Community and Large Scale Wind Energy Conversion Systems Draft Regulations

Wind Energy Workgroup Recommendations

Virginia Wind Energy Symposium

June 17, 2010
The Workgroup . . .

- Group Composition
- Meetings/Deliberations
- Tour Facility
- Draft Recommendation
Contents . . .

- Purpose
- Key Definitions
- General Requirements
- State and Federal Mandates
- Environmental Considerations
- Independent Consultant Review
- Public Notification
- Review Process
- Monitoring and Maintenance
- Abandoned or Discontinued Use
Overall Purpose and Intent...

To regulate the placement, construction and modification of wind energy conversion systems...

- while promoting their safe, effective and efficient use
- while not unreasonably interfering with the development of independent renewable energy sources
- while accommodating facilities in appropriate locations, thereby minimizing potential adverse visual, safety and environmental impacts
The System . . .

- Structure height greater than 85 feet.
- Rated output is greater than 5 megawatts.
- Developed to be owned or sold for the purpose of realizing a return on their investment.
General Requirements...

- Allowed in the A-1 Prime Agricultural or A-2 General Agricultural Zoning Districts
- Allowed on County-owned property
- Systems will not require a height exception
- Enhanced notification if located within a mile of special areas
- Public information meetings
Height Requirements . . .

- Shall not exceed 500 feet

- Height may be exceeded if Board determines:
  - Additional height is needed and would result in significant additional benefits in terms of energy production and efficiency
  - Height reflects industry standards for a similarly rated wind energy conversion system
Setbacks and Separations . . .

- System shall be set back a distance at least equal to 125 percent of the structure height from adjoining non-participants.
- A distance equal to 160% of the structure height or 800 feet from residential or public use structures.
- Setbacks may be reduced by notarized consent and deed of easement.
Environmental Considerations...

- Wetlands
- Land Clearing/Open Space
- Noise
- Shadowing/Flicker
- Fish, Wildlife, and Native Plant Protection
State and Federal Mandates . . .

- Approvals prior to submission to County
  - Virginia State Corporation Commission (SCC)
  - Virginia Department of Environmental Quality (DEQ)
  - Federal Aviation Administration (FAA)
  - Federal Communications Commission (FCC)
  - Department of Mines, Minerals and Energy (DMME)
  - Virginia Division of Game and Inland Fisheries (DGIF)
  - Virginia Department of Conservation and Recreation (DCR)
Public hearing under the Special Use Permit Process

All State and Federal requirements shall be met prior to application for construction

Approval letters must be included with application.
Public Notification . . .

- Community and Utility
  - Adjoining landowner notification
  - Signs posted on site
  - Postings ½ mile from proposed site
Independent Consultant Review...

- Hired by the County
- Review at Applicant’s Expense
Monitoring and Maintenance . . .

- Annual reports
- Proper maintenance and accessibility
- Buffers and landscaping
- Change in ownership
State of the Station Report . . .

- The applicant shall provide to the Board of Supervisors an annual state of the station report.

- The report shall include a summary of all information submitted annually to state and federal agencies.

- Notice shall be provided to the County of any change in ownership of the facility.
Abandoned or Discontinued Use . . .

- Scheduled abandonment or discontinuation
- Inoperability
- Removal of structures and equipment
- Disposal of solid or hazardous materials and waste
- Site restoration
- County authority to take appropriate action
Next Step . . .

- Planning Commission
  - Public Hearing
  - Recommendation

- Board
  - Public Hearing
  - Decision
Small Wind Energy Systems

- Allow single Small Wind Energy systems “by right” for Agricultural areas with public notification

- Allow single Small Wind Energy systems in other zoning districts by special use permit

- Allow two or more Small Wind Energy systems by special use permit