

**Sections:**

**23-101 Purpose and Intent**

**23-102 Applicability**

**23-103 Definitions**

**23-104 Circumstances Requiring Application of the CWECS**

**23-105 Content of a Development Plan and Plan of Operation**

**23-106 Documents, Plans, Studies, Reports, Other Permits**

**23-107 Additional Required Topics to be Included in Submittals**

**23-108 Special Regulations Applicable for a Conditional Use Permit for a CWECS**

**23-109 Agreements**

**23-110 Requirements for a Zoning Permit**

**23-111 Construction Requirements**

**23-101 Purpose and Intent:** The purpose of this Article is to ensure a regulatory means of facilitating wind energy development of a Commercial Wind Energy Conversion System within the unincorporated portion of Reno County having zoning jurisdiction by protecting the Developer's interest in unobstructed wind flow and at the same time provide reasonable requirements for the submittal of proposals for the establishment of a CWECS to provide adequate information to the officials of Reno County charged with the responsibility to review said proposals.

To the extent there are conflicts between the requirements of Article 23 and other provisions of the Reno County Zoning Regulations, it is intended that the requirements of Article 23 shall control the interpretation of the Zoning Regulations.

**23-102 Applicability:** All CWECS development within this Article, as described herein, shall comply with the standards and procedures of this Article and those required for a Conditional Use Permit as stated in Articles 8 and 15. It shall be understood the "timeline" restrictions in Articles 8 and 15 are not applicable to a CWECS project because of the overall time for the development and construction.

Placement of a small Wind Energy Conversion System shall be permitted as an accessory use as defined in Article 9-102(4) and Article 9-103(4) of the Zoning Regulations.

Article 20-104(2) of the Zoning Regulations shall not be used to modify, adjust, or change any requirement under Article 23.

**23-103 Definitions:** A Commercial Wind Energy Conversion System means an electrical generating facility that operates by converting the kinetic energy of wind into electrical energy and is comprised of one or more wind turbines and accessory facilities, including but not limited to, ancillary operational meteorological towers, overhead and underground communication and electrical transmission lines, transformers, substations, roads, administrative and operations buildings, turbines, supervisory control and data acquisition (SCADA) facilities, and other associated facilities. The energy may be used on-site or distributed into the electrical grid. A CWECS is further defined as producing 100kW of electricity or greater.

A participating landowner means an individual, a group of individuals, a trust, or other entity owning real property who or which has signed a lease agreement with the owner or operator of a commercial wind energy conversion system project for the placement of wind turbines, other project components on the real property, or otherwise agrees to participate in the wind energy project.

A non-participating landowner means an individual, group of individuals, a trust, or other entity owning real property who or which has not signed a lease agreement with the owner or operator of a commercial wind energy conversion system project for the placement of wind turbines or other project components on the real property.

A qualified third-party company means an independent individual or entity that is not owned by, operated by, or a subsidiary of the current owner or subsequent owners of a CWECS or a property owner within the project boundary, who is qualified to perform the required analysis.

The total height of the turbine means measuring from the elevation of the ground surface at the base of the turbine up to the height of the turbine measured at the highest point of the blade system during its rotation.

Accessory building shall have the same meaning as defined in Article 1-104(4) of the Zoning Regulations.

Principal building shall mean a primary residential structure. A principal residential structure shall not include a guest house or buildings whose purpose is to store equipment, commodities, or animals.

**23-104 Circumstances Requiring Application of the CWECS Article:** The following circumstances require application of this Article and sets standards and procedures within the designated Article:

1. An application for a Conditional Use Permit for a CWECS; or
2. An application for a conditional use permit for an expansion of a CWECS beyond the area previously approved by a conditional use permit.
3. Each application for a conditional use permit shall include a written agreement by the Applicant to reimburse the County for all unusual and extraordinary expenses incurred by the County to process the application and conduct the public hearing.

**23-105 Content of a Development Plan and Plan of Operation:** The information listed below shall be submitted with the conditional use permit application. It shall be the duty of the Zoning Administrator to determine when a conditional use permit application is complete and ready to schedule for a public hearing. All information listed below shall be submitted prior to the Planning Commission making a recommendation. The Planning Commission or Board of County Commissioners may require additional information not listed below.

1. A project map drawn at a scale of not less than 1" = 2,000' showing the additional information as outlined in this Article 23-105 including the following:
  - A. All development plan requirements under Article 8-103 of the Zoning Regulations.
  - B. Project boundary and the total acreage.
  - C. The center point of each wind turbine and MET tower with Latitude/Longitude Coordinates.

- 
- D. The location of the operation and maintenance facility of the project or any other facility to serve the project.
  - E. The location of any temporary assembly areas or other areas used for the construction of the CWECS.
  - F. All public roads, access roads, and temporary access roads serving the project.
  - G. The project shall indicate compliance with all requirements contained in Article 23.
  - H. A secondary project map drawn at a scaled of not greater than 1" = 600' that shows each individual turbine site, and which also includes all other relevant information required by this Article.
  - I. Land identified as a special flood hazard area.
  - J. Land identified by the Kansas Department of Wildlife, Parks, and Tourism or U.S. Fish and Wildlife Service as a wetland, native vegetation area, wildlife habitat, or critical species habitat worthy of special consideration or protection.
  - K. All required setbacks and requirements around land uses as described in Article 23.
2. A general project introduction and plan of operation that describes the total number of proposed turbines, alternate turbine sites, total height of the wind turbines from the ground to the tip of the blade, meteorological towers, operation and maintenance facility, temporary construction sites, number of participating property owners, total acreage of the project, miles of new access roads, anticipated construction schedule, and other relevant information as deemed appropriate by the applicant or as required by county staff, the Planning Commission, or Board of County Commissioners.

**23-106 Documents, Plans, Studies, Reports, Other Permits:** The information listed below shall be submitted with the conditional use permit application and used to evaluate compliance with the Zoning Regulations. The Planning Commission or Board of County Commissioners may require additional information not listed in Article 23-106 or conduct separate studies for the purpose of evaluating the proposed conditional use permit. Payment for the information cost may be negotiated in the Development Agreement.

- 1. Documentation acceptable to the County that the Applicant has signed lease agreements currently in effect to use the land in the manner requested. The Applicant may redact sensitive financial or confidential information.
- 2. List of adjacent property owners within 1,000 feet of the subject property boundary proposed to receive a wind turbine(s), MET tower(s), the operation and maintenance facility, or a temporary use associated with the project. The list of adjacent property owners shall be from the subject property boundary, not from the lease area. The list of adjacent property owners shall be sent electronically, be in an Excel Spreadsheet format and contain the property owner's name, mailing address of the owner, physical address of the property, and parcel identification number (PIN).

3. An expected economic impact report to the County which assumes the proposed project is approved and constructed as proposed on the conditional use permit application. The report shall be prepared by an independent third-party company or four-year college institution.
4. An acoustic study prepared by an independent third-party company. The study shall include maps and charts that indicate the anticipated sound level expected at each principal building and explain the methodology used to compute the anticipated sound levels.
5. A shadow flicker study prepared by an independent third-party company. The study shall include maps and charts that indicate the anticipated amount of shadow flicker expected at each principal building and explains the methodology used to compute the anticipated shadow flicker. The study shall show the anticipated number of hours per year a principal building will receive shadow flicker, the time of day, and time of year.
6. A written document from the Kansas Department of Wildlife, Parks, and Tourism (KDWPT) or its successor indicating the applicant has contacted the agency regarding the proposed CWECS. The document should state KDWPT has been contacted by the applicant regarding the proposal and has reviewed or is currently reviewing the proposal for any concerns regarding the operations of KDWPT.
7. A report shall be conducted by a third-party company on existing environment concerns and filed with the conditional use permit application. The report should include, but not be limited to, information regarding:
  - A. Wildlife habitats, native prairie grass, and vegetation information relevant to the project site.
  - B. An avian study to include all types of Eagles, Whooping Cranes, and other sensitive species as affected by the project. The plan should include a discussion on bird migration and the potential for bird strikes.
  - C. Flora - vegetation species, threatened species (officially listed), critical habitat and habitat conditions for such species relevant to the project site.
  - D. Fauna - species, habitat assessment, threatened species (officially listed), migratory species, critical habitat, and habitat conditions for such species.
  - E. Geo-conservation - sites of geo-conservation significance listed on the state or national database.
  - F. Special flood hazard areas.

**23-107 Additional Required Topics to be Included in Submittals:** In addition to the requirements of Article 8, an application for a CWECS project shall address specific issues related with the project that include, but are not limited to, the following:

1. In addition to strict conformance to all performance standards and development plan requirements as detailed in the Reno County Zoning Regulations, the development plan shall address the following:
  - A. The "boundary" of the project shall be the properties included within the "leased lands"

on which the CWECS is proposed to be constructed. The specific siting of individual components of the CWECS, including towers, supporting structures, and all other aspects which entail a complete CWECS as recognized within the industry, may be included conceptually within the development plan and are permitted to be moved and adjusted as necessary during the design and construction process without modifications to the approved development plan, so long as new lands are not added to the original "boundary" of the CWECS and the relocation conforms to all requirements of Article 23. Any relocation of individual components contrary to the approved site plan shall be identified on a revised site plan and submitted to the Public Works Department – Planning and Zoning Division for review and approval.

- B. All setback designations herein, when referenced as 'total height', shall mean "Total Tip Height", which is the total height of the wind turbine measured at the highest point of the blade system during its rotation, or with respect to any other structure including a meteorological tower, its total height. All horizontal setbacks shall be measured from the center point of the turbine tower to the edge point from which the setback is required.

2. Setbacks:

- A. No turbine shall be located closer than the total height of the turbine plus 50 feet from any property line or any road right-of-way line.
- B. No turbine shall be located closer than the total height of the turbine plus 50 feet from any primary occupied residence or accessory building.
- C. Setbacks from public airports shall be determined by the FAA.
- D. A private airstrip is defined as a location that is registered with the Kansas Department of Transportation and Federal Aviation Administration, appears on aeronautical charts, and has a landing surface(es) which is/are maintained and capable of providing a safe landing for aircraft. All such requirements must be in effect at the time a conditional use permit application is accepted by the county staff as being complete.
- E. Setbacks from a private airstrip shall be calculated in feet using a measurement of the tower height multiplied by 10 for the upwind and downwind sides of the runway and the tower height multiplied by 25 for the approaches of the runway(s). The distances are calculated from the upwind and downwind sides of the airstrip and the approach ends of the airstrip.
- F. A private airport/private airstrip owner may waive this setback requirement for a parcel within the setback requirement provided a waiver request is submitted on a form that is acceptable to the applicant and the owner of the property. The waiver shall be notarized. All other requirements in Article 23 shall be enforced.
- G. No turbine may be located within any recorded easement. The applicant shall consult with the owner of an easement to eliminate any blanket easements on tracts of land and to establish a defined legal description for the easement.

H. Properties owned or managed by the Kansas Department of Wildlife, Parks, and Tourism (KDWPT) tend to concentrate wildlife to an area due to the habitat enhancements conducted on a property. These lands are important wildlife migration corridors and migration staging areas. To avoid disruption of these areas, no turbine shall be located within three (3) miles of a parcel owned or managed by the Kansas Department of Wildlife, Parks, and Tourism or the United States of America. If the KDWPT or United States of America is a participating landowner for a project, then this requirement is waived. Compliance with all other setback requirements is required. KDWPT or the United States of America may issue a written waiver of this requirement for any parcel within the three-mile requirement.

I. In order to provide for an incorporated city to extend its corporate boundary and increase its tax base, no turbine shall be located within one mile of an incorporated city boundary at the time a conditional use permit application is accepted by county staff as being complete. A city's extra-territorial zoning jurisdiction (ETJ) is not recognized as a city's official corporate boundary.

3. Noise:

A. An acoustic assessment analysis and map prepared by a third-party company shall be required with a conditional use permit application. The acoustic study shall analyze the expected annual audible noise level at each occupied structure within the project boundary and explain the methodology used to achieve the results of the study.

B. To assist in minimizing noise generation, the applicant should consider using wind turbine blades that are equipped with Low Noise Trailing Edge (LNTE) technology and blade serrations or other available noise reduction technology.

C. The maximum received sound level based on an annual average sound pressure shall not be more than 40 decibels at every participating and non-participating principal building. The sound level shall be measured at the nearest wall of the principal building. An occupied structure shall not include an accessory structure or guest house as defined by the Reno County Zoning Regulations.

D. A participating or non-participating landowner may waive the decibel levels exceeding the requirements of this section.

4. Shadow Flicker:

A. Shadow flicker analysis and map prepared by a third-party company shall be required with a conditional use permit application. The shadow flicker study shall analyze the expected annual number of hours and the specific times the shadow flicker is expected to occur at each principal building within the project boundary and explain the methodology used to achieve the results of the study.

B. To minimize the effects of shadow flicker, the applicant shall utilize the data from the shadow flicker report to assist landowners in reducing the number of hours of shadow flicker to the

minimum requirement of the zoning regulations. The applicant and landowner shall collaborate and decide the best means to reducing the amount of shadow flicker.

- C. The maximum number of shadow flicker hours per year a participating or non-participating principal building shall receive is 20.
  - D. A participating or non-participating landowner may waive the shadow flicker limit requirement.
5. Communication Lines:
- A. Communication lines and power collection lines are to be installed underground in the area covered by the CUP with use of directional boring, horizontal drilling, micro-tunneling, vibrating plowing, narrow trench ditching and other techniques in the construction of facilities. Such processes are intended to result in the least amount of disruption and damage as possible to the surface soil and natural features. Said lines are to be located under or at the edge of turbine access roads. When conditions on-site are found to make installation of underground supporting lines impractical or infeasible, for example the presence of existing underground lines or pipelines that conflict with such type of construction, above ground transmission lines may be used only in public rights-of-way, easements or other legal documents dedicated for such purposes.
  - B. The applicant shall contact the Reno County Emergency Management Director to coordinate meetings with other local emergency service personnel to develop a plan to address any potential interruptions in 911 calls being blocked due to the construction of wind turbines. The applicant shall submit a written report detailing the plan to mitigate any potential interruption in services.
  - C. Any installation of above ground or below ground communication lines or power collection lines within a Special Flood Hazard Area will require a floodplain development permit.
6. Rotor Blades:
- A. The lowest point of the rotor blades shall be at least 50 feet above ground level at the base of each tower.
  - B. Rotor blades shall be painted a non-reflective neutral color such as white or grey. The rotor blades shall be painted the same color as the tower and nacelle.
  - C. Rotor blades shall not display company names, markings, or advertising logos.
7. Lubricants and Hazardous Materials:

All lubricants and/or hazardous materials to be located on the premises in connection with the CWECS facility shall be kept and transported in accordance with all state and Federal regulations.

8. Lighting:
- A. Lighting of the towers shall utilize Aircraft Detection Lighting System (ADLS).
  - B. Any other lighting requirements on the towers shall comply with, but not exceed, the minimum FAA requirements.
  - C. White strobe lights on the towers or any other aspect of the project are prohibited.
  - D. Lights associated with the operation and maintenance facility, or other aspects of the project shall be directed so as not to shine directly on any adjacent property line or public road.
  - E. Security and safety lighting shall be designed to shield the glare onto a property or public road.
9. Turbines and Nacelles:
- A. Structures for wind turbines shall be self-supporting tubular towers painted a neutral color such as a white or grey. The structure shall be painted the same color as the rotor blades.
  - B. Lattice structures or other types of design are prohibited.
  - C. A turbine tower and nacelle shall not display any advertising except for identification of the manufacturer. Any signs, flags, streamers, or similar items are prohibited. Other warning signs, placards, or required signs by a government agency are excluded from this prohibition.
  - D. To aid in preventing unauthorized climbing of the tower, all ladder rungs or other potential climbing assistance objects shall be removed up to 15 feet above the ground surface.
  - E. Telecommunication antennas or other type of antennas used for transmission of radio signals not associated with a CWECS are prohibited.
10. Operation Requirements:
- A. The CWECS, and its associated facilities, shall not be operated so as to cause microwave, television, radio, telecommunication, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other laws to occupied structures existing as of the date of the CUP approval. In the event the CWECS and its associated facilities or its operations cause such interference, the applicant shall take timely measures necessary to correct the problem.
  - B. Documentation shall be submitted by the applicant indicating compliance with minimum FCC Regulations.
11. Ice Throw:
- A. An ice throw analysis and map prepared by a third-party company shall be required with a conditional use permit application. The ice throw study shall analyze the conditions which



may cause ice to be thrown off an in-motion turbine blade and toward an occupied structure within the project boundary. The study should explain the methodology used in evaluating the risk of damage to occupied principal buildings. Also included in the study should be the manufacturer’s setback distances related to in-motion ice throws and the type of ice monitoring sensors and devices installed in each wind turbine and the potential maximum distance ice could be thrown from an in-motion wind turbine blade.

- B. The Applicant shall provide a 24-hour phone number which landowners can call with concerns regarding ice throw. Mitigation measures by the applicant shall include, but not be limited to, automatic or remote shut down of the entire CWECS or an individual wind turbine until the temperature rises sufficiently to melt off the ice.

12. Soil Erosion, Sediment Control, Stormwater Runoff, and Wetlands:

The Applicant shall develop a Soil Erosion, Sediment Control and Stormwater Runoff Plan. The Plan shall address what type of erosion control measures will be implemented during each phase of the project. The Plan shall address the following concerns:

- A. Grading.
- B. Construction and drainage of access roads and wind turbine pads.
- C. Necessary soil information.
- D. Design features to maintain downstream water quality.
- E. Re-vegetation of disturbed area to ensure slope stability.
- F. Restoration of the site after temporary project activities have ended.
- G. Creation of a new wetland area that is equal to or greater than any wetland area that is filled in or destroyed.
- H. Disposal or storage of excavated materials.
- I. Protecting exposed soil.
- J. Stabilizing restored material and removal of silt fences or barriers when the area is stabilized.
- K. Maintenance of erosion control measures throughout the life of the project.

If required, the Applicant shall obtain an erosion control permit for the project from the Kansas Department of Health and Environment (KDHE). The approved erosion control permit shall be submitted prior to the issuance of a zoning permit. The measures listed above shall be the minimum required under the issued KDHE permit.

13. Special Flood Hazard Areas:

If required, the Applicant shall obtain a floodplain development permit from the Kansas Department of Agriculture – Division of Water Resources, for any development identified as being located in a special flood hazard area. Such development could include, but not be limited to, the placement of a turbine, construction of a road, location of electrical lines under a stream, or location of a building.

Prior to starting construction activities, the applicant shall obtain a local floodplain development permit for all construction in the special flood hazard area prior to the issuance of a zoning permit or for any portion of the project not requiring a zoning permit.

To the extent feasible, the design of the CWECS project should have a minimal impact of land identified as within a special flood hazard area. It is expected of the applicant to locate all wind turbines and buildings out of the special flood hazard area so the project will have a minimum impact on the special flood hazard area.

**23-108 Special Regulations Applicable for a Conditional Use Permit for a CWECS:** The timeline restrictions in Article 8 and Article 15 are not applicable to a CWECS project because of the overall length of time necessary for the development and construction of the project. With respect to a CWECS project approved after the adoption of this section:

1. For all Conditional Use Permits approved for a CWECS project, a zoning permit shall be applied for within two (2) years of the approved CUP. Approval of the CUP is effective (the “EFFECTIVE DATE”) when the County Commissioners’ Resolution approving the same is published in the official county newspaper. If construction of the project cannot be commenced within that two (2) year period, the applicant may obtain a single one-year extension upon the submission of a written report to the Board of County Commissioners describing the reason(s) for the delay and the plan for commencing construction within the one-year extension period. The one-year extension must be approved prior to the expiration of the original two-year period.
2. For all Conditional Use Permits approved for a CWECS project, such permit shall be permitted to continue, as-long-as all conditions placed on the permit are met. However, if the CWECS project construction has not commenced within two (2) years following approval of the CUP or any extension thereof as aforesaid, the CUP shall have expired, and the development plan is forfeited. In such event, the Applicant will not be permitted to pursue the Development Plan until a new application is submitted, a new public hearing held, and a new CUP is approved.

**23-109 Agreements:** Prior to the issuance of the zoning permits, the Applicant of the CWECS and the Board of County Commissioners shall enter into a Development Agreement with respect to the subject matters outlined below under such terms and conditions acceptable to the Board of County Commissioners. A Development Agreement shall be executed by the Applicant and the Board of County Commissioners within 120 days following the EFFECTIVE DATE or the CUP approval will have terminated at the discretion of the Board of County Commissioners. This list of agreements and specific requirements can be supplemented or removed by mutual agreement of both parties.

The following subject matters shall be addressed in the Development Agreement or series of Development Agreements:

## ARTICLE 23

# COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (CWECS) REGULATIONS

---

1. A Road Maintenance, Repair, and Replacement Agreement.

The Road Maintenance Agreement shall include, but not be limited to, such topics as:

- A. Designation of the public roads used for transportation routes for construction and maintenance of the CWECS shall be included within the mandatory Road Maintenance Agreement specified in these Regulations.
- B. The applicant shall receive an Oversized/Overweight permit from the Reno County Public Works Department for transporting CWECS components that are over the legal weight, width, or length limit. A proposed route shall be submitted on the Oversized/Overweight Permit for transportation routes by the applicant. The transportation route shall be approved by the Public Works Department by signature on the permit form.
- C. Applicant shall construct the smallest number of turbine access roads as reasonably feasible. Access roads shall be low profile roads so farming equipment can cross them. Where an access road crosses a stream or drainageway, it shall be designed and constructed so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Where an access road crosses a stream or drainage way identified as a Special Flood Hazard Area, the applicant shall obtain a floodplain development permit from the state and county.

2. A Decommissioning Agreement with the Board of County Commissioners pertaining to CWECS improvements.

The Decommission Agreement should include, but not be limited to, such topics as:

- A. Removal of the wind turbine tower and nacelle.
- B. Removal of a portion of the concrete base down to a minimum of four feet below ground surface.
- C. Replacing the two bottom feet with subsoil composed of sand, silt, and clay materials and the top two feet with topsoil suitable for agriculture purposes.
- D. Removal of access roads.
- E. Re-seeding of disturbed areas.
- F. Timeline for removal.
- G. Removal of electrical equipment.
- H. Recognition of a landowner's right to request access roads be left intact.
- I. Recognition of a landowner's right to be satisfied with the decommission efforts of the applicant or a hired contractor.

- J. A discussion of circumstances which may require the decommissioning of a turbine(s).
- 3. An indemnification agreement with the County throughout the life of the project and a policy of general liability insurance with policy limits satisfactory to the Board of County Commissioners which identifies the County as an additional insured.
- 4. A Dispute Resolution and Mitigation Form that will describe the policy and reporting procedure to address complaints regarding the project from construction to operation and throughout the life of the project, including the Developer’s compliance with these regulations from construction to operation.
- 5. A bird strike policy and reporting procedure which would include an annual report submitted to the County Commissioners indicating all reported bird strikes related to the project.
- 6. A written certification by a licensed and qualified professional engineer, approved by the County, that each wind turbine location complies with all setback requirements.
- 7. A Payment In lieu of Tax Agreement (PILOT) which adequately compensates the County for governmental services provided in the project boundary during a ten-year period of tax exemption.
- 8. Fire Safety and Rescue Plan:  
  
The Plan shall be reviewed by the Emergency Management Director. Within the Plan, the applicant shall identify the potential fire risk associated with the project, including both prescribed burning and non-prescribed burning (natural or accidental). The Plan shall address fire within the project boundary, fire escaping from the site, and the effects of a fire originating from outside the site. The plan shall demonstrate how the CWECS and equipment are protected from fire.

**23-110 Requirements for Zoning Permit:**

If applicable, the following requirements shall be met to obtain a zoning permit from the County:

- 1. No zoning permit application shall be accepted by the County until all required agreements listed under Article 23-109 between the Applicant and the County have been properly executed by the Applicant and the County.
- 2. A zoning permit shall be required for the construction of each turbine and building within the approved CWECS accompanied by the payment of all fees as established by the County. Construction shall be permitted to begin as outlined in the Development Agreement.
- 3. A Stormwater Pollution Prevention Plan (SWPP) and NPDES permit from the Kansas Department of Health and Environment shall be finalized and submitted prior to the issuance of a zoning permit and the start of construction.
- 4. Filing and maintaining a current FAA Determination of No-Hazard to Air Navigation document verifying each wind turbine, when constructed according to the approved development plan, will not constitute a hazard to aircraft.

5. Oversized/overweight permit from the Public Works Department.
6. Wastewater and well permits from the Health Department.
7. U.S. Army Corps of Engineers Section 404 permit.
8. Kansas Department of Agriculture – Division of Water Resources stream obstruction and floodplain fill permit.
9. The application for a zoning permit shall include, but not be limited to, a site plan showing the following information:
  - A. The location of the structure or turbine and any other onsite facilities such as a control room or transformer on a survey prepared by a registered land surveyor showing the distance from the property lines. The floodplain boundary (where applicable) should also be located on the survey. The survey showing the wind turbine location submitted with the CUP application may be used provided the location of the wind turbine has not been re-located from the approved development plan.
  - B. The turbine number and megawatt capacity.
  - C. The location of above ground and below ground transmission lines.
  - D. The location of the interior access road.
  - E. An outline of any proposed site preparation activities involving removal of vegetation, excavation of soil, locations of soil stockpile, and restoration plans for the site after construction concludes.
  - F. The approved state and local floodplain development permits (where applicable).

**23-111 Construction Requirements:**

1. The CWECS Applicant shall inform all employees, contractors and others involved in the construction of the CWECS project of the terms and conditions of the approved Conditional Use Permit. Violations of the conditions associated with the Conditional Use Permit are the responsibility of the CWECS Applicant, not the landowner.
2. The County retains the authority to enter into a contract with a structural engineering firm licensed by the State of Kansas Board of Technical Professions to offer engineering services to the County as defined by the Development Agreement. Documentation regarding each approved permit or inspection shall be filed with the Zoning Administrator. Payment for the costs incurred by the County from the engineering firm shall be negotiated through the Development Agreement.
3. Confirmation from an engineering company the turbines comply with the development plan, the zoning regulations, and the conditions associated with the approved Conditional Use Permit.

4. Prior to the start of, and continuously throughout construction and site restoration, the CWECS Applicant shall designate a field representative responsible for overseeing compliance with the conditions of the CUP. The field representative shall be accessible by telephone and email as needed by the Zoning Administrator or his designee. The field representative shall provide an address, phone number, and emergency phone number to the Zoning Administrator, Sheriff, and Emergency Management Director. The information shall be available to residents, government officials, and other interested persons by the County. The CWECS Applicant shall notify the Zoning Administrator, Sheriff, and Emergency Management Director should a change be made in the field representative. If environmental conditions not previously identified, are discovered during construction, the applicant shall have the right to relocate a turbine on the parcel but only if the discovery would, by law, prevent such use. The relocated turbine shall still comply with all applicable requirements of Article 23 and all conditions of approval associated with the conditional use permit.
5. Any off-site construction needs outside of the permitted CWECS Conditional Use Permit shall comply with all applicable Zoning and Subdivision Regulations.
6. The CWECS Applicant, or its construction company, shall disturb or clear a site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the CWECS. The contractor shall minimize the removal of trees and shall not remove groves of trees or hedgerows (shelter belts) without approval of the affected landowner. During site clearance and construction, silt fences and other temporary erosion controls, as required by the KDHE erosion control permit, shall be installed, and left in place until new vegetation covers the ground around the turbines.
7. Cleanup:  

The CWECS Applicant, or its construction company, shall remove all waste, scrap, and temporary erosion control measures that is the product of construction, operation, restoration, and maintenance from the site and properly dispose of it upon completion of each turbine. Complaints shall be addressed through the Complaint Resolution Form established by the Development Agreement.
8. Operation & Maintenance:  

The CWECS Applicant shall file the following information with the Zoning Administrator:

  - A. Operation and maintenance requirements (including the frequency of maintenance activities) for the turbines and transmission lines.
  - B. The required width of transmission line easements and any necessary restrictions on land use development, buildings, and access within the easement.
  - C. Any restrictions on participating property owner land uses, height of buildings, or location of building.
9. Transfer of Ownership:  

If ownership of the CWECS is transferred from the CWECS Applicant identified in the original permitting documents to any entity, the new owner shall be responsible and accountable for the terms

and conditions of the approved Conditional Use Permit, the Development Agreement, other applicable agreements, the zoning permit requirements, and all applicable requirements of the Zoning and Subdivision Regulations. Notice of such transfer and acknowledgement by the new owner of compliance obligations shall be provided to the Zoning Administrator and the Board of County Commissioners.

DRAFT