

*As passed by 3rd
reading – 10/03/18*

Ordinance No. 31A

An Amendment to Ordinance No. 31 – Assessment of Wind Energy Conversion Property

SECTION 12 Setbacks:

a. Purpose

The purpose of this Ordinance is to exercise the County's police powers under the County Home Rule Implementation Act Iowa Code Chapter 331 and § 335.3

b. Definitions

1) Non Participating Landowner.

Any landowner except those on whose property all or a portion of wind energy conversion property is located pursuant to an agreement with the owner or operator of such wind energy conversion property.

2) Participating Landowner

Any landowner on whose property all or a portion of wind energy conversion property is located pursuant to an agreement with the owner or operator of such wind energy conversion property.

3) Occupied Building.

A residence, school, hospital, church, public library or other building used for a regular public gathering that is occupied or in use when the contract between a landowner and the owner or operator of wind energy conversion property is signed.

c. Bulk Regulation

Any tower of wind energy conversion property shall be set back from the nearest Occupied Building located on a Non-Participating Landowner's property a distance of not less than 2,000 feet, as measured from the center of the tower's base to the nearest point on the foundation of the Occupied Building and a distance of not less than 800 feet or the height of the tower, whichever is greater, from a Non-Participating Landowner's property line as measured from the center of the tower's base to the closest point on such property line, unless a waiver of such set back requirement in the form of a written agreement or permission is signed by such affected Non-Participating Landowner.

d. Effective Date

This Ordinance shall be effective for all towers for any wind energy conversion property which is contracted, including easements, between a Participating Landowner and the owner or operator of wind energy conversion property after publication of this ordinance as required by law.