

MEMO

To: Town Planning Commission Members

From: Community Development Department Staff

Date: June 2, 2009

Re: New Business Item 2 – Winnebago County Town-County Zoning Ordinance Amendment – Renewable Energy for Wind and Solar

Proposed Amendment

Winnebago County is proposing an amendment to the Town-County Zoning Ordinance to regulate renewable energy (see attachment). This ordinance, if adopted, will regulate both commercial and non-commercial wind farms. It will also regulate solar panels. Commercial wind farms are defined as one or more wind-driven machines that convert wind energy into electrical power for sale, resale or offsite use. Non-commercial wind farms are defined the same except that the system size must be 100 kw or less.

This ordinance includes a provision that the Winnebago County Sheriff's Department must review all commercial and non-commercial wind projects. There is no information in this ordinance about what criteria the Sheriff's office will use for this review and what time frame will be used for the review.

This ordinance also prohibits commercial wind systems from a district other than an agricultural district. This prohibition is overly restrictive and would prohibit municipal complexes, manufacturing firms or others from implementing wind farms larger than 100 kw. The Town of Menasha is exploring the installation of a system larger than 100 kw as are other businesses in the Town.

In addition, there is a requirement for evaluation of endangered species and historical resources that is more restrictive than would be required for a major industrial development that could have a much greater impact. This requirement specifically targets renewable energy as having a greater environmental impact than other forms of development and thus is unreasonable unless the same standards are applied to all new development. It should also be noted that there are many types of wind turbine systems. The Town of Menasha's Wind System Ordinance more fairly regulates wind energy systems. The County's proposed ordinance will discourage renewable wind energy production.

One final issue is that the state is now working on legislation that will regulate renewable energy production. This legislation will undoubtedly supersede the overly restrictive provisions of the

County's proposed ordinance. Staff also contends that the County's ordinance, as now drafted, does not comply with current state law that says, in part, that local units of government may not place any restrictions on the installation of a renewable energy system that incorporates solar collectors or wind energy systems unless the restrictions are for reasons of health and safety and as long as the restrictions do not reduce the efficiency or increase the cost of the system. Additionally, as can be seen below, there are some examples of wind turbine systems which should not require any review other than to be considered part of an existing structure.

Rotary Wind Turbines



Staff Recommendation

Staff recommends that the ordinance as proposed be denied or withdrawn and revised to be brought back for a new review. An ordinance needs to be developed that more fairly regulates renewable energy without discouraging it. Staff recommends that the County use the Town's ordinance as a template for its ordinance. Staff also feels that the proposed new ordinance does not comply with current state law on renewable energy. In addition, since the state legislature is now developing standards for wind energy systems that may supersede this ordinance, it would be prudent to wait until decisions are made on state legislation.

One final note from staff is that discouraging green jobs and the production of renewable energy is an environmental and economic mistake. The ordinance, as proposed, would prohibit the Town from

installing wind turbines at its municipal complex and it would prohibit other commercial and industrial sites from doing so if they desire to install a wind energy system larger than 100kw. In times of environmental and economic uncertainty we need to encourage, not discourage, the use and production of new technologies that decrease our impact on the environment and that help broaden our economic base.

RESOLUTION
of the
Town Board of the Town of Menasha , Winnebago County,
Wisconsin

RE: Petition of Planning & Zoning Committee
for the proposed zoning amendment change affecting the Winnebago County Zoning Ordinance and the Official Map of the Town of

DESCRIPTION OF SUBJECT SITE:

Owner(s) of Property: N/A
Applicant(s): Planning & Zoning Committee
Location of Premises Affected: N/A

EXPLANATION:

Applicant is requesting a Text Amendment to delete and recreate Section 17.36 of the Zoning Ordinance, Renewable Energy; to delete and recreate Section 17.37, Historic Structures/Sites; and to create Section 17.38, Definitions.

RESOLVED, by the Town Board of the Town of _____, Winnebago County, Wisconsin, that the above indicated proposed amendment to the Winnebago County Zoning Ordinance be and the same is hereby

[] APPROVED [] DISAPPROVED Signed: _____

TOWN FINDINGS (REASONS):

- 1.
- 2.
- 3.
- 4.
- 5.

I, _____, Town Clerk of the above named town, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Town Board of the Town of _____.

DATED THIS _____ DAY OF June, 2009.

WINNEBAGO COUNTY PLANNING & ZONING DEPARTMENT

Date: June, 2009

To Whom It May Concern:

Below is a Notice of Public Hearing being published in the Oshkosh Northwestern. The Notice presents a general description of a proposed action which is regulated by the Winnebago County Town/County Zoning Ordinance. This application or petition for action affects area in the immediate vicinity of property which you own.

Notice of Public Hearing

The Planning & Zoning Committee of Winnebago County will hold a Public Hearing in the *Lounge Room* of the Winnebago County Courthouse, Oshkosh, Wisconsin, on *Tuesday, June 30, 2009 at 6:30 p.m.* to consider the following case:

DESCRIPTION OF SUBJECT SITE:

Owner(s) of Property: N/A

Applicant(s): Planning & Zoning Committee

Location of Premises Affected: N/A

EXPLANATION:

Applicant is requesting a Text Amendment to delete and recreate Section 17.36 of the Zoning Ordinance, Renewable Energy; to delete and recreate Section 17.37, Historic Structures/Sites; and to create Section 17.38, Definitions.

All interested persons wishing to be heard at the Public Hearing are invited to be present. For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning Office.

WINNEBAGO COUNTY PLANNING & ZONING COMMITTEE

STAFF REPORT TO: Planning & Zoning Committee

Date: June, 2009

FILE NUMBER: 09-ZC-017

SUBJECT: ZONING CHANGE

I. Explanation:

Applicant is requesting a Text Amendment to delete and recreate Section 17.36 of the Zoning Ordinance, Renewable Energy; to delete and recreate Section 17.37, Historic Structures/Sites; and to create Section 17.38, Definitions.

II. Geographic Background Information

A. Property Owner(s): N/A

B. Applicant(s) Name: Planning & Zoning Committee

C. Location: N/A

III. SECTION 17.33 OF THE ZONING ORDINANCE.

Part 1 Commercial and Non-commercial Wind Farms

1.1 Purposes

It is the purpose of these regulations to promote the safe, effective and efficient use of Commercial and Non-commercial Wind Farms.

Winnebago County finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources.

1.2 Definitions

For the purpose of this section the following words and terms as used herein shall be defined as follows:

APPLICANT: The person, corporation or entity that is responsible for Wind Farm development and operation and has a property interest in the land.

ANEMOMETER: An instrument, usually located on a tower, that measures wind speed.

A-WEIGHTED SOUND LEVEL (dba): A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. This measurement is the most commonly used filter in both industrial noise applications (OSHA) and community noise regulations.

C-WEIGHTED SOUND LEVEL (dbc): The measurement of sound pressure level which is designed to be more responsive to low-frequency noise. C-weighting is intended to represent how the ear perceives sound at high decibel levels and is also used for evaluating impact or impulse noise such as demolition or mining blasting, artillery firing and bomb explosions using conventional explosives of less than approximately one ton.

DECIBEL: The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 db (A-weighted). In general, this means the quietest sound we can hear is near 0 db (A-weighted) and the loudest we can hear without pain is near 120 db (A-weighted). Most sounds in a typical

environment range from 30 to 100 db (A-weighted). Normal speech at 3 feet averages about 65 db (A-weighted).

NACELLE: The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.

PURE TONE: A sound whose instantaneous sound pressure is a simple sinusoidal function of the time and is characterized by a single frequency or singleness of pitch. For the purpose of these regulations, 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 band by 5 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.

PROJECT IMPACT REVIEW: A review of existing public professional literature, maps and other information regarding possible impacts that may be related to Wind Farm development and possible impact mitigation techniques and measures. Such information sources may include, among others, federal, state, and local agencies.

PLANNING AND ZONING COMMITTEE: The Planning and Zoning Committee is the five member committee appointed by the County Board of Supervisors to review and make recommendations to the Board on planning and land use issues as authorized by Wisconsin Statutes. The Planning and Zoning Committee is also known as the P&Z.

ROTOR: The rotating part of a turbine, including the turbine blades.

STALL-CONTROL: A braking mechanism on wind turbines where the rotor blades are bolted onto the hub at a fixed angle. The rotor blade profile is aerodynamically designed to ensure that the moment the wind speed becomes too high it creates turbulence on the side of the rotor blade which is not facing the wind. This stall prevents the lifting forces of the rotor blade from acting on the rotor.

TOWER: With regards to wind energy system, the structure on which the wind system is mounted.

TURBINE: A wind drive machine that converts wind energy into electrical power, also known as a wind energy conversion system.

UPWIND ROTOR: A design in which the rotor on a wind turbine tower faces into the wind.

WELL-DESIGNED BRAKING SYSTEM: The primary braking system, which uses a mechanical brake, pitch-control of the turbines blades, or stall-control to bring the turbine to stop in such a way that stall-induced vibrations/ noise are avoided.

WIND ENERGY SYSTEM: A wind driven machine that converts wind energy into electrical power.

WIND FARM, COMMERCIAL: A single wind driven machine or a collection of wind driven machines or turbines that convert wind energy into electrical power for the primary purpose of sale, resale or offsite use.

WIND FARM, NON-COMMERCIAL: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. If all applicable regulations are met a Non-Commercial wind farm may contain more than one wind energy conversion system. A community wind farm, such as for a subdivision, designed for on-site consumption, shall be considered a non-commercial wind farm.

WIND FARMS, TOTAL HEIGHT: The highest vertical point on the machines, including the rotor blades tips, measured from the tower base.

1.3 Anemometers:

Anemometers: An Anemometer is a wind speed measuring device used to determine the viability of an area for a Non-Commercial or Commercial wind farm development. This use is permitted in all zoning districts by obtaining an approved Winnebago County Zoning Permit through the permit process described in Section 1.4 of these regulations.

1.4 Non-Commercial Wind Farm(s)

Non-Commercial Wind Farm(s) shall be an Accessory Structure in all base zoning districts, and shall be permitted by the issuance of an approved Winnebago County Zoning Permit. A zoning permit will not be issued for any Non-Commercial Wind Farm until the Winnebago County Sheriff's Department has approved, in writing, the proposed location of the proposed Non-Commercial Wind Farm. The approval of the Winnebago County Zoning Permit is also subject to compliance with the standard application requirements and compliance with all of the following Non-Commercial wind farm requirements as set forth below:

- (a) **Total Height:** There is no limitation on tower height, except as imposed by setback, clear zone and FAA regulations.

(b) **Setback:** The wind energy system shall be set back a distance equal to one hundred ten (110) percent of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet from the property line.

(c) **Clear Zone:** The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred ten (110) percent of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structures, tanks containing combustible/ flammable liquids, and above ground utility/ electrical lines.

(d) **Noise:** Wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

(e) **Tower Security:** Any climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.

(f) **Lighting:** Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of helicopters, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.

(g) **Signs/Advertising:** No tower should have any sign, writing, or picture that may be construed as advertising.

(h) **Multiple Wind Energy Systems:** Multiple wind energy systems are allowed on a single parcel as long as the owner/ operator complies with all Non-Commercial wind farms regulations contained in these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements, as defined by these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the combined height of the tower plus the blade length.

(i) **Certified Wind Turbines:** At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.

(j) Onsite Electrical Use: On the Zoning Permit application, the applicant must certify that the proposed system will be used primarily to reduce onsite consumption of electricity.

(k) Compliance with FAA Regulations: Non-commercial energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

(l) Installation – A non-commercial energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electric Code.

(m) Utility Notification and Interconnection: No non-commercial energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Non-commercial energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities. Off-grid systems shall be exempt from this requirement.

(n) Removal of Defective or Abandoned Wind Energy Systems: Any wind energy system found to be unsafe by an authorized County official shall be repaired by the owner to meet federal, state, and local safety standards or removed within six months. If any wind energy system is not operated for a continuous period of 12 months, the County will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within 120 days of receipt of notice.

1.5 Commercial Wind Farms

Commercial Wind Farms (hereby known as CWF's) require a Conditional Use Permit in Agricultural zoning districts whether they are developed and/or operated by a public utility, private company or individual. They are not allowed in any other zoning district. A Conditional Use Permit will not be approved for any Commercial Wind Farm until the Winnebago County Sheriff's Department has approved, in writing, the proposed location of the proposed Commercial Wind Farm.

1.51 Application Requirements

Prior to submitting an application for a CWF, the applicant shall arrange a pre-application meeting with the Winnebago County Zoning Department. All applications for a Wind Farm shall be accompanied by the following information:

- (a) **Owner Consent:** Evidence that the applicant is the owner of the property or has written permission of the owner(s) to make such application;
- (b) **Applicant/Owner Information:** Name, address, and phone number of the applicant and owner and the applicant's contact person for the project.
- (c) **Project Rationale:** Relevant background information on the project, including timeframe and project life, phases of development, likely markets for the electricity produced and the possibilities for future expansion.
- (d) **Plot and Development Plan:** A conceptual development plan of the proposed CWF drawn to scale and in sufficient detail to provide a clear description of the project:

Requirements:

- 1) Drawing sheets must show the scale, a north arrow and the number of sheets in the sequence. Ten copies (no larger than 11" x 17") of the development plan must be submitted with the application.
- 2) Property description which includes a general vicinity map of the project and a legal description of the project boundary (e.g. NW ¼ SE ¼ Section 2, T18N, R16E), property acreage, and a tax parcel number.
- 3) Structure location showing setbacks, use, and means of access for the following structures:
 - (a) Existing Structures within Project Boundary.
 - (b) Existing Structures outside Project Boundary: All occupied/ manned structures and all non-occupied structures within 1,500 feet of the project boundary.
 - (c) Proposed Accessory Structures: Accessory structures include support offices, facilities, and other structures related to the operation of the CWF. A general statement of how the developer will address potable water, sewage/ waste disposal, and fire protection for these accessory structures is required.
 - (d) Proposed Wind Turbine Towers: Include a conceptual site plan of a typical individual wind turbine site and a map showing the exact location of each turbine. For review purposes all wind turbines shall be assigned a reference number.
 - (e) Existing Utilities, Pipelines and Related Structures. Show the location of all existing underground and above ground utilities, electrical lines, transmission lines, pipelines and any accessory support facilities.
 - (f) Proposed Utilities, Electrical/ Transmission Lines and Related Structures. Show all proposed utilities, electrical lines, transmission lines and any related accessory support facilities;

State the approximate voltage of each electrical/ transmission line and whether the facilities are proposed to be located above or below ground. Provide a general region/ area wide map clearly showing the proposed route of proposed transmission lines and their accessory facilities.

4) A map showing wind characteristics and dominant wind direction, which is the direction from which fifty (50) percent or more of the energy contained in the wind flows.

5) A map showing the location of any delineated 100-year floodplains or wetlands.

(e) Visual Simulation: Provide an accurate visual simulation of the project components by showing:

1) A scaled, two dimensional drawing showing an example of a proposed tower as it relates to humans, structures, and the general landscape of the project area.

(f) Impacts and Mitigation Measures: In the absence of a required environmental analysis by a state or federal agency, which encompasses the entire project area, provide a project impact review and a proposed impact mitigation plan. The project impact review and mitigation plan shall address all of the following:

Environment:

1) Any endangered or threatened species on the site and in a biologically significant area surrounding the site.

2) Historic, cultural, or archaeological resources within wind farm project area.

Commercial Wind Farm:

3) A-weighted and C-weighted noise levels at the residence nearest to the project boundary and at the property line of such residence nearest to the project boundary.

4) Any waste, either municipal solid waste or hazardous waste, generated by the project.

5) Electromagnetic fields and communications interference generated by the project.

6) Public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created.

- g) **Life of Project and Final Reclamation of Project:** Provide a statement of the useful life of the project, a general description of the decommissioning, and the final land reclamation plan in the event the project is abandoned or terminated. Evidence, acceptable to the P & Z Committee, shall be presented demonstrating that the developer has entered into an agreement with the property owner that ensures proper final reclamation of the CWF project. If the developer does not have a reclamation agreement with the land owner that is suitable to the Committee, the developer shall comply with all the provision of 1.5.5 of these regulations.
- h) **Conceptual Transportation Plan for Construction and Operation Phases:** Provide a conceptual Construction and Operation Transportation Plan that shows the following:
 - 1) Locations of the project's service road ingress and egress access points onto State or County Roads. Any proposed access onto the State or County road system must meet respective requirements.
 - 2) The layout of the proposed CWF service road system and the extent to which roads are planned to be upgraded.
 - 3) The plan for utilizing existing roadways to service the project area. To the greatest extent possible, the applicant must make use of existing roadways.
 - 4) The proposed methodology of assuring that repairs and on-going maintenance of public roads and bridges to be used in both the construction and operation phases will be carried out.
- i) A commercial drainage plan will need to be submitted and approved by the Zoning Department as part of the approval of the Conditional Use Permit.

1.5.2 Performance Standards

The following standards are to be achieved by each CWF project without exception. Because they are standards, they are considered to be requirements of any CWF project. The final decision on whether or not a particular standard is achieved by the Wind Farm project shall be made by the Planning and Zoning Committee.

Noise Management – The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall not exceed 65 decibels (A-weighted) and shall not exceed 50 decibels (A-weighted) if it is determined that a pure tone noise is generated by the

project. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms. Upon receipt by the Winnebago County Planning & Zoning Department of a complaint regarding noise from an existing CWF project, the Department will investigate the complaint. If the Department determines the complaint to be reasonable, the project owner shall be required, at the owner's expense, to have prepared, by an independent acoustical consultant approved by the Department, an acoustical study that shall demonstrate compliance with the above noise standard on the basis of equivalent sound pressure levels. "Equivalent sound pressure levels" means the steady sound level that, over 10-minute measurement periods, would produce the same energy equivalence as the fluctuating sound level actually occurring.

Commercial Wind Farm Design: At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as: National Electric Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.

Natural & Biological Resources – No perches are permitted on the nacelles of turbines. CWF towers shall not be lattice-type construction or other designs that provide perches for avian predators.

Visual Impacts – To provide visual order to a CWF project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground. Except during construction, re-construction or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view. Inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure. No telecommunications dishes antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers. Aircraft obstruction markings of the turbines by use of alternating red and white bands shall be prohibited. No billboards, logos, and advertising signs of any kind shall be located on the turbines.

Soil Erosion & Water Quality – Construction and maintenance shall be done in strict accordance with the stormwater and erosion control plan submitted with the Conditional Use Permit so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction, in areas not occupied by the CWF and

related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded.

Safety –Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to one hundred ten (110) percent the total hub height. Individual wind turbines shall be set back from all public roads a distance equal to at least one hundred ten (110) percent the total hub height. Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All turbines and towers shall be a shade of white in color.

1.5.3 Review and Approval

Upon approval of the Conditional Use Permit for a CWF project, the developer will submit to the Zoning Department a complete Winnebago County Zoning Permit application that includes all of the following:

- 1) All of the special conditions outlined in the Conditional use Permit authorization.
- 2) A site plan(s), drawn to a suitable scale, which is based on the survey detail used to prepare exhibits for private leases and rights-of-way, as prepared by a professional land surveyor. This site plan must include the site plan information required by the Conditional Use Permit Application. The site plan shall include a legal description based on actual survey of individual tower sites, and a typical footprint detail for each tower site, including the blades.
- 3) A final plan for site security
- 4) A final decommissioning and reclamation plan
- 5) Documentation of the establishment of the Account/ Bond for reclamation; and documentation that the project is in compliance with all of the requirements of all jurisdictional state and federal agencies.
- 6) As –built drawings, prepared by a Wisconsin Licensed surveyor, verifying the location and setbacks of all structures must be submitted to the County prior to wind farm operation.

After Land Use Department receives a complete Zoning Permit application, the Department will review it for compliance, and, if approved, the Department will issue a Zoning Permit to the developer.

The term of the CWF Conditional Use Permit expires within 5 years of its date of approval by the Board of County Supervisors unless:

- 1) The developer has substantially commenced CWF Construction under an approved Winnebago County Zoning Permit.

The P & Z Committee may renew the Conditional Use Permit once up to one additional 5 year term. If the project is still not complete after the Board's renewal has ended, and the applicant still wishes to proceed with the project, a new Conditional Use Permit must be applied for.

1.5.4 Final Project Reclamation

Final Project Reclamation Requirements:

A reclamation bond shall be furnished to Winnebago County at the time of Zoning Permit application construction that will be used to restore the site surface to a condition consistent with the pre-construction environment. The purpose of the reclamation bond is to assure that adequate funding is available to pay the costs of site reclamation, including removal of individual turbines and other above-ground project improvements subject to permit in the event of abandonment of individual turbines or the entire project. The reclamation bond shall be in an amount equal to one hundred (100) percent of such costs, where such amount is determined by the County Board of Supervisors based upon estimates from knowledgeable contractors, except that the landowner should be given the option to maintain access roads for demonstrated ranching or farming purposes as approved by the County Board of Supervisors. The reclamation bond may not be cancelled, released or in any way terminated, without prior written approval from Winnebago County, and shall continue as long as such turbines or other above-ground improvements exist. The reclamation bond must be written so as to survive any sale or other form of transfer of ownership of such turbines and other improvements. The company providing the reclamation bond must be authorized to provide bonds in the State of Wisconsin and be acceptable to the Board of Supervisors.

All underground equipment and foundation systems of CWF's shall be removed.

2.1 Purposes

It is the purpose of these regulations to promote the safe, effective and efficient use of the collection of sunlight in order to convert to electricity.

2.2 Definitions

For the purpose of this section the following words and terms as used herein shall be defined as follows:

SOLAR PANNELS: A group of connected solar cells, used to either convert light from the sun into electricity or which uses the sun's energy to heat water.

2.3 Free Standing Solar Panel(s)

Free standing solar panels are considered accessory structures, shall be allowed in any district, and shall meet the minimum setback and height requirements for accessory structures.

2.4 Non-Free Standing Solar Panels

Non-free standing solar panels are considered part of a principal structure, shall be allowed in any district, and shall meet the minimum setback and height requirements for principal structures.