

Cedar County, NE
Summary Only

For full ordinance text, please find pdf below or visit county website.

Date Passed/Amended: June 2022

Summary Written: August 26, 2022

Agricultural Use Table:

Eligible Zoning:

- a) Commercial/Utility Grade wind energy systems
 - a. Agricultural- Intensive Districts (A-1), (A-1(a)), and (A-1(b))

Prohibition Language:

Required Information/Permits Required:

- a) Commercial Wind Energy Conversion System (CWECS)
 - a. Must obtain a Conditional Use Permit
 - b. The Applicant shall provide:
 - i. The name(s) of the applicant and the project owner.
 - ii. The address and legal description of the project.
 - iii. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the grid.
 - iv. A survey map
 - v. Site Layout
 - vi. Adjacent ownership, land uses, existing residences, schools, churches, hospitals, public libraries, federal, state county or local parks, recognized historic or heritage sites, identified wildlife preserves or habitat areas to a distance of ten thousand five hundred and sixty (10,560) feet.
 - vii. A copy of the Easement Deed.
 - viii. Certification by an accredited engineer.
 - ix. Documentation of landownership and legal control of the property.
 - x. The latitude and longitude of individual wind turbines.
 - xi. Location of wetlands and other natural spaces within 1,320 feet of the project.
 - xii. An acoustical analysis.
 - xiii. Emergency Response Plan.
 - xiv. If applicable any FAA and FCC permit or evidence a permit application.
 - xv. Provide minutes from meeting (s) with the Hartington Airport Authority Board to discuss and review the proposed CWECS site plan.
 - xvi. Results of consultations with NOAA.

- xvii. Evidence that the project will not interfere with nearby communication towers.
- xviii. Applicant shall identify potential effects in terms of constraints or benefits the wind energy facility may place on current or future use of the land including: Tourism or recreation, residential, industrial, agricultural and commercial activities.
- xix. Soil erosion, sediment control and storm water runoff plan
- xx. Applicant shall provide information regarding local flora and fauna, particularly any threatened or endangered species and critical habitat. This information shall include an avian study base on U.S. Fish and Wildlife guidelines.
- xxi. A pre-construction noise modeling study shall be conducted in accordance with the procedures outlined in the ordinance.
- xxii. Projections of the “shadow flicker” on any neighboring structures.
- xxiii. Standard drawings of the separate components of the CWECS.
- xxiv. A View shed study from the Missouri National Recreational River and Lewis and Clark Lake.
- xxv. An escrow account shall be set up and funded to cover all reasonable costs and expenses associated with the special use zoning review and approval.
- xxvi. A separate escrow account shall be set up for investigation of complaints against the project.
- xxvii. A decommissioning plan.

Request for Variance:

Site and Structure Requirements:

- a) Compliance with all local, state, and federal regulations:
 - a. Commercial Wind Energy Conversion System (CWECS)
 - i. CWECS must comply with all applicable FAA laws and regulations.
- b) Concentrating Solar Power Facilities:
- c) Fencing/Security:
- d) Glare minimization:
 - a. Commercial Wind Energy Conversion System (CWECS)
 - i. Finishes shall be non-reflective
 - ii. Reasonable measures shall be taken to mitigate specific adverse visual impacts such as reflections, shadow flicker and blade glint affecting residences within or immediately adjacent to the project area.
 - iii. Shadow Flicker shall not occur more than thirty (30) minutes per day and not more than thirty (30) hours per year from an occupied residence.
- e) Height:
 - a. Commercial Wind Energy Conversion System (CWECS)

- i. CW ECS shall have a sign or signs posted on the tower, transformer and substation warning of high voltage.
 - ii. Other signs shall be posted on the turbine with emergency contact information.
 - iii. No logos or advertisement are allowed on the tower structures.
- m) Site Access/Emergency Response:
 - a. Commercial Wind Energy Conversion System (CW ECS)
 - i. The applicant shall supply a basic emergency response plan.
 - ii. Each CW ECS location must have a 911 address.
- n) Utility Connections:
 - a. Commercial Wind Energy Conversion System (CW ECS)
 - i. All feeder lines associated with the project distribution system installed as part of the CW ECS shall be buried, but those distribution and/or transmission lines outside of the project distribution system may be above ground.
- o) Waste:
 - a. Commercial Wind Energy Conversion System (CW ECS)
 - i. All solid and hazardous waste shall be removed from the site promptly and will be disposed of as stipulated by all local, state, and federal permits.

Operation and Maintenance Plan:

- a) Monitoring and Maintenance:
- b) Soil and Erosion and Sediment Control:
 - a. Commercial Wind Energy Conversion System (CW ECS)
 - i. Soil erosion, sediment control and storm water runoff plan shall address what types of erosion control measures will be used during each phase of the project.
 - ii. Owner/operator shall be responsible for immediate repair of damage to public roads and drainage systems stemming from construction, operation, or maintenance of the CW ECS.

Decommissioning and Site Reclamation

- a) Commercial Wind Energy Conversion System (CW ECS)
 - a. A CW ECS shall be decommissioned within one hundred and eighty (180) days of discontinued use as defined by one year without energy production unless a plan is developed and approved by the County outlining steps and schedule to bring the CW ECS back into service.

- b. All facilities both above and below ground shall be removed including foundations.
 - c. The project shall have an accredited independent party make cost estimates for the removal and restoration of the CWECs. This decommissioning plan will be updated every 5 years.
 - d. The entire site shall be restored eighteen (18) months after the CWECs is discontinued.
 - e. A cash escrow account or surety bond secured by the parent company of the project LLC is required before the permit is approved to guarantee removal and restoration upon discontinuation, decommissioning or abandonment.
 - f. Upon transfer of any CWECs permit, the permit holder shall submit proof that the bond has been reassigned, or that a new bond or other security instrument has been obtained for decommissioning.
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