

10.1.5 Setbacks

The following setbacks and separation requirements shall apply to all wind turbines in a wind energy facility:

10.1.5.1 Each wind turbine shall be set back from the nearest occupied dwelling, commercial building or publicly-used structure or facility at a distance not less than 1,400 feet.

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10.1.5.2 Each wind turbine shall be set back from the nearest public road or above ground communication or electrical line at a distance not less than 200 feet, determined at the center of the existing right-of-way.

10.1.5.3 Each wind turbine shall be set back from the wind energy facility perimeter at a distance not less than two and one half times the rotor diameter of the wind turbine. A variance may be granted if an authorized representative or agent of the permittee and those affected parties on adjoining properties with associated wind rights sign a formal and legally-binding agreement expressing all parties' support for a variance that waives or reduces the setback requirement.

10.1.6 Minimum ground clearance

The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than 75 feet.

10.1.7 Restoration of property

Within 180 days of termination or abandonment of leases or easements for a wind energy facility in the County, the permittee shall cause, at its expense, the removal of all structures to a depth of four feet below pre-construction grade and to replace the surface.

10.1.8 Transfer of wind energy facility siting permit

In the event of a change in ownership or controlling interest in a wind energy facility and the transfer of the permit, any successors and assigns of the original permittee shall comply with the requirements and conditions of such permit for the duration of operation of a wind energy facility. Within 30 days of such change in ownership or controlling interest of any entity owning a wind energy facility, the parties to the transaction shall notify the Commission in writing and provide information pursuant to 10.1.3.1.1. The notification shall be signed by the authorized representatives or agents of both the original permittee and the entity to which the permit is being transferred.