

PUBLIC NOTICE

Amendment to Wind Turbine Ordinance #73

The Board of Supervisors proposes to add under **Section 2; Section 3 and Section 9** as follows:

SECTION 2. DEFINITIONS:

Aircraft Detection Lighting System: A sensor-based system designed to detect aircraft as they approach a wind energy conversion facility; this system automatically activates obstruction lights until they are no longer needed.

Light Intensity Dimming Solution Technology: Obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.

Light-Mitigating Technology System: Aircraft detection lighting system, lighting intensity dimming solution technology or comparable solution capable of reducing the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the facilities.

SECTION 3. WECS PERMIT APPLICATION REQUIREMENTS:

- 13.** An Archaeological survey on new proposed infrastructure and construction of Industrial Wind Turbines & Meteorological towers must be completed in a (1) one mile radius of historic and prehistoric archaeological sites recorded by the office of the Iowa State Archaeologist (state archaeology sites as recorded with the State of Iowa via OSA website <https://archaeology.uiowa.edu/services/i-siges>) prior to ground-disturbing activities in Union County. The archaeological survey is completely funded by the applicant, the person or entity submitting the application under this ordinance, which is normally expected to be the owner or developer. Any evidence of historical resources, including ancient archaeological sites and human remains, found as the result of an Archaeological survey shall be recorded with the Office of the State Archaeologist and follow up investigations are required to preserve significant nonrenewable resources. Applicants can request a waiver from the Board of Supervisors.
- 14.** A wind energy conversion facility for which a certificate of site compatibility was issued after 01/01/2024 must be equipped with functioning light-mitigating technology in compliance with this chapter by completion of project.
- 15.** The Supervisors may grant a waiver of this chapter for a wind energy conversion facility designed for or capable of generating no more than five megawatts of electricity upon a motion demonstrating good cause for the waiver.
- 16.** To allow proper conspicuity of a turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented.

17. Owner shall provide written notice to the Supervisors upon implementation of light-mitigating technology in compliance with this chapter.
18. Owner is solely responsible for any costs associated with the implementation, operation, and maintenance of each light-mitigating technology system.
19. An Extension request must be in writing and contain:
 - a. The purpose of the extension;
 - b. A description of the light-mitigating technologies submitted to the federal aviation administration;
 - c. The technical or economic inability to implement light-mitigating technology systems;
 - d. The length of extension requested; and
 - e. Any other information requested by the Supervisors.
20. Each light-mitigating technology system must be installed, operated, and maintained in accordance with United State department of transportation federal aviation administration regulations [14 CFR 1.1. et, seq] in effect as if July 1, 2018.

Section 9. REVERSION OF OWNERSHIP

If the owner is no longer operating the wind turbine and is no longer paying the property taxes on the wind turbine, the landowner shall be responsible for payment of the property taxes for said wind turbine.

The Board of Supervisors proposes to **amend** the following under **f. Public Areas and Areas under UCCB management** as follows:

All other parks or areas 0.5 mile, amendment would appear as follows:

All other parks or areas .62 miles.

The Board of Supervisors proposes to **delete/amend** the following under **11. SET BACKS**

~~a) **Inhabited Structures (non-participating landowners).** Each Wind Turbine and meteorological tower shall be set back from the nearest residence, which is able to be occupied, school, hospital, church or public library (which such residence, school, hospital, church or public library exist as of the date of the building permit issued by the County under this Ordinance for the WECS), a distance no less than (i) one point one times (1.1x) the total height or (ii) fifteen hundred (1500) feet, whichever is greater. An affected property owner may waive this setback requirement by executing a written waiver or agreement.~~

~~**b) Inhabited Structures (participating landowners).**~~ Each Wind Turbine and meteorological tower shall be set back from the nearest residence, which is able to be occupied, school, hospital, church or public library (which such residence, school, hospital, church or public library exist as of the date of the building permit issued by the County under this Ordinance for the WECS), a distance no less than (i) one point one times (1.1x) the total height or (ii) twelve hundred fifty (1250) feet, whichever is greater. An affected property owner may waive this setback requirement by executing a written waiver or agreement.

c) Property Lines. Each Wind Turbine and meteorological tower shall be set back a distance of no less than ~~one point one times (1.1x)~~ .62 miles (3281 ft) or 7x the tower height whichever is greater from the adjoining property owner's property line. ~~the total height without securing an appropriate agreement from the adjoining property owners.~~ An affected property owner may waive this setback requirement by executing a written waiver or agreement.