

# Section 13. Wind Energy Systems

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**A. Overview.**

This Section provides the regulatory framework for Wind Energy System Facilities. The regulations within this Section are in addition to relevant development standards and regulations in other parts of this Zoning Resolution and apply to all unincorporated areas of Daggett County. Unless otherwise provided, the requirements of this Section are in addition to the zone district requirements set forth in the Daggett County Zoning Resolution.

**B. Intent and Purpose**

The intent of these regulations is to: provide for public safety, prevent hazards from the construction of commercial and non-commercial Wind Energy System Facilities, preserve environmental, historical and cultural resources, maintain the unique custom and culture of Daggett County, and to sustain the diverse existing uses of the land. In addition, the purpose is to consider and require carefully planned and compatible Wind Energy System Facilities in Daggett County;

**C. Definitions**

- 1) "Applicant(s)" means owner or developer.
- 2) "Application Submittal Meeting" means a mandatory meeting that the applicant shall schedule and attend for the purposes of the Planning Commission providing a summary review of the WES Facility Application.
- 3) "Areas of Critical Environmental Concern" means areas within the public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural

- systems or processes, or to protect life and safety from natural hazards. (Federal Land Policy and Management Act)
- 4) "Biologically Significant" means those species of plant or animal that are deserving of special management under the applicable State or Federal Agency.
  - 5) "Bird Diverter Standards" means the requirements of BLM *"Appendix K MET Tower Requirements for Wildlife"* for flagging guy wires to reduce avian injuries or fatalities.
  - 6) "Blade Glint" means small bright flashes of reflected light from a wind generation device.
  - 7) "Commencement of Construction of a WES Facility" means storage of construction equipment and vehicles on the project site, grading, road construction, and initiation of construction of a WES Facility.
  - 8) "Commercial WES Facility" means a WES Facility that produces more than 7.5 kilowatts.
  - 9) "County" means Daggett County.
  - 10) "dBA" means the A-Weighted measurement of sound pressure level which has been filtered or weighted to progressively de-emphasize the importance of frequency
  - 11) "dBC" means the measurement of sound pressure level which is designed to be more responsive to low-frequency noise. C-weighting is intended to represent the low-frequency emissions and immissions of wind turbine noise.
  - 12) "Decommissioning" means the removal from service, disassembly, and proper off-site disposal of the WES Facility.
  - 13) "Developer" means a land owner, person, contractor, subcontractor or their successors and assigns that have obtained permission from the owner by way of a lease, a contract or otherwise, to construct a WES Facility on owner's land. The developer may be the applicant for a WES Facility Permit.
  - 14) "Emission" means the sound energy that is emitted by a source (Wind Generation Device). It is transmitted to a receiver (dwelling or property line) where it is emitted (see Immission).
  - 15) "Endangered Species" means the classification provided by the U.S. Endangered Species Act to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.
  - 16) "Financial Assurance" means a security serving as collateral in the form of a surety bond, certificate of deposit, corporate guarantee, letter of credit, deposit account, insurance policy or other form acceptable to Daggett County to insure proper decommissioning, reclamation activities, and compliance with the Road Use and Maintenance Agreement.

- 17) "Foundation" means support for buildings or structures. A part of a building or structure, usually below the ground, that transfers and distributes the weight of the building or structure onto the ground.
- 18) "Greater Sage Grouse Core Area" means that sage grouse management and protection area.
- 19) "Immission" means the sound energy received at a receiver (dwelling or property line) transmitted from the source (Wind Generation Device) that emitted sound energy (see Emission).
- 20) "Legislative body" means the Daggett County Board of County Commissioners
- 21) "MET Tower" means a tower that measures wind speed for the purposes of gathering data for a Commercial WES Facility.
- 22) "MET Tower -Permanent" means a monopole, non-lattice and non-guyed MET Tower.
- 23) "MET Tower -Temporary" means a tubular, non-lattice, lattice, guyed or non-guyed MET Tower erected for a specific term.
- 24) "Nacelle" means the part of the wind turbine which houses a drive train and all other related components that support the electrical generation system.
- 25) "Net Metering" means a facility for the production of electrical energy that:
  - a) Uses wind as its prime mover; b) Has a generating capacity of not more than 7.5 kilowatts; c) Is located on the applicant(s)/owner(s) premises; d) Operates in parallel with the electric utility's transmission and distribution facilities; and e) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.
- 26) "Non-Commercial WES Facility" means a WES Facility with a single Wind Generation Device and with a generating capacity of 7.5 kilowatts or less located on property owned solely by the Applicant(s) to generate electricity for the Applicant's primary use, and is operated solely by the Applicant(s).
- 27) "Operator" means the primary person responsible for managing and maintaining the WES Facility once the WES Facility becomes functional by producing electricity.
- 28) "Original Grade" means pre-development grade of the surface
- 29) "Owner" means the surface owner of the land.
- 30) "Person" means and includes an individual, group, firm, partnership, corporation, cooperative, association, or other legally established entity excluding the state, federal government and local government. "Person" also includes the parent company, partnership or holding entity for a person.

- 31) "Planning Commission" means the County Planning Commission of Daggett County
- 32) "Pre-Application Meeting" means a meeting with the Planning Commission at the request of the applicant for the purpose of providing an overview of Daggett County's regulations and review of the proposed project.
- 33) "Primary Structures" means residences and occupied commercial or industrial buildings. Primary structure excludes structures such as storage sheds and other non-occupied structures.
- 34) "Qualified Professional" means a Person with professional training, certification, experience and expertise in an area of concern such as environmental, engineering, surveying, economics and architecture, who is retained by the Applicant for the purposes of completing work required by these regulations. The Planning Commission reserves the right to review the credentials of each person hired by the applicant to perform work as a Qualified Professional.
- 35) "Shadow Flicker" means the visible flicker effect when rotating blades of the WES cast shadows on adjacent property causing a repeating pattern of light and shadow.
- 36) "Significant Shadow Flicker" means more than 30 hours per year of shadow flicker on adjacent property.
- 37) "Special Status Species" means a plant or animal species that requires administrative protection or special management as required by state or federal law. Examples of Special Status Species include: Threatened, Endangered, or a Proposed Species under the Endangered Species Act, BLM Sensitive Species;
- 38) "Substation" means the apparatus that connects the collector system of the WES and increases the voltage for connection to the off-site transmission lines.
- 39) "Threatened Species", under the Endangered Species Act, means an animal or plant species, as determined by the U.S. Fish and Wildlife Service that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.
- 40) "Transmission Lines" means non-utility owned electrical transmission lines.
- 41) "Wilderness Characteristics" means lands that have been inventoried and determined by the BLM to contain wilderness characteristics as defined in Section 2.c. of the Wilderness Act.
- 42) "Wind Energy System" (WES) is interchangeable with WES Facility.
- 43) "WES Facility" means anything that is a necessity or a component that exists for the project and is a part of the WES Project. The WES Facility includes, but is not limited to, the following systems and components: WES and associated support facilities including,

roads, substations, collection systems, gathering systems, transmission lines, operation and maintenance buildings, primary structures, ancillary facilities, components and equipment, and Wind Generation Devices as specified in the application. The WES Facility includes all WES Facility Phases planned by the Developer.

- 44) "WES Facility Area" means that region of land whose boundary is legally defined and established by the developer and encompasses the boundaries of all planned WES Facility Phases and contains all elements for all WES Facility Phases provided; however, that the boundary may not extend beyond property owned or controlled by the developer.
- 45) "WES Facility Boundary" means the legally described limits of the WES Facility Area that contains all the elements of a WES Facility and the area encompassed by all planned WES Facility Phases.
- 46) "WES Facility Phase" means a portion of the WES Facility and WES Facility Area that the Developer chooses to develop at a future time, leaving the remainder of the WES Facility to be developed as one or several additional construction units or projects.
- 47) "WES Tower" means the support structure to which the nacelle and rotor is attached.
- 48) "Wind Generation Device" means all components associated with a single device that uses wind as a prime mover for the production of an electrical resource.
- 49) "Wind Generation Device Height" means the distance from the highest point of the device to the original surface grade.

#### **D. Commercial WES Facility Application Requirements**

1) WES Facility Permit Application for a Commercial WES Facility including all WES Project Phases shall be accompanied with the following information:

- a) **Fee:** Per Daggett County Fee Schedule.
- b) **Copies:** The Application submittal to the Planning Commission shall be accompanied by two hard copies and two USB flash drives with digital copies of a complete WES Facility Permit Application.
- c) **Certifications:** All certifications, affidavits, consents and acknowledgements required of the Applicant by these Regulations must meet the approval of the Daggett County Attorney¶¶

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h) **General Scope of WES Facility:** Relevant information on the project including general location of the project, timeframe for construction including the schedule for phasing, project life, markets for the electricity produced.

i) **Summary of the WES Facility:** Provide a description of the WES Facility including its total generating capacity and a nameplate showing capacity of each turbine, the equipment manufacturers, types of wind generation devices, number of Wind Turbines, the maximum wind turbine height, maximum blade tip speed, the maximum diameter of the rotor, and the minimum distance between the ground and the rotor.

j) **WES Facility Site Plan:** WES Facility site plan shall include the following:

(1) Drawings, prepared by a Professional Engineer and Surveyor Licensed in the State of Utah, prepared to a suitable scale on 24" X 36" sheets and two USB Flash Drives with digital copies, depicting the layout of the following:

(2) Prepare a 3D computer model of all angles and heights of all WES towers and backgrounds on memory sticks.

(1.) All proposed WES Facility components and structures, right-of-ways, and above and below ground facilities, within the WES Facility Area and within 2,640 feet of the WES Facility Boundary including, but not limited to, the following:

a. WES Facility boundary lines and property lines prepared by a Utah Licensed Surveyor.

b. Topographic lines showing the existing topography of the project and the surrounding area (USGS or other topographic maps may be utilized).

c. All existing and proposed public and private access roads and turnout locations including dimensions.

e. Proposed location of each WES Tower.

g. Anchor bases and all supports.

h. A Complete electrical layout of the entire WES facility project including substation locations, transmission, collector and gathering lines and other ancillary facility

k) **Property Description and Vicinity Map:** Property description which includes a general vicinity map of the WES Facility and a legal description of the WES A A

a Facility Boundary (i.e. NW1/4, SE1/4, Sec 2, T42N, R6W), and acreage within this Boundary.

l) **Construction Site Plan:** A construction site plan and narrative showing and explaining all components necessary during the project construction phase including, but not limited to, batch plants, stockpiles, office trailers, lay down yards, water storage, health and sanitation facilities. This site plan shall be drawn to a suitable scale on 24" X 36" sheets and submitted in digital format.

m) **Environmental Report:** All applicants are required to prepare and submit to the County an Environmental Report.

A complete environmental report and impact statement must be completed by a Utah Licensed Environmental Engineer for all of the WES site locations. Including the following, roads, storage facilities, yards, and staging areas.

All applicants shall present an Environmental Report which contains the following specific report requirements; however, certain requirements and standards will be required of all applicants

1. **Wildlife and Habitat:** A report that includes a survey of all of the wildlife and habitat within the WES Facility Area and in any Biologically Significant area surrounding the WES Facility Area where legal access is available and as determined by the Utah DWR or governing federal agency. Where legal access is not obtainable, the applicant shall advise the Planning Commission or the Board of County Commissioners. Wildlife mitigation and monitoring plan shall be prepared if recommended by the Utah DWR and/or governing federal agency.

a. All Special Status Species

b. The presence of elk, mule deer, antelope and other mammal populations.

c. All avian species present, including raptors and other migratory birds.

d. All bats, both resident and migratory.

g. Wildlife Studies and Surveys shall be performed in conformance with the protocols and recommendations of the Utah DWR and governing federal agencies.

h. A Wildlife Impact Mitigation Plan, if recommended or required by Utah DWR and governing federal agencies.

i. A report, prepared by a Utah Licensed Professional Engineer, detailing produced water quality, supply, demand, disposal of water during the construction and maintenance of the WES Facility.

2. Historical, Cultural and Archaeological Resources: concerning cultural resources studies (archaeological and historic sites) and any other relevant federal, state and local issues. This information shall be provided with the application.

3. WES Facility: The WES Facility requirements shall include a report on the following including any necessary mitigation measures:

a. The applicant shall provide a report describing the impact of the proposed WES with the application on the adjacent community and residents. It shall describe in detail all noise studies/models.

The computer model developed to estimate sound propagation from the WES into the community shall be constructed to represent the sound emissions at the receiving properties for the predictable worst case conditions for sound emissions and propagation including that of a stable nighttime atmosphere with high levels of wind shear and turbulence above the temperature inversion boundary.

All measurements, models, and reports shall be produced and certified by a qualified acoustical consultant with Full Member status with the Institute of Noise Control Engineering (INCE) and include:

- i. A description and map of the project's sound producing features, modeled in dB(A) and dB(C),
- ii. A description and map of the existing land uses and structures within one and one-quarter (1.25) miles of the exterior boundary of the proposed WES.
- iii The report shall address the potential for any and all adverse impacts from wind turbine sound emissions on the community and its residents located within 1.25 miles from the boundary of the WES.¶

b. The effect on, County and State Parks, Wilderness Study Areas, lands with Wilderness Characteristics, Historical Areas, Trails and other similar areas.

c. The Applicant(s) shall provide certification and evidence that there will be no electromagnetic interference, caused by the WES Facility, on any emergency and non-emergency telecommunication providers with Daggett County.

d. All reasonable public safety concerns as to the potential hazards to properties, public roadways, communities and subdivisions that may be adjacent to, or within five miles of the WES Facility Boundary.

e. Public and private aviation and airports/airstrips.

f. Potential hazards from ice throw.

g. Impact of Shadow Flicker on residences and occupied structures from any WES Facility and estimated duration of the Shadow Flicker in hours per year.

h. Light impact on neighboring properties and communities.

i. Potential hazards of Blade Glint.

j. Identify fire hazards and mitigation measures.

k. Potential hazards from collapse of damaged turbines or other system components caused by severe storms or other circumstances.

4. Social and Economic issues will be handled by the Economic Development Board.

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**n. Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan:**

A Drainage, Erosion, Dust Control, Grading and Vegetation Removal Plan for each phase of the project shall be prepared by a Utah Licensed Professional Engineer.

**o. Waste Management Plan:** A waste management plan that includes an inventory of estimated solid wastes to be generated and a proposed disposal program for the construction, operation and eventual decommissioning of the proposed WES Facility.

**p. Transportation Plan:** A transportation plan prepared in accordance with Daggett County Road Department.

**q. Emergency Management Plan:** Applicant(s) shall submit a written Emergency Management Plan for review and comment to the appropriate fire department or district, County Emergency Management Coordinator, County Sheriff and Hazmat Coordinator.

**r. Reclamation and Decommissioning Plan:** Provide a site and facility reclamation and decommissioning plan for removal from service, disassembly, and proper off-site disposal of the WES Facility.

**t. Certification of Compliance:** Certify that the proposed WES Facility will comply with the Daggett County Zoning Regulations and all other applicable Daggett County Development Codes and Land Use Regulations. Additionally, if explosives are to be stored on site, a Conditional Use Permit is required.

**u. Certification of Compliance with Noise Standards:** Certification that the WES project facility will not exceed any of the criteria herein at the project boundary line and at the nearest property line of land not owned by or leased to the owner/operator.

**v. Coordination with Local, State and Federal Agencies:** A list of all local, state and federal agencies requiring approval and projected timeline for obtaining approval from these agencies. If approved, provide a copy of such approval, including all required studies, reports and certifications.

**w. Viewshed Impact Analysis and Proposed Mitigation Measures Report:** Provide an accurate visual simulation of the WES Facility structures and components by showing a minimum of 25 key vantage points providing the worse case scenario along with a 360 degree view of project site.

1. Analysis of the viewshed impacts and mitigation program for all key vantage points, and,

2. Visual rendering of the proposed WES Towers, blades and other WES Facility structures and facilities with color scheme represented on a relatively clear day.

: Certify that there shall be no advertising or promotional lettering on any WES Facility structure, WES Tower, turbine, nacelle or blade beyond the manufacturer's or applicant's logo on the nacelle of the turbine as approved by Daggett County.

Certify that notice of the WES Facility application will be published according to planning and zoning public hearing rulings prior to the Board of County Commissioners public hearing on the application. The notice shall include a brief summary of the WES Facility, invite the public to submit comments and identify the time and date of said hearing.

**aa. Required Letters and/or Reports:**

- i. Utah DWR letter or report from the Utah DWR addressing any environmental issues concerning endangered or threatened species, wildlife migrations or protected populations.
- ii. Utah State Historic Preservation Office: A letter or report from the Utah State Historic Preservation Office addressing any historic, cultural or archaeological resources.
- iii. Daggett County Conservation District: A letter or report from the Daggett County Conservation District addressing soil conditions and erosion within the WES Facility Area.
- iv. Utah Department of Environmental Quality: A letter or report from the Utah Department of Environmental Quality addressing any land and water quality issues.
- v. FAA and Airport notification and letters of approval: Provide letters from the FAA and the owners of the potentially affected public and/or private airports or airstrips demonstrating that the affected entities have been notified of the pending WES Facility.

**E. WES Facility Compliance Standards:** The following standards are to be achieved by each Commercial WES Facility. The final decision on whether or not a particular standard is achieved by a Commercial WES Facility shall be made by the Planning Commission. The project shall also be installed as approved by the Planning Commission.

1. WES Facility Safety: WES Facilities shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards that may be created to adjacent properties, public infrastructure, communities, aviation, etc.
  - a) Design Safety Certification: WES Facilities shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and the Institute of Electrical and Electronics Engineers ("IEEE") and the National Electrical Code (NEC).
  - b) Construction Standards: All WES Facility structures and components shall conform to the most recent edition of the International Building, Plumbing, Fire, Mechanical and Fuel Code, and the National Electrical Code. Before the construction permit is issued, the Applicant shall provide drawings stamped by a Utah Licensed Professional Engineer certifying that all structures comply with the applicable code standard.

- c) Airport and Aircraft Safety: All WES Facilities shall implement a FAA approved Aircraft Visual Warning System (AVWS) that allows for the use of aircraft warning lights to be minimized.
  - e) Marking Guy Wires and Anchor Points: For projects that are placed on land with public access, visible, reflective, colored objects, such as reflectors, shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen feet (15') from the ground. All guy wires must comply with the Bird Diverter Standards.
  - f) Exterior Climb Prevention: All Wind Generation Devices and other similar WES Facility structures must be non-climbable by design or protected by anti-climbing devices.
  - g) Potable Water and Sanitary Sewer: All permanent and occupied WES Facility management and office buildings must have approved centralized potable water and sanitary sewer systems. This approval shall be obtained from the TRI County Health Department,
  - h) Impact on regional water supplies: The WES Facility shall not adversely affect ground water resources, irrigations systems, in particular the groundwater supplies of nearby subdivisions or other developments.
  - i) Fire Prevention Measures:
    - (1) All structures shall comply with the most recently adopted edition of the International Fire Code
    - (3) All roads servicing primary structures or occupied accessory buildings shall be constructed to the standards of the most recently adopted edition of the International Fire Code.
  - j) As-Built Drawings: The Developer shall provide as-built drawings showing the location of all structures. All structures must meet all setback requirements.
- 2) **Visual Impacts:** WES Facilities shall not adversely impact scenic areas that are considered important by federal, state and local governments. Important scenic areas include visual corridors, viewsheds, historic landscapes, scenic byways and scenic overlays. In determining the important scenic areas for Daggett County, and any adverse visual impacts caused by the proposed WES Facility, the Planning Commission shall take into account the federal, state and local important scenic areas, the WES visual simulations and public comment. The Planning Commission may require specific design standards or restrictions that may mitigate or prohibit the degree to which the WES Facility may impact those important scenic areas such as structure color, building height, greater setback distances and lighting
- c) WES Facility Color: When not conflicting with colors required by the Federal Aviation Administration or other federal agencies, Wind Generation Devices or WES and other WES Facility structures shall be painted a non-reflective and unobtrusive

color that blends with the landscape and is accepted by the Planning Commission.

- d) Significant Shadow Flicker: WES Facilities shall be designed so that there is no Significant Shadow Flicker at an adjacent property unless waived in writing and recorded against the property by the landowner in the Daggett County Recorder's office.
- e) Visibility, Screening and Buffering: WES Facility structures shall be located to make maximum use of existing terrain, vegetation and structures for the purposes of maintaining the viewshed.
- f) Light Pollution: WES Facilities, including buildings and structures, shall utilize International Dark-Sky Association compliant fixtures or an approved equal unless subject to FAA regulations.
- g) Screening of Outdoor Storage: Except during construction, reconstruction or decommissioning, outdoor storage is not permitted.
- h) Buried Collector and Gathering Lines: Intra-project power lines having a voltage of 34,500 volts or less shall be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines, standards or applicable law.
- i) Signage: There shall be no advertising or promotional lettering of any type allowed on any WES Facility structures or Wind Generation Devices.

### **3) Natural and Biological Resources.**

- a) Wildlife Critical Areas: WES Facilities shall not be located in areas that would result in significant impact to wildlife, wildlife habitat, or crucial wildlife ranges as determined by the Utah DNR and/or the governing federal agency.
- b) MET Towers, WES Facility Components and Avian Protection: Developers shall use MET Towers and WES Facility components with designs that provide for the best prevention of injuries to avian predators and other avian species. For the purposes of avoiding bird collisions and to eliminate the need for MET Tower conversion during the WES Facility construction phase.
  - (c) Bird diverters are required to be installed on guy wires.
  - (d) Term of Temporary MET Towers: Not to exceed three years with an option of 1 renewal not to exceed 3 years. ¶
- e) Protection of Bats: WES Facilities shall be designed to avoid identified areas of concentrated bat use.

f) Protection of Birds of Prey

1. WES Facilities shall not be permitted within or adjacent to areas of elevated raptor concentration that are recognized by Utah DNR.

g) Historical, Cultural and Archeological Resources: Shall be conducted on proposed sites by the State of Utah's Archeological Department.

h) Site Management of Air, Water, Soil and Vegetation:

1. Drainage from the WES Facility shall not adversely affect upstream and downstream properties.
2. Soil Erosion and Runoff: WES Facilities shall avoid soil erosion and controlled runoff.
3. Dust Control: Dust Control within all phases of the WES Facility is mandatory.
4. Noxious Weed and Invasive Species Control: Noxious weed control, as defined by Utah Statutes, shall be required in all phases of the WES Facility.
5. Vegetation: Damage to existing vegetation shall be minimized. Disturbed areas shall be reseeded.
6. Topsoil Storage: Topsoil removed by grading shall be stored in accordance with the reclamation plan.

i) Noise Management: Noise emissions from the operation of a WES shall not exceed:

1. forty-five (45) decibels on the dB(A) scale during the hours between 7am and 7pm MDT, and
2. forty (40) decibels on the dB(A) scale during the hours between 7pm and 7am MDT.

c. The term of the noise management shall remain in effect for the duration of the WES project until reclamation.

**4) Commercial WES Setbacks and Standards**

Commercial wind Generation Device	Minimum Setbacks	Additional requirements, & waivers
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Primary Structure	Five and one-half times the Wind Generation Device Height or one-half mile, whichever distance is greater.	If the person owning the primary structure waives, in writing, the setback requirement of five and one-half times the height of the Wind Generation Device, the minimum setback, shall be one and one-half times the wind Generation Device Height.
Third Party Transmission and Distribution Lines	One and one-half times the Wind Generation Device Height	
Communication Towers	One and one-half times the Wind Generation Device Height	
WES Facility Boundary Line	One and one-half times the Wind Generation Device Height or a minimum distance of 1,600 feet, whichever distance is greater.	
County Residential Zone District and any City and Town	One and one-quarter Miles	
Any Platted Subdivision	One and one-quarter Miles	
Right-of-Way (ROW) of all Federal, State, County and Municipal Roads	Five and one-half times the Wind Generation Device Height or one-half mile from the ROW, whichever distance is greater.	Unless waived by the Planning Commission. Measured from the edge of the ROW.
Federal, State and County Parks, National Recreational Areas and Wildlife Refuges	A minimum distance of one mile	Unless waived by the Planning Commission upon recommendation from the applicable agency.

A waiver from the setback requirements shall run with the land and shall be recorded as part of the chain of title for the subject property. Copies of the recorded waivers shall be furnished to the County and included in the application file.

Setbacks shall be measured from the center of the Wind Generation Device foundation.

## **F. Transportation and Other Public Infrastructure**

1) **Transportation Plan:** Any Applicants proposing to use any public or private roads for the purpose of transporting WES Facility components or equipment for construction, operation, maintenance and decommissioning shall submit a Transportation Plan, prepared by a Utah Licensed Professional Engineer, that addresses and includes the following:

a) **Legal Access and Public Roadways:** A report demonstrating how legal access will be provided to the WES Facility. The report shall describe how private roadways within the project will be marked as private roadways and shall acknowledge that the County is not required to repair, maintain or accept any dedication of the private roadways to the public use.

b) **WES Facility Roadways and Haul Routes:** A report, with plans and maps, prepared by a Utah Licensed Professional Engineer, that:

1. Explains and identifies all existing and proposed county, public, federal resource roads and private roads expected to be used in the construction, operation and decommissioning of the WES Facility, including all roads that will be used as WES Facility haul and transportation routes for all equipment and materials necessary for the WES Facility.
2. Includes the anticipated height, width, length, and weight data for all WES Facility loads to be transported and the plan for upgrading, maintaining and reclaiming.
3. Provides plans demonstrating compliance with the application site plan requirements.

c) **Traffic Study:** A traffic study, prepared by a Utah Licensed Professional Engineer, of any public roadways leading to and away from the proposed project during construction, operation and decommissioning. This traffic study must assess the existing roadway conditions, evaluate the ability of the existing roadways and proposed roadway to accommodate WES Facility traffic loads, identify proposed mitigation measures to address roadway impacts and propose a plan to implement identified mitigation measures. This traffic plan must address costs of mitigation. These costs are the responsibility of the Developer and must be addressed to the satisfaction of Daggett County in the Road Use and Maintenance Agreement.

2) **Road Use and Maintenance Agreement:** The Board of County Commissioners shall require the Applicants to enter into a Road Use and Maintenance Agreement for the use of County roads prior to construction of the project. The Road Use and Maintenance

Agreement shall be developed by the Applicants for review by the Daggett County Planning Commission, and the County Attorney's Office. The Road Use and Maintenance Agreement shall also be reviewed by an independent Utah Licenses Professional Engineer approved by the Daggett County Board of Commissioners at the expense of the Applicant. In the Road Use and Maintenance Agreement, the Applicant shall certify and acknowledge that:

- a) Prior to pre construction, site occupancy, overlot grading or construction of any component of the WES Facility, the Applicant shall obtain and submit to Daggett County copies of all approved Federal, State and local government or agency required permits related to access, access modification, change of use of access permits; utility crossing permits or approved plans required by applicable governments and agencies necessary to address and mitigate impacts to any Federal, State or County Highway/Road facilities.
- b) The Applicant(s) shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential damage to roadways due to the WES Facility.
- c) The use of public roads and other public infrastructure shall be in accordance and compliance with existing regulations governing such activities. Any degradation to or damage of public roads or other infrastructure by parties affiliated with the installation, operation or maintenance of the WES Facility shall bear all costs required to return the public roads or other infrastructure to their original or better condition.
- d) Financial Assurance. The Applicant shall submit Financial Assurance in a sufficient amount to repair damage to all public roadways attributed to the construction, operation and maintenance of the WES Facility. Said Financial Assurance shall be signed and sealed by the Applicant's engineer and approved by the The Daggett County Road and Transportation Department, Planning Commission, and County Attorney for final approval by the Daggett County Commission.

## **G. Operations and Maintenance:**

- 1) The Developer or Operator shall perform routine and scheduled maintenance including the repainting of equipment and structures and servicing of the grounds and landscape.
- 2) All solid wastes and hazardous materials related to the construction, operation and maintenance of a WES Facility shall be handled, stored or disposed of in accordance with the approved waste management plan and in accordance with all applicable Federal, State and County laws and regulations.

- 3) Developer or Operator of the WES Facility shall submit a statement that lists all WES Towers currently inoperative for longer than six (6) continuous months. All WES Towers that remain inoperative for eighteen (18) continuous months or longer must be removed ¶¶
- 4) To the extent not inconsistent with confidentiality and security obligations under State and/or Federal law; the Developer or Operator shall provide the Planning Commission with a detailed map of the site within ninety (90) days of when operation begins. This map will include the geographic coordinates of each WES structure, all roads within the WES Facility area, and public roads and turnouts connecting to roads of the WES Facility.

**H. WES Facility Decommissioning, Reclamation, and Financial Assurance:**

- 1) WES Facility Decommissioning. The applicant shall provide a WES Facility Decommissioning Plan which includes the following:
  - a) Provisions regarding the removal and proper disposal of all wind turbines, towers, substations, buildings, structures, cabling, electrical components, foundations to a depth of forty-eight (48) inches from original grade, and any other associated or ancillary equipment or structures within the facility boundary above and below ground.
  - b) The Developer may request that buildings be left on site if approval is obtained from the owner and upon written notification to the Planning Commission.
  - c) WES Facility or individual Wind Generation Device decommissioning shall begin:
    1. Within eighteen (18) months after the end of the useful life of the facility or individual Wind Generation Device, or
    2. When no electrical energy is generated for a continuous period of eighteen(18) months by the facility or individual Wind Generation Device.
  - d) The facility decommissioning plan shall continue being updated and submitted to Daggett County
- 2) Interim Reclamation shall comply with the applicable permitting requirements of the Department of Environmental ¶¶
  1. Re-establishment of the contour of the land in a manner consistent with the proposed future use of the land.
  - c) Re-vegetation.
    1. After backfilling, grading and contouring, and the replacement of topsoil, re-vegetation shall be commenced in such a manner so as to most efficiently

accommodate the retention of moisture and control erosion on all affected lands to be re-vegetated.¶

- 3) Financial Assurance: The applicant shall provide Financial Assurances sufficient to assure complete decommissioning and site reclamation of the WES Facility in accordance with the provisions of these rules .
- A. All Financial Assurances shall be in place prior to commencement of construction of any WES facility .
  - B. The amount of the Financial Assurance shall be adjusted up or down every five years from the date of permit.
  - C. Additional Financial Assurance to cover risks not anticipated at the time of permit maybe required at any time by the Planning Commission , as reasonable and necessary ,provided that the Planning Commission first gives thirty (30) days written notice stating the reason for and the amount of the additional Financial Assurance.
  - D. Financial Assurance in the form of domestic securities may be accepted in any of the following forms at the discretion of the Planning Commission with consideration of credit worthiness, financial strength ,credit history,credit rating and dept.
    - 1. Surety bond with a corporate surety registered in Utah .
    - 2. Certificate of deposit in the name of “Daggett County” with a state or federally insured financial institution in Utah. The permittee shall be entitled to all interest payments.
    - 3. Other forms of assurance such as corporate guarantee,letter of credit,insurance policy,or other forms of assurance as may be acceptable to the Planning Commission.

#### **I. Approval Process for WES Facility Permit:**

- 1) Pre-Application Submittal Meeting: Prior to submitting an application for a WES Facility, the applicant shall arrange and attend a Pre-Application Meeting with the Planning Commission.
- 2) Application Submittal Meeting: After preparing an application for the WES Facility, the applicant shall arrange for and attend an Application Submittal Meeting. The purpose of this Meeting is for the Planning Commission to provide a summary review of the Application. This review determines whether the application is generally complete and Application is not missing major application components, such as the Transportation Plan or the Social and Economic Study. If, during this meeting, application components are found missing, the applicant has the following options:
  - a) The applicant may correct the identified application deficiencies and formally re-submit the corrected application at a later date.

- 3) Upon receipt of an application, the Planning Commission shall review the application to determine if it contains all the information required by Chapter 13 of the Daggett County Code and any other applicable rules and regulations. If the Planning Commission determines that the application is incomplete, it shall, within thirty (30) days of receipt of the application, notify the Applicant(s) of the specific deficiencies in the application. The applicant(s) shall provide the additional information necessary within thirty (30) days of receipt of a request for additional information. When the Planning Commission determines that the application is complete it shall notify the Applicant(s) that the application is complete. At that time the Planning Commission shall recommend the Application to the County Commission. The County Clerk shall provide notice of the date and time at which the hearing required by Utah State regulations and shall be conducted. The determination by the Planning Commission that an application is complete is no assurance that a particular outcome will be achieved at the public meeting.
- 4) The Daggett County Commissioners shall hold a public hearing to consider public comment on the application no less than forty-five (45) days and not more than sixty (60) days after determining that the application is complete. Written comments on the application shall be accepted by the Daggett County Commissioners for not less than forty-five (45) days after determining that the application is complete.
- 5) Decision of the Daggett County Commission; findings necessary
  - a) Within forty-five (45) days from the date of completion of the hearing the Daggett County Commission shall make complete findings, issue an opinion, render a decision on the record either granting or denying the application.
  - b) No permit shall be granted if the application is incomplete or if all notices required have not been met. U.S.C. 52-4-202
  - c) A copy of the decision shall be provided to the Applicant(s).

**J. Administration & Enforcement of Commercial WES**

- 1) Liability Insurance
  - a) Liability insurance. The applicant and or operator(s) of the WES Facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$5 million per occurrence and \$10 million in the aggregate. The applicant(s) shall provide proof of insurance to the Planning Commission prior to the approval of the submitted

application. If the application is approved, the owner(s) or operator(s) of the WES shall provide proof of insurance annually.

2) Transfer of WES Facility Permits

- a) Notification of a proposed change of owner of the WES Facility shall be provided to the Daggett County Commission forty-five (45) calendar days aprior to any such change taking place. Documentation evidencing any such transfer shall be submitted to the Daggett County Commission within twenty (20) days after such transfer is complete. The transferee upon transfer of ownership shall be responsible for assuming all obligations under the approved WES Facility Permit.

3) Revocation or Suspension of WES Facility Permit

- a) A WES Facility Permit may be revoked or suspended by the Daggett County Commission for:
1. Any materially false statement in the application or in accompanying statements or studies required of the Applicant(s).
  2. Failure to comply with the terms or conditions of the permit after notice of the failure and reasonable opportunity to correct the failure.
  3. Failure of the permitted WES Facility to:
    - i. Transmit electricity created by wind energy for a period of two (2) consecutive years or more;
    - ii. Maintain land rights necessary to operate the WES Facility.

4) Expiration of WES Facility Permits

- a) Any WES Facility for which a WES Building Permit is granted under this section must be commenced within three (3) years from the date of approval by the Daggett County Commission. If the WES Facility is not commenced within three (3) years from said date of approval, then the WES Facility Permit shall expire and become null and void and be of no further effect. If the WES Facility is not operational within two (2) years from the date of project or phase commencement, then the WES Facility Permit shall expire and become null and void and be of no further effect. If the WES Facility is to be constructed in phases, the applicant shall submit the schedule for completion of each phase for Daggett County Commission approval with the application, subject to a time limit of seven (7) years for phased development, which means all phased projects must be completely operational within seven (7) years of the date that the WES permit was approved.

- b) If the WES Facility has not been commenced or has not become operational as required, the Applicant(s) may request an extension of the permit.
- 5) Penalties for Violations of Commercial WES's
- a) No person shall:
    1. Commence to construct a WES Facility without first obtaining all permits required by Daggett County Planning and Zoning.
    2. Construct, reconstruct, operate, locate, erect, maintain, enlarge, change or use a WES Facility after having first obtained a WES Building Permit, other than in specific compliance with the permit; or
    3. Cause any of the acts specified in this subsection to occur.
      - a. Violations of these regulations for Non-Commercial WES Facilities shall be enforced in accordance with the Daggett County Zoning.

**K. Construction Building Permit for Commercial WES Facility Permit.**

Upon approval of the WES Facility permit, the applicant shall submit to the Planning Commission a complete Daggett County WES Commercial Building Permit application.

- 6) After the Planning Commission receives a complete Commercial Building Permit application, the Planning Commission will review it for compliance, and, if approved, the Planning Commission will issue a Construction Commercial Building Permit.
- 7) Proof of all current State of Utah Contractor license, liability insurance and workers compensation.

**L. FEES – Commercial WES**

1) **WES Commercial Facility (Conditional Use) Application:** The application fee for a Wind Energy Facility shall be used to reimburse all staff costs that are incurred to review and process a Wind Energy Facility Application. The application fee shall be established in the Daggett County Fee Schedule and will be required to offset the costs of processing and considering the application and public hearings costs. A Reimbursement Account shall be established for the Applicant when a Wind Energy Facility is filed. At the time of filing, the Applicant shall fund the Reimbursement Account in the amount of \$50,000. The Applicant shall provide additional funding to the Reimbursement Account at any time the

account becomes less than \$20,000. The County shall submit periodic invoices to the Reimbursement Account.

2) **WES Building Permit:** The Permit Fee for a WES Building Permit shall be based on the IBC Code or proposed values. Funds to be used to reimburse all staff costs, including vehicle and equipment costs, the value of all staff time allocated to processing the application. A Reimbursement Account shall be established for the Applicant when a WES Construction Use Permit is approved. At the time of permit approval, the Applicant shall fund the Reimbursement Account in the amount of \$50,000.

3. If the applicant fails to provide the required payments to the Reimbursement Account, all efforts and work on the project shall cease.

4. Once all construction has been completed and the project is operational, all fees paid by the applicant remaining in the Reimbursement Account will be returned.

## **M. Non-Commercial WES Facility Permit**

Non-Commercial WES Facilities will be administered in accordance with these requirements.

A) Non-Commercial WES Facility Permit Standards and Application Requirements:

- 1) Maximum Wind Generation Device Height: Parcels less than five (5) acres in size shall have a maximum tower height of sixty feet (60'). Parcels five acres in size and larger shall have a maximum Wind Generation Device height of one hundred feet(100').
- 2) Maximum Wind Generation Device Limit: Parcels 5 acres in size and less shall be limited to one Wind Generation Device. Parcels 5 acres and more shall be limited to two Wind Generation Devices unless approved by the Board.
- 3) Noise: Sound emitted by a Wind Generation Device shall not exceed:
  1. forty (40) decibels on the dB(A) scale during the hours between 7am and 7pm MDT, and
  2. thirty five (35) decibels on the dB(A) scale during the hours between 7pm and 7am MDT. In addition, noise emissions shall not exceed fifty (50) decibels on the dB(C) scale during hours between 7PM and 7am. Such noise emissions shall be measured at the nearest receiving

property or lot line. All other requirements of E30k Noise Management shall be followed.

- 4) Setbacks: No Wind Generation Device shall be constructed on any property a distance of less than one hundred and fifty percent (150%) of the Wind Generation Device Height from all adjacent property lines.
- 5) Clear Zone: The Wind Generation Device shall be maintained in a circular clear zone that has a radius which is equivalent to one hundred and ten percent (110%) of the wind generation device. The clear zone shall be maintained free of any occupied structure, tanks containing combustible/flammable liquids and above ground utility/electrical lines.
- 6) Tower Security: All WES's or Wind Generation Devices shall be unclimbable.
- 7) Lighting: All WES structures shall have International Dark-Sky Association compliant fixtures or an approved equal in accordance with FAA regulations.
- 8) Advertising: None!
- 9) Colors: All towers shall be standard colors as provided by the manufacturer.
- 10) Approved Non-Commercial WES or Wind Generation Device: At the time of application, the Applicant must present a certification from the manufacturer that the all of the system's turbines and other components are equal or exceed the standards of one of the following national certification programs such as the Institute of Electrical and Electronics Engineers (IEEE), National Electric Code (NEC), National electric Safety Code (NESC), American National Standards Institute (ANSI) .
- 11) Utility Notification: If applicable, permit applications for Non-Commercial WES shall be accompanied by evidence that the utility company serving the property of the Applicant has been informed of the customer's intent to install an interconnected customer owned generator.
- 112) Must adhere to all FAA regulations.

B) Administration and Enforcement of Non-Commercial WES Facility Permit

- 1) Removal of Defective or Abandoned WES's or Wind Generation Devices.
  - a. Any Wind Generation Device found to be unsafe by an authorized County official, or designated authority, shall be repaired or removed with all due urgency within 14 days by the Owner(s) to meet federal, state and local safety standards. If any WES Tower is not operational for a continuous period of twelve (12) months, the County will notify the landowner by registered mail and provide thirty (30) days for a response. In such a response, the landowner

shall set forth reasons for 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 one hundred twenty (120) days of receipt of notice.

2) Building (Conditional Use Permit) Permit. No person shall construct a Non-Commercial WES Facility without first obtaining a building (conditional use) permit for a Non-Commercial WES Facility.

3) Maintaining compliance. All Non-Commercial WES or Wind Generation Devices shall be maintained as per the manufacturer's specifications.

4) Neighborhood Concerns. All reasonable concerns of neighbors must be resolved before a Building Permit for a Non-Commercial WECS Facility will be issued. To help identify and mitigate neighborhood concerns early in the permitting process after receiving a Building Permit application, the Planning Commission shall send a request for comment form to all property owners within 200 feet of the applicant's property.

a. If the Planning Commission has not received any written objections during the 21 days following the latest date of either the posting or of the mailing of the request for comments, the Planning Commission will approve the applicant's request provided all requirements of these rules are met.

b. If any written objections are received from any adjacent property owners from properties within 200 feet of applicant's property, and the Wind Generation Device is rated to produce between 100 watts and 7.5 kilowatts, the Planning Commission will schedule a public hearing before the next regularly scheduled meeting that allows for 30-day advertised notice.

c. The Planning Commission may conduct a public hearing on the application for a Non-Commercial WES. The Planning commission may approve, conditionally approve or deny the application at the conclusion of the public hearing based on evidence, comments, and the recommendation from the Planning and Zoning Commission.

5. Violations: It is unlawful for any person to construct, install or operate a minor wind energy system that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section.

6. Administration And Enforcement:

a. This section shall be administered and enforced by the Planning

Commision.

7. Penalty: Any person who fails to comply with any provision of this section or a building permit issued pursuant to this section, shall be subject to enforcement and penalties as allowed by Daggett County Code Chapter 1.4.1

K. Compliance With Laws, Ordinances And Regulations: The construction and operation of all such proposed roof mounted wind energy systems shall be consistent with all applicable local, state and federal requirements, including all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.

L. Fees. See Daggett County Fee Schedule.

1. The application fee for a Roof Mounted WES Conditional Use Permit as provided in the Daggett County Fee Schedule.

2. Building Permit Fee Per the IRC Code or a value based fee.

## **N. TEMPORARY AND PERMANENT METEOROLOGICAL TOWERS (MET TOWERS):**

A. Permitted Use By Rule: Met tower installations shall be considered a permitted use in all zoning districts where the following criteria are met:

1. Applicants shall submit the following information to the permit granting authority prior to commencing any installation or construction:

- a. A site plan drawn at an appropriate scale with the following information:

- (1) The perimeter and dimensions of the property;

- (2) The names and locations of all streets, roads or highways on or contiguous to the property;

- (3) The locations of all easements or rights of way on the property;

- (4) The use, location and dimension of all structures on the property (include distance from all proposed structures to the property lines);

2. In addition to other applicable provisions set forth in these regulations, approval of met tower applications shall be subject to the following requirements:

- a. All necessary zoning certificates and building permits shall be applied for and issued, and all structural reviews shall be completed by the permit granting authority prior to construction.
- b. The met tower shall be constructed in conformity with all applicable FAA regulations and all FAA notices and approvals shall be received and submitted to the permit granting authority prior to any construction.
- d. The met tower shall be in place for a period not exceeding three (3) years. Applicants shall provide the Planning Commission with ninety (90) days prior written notice before removal of the tower.
- e. In the event the applicant desires to relocate the met tower, the applicant shall receive prior written approval from the Planning Commission and furnish coordinates for the new tower location.
- f. If the applicant desires to extend the tower usage period, a request for an extension must be submitted in writing ninety (90) days prior to the expiration of this permit to the permit granting authority for consideration.
- g. The met tower shall not physically obstruct or encumber any road, power line or pipeline.

4. Administration And Enforcement:

- a. This section shall be administered and enforced by the Planning Commission or other official as designated by the permit granting authority.

5. Penalty: Any person who fails to comply with any provision of this section or a building permit issued pursuant to this section, shall be subject to enforcement and penalties as allowed by Daggett County Code Chapter 1.4.1

B. Compliance With Laws, Ordinances And Regulations: The construction and operation of all such proposed Temporary and permanent meteorological towers (MET TOWERS) shall be consistent with all applicable local, state and federal requirements, including all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.

B. Fees: Temporary or Permanent Meteorological Tower Facility Permit Fees.

- 1. The application fee for a WES Non-Commercial Conditional Use Permit as provided in the Daggett County Fee Schedule.
- 2. Building Permit Fee: Per the IBC Code or a Value Based Fee.

## **O. Roof-Mounted Wind Energy System:**

A. **Allowed Areas:** Roof-Mounted Wind energy systems may be allowed as an accessory use upon compliance with this section and issuance of a Conditional Use Permit as per Title 8 Chapter 11 of the County Code.

B. **Application:** In conjunction with the application requirements for a Conditional Use Permit, an application for a Roof-Mounted Wind Energy System shall include the following:

1. A line drawing of the electric components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.
2. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
3. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states in the application, to connect the system to the electricity grid.

C. **Standards:** All roof mounted wind energy conversion systems shall meet the following standards:

1. No more than two roof-mounted wind energy turbines may be allowed on any legal residential lot. The allowed number of roof-mounted wind energy turbines for a non residential lot shall be determined by the Planning Commission.
2. Maximum height restrictions. In commercial applications the peak of the apparatus shall be no more than fifteen (15) feet, as measured from base to the peak of the apparatus, unless otherwise approved by the Planning Commission. In residential applications, the peak of the apparatus shall be no more than eight (8) feet above the peak of the roof.
3. The system shall be constructed and maintained to ensure that noise levels do not exceed 40 decibels (dBA) when measured from any property line. However, this level may be exceeded during short-term events out of human control such as utility outages or severe wind storms. (60-70 dBA is equivalent to a normal conversation at 3-5').
4. The system's support structure and blades shall be painted or treated a non-reflective, unobtrusive black, brown, green, tan, or other earth tone that blends the system and its components into the surrounding landscape.
5. The use of guy wires shall not be permitted for residential applications.
6. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
7. The system shall be designed with an automatic shut-off mechanism, so that in case of a power outage, the system will not back feed into the power grid.
8. The maximum power output for a roof-mounted wind energy system or any other connected renewable energy devices is limited to 10 kW for residential applications, Non-residential system may exceed 10 kW upon negotiation with Bridger Valley Electric or Moon Lake Electric, whichever is the service provider.

D. Maintenance: All Roof-Mounted Wind Energy Systems shall be maintained in good condition and in accordance with all requirements of this section.

E. Abandonment of Use: A roof-mounted wind energy system which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any Conditional Use Permit shall constitute grounds for the revocation of the permit by the County.

F. Compliance: All roof-mounted wind energy systems shall comply with all applicable IFC (fire) and IBC (building) requirements.

G. No roof-mounted wind energy system shall be connected to the power grid until Bridger Valley Electric or Moon Lake has inspected the system.

H. Customers of Bridger Valley Electric or Moon Lake shall be responsible for the installation and maintenance of applicable protection equipment or any damage caused by the customer-generating equipment to the County's distribution system.

I. The owner of the system shall abide by the Bridger Valley Electric or Moon Lake Metering Policy.

J. Permit Granting Authority Issued Permits:

1. Building Permits: Minor roof-mounted energy systems shall be constructed as provided in this section by first obtaining a building permit, or by first applying for and receiving a waiver, from the appropriate permit granting authority. Primary demand for power produced by minor wind energy systems herein must be on site consumption.

2. Modifications: Any physical modification to an existing and permitted wind energy system that materially alters the size and/or type of wind turbines or other equipment shall require a permit modification under this section. Replacement of an already permitted turbine with a similar size and height will not require a permit modification.

3. Conditional Use Permits (CUP): A conditional use permit may be granted in the case where a proposed small wind energy system or project does not satisfy the standard criteria of the building permit set forth under this section. The applicant must then seek review and petition the Planning Commission for a conditional use permit. This CUP variance from the standard building permit criteria will only be applicable to that specific nonconforming project.

4. Expiration: A permit issued pursuant to this section shall expire if: a) the roof-mounted wind energy system is not installed and functioning within twenty four (24) months from the date the permit is issued; or b) the minor wind energy system is abandoned.

5. Violations: It is unlawful for any person to construct, install or operate a minor wind

energy system that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section.

6. Administration And Enforcement:

- a. This section shall be administered and enforced by the Planning Commission.
- b. The building inspector may enter any property for which a building permit has been issued under this section to conduct an inspection to determine whether the conditions stated in the permit have been met.

7. Penalty: Any person who fails to comply with any provision of this section or a building permit issued pursuant to this section, shall be subject to enforcement and penalties as allowed by Daggett County Code Chapter 1.4.1

K. Compliance With Laws, Ordinances And Regulations: The construction and operation of all such proposed roof mounted wind energy systems shall be consistent with all applicable local, state and federal requirements, including all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.

L. Fees. See Daggett County Fee Schedule.

1. The application fee for a Roof Mounted WES Conditional Use Permit as provided in the Daggett County Fee Schedule.

2. Building Permit Fee Per the IBC

Code or a value based fee.

