

Clinton County, IA
Summary Only

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Date Passed/Amended: February 17, 2009

Summary Written: June 9, 2022

Agricultural Use Table:

Eligible Zoning:

- a) Commercial Wind Energy Conversion System (CWECS)
 - a. Prime Agricultural District (A-1)
 - b. Agricultural Recreation District (AR-1)
 - c. Highway Commercial District (C-1)
 - d. Rural Support Commercial District (C-2)
 - e. Limited Industrial District (M-1)
 - f. General Industrial District (M-2)

Prohibition Language:

Required Information/Permits Required

- a) A Special Exception Permit must be obtained.
- b) Other items to be submitted:
 - a. Names of applicants and project owners.
 - b. Address of the project.
 - c. Project description including number, type, generating capacity, tower height, rotor diameter and total height of all wind turbines and means of interconnecting to the grid.
 - d. Site layout including property lines, wind turbines, electrical wires, interconnection points with the electrical grid and all related accessory structures.
 - e. Engineer certifications.
 - f. Documentation of land ownership or legal control of the property.
 - g. Latitude and longitude of individual wind turbines.
 - h. USGS topographical map or map with similar data of the property and surrounding area including any other CWECS within ten (10) rotor diameters of the proposed CWECS.
 - i. Location of wetlands, scenic and natural areas within one thousand and three hundred and twenty (1,320) feet of the proposed CWECS.
 - j. An acoustical analysis.
 - k. FAA permit application.
 - l. Location of known communications towers/facilities within two (2) miles of the proposed CWECS.

- m. Decommissioning Plan
- n. Description of potential impacts on nearby CWECs and Non-CWECs and wind resources on adjacent properties.
- o. Identification of significant migratory patterns and nesting areas for birds within two (2) miles of the proposed CWECs.

Request for Variance

Site and Structure Requirements:

- a) Compliance with all local, state, and federal regulations:
 - a. Commercial Wind Energy Conversion System (CWECs)
 - i. All CWECs and accessory equipment and facilities shall comply with the National Electrical Code and other applicable Standards.
 - ii. The manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the CWECs is within acceptable professional standards, given local soil and climate conditions.
- b) Concentrating Solar Power Facilities:
- c) Fencing/Security:
 - a. Commercial Wind Energy Conversion System (CWECs)
 - i. Wind turbines shall not be climbable up to 15 feet above ground level.
 - ii. All access doors to the wind turbine and electrical equipment shall be locked when not being serviced.
 - iii. All guy wires must have visible and reflective objects, such as plastic sleeves, reflectors or tape, placed on guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground.
 - iv. Visible fencing shall be installed around anchor points of guy wires.
 - v. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required to be presented to the Board of Adjustment.
- d) Glare minimization:
 - a. Commercial Wind Energy Conversion System (CWECs)
 - i. Wind Turbines shall be painted a non-reflective color, but blades may be black to facilitate deicing.
 - ii. All finishes shall be matte or non-reflective.
- e) Height:
 - a. Commercial Wind Energy Conversion System (CWECs)
 - i. The tip of any blades shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

f) Lighting:

a. Commercial Wind Energy Conversion System (CWECS)

- i. CWECS shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- ii. Lighting, including lighting intensity and frequency of strobe shall adhere to but not exceed requirements established by the FAA.
- iii. Red strobe lights are preferred for night-time use to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.

g) Minimum Lot Size:

h) Noise:

a. Commercial Wind Energy Conversion System (CWECS)

- i. Audible noise due to CWECS operations shall not exceed fifty (50) decibels for any period of time, when measured at any dwelling, school, hospital, church or public library existing on the date of approval of any Special Exception Use Permit from the property line.
- ii. In the event audible noise due to the CWECS contains a steady pure tone, such as a whine, screech or hum the standards for audible noise set forth shall be reduced by five (5) decibels.
- iii. In the event the ambient noise level exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in decibels, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) miles per hour at the ambient noise measurement location.
- iv. In the event noise levels resulting from the CWECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment provided that the following are met:
 1. Written consent from affected property owners stating they are aware of the CWECS and the noise limitations imposed by this Ordinance and they consent to allow noise levels to exceed the maximums allowed, and;
 2. If the applicant wished the waiver be applied to succeeding property owners, a permanent noise impact easement shall be

recorded by the County which describes the burdened property that noise levels in excess on or at the burdened property.

i) Outside storage:

j) Setbacks and Lot Coverage:

a. Commercial Wind Energy Conversion System (CWECS)

- i. Each wind turbine shall be setback from the nearest residence, school, hospital, church or public library a distance of no less than the greater of:
 1. Two (2) times its total height or;
 2. One thousand two hundred (1,200) feet
- ii. At no time shall any part of the wind turbine overhang an adjoining property without securing easements from adjoining property owners.
- iii. Setbacks from public right-of way, railroads, powerlines and structures shall be a minimum of 1.1 times the height of the tower and rotor.
- iv. Each wind turbine shall be setback from the nearest above-ground public electric power line or telephone line a distance of no less than 1.1 times its total height, determined from the existing power line or telephone line.

k) Screening:

l) Signage:

a. Commercial Wind Energy Conversion System (CWECS)

- i. Agriculture Districts:
 1. One (1) identification sign maximum for two (2) square feet of coverage.
- ii. Commercial and Industrial Districts:
 1. Identification signs may cover one hundred (100) square feet in coverage and shall not exceed twenty-five (25) feet in height.
- iii. The manufacturer/owner's name or logo may be placed upon the compartment containing the electrical generator of the CWECS.
- iv. Wind Turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator.
- v. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment and CWECS entrances.
- vi. The following are prohibited in regards to signage:
 1. Flashing, moving or partly glaring signs.
 2. Non-affixed signs.
 3. Non-exempt signs in street rights-of way.
 4. Signs containing obscene messages.
 5. Signs which resemble traffic control signs or devices.
 6. Portable signs.
- vii. No sign shall be erected within ten (10) feet of a side property line.

- viii. All signs shall be of sound structural quality, be maintained in good repair and have clean and neat appearance. Land adjacent to such signs shall be kept free from debris, weeds and trash.
- ix. Illumination of signs shall be indirect, non-intermittent lighting.

m) Site Access/Emergency Response:

n) Utility Connections:

o) Waste:

- a. Commercial Wind Energy Conversion System (CWECS)
 - i. All solid and hazardous wastes generated from construction, operation, maintenance or decommissioning shall be removed from the site in a time period determined by the County Health Department and handled in accordance with all local, state and federal laws and regulations.

Operation and Maintenance Plan:

a) Monitoring and Maintenance:

b) Soil and Erosion and Sediment Control:

- a. Commercial Wind Energy Conversion System (CWECS)
 - i. Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the CWECS.

Decommissioning and Site Reclamation:

- a) Commercial Wind Energy Conversion System (CWECS)
 - a. Each CWECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing the CWECS at the end of its serviceable life or upon discontinued use.
 - b. Cost estimates shall be made by a professional engineer licensed in the State of Iowa.
 - c. The Decommissioning Plan shall identify financial resources that will be available to pay for the decommissioning and removal of the CWECS and accessory facilities.
 - d. A CWECS shall be considered discontinued after one (1) year without energy production, unless a plan is developed and submitted to the County outlining steps and schedule for returning the CWECS to service.
 - e. All CWECS and accessory facilities shall be removed to four (4) feet below ground level within one hundred and eighty (180) days of the discontinuation of use.
 - f. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.

