

Saline County Regulation Changes

Changes that add to the regulations are in green and bolded.

~~Changes that delete from the regulations are in red and stricken through.~~

CONFINED AND INTENSIVE ANIMAL FEEDING

1. SECTION 501.05- CONFINED AND INTENSIVE ANIMAL FEEDING - Page 20

1. Expansion of Class I, II, III, IV and V confined and intensive animal feeding uses and associated waste handling facilities existing as of the effective date of this Resolution beyond the limits set forth in Section 501.04, Subsection 6 of this Resolution and development of new Class **I,II**, III, IV and V confined and intensive animal feeding uses, as defined in Sections 303.24 and 303.45 of this Resolution and associated waste handling facilities, as defined in Section 303.94 of this Resolution, provided that such uses shall be in conformance with the provisions of Section 617 of this Resolution.

WIND ENERGY SYSTEMS

1. Section 619-WIND ENERGY SYSTEMS – page 58

B. 33. COMMENCED OR COMMENCEMENT OF CONSTRUCTION: excavation for turbine foundations with a shown continuation of construction thereafter. Preparation of the substation site, lay down yards, staging areas, office set up, etc. are not considered commencement of construction.

2. Section 619-WIND ENERGY SYSTEMS – page 62

E. 1. a. Preliminary Project Application: ~~At the option of the applicant,~~ A preliminary project application **shall 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 ~~aff of the~~ project. Such application ~~shall~~ **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 ~~a- 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, **using a Preliminary Project Application form.**

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 **shall not, may at their option,** skip the preliminary project application process and proceed directly to a Final Project Application.

3. Section 619-WIND ENERGY SYSTEMS – page 62

E. 1. b. 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 **with proposed access roads and associated transmission lines, and total project capacity.**

b) The ~~probable~~ number, tower heights, diameter of rotors, and ~~location of such towers~~ **a letter from the turbine manufacturer stating the nameplate capacity of each model.**

c) The public roadways included in ~~or~~ **and** on the border of the project boundary.

d) ~~The location of occupied buildings within and abutting the proposed project boundary.~~ **Individual tower maps including, but not limited to: all property lines, all roads public and private within two miles of a turbine site, marked distances from the closest existing building and occupied building, and a drawn radius showing the distance of the manufacturers safety zone per turbine.**

e) The existing or proposed location of any meteorological tower(s) on or to be constructed to evaluate the proposed project area.

f) The location of all proposed lay-down yards, concrete plants, substations, and permanent buildings displayed in maps similar to the turbine maps details listed above in d).

4. Section 619 – WIND ENERGY SYSTEMS - page 62

E. 1. b. **3) The safety manual for each model of turbine being used, insuring it specifies the turbine safety zone.**

5. Section 619-WIND ENERGY SYSTEMS – page 62

E. 1. b. 2) **f) Signed Code of Conduct Agreement**

6. Section 619-WIND ENERGY SYSTEMS – page 63

E. 1. c. 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.~~

7. Section 619-WIND ENERGY SYSTEMS – page 64

E. 1. e. 1)

~~Current Chart~~

MINIMUM SETBACK REOUIREMENTS FOR WIND ENERGY CONVERSION			
Front occupied buildings on the same remises 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 1,200 feet	system 1,200 feet	1.1 times the System height	1.1 times the system height

Updated Chart

MINIMUM SETBACK REQUIREMENTS FOR WIND ENERGY CONVERSION			
From occupied buildings on the same premise as the WECS	From occupied buildings on abutting non-participating properties	From non-participating property lines	From public road rights-of-way and utility lines
The safety zone specified in the safety manual	The greater of: 5 times the system height, 2,640 ft., or the safety zone specified in the safety manual + 500 ft.	The greater of: 4 times the system height, 2,640 ft., or the safety zone specified in the safety manual	The greater of: 2 times the system height, 2,000 ft., or the safety zone specified in the safety manual

Note: Any separation distances, except for R.O.W.'s and utility lines maybe lessened with an Impact Easement agreed to by all parties.

8. Section 619-WIND ENERGY SYSTEMS – page 64

E. 1. d. 6) **f) The location of all proposed laydown yards and concrete plants.**

9. Section 619-WIND ENERGY SYSTEMS – page 64

E. 1. d. **11) A copy of the Shadow Flicker Analysis.**

10. Section 619-WIND ENERGY SYSTEMS – page 64

E. 1. d. **12) A public notice period of 60-90 days shall be required prior to a public hearing. All Final Application requirements shall be made available online and at the courthouse during regular business hours for public review.**

11. Section 619-WIND ENERGY SYSTEMS – page 64

E. 1. e. 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 **or 30 minutes per day** on any occupied building or noise sensitive receptor ~~less than 1,000 feet of any wind turbine.~~

12. Section 619- WIND ENERGY SYSTEMS - page 65

E. 1. e. 6) 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 for lights. **All nighttime lighting shall be activated by a radar activated lighting system installed by the applicant that shall meet FAA standards. If radar system is not allowed** Red lights or reduced intensity strobe lights shall be used during nighttime illumination to reduce impacts on abutting properties.

13. Section 619- WIND ENERGY SYSTEMS - page 66

E. 1. e. 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. **The WECS shall not cause interference to the radio and television reception on adjoining property.**

14. Section 619-WIND ENERGY SYSTEMS – page 66

E. 1. e. 13) b) The estimated decommissioning costs and ~~source(s) of financing~~ **irrevocable line of credit or escrow account of at least twenty (20) percent of the original cost of the WECS to ensure sufficient funding is available** for removing all

above ground facilities and underground improvements to a depth of three (3) feet **below pre-construction grade**, net of salvage value, in current dollars,

E. 1. e. 13) f) **At such time that a turbine is scheduled to be abandoned or discontinued, the owner of said wind turbine shall notify the Saline County Zoning Administrator of the proposed date of abandonment or discontinuance of said operation. Any wind turbines and/or WECS out of service for a period of one (1) year shall be considered abandoned. Any wind turbines and/or WECS producing electricity less than fifty (50) percent of the rated output (nameplate capacity) during the period of one year shall be considered discontinued. Any wind turbine and/or WECS considered abandoned or discontinued shall be decommissioned unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the wind turbine and/or WECS to service.**

E. 1. e. 13) g) **Upon abandonment or discontinued use, the owner of the wind turbine and/or WECS shall physically dismantle said WECS, accessory facilities, essential services, as well as, the concrete foundation to a minimum of three feet below pre-construction grade of said wind turbine or WECS within twelve (12) months from the date of abandonment or discontinuation of use.**

E. 1. e. 13) h) **If an owner of said wind turbine or WECS fails to give Notice of Abandonment or Discontinued Use, The Saline County Zoning Administrator shall issue a written Notice of Abandonment by certified mail to the owner of said wind turbine and/or WECS at the address indicated for the site in the County Treasurer's Office. The owner shall have thirty (30) days to reply to such notice. The owner will then have twelve (12) months to remove the wind turbine and/or WECS. The owner shall restore the site as described above. If the owner does not comply with such order, the owner will be in violation of this regulation and the removal of the wind turbine and/or WECS will be paid as stated.**

15. Section 619-WIND ENERGY SYSTEMS – page 66

E. 1. e. 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 **Zoning Administrator** ~~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.~~ **Complaints shall process in the same manner as described in Article 12 Section 1201 with the cost of the investigation reimbursed to the county by the owner or operator.** 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. **A record of such inquiries and complaints, together with actions taken and dates thereof shall be recorded and available to the public online and at the courthouse during normal business hours.**

16. Section 619-WIND ENERGY SYSTEMS – page 67

E. 1. e. 17) If the applicant or any subsequent owner of the wind turbine and/or system intends to transfer ownership of the wind turbine and/or system, the proposed new owner shall provide and seek to receive approval at public hearing of the Saline County Board of Commissioners by providing adequate evidence demonstrating that substitute decommissioning security has been made as provided above prior to the transfer of ownership.

17. Section 619-WIND ENERGY SYSTEMS – page 67

E. 1. e. 18) **SOUND LEVEL:** The on-site WECS shall not exceed forty (40) 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. Testing for compliance shall be completed by an independent entity approved by the Saline County Board of Commissioners. The cost of this testing shall be paid for by the owner of the WECS. If not in compliance with the above listed dBA level, an immediate shutdown of the WECS shall be required until it can come into compliance. Such testing shall happen every 2 years. Results of testing shall be presented to the Saline County Board of Commissioners at a regular board meeting.

18. Section 619-WIND ENERGY SYSTEMS – page 67

E. 1. e. 19) **PRODUCTION REPORTING:** It shall be the owner/operator's responsibility to provide bi-annual reports to the Board of Commissioners showing production and output information.

19. Section 619-WIND ENERGY SYSTEMS – page 67

E. 1. e. 20) **NONCONFORMITIES:** Any wind energy system with approved building permits (also known as Milligan I Wind Project) shall not be subject to setback regulation updates. However, all other regulation updates including but not limited to: lighting, sound, and transfer of ownership, shall be subject to all future and existing wind energy systems in Saline County. Compliance of which must be completed within two years of approval of this regulation update. This section shall not be construed to allow the addition of any structures that were not previously authorized for the Milligan 1 Wind Project.

BOARD OF ADJUSTMENT

20. ~~Article 9 Sections 901 – 909 – pages 76-80~~

CONDITIONAL USES

21. Section 1007- PUBLIC HEARING, CONSIDERATION AND PROCEDURES– page 83

At public hearing, the Board of Commissioners, shall hear the applicant’s petition, shall review and consider the recommendations of the Planning Commission and all comments by the public in attendance and shall review the conditional request in accordance with the requirements set forth in Section 1008 of this Resolution. The Board of Commissioners shall act to approve or disapprove the request, provided that if the Board approves such request it shall specify conditions and limitations to assure compliance with the requirements set forth in Section 1008 of this Resolution. Upon approval of a conditional use, notice of the approval, including all conditions of approval shall be **1) mailed to the applicant and 2) published in the legal newspaper of general circulation in the County one (1) time** within seven (7) calendar days of the date of such approval. If the Board disapproves a request, it shall state the reason(s) that such use does not comply with one (1) or more of the requirements of this Resolution and shall provide a written statement specifying the reason(s) for the disapproval to the applicant within seven (7) calendar days of the date of such disapproval.

22. Section 1010-EXPIRATION OF CONDITIONAL USE AUTHORIZATIONS – page 85

~~Section 1010- EXPIRATION OF CONDITIONAL USE AUTHORIZATIONS: Development Of any authorized conditional use shall be commenced within one (1) year of the date of approval of such conditional use by the Board of Commissioners and development of said authorized conditional use shall be completed within two (2) years from the date of approval of such conditional use by the Board of Commissioners or such authorization is automatically revoked. Prior to the completion of the two (2) year time period, if the applicant determines that said two (2) years is not sufficient time to complete the project, the applicant may request, in writing, on forms prescribed by the Board of Commissioners, an extension from the Board of Commissioner based upon written, factual information provided at a public hearing before the Board of Commissioner to consider an extension not to exceed five (5) years from the date of approval of the conditional use permit. This provision shall also apply to unexpired permits that were issued prior to approval of this amendment. Notice of public hearing shall be given as provided in Section 1006 of these regulations. The applicant shall reimburse Saline County for all costs of notification of said hearing including, but not limited to, publication and postage expenses. Development of or completion of any conditional use authorization that has been automatically revoked shall be permitted only after reapplication and approval of such conditional use application by the Board of Commissioners, in the manner herein described.~~

23. Past changes still reflected in current regulations updates need to be made

- All highlighting needs to be removed.
- All crossed out items need to be removed.
- Any any dates/resolution numbers that were not filled in need to be corrected
 - a. i.e.

SECTION 405 OFFICIAL ZONING MAP REPLACEMENT: In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the County Board of Commissioners may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Official Zoning Map, or any subsequent amendment thereof. Each new Official Zoning Map shall be identified by the signature of the chairperson of the County Board of Commissioners and attested by the County Clerk under the following words: This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on (date of adoption of original map) as part of Resolution No. (number of original adoption resolution) of the Saline County, Nebraska Board of County Commissioners." Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof shall be preserved together with all available records pertaining to its adoption and amendment.