Wind farm ordinance

**PROPOSED CHANGES TO PROVISIONS GOVERNING AGRICULTURAL (AG-1) DISTRICT**

**ARTICLE I**

**PURPOSE, TITLE AND DEFINITIONS**

Section 12. Definitions

ADD: 12:47 Tower-any commercial radio or television, cellular telephone, or microwave transmission relay station tower and any tower supporting Wind Energy Conversion System rotors and nacelles. (This does not include 2-way FM radio, CB, television, ham radio or WECS for personal use.)

ADD: 12:48 Wind Energy Conversion System (WECS): all necessary devices that together convert wind energy into electricity and deliver that electricity to the Utility’s transmission lines, including but not limited to the rotors, nacelles, generators, WECS towers, electrical components, WECS foundations, transformers, electrical cabling, meteorological towers, communications facilities, and other required facilities and equipment.

**ARTICLE III**

**PROVISIONS GOVERNING AGRICULTURAL (AG-1) DISTRICT**

Section 33. Special Uses in the Agricultural District

 (A public hearing required)

ADD: 33.076 Wind Energy Conversion Systems (WECS) commercial radio or television towers, cellular telephone, or microwave transmission or relay station towers.

Section 36. Yards required in the (AG-1) Agricultural District

ADD: 36.01 Wind Energy Conversion Systems (WECS), commercial radio or television towers, cellular telephone, or microwave transmission or relay station towers.

Setback Requirements Setback

Residence…………………………………………..1000 Feet

Public Roads (right of way)…………………1.10 times height

Property line ……………………………………..1.0 times height

Other structures ………………………………1.10 times height

A waiver of the setback requirement from the adjacent property line or other structures may be granted

by the Stark County Zoning Enforcement Officer upon written affidavit of the adjacent property owner. The written affidavit will indicate a waiver by the adjacent property owner of their right to a public hearing before the Board of Appeals as required by this ordinance. The written affidavit of the adjacent property owner will be included in the application for the special use permit required for the WECS project. The waiver will be restricted to the single tower for which the application for special use is filed.

Any waiver of the above setback requirement shall run with the land and be recorded as part of the chain of title of the deed of the subject property recorded in the county’s public records.

For WECS, height for setback requirements for public roads and other structures shall be measured from the top surface of the WECS foundation at the base of the tower to the tip of the rotor blade at its highest point. For WECS, height for setback requirements for property lines shall be measured from the top surface of the WECS foundation at the base of the tower to the center of the hub. Setback distance shall be measured from the center of the WECS tower foundation. For commercial radio or television towers, cellular telephone, or microwave transmission or relay stations towers, height shall be measured from the top surface of the foundation at the base of the tower to the tip of the highest point of the tower, and setback distance shall be measured from the center of the tower foundation.

**ROADS**

Roads-Any proposed public roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner and County Engineer prior to the start of construction.

Any road damage caused by the transport of the facility’s equipment, the installation, or the removal, must be completely repaired to the satisfaction of the Township road Commissioner and the County Engineer. The Township Road Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond or other financial assurance acceptable to the County in an amount to be fixed by the Township Road Commissioner or the County Engineer may be required by the Township Road Commissioner or the County Engineer to insure the township or the County that future repairs are completed to their satisfaction.

**PROPOSED CHANGES TO PERMIT PROCEDURES**

**ARICLE XIII**

**PERMITS**

Section 131 PERMITS PROCEDURE

ADD: 131.051 Any work or change in use related to WECS and authorized by permit but not

Substantially started within 24 months shall require a new permit. Such work or change in use authorized by said permit shall be substantially completed within 36 months after the permit is granted.

AMEND 131.07 FEES

1. To partially defray expenses of administering this ordinance, the following fees will be charged and collected by the Zoning Administrator who will account for such fees to the County of Stark. Permits with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for agricultural purposes shall be issued FREE OF ANY CHARGE.
2. Any application for an amendment, special use, or variance, which is filed by, or in behalf of, or against the owner or owners of the property affected (which requires a public hearing), shall be accompanied by the following fees:

Variance …………………………………………………………………………………………. $150.00

Special Use Permit or Map Amendment (rezoning)………………………..$250.00

Text Amendment ………………………………………………………………………….. $250.00

Appeal ……………………………………………………………………………………………..$150.00

1. Building permits must be obtained from the Zoning Administrator.

Building Permit Fees shall apply as follows:

Single Family/or multiple family dwelling …………………………………..$0.10/sq.

 (Living Area) Minimum of $150.00

Single Family/ or multiple family addition alteration ………………… $0.10/sq.

 (Living Area) Minimum of $75.00

Commercial/Industrial ……………………………………………………………..$0.10/ sq. ft.

(Including addition/ alteration/ accessory structure) Minimum of $250.00

Accessory building/ Porches or Decks …………………………………….. $0.05/ Sq. Ft

(Garage attached or detached, shed, pole barn) Minimum of $50.00

Communication Towers …………………………………………………………..$25.00/ft.

(Measured from top of tower to top of foundation)

WECS Towers ………………………………………………………………………….$25.00/ ft.

(Measured from WECS foundation to center of hub)

Tower Addition/ alteration ……………………………………………………..$1200.00

(Permit fee to add equipment to an existing tower)

If construction starts before a building permit is issued, the fee will increase by fifty percent (50%), and in accordance with article xiv, Section 141.04.

In addition to the above fees, the applicant shall reimburse the County for all costs of publication, prior to the date of hearing before the Zoning Board of Appeals.

**ARTICLE XIV**

**ENFORCEMENT AND PENALTIES**

Section 141. ADMINISTRATION

AMEND 141.04 Any persons firms or corporations, or agents, employees or contractors of such,

who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of any of the provisions of this ordinance shall be subject to a fine of not less than two hundred twenty five dollars ($225.00) or imprisonment for not more than six (6) months, or both, for each offense, and each day a violation continues shall constitute a separate offense.

 DECOMMISSIONING PLAN FOR WIND ENERGY CONVERSION SYSTEMS

Add: 141.05 The WECS project must contain a Decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include: removal of all structures (includes transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also recite an agreement between the applicant and the county that:

1. The financial resources for decommissioning shall be in the form of a surety bond or other financial assurance acceptable to the County, or shall be deposited in an escrow account with an escrow agent acceptable to the Zoning Enforcement Officer, not more than (10) years after the WECS project commences operation. Commercial operations begin when a single tower begins production.
2. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
3. The county shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
4. The county is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
5. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county’s right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant’s successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.