) to apply for the necessary permits for construction and operation of the WECS Project. Recordation of wind energy easements on property within the WECS Project shall substitute for the signed letter requirement.

- 6) A scaled site plan map or maps of the proposed Utility Grid WECS Project indicating:
 - a) The boundary of the proposed WECS Project indicating all leased and non-leased properties within and abutting such boundary.
 - b) The location of each wind turbine together with setback distances from occupied buildings, utility lines, and public roads.
 - c) The location of County and State roads within and bordering the proposed WECS Project together with access roads and turnout locations proposed within the project and all County roadways which shall be used to bring materials to the project boundary including any proposed improvements to such roadways and associated drainage structures
 - d) The location of all proposed substations and the location of electrical cabling within the project area.
 - e) The location, size, height and type of all ancillary equipment, buildings and structures proposed within the project area.
 - 7) Computer generated visual simulations, in color, showing the probable WECS wind turbines from at least four (4) key observation points on the proposed project boundary and within five (5) miles of the boundary perimeter.
 - 8) A decommissioning plan complying with the requirements of this regulation.
 - 9) If any WECS included within the proposed boundaries are located within five (5) miles of any existing fixed broadcast, retransmission or reception antennae for radio, television or wireless telephone communication systems, the application shall be accompanied by a copy of the National Telecommunications and Information Administration letter informing all federal telecommunications owners/operators of the proposed project.
 - 10) Environmental Analysis in accordance with the requirements of this regulation.
- e. Standard and Requirements: Utility Grid WECS projects may be approved as a condition use / special exception in the applicable zoning district when in compliance with the following standards and requirements:
- 1) SETBACKS: Except as specified in the table below, the setbacks shall be calculated by multiplying the minimum setback requirement number indicated in the table below by the system height and measured from the center of the tower base to public road right-of-way lines or the nearest wall of an occupied building. In no event shall the setbacks be less than the minimum setbacks required in the applicable zoning district. In the event any owner occupied building on the same premises or abutting property shall grant an impact easement to the owner of the WECS project, the setback from the boundaries of the abutting owner's property and / or occupied buildings thereon shall be as set forth in said impact easement.

MINIMUM SETBACK REQUIREMENTS FOR WIND ENERGY CONVERSION TOWERS			
From occupied buildings on the same premises as the WECS	From occupied buildings on abutting properties	From property lines and utility lines	From public road rights-of-way
2 times the system height or minimum of 1,000 feet	1,000 feet	1.1 times the system height	1.1 times the system height

- 2) SYSTEM HEIGHT: No limitation.
- 3) SHADOW FLICKER: The utility grid WECS towers shall be sited in a manner that does not result in shadow flicker impacts more than thirty (30) hours per year on any occupied building or noise sensitive receptor less than 1,000 feet of any wind turbine .
- 4) SIGNS: There shall be no signs or logos of any type allowed in the WECS tower or wind generator with the exception of warning signs and manufacturer identification. Visible high voltage warning signs shall be placed on all pad-mounted transformers and substations. Emergency contact signs shall be placed at or near the project main operation and maintenance building and the primary entrance to the project area. The sign at the primary entrance shall also warn of the potential for falling ice.
- 5) AVIATION: Any utility grid WECS project proposed shall comply with applicable Federal Aviation Administration regulations. In addition, any utility grid WCES shall comply with the following:
 - a) Any meteorological or SCADA tower, whether or not taller than two hundred (200) feet, if not lighted shall be red or orange and white in color and, if guy wires are used to stabilize the tower, each guy wire shall be marked with two (2) visible warning spheres spaced uniformly and highly visible sleeves at the lower end of the guy wires. In addition the applicant shall provide information on the tower height and location coordinates to the Nebraska Department of Aeronautics.
- 6) VISUAL IMPACTS:
 - a) All WECS towers shall be of monopole design.
 - b) The color of the WECS shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends with the surrounding environment. Approved colors shall include white, off-white or gray or such other color that the applicant can demonstrate will blend with the surrounding environment and the sky.
 - c) The WECS shall not be artificially lit in any manner unless lighting is required by the Federal Aviation Administration, in which case shall provide a copy of the FAA determination and the required markings and /or lights. Red lights or reduced intensity strobe lights shall be used during nighttime illumination to reduce impacts on abutting properties.
 - d) All wind turbine blades shall have a mat finish or other non-reflective surface to minimize blade glint.
- 7) ACCESS: Wind turbine towers shall not be climbable up to fifteen (15) feet above the ground surface and all access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- 8) DESIGN SAFETY: Utility grid WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI) and the National Electrical Commission (NEC). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party. Further, the applicant shall provide certification by a Professional Engineer, licensed in the State of Nebraska, that the WECS foundation and tower design is within accepted safety and design standards for the local soil and climate conditions. Such certification may be provided by the manufacturer of the WECS.

- 9) **CONTROLS AND BRAKES:** Each WECS shall be equipped with a redundant braking system, which may include aerodynamic overspeed controls (variable pitch, tip and / or other similar system and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection. Certification of compliance with these requirements shall be provided by the manufacturer.
- 10) **CODE COMPLIANCE:** All WECS(s) shall comply with the electrical codes applicable in the County and / or applicable State codes and / or the National Electrical Code.
- 11) **ELECTROMAGNETIC INTERFERENCE:** If any WECS included within the proposed boundaries are located within five (5) miles of any existing fixed broadcast, retransmission or reception antennae for radio, television or wireless telephone communication systems, the application shall be accompanied by a copy of the National Telecommunications and Information Administration letter informing all federal telecommunications owners/operators of the proposed project.
- 12) **ENVIRONMENTAL IMPACT:** The applicant shall have a third party, qualified professional conduct and analysis to identify and assess any potential impacts on wildlife and endangered species and public conservation lands, with particular emphasis on areas where birds or bats are highly concentrated, significant bird migration flyways and areas that have landscape features known to attract large numbers of raptors. In its review process the County shall consider the impacts of the proposed project on aerial application of pesticides and herbicides on land adjoining the proposed project.
- 13) **DECOMMISSION PLAN:** The applicant shall submit a decommissioning plan, which shall include at a minimum:
 - a) The anticipated life of the project,
 - b) The estimated decommissioning costs of removing all above ground facilities and underground improvements to a depth of three (3) feet, net of salvage value, in current dollars,
 - c) The method of ensuring that decommissioning will be properly and timely completed. In considering an acceptable assurance, the County may accept as sufficient decommissioning, the obligations contained in contracts between the wind project owner and the applicable landowners and/or project purchasers.
 - d) The anticipated manner in which the project will be decommissioned, and
 - e) The time period in which the decommissioning shall be completed.
- 14) **PUBLIC ROAD IMPACTS:** The applicant shall, in coordination with representatives from Saline County and other appropriate jurisdictions, conduct a pre-construction survey of road and bridge conditions which shall include photographs and written agreement documenting the condition of the public roads, to determine all county, township or municipal roads or streets to be used for the purposes of transporting WECS, substation parts, concrete and /or equipment for construction, operation and maintenance of the WECS and to determine all applicable weight and size permits from the impacted jurisdictions prior to construction. The applicant and representatives of the appropriate local road jurisdictions shall prepare a road maintenance and improvement plan and agreement that include provisions for the improvement, maintenance and repair of said roadways, bridges and other drainage structures prior to, during operation and after decommissioning of the WECS project.

- 15) EMERGENCY SERVICES: The applicant shall provide a copy of the project description and site plan to the local fire department(s) and rescue service(s) having jurisdiction over the project area and shall coordinate with such local entities in the development of an emergency response plan.

- 16) PUBLIC INQUIRIES AND COMPLAINTS: The owner and operator of the utility grid WECS project shall maintain a publicly available telephone number and identify a responsible person or position for the public to contact with inquiries or complaints throughout the life of the project. Said owner and operator shall make a reasonable effort to respond to the public's inquiries and complaints. At a minimum said owner or operator shall respond to any inquiry or complaint within thirty (30) days of the receipt of such inquiry or complaint.