

ORDINANCE NO. 08-05

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	EXCUSED	

I MOVE this ordinance be adopted: Councilmember Kelepolo

I SECOND the foregoing motion: Councilmember Sorensen

ORDINANCE 08-05

AN ORDINANCE ALLOWING WIND TURBINES FOR THE GENERATION OF ELECTRICITY AND ESTABLISHING STANDARDS

WHEREAS, Spanish Fork City is situated in a location which has constant night time winds; and

WHEREAS, technology has made feasible the generation of electricity from the wind using wind turbines; and

WHEREAS, Electricity produced from wind is environmentally friendly; and

WHEREAS, Spanish Fork zoning ordinances presently do not allow for wind turbines; and

WHEREAS, commercial turbines are operated like a business and have safety features not

always available on smaller units; and

WHEREAS, the operation of commercial turbines, as a business, is a safe and reliable industry, but, like all similar businesses, needs to remain in appropriate, industrial zones; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 4th day of May, 2005, where public comment was received; and

WHEREAS, a public hearing was held before the City Council on Tuesday, the 7th day of June, 2005, where additional public comment was received;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork Municipal Code §15.3.24.090 Wind Turbines is hereby created as follows:

15.3.24.090.(I) Wind Turbines (WT)

It is the purpose of this section to promote the safe, effective, and efficient use of large wind energy systems installed to provide electricity to utilities and to promote the adoption of renewable energy resources to reduce dependence on fossil fuel power generation.

A. Definitions:

1. Large wind energy system: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW.
2. Tower height: The height of a wind turbine measured from the grade level to the hub.
3. Blade sweep: The diameter of the wind turbine blades as determined by the blade rotation.

B. Requirements:

1. Minimum parcel size: A large wind energy system consisting of one tower must be located on a parcel that is a minimum of five acres in size. An additional acre of property is required for each additional tower.
2. Onsite structures maybe located up to the foundation of the tower.
3. Setback from a residential zone or use: The tower base must be setback a minimum of 500 feet from residential zoning districts.
4. Distance from rights-of-way and property lines: None; but all tower bases must be located on leased or owned property. The blade sweep cannot encroach upon adjoining properties or rights-of-way without easements providing for their encroachment. The

- easement must be a recorded document.
5. Height: Tower height is not to exceed 270 feet. Provided that, in all cases, the system shall comply with all applicable Federal Aviation Administration (FAA) requirements.
 6. Height of Blade (tip at low point of blade sweep from ground): No closer than 50 feet.
 7. Braking Device: All WT devices shall have braking systems when winds reach speeds in excess of 65 miles per hour.
 8. Sign: One project identification warning sign is permitted containing a telephone number for emergency calls, no larger than 16 square feet in size.
 9. Color/Finish: white or other non-reflective color.
 10. Interference with Broadcast Signals: The system shall not create electromagnetic interference and shall be filtered and/or shielded to prevent interference with broadcast signals.
 11. Compliance with International Building Code (IBC): Building permit applications for large wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower and WT showing compliance with the building code and certified by a professional engineer licensed in the state of Utah shall also be submitted.
 12. Compliance with FAA Regulations: Large wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
 13. Utility Notification: A letter shall be provided from any interconnecting utility companies confirming approval for any interconnection.
 14. Zoning Districts: Large wind energy systems are permitted only in the I-3 and I-1 zoning districts which are east of 3400 East.
 15. Wind Study: A wind or feasibility study must be conducted and recommend a specific location for the WT. The study must also recommend an optimal height for the WT and if the location is feasible for a WT.
 16. The tower shall not be climbable from the exterior.

II.

This ordinance shall be effective immediately upon passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 7th day of June, 2005.

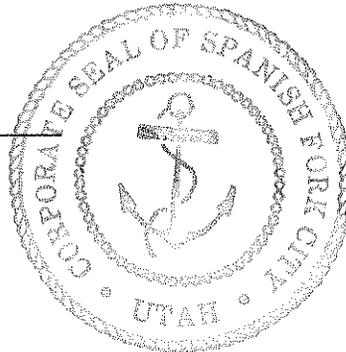


DALE R. BARNEY, Mayor

ATTEST:



KENT R. CLARK, City Recorder



Proof of Publication

I Lana Creer-Harris being first duly sworn according to law, disposes and says that she is the Editor of **THE SPANISH FORK PRESS**, a weekly newspaper printed and published at Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

ORDINANCE 08-05 AN ORDINANCE ALLOWING WIND TURBINES FOR THE GENERATION OF ELECTRICITY AND ESTABLISHING STANDARDS NOW THEREFORE,

be it ordained and enacted by the Spanish Fork City Council as follows:

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F Definitions:

1. Large wind energy system: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW.

2. Tower height: The height of a wind turbine measured from the grade level to the hub.

3. Blade sweep: The diameter of the wind turbine blades as determined by the blade rotation.

B Requirements:

1. Minimum parcel size: A large wind energy system consisting of one tower must be located on a parcel that is a minimum of five acres in size. An additional acre of property is required for each additional tower.

The tower base must be setback a minimum of 500 feet from residential zoning districts.

4. Distance from rights-of-way and property lines: None, but all tower bases must be located on leased or owned property. The blade sweep cannot encroach upon adjoining properties or rights-of-way without easements providing for their encroachment. The easement must be a recorded document.

5. Height: Tower height is not to exceed 270 feet. Provided that, in all cases, the system shall comply with all applicable Federal Aviation Administration (FAA) requirements.

6. Height of Blade (tip at low point of blade sweep from ground): No closer than 50 feet.

7. Braking Device: All WT devices shall have braking systems when winds reach speeds in excess of 65 miles per hour.

8. Sign: One project identification warning sign is permitted containing a telephone number for emergency calls, no larger than 16 square feet in size.

9. Color/Finish: white or other non-reflective color.

10. Interference with Broadcast Signals: The system shall not create electromagnetic interference and shall be filtered and/or shielded to prevent interference with broadcast signals.

1. Compliance with International Building Code (IBC): Building permit applications for large wind energy systems

of the tower and WT showing compliance with the building code and certified by a professional engineer licensed in the state of Utah shall also be submitted.

12. Compliance with FAA Regulations: Large wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

13. Utility Notification: A letter shall be provided from any interconnecting utility companies confirming approval for any interconnection.

1. Zoning Districts: Large wind energy systems are permitted only in the I-3 and I-1 zoning districts which are east of 3400 East.

1. Wind Study: A wind or feasibility study must be conducted and recommend a specific location for the WT. The study must also recommend an optimal height for the WT and if the location is feasible for a WT.

1. The tower shall not be climbable from the exterior.

This ordinance shall be effective immediately upon passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 7th day of June, 2005.

Published in the Spanish Fork Press on June 23, 2005.

for consecutive 1 weeks,

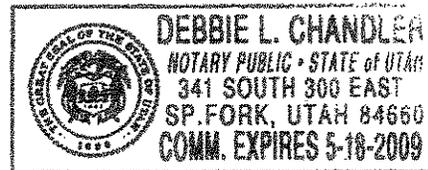
the first publication on the 23rd day

of June 2005

And the last on the 23rd day

of June 2005

Lana Creer Harris



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Nc