

CLINTON COUNTY BOARD OF COMMISSIONERS

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Administrator
Ryan L. Wood
Clerk of the Board
Diane Zuker

RESOLUTION NO. 2010-8

ADOPTING ORDINANCE NO. 66-09B,

AMENDMENT/SUPPLEMENT TO THE CLINTON COUNTY ZONING ORDINANCE FOR UTILITY SCALE WIND ENERGY SYSTEMS

At a regular meeting of the Board of Commissioners of Clinton County, Michigan, held at the County offices located at 100 E. State Street, St. Johns, Michigan on the 27th day of April, 2010, at 9:00 a.m.

PRESENT: David Pohl, Larry Martin, Paul McNamara, Jack Enderle, Eileen Heideman, Robert Showers and Adam Stacey

ABSENT: None

The following Resolution was offered by Commissioner Showers and seconded by Commissioner Enderle.

WHEREAS, the Michigan Zoning Enabling Act, 2006 PA 110, as amended, authorizes the County Board of Commissioners to adopt, amend and supplement a zoning ordinance regulating the public health, safety and general welfare of persons and property; and

WHEREAS, the Clinton County Planning Commission ("Planning Commission") duly noticed and held a public hearing on November 12, 2009 to consider amendments ("Ordinance Amendments") to the Clinton County Zoning Ordinance in Case PC-29-09(B); and

WHEREAS, on January 14, 2010, the Planning Commission received additional public comments on the Ordinance Amendments; and

WHEREAS, on February 11, 2010, the Planning Commission received additional public comments on the Ordinance Amendments; and

WHEREAS, on April 8, 2010, the Planning Commission considered the additional public comments received by the Planning Commission at its January 14, 2010 and February 11, 2010 meetings and decided to recommend adoption of the Ordinance Amendments to the Board; and

WHEREAS, the Planning Commission transmitted a summary of its proceedings to the Board; and

WHEREAS, the Clinton County Board of Commissioners has determined that the Ordinance Amendments would promote and enhance the overall welfare and quality of life in Clinton County; and

WHEREAS, the Clinton County Board of Commissioners has determined that enacting said Ordinance Amendments is in the best interests of the public health, safety and welfare of the County's residents.

THEREFORE, be it resolved by the Board of Commissioners of Clinton County, Michigan, as follows:

1. Ordinance No. 66-09B, Amendment to Clinton County Zoning Ordinance, as amended, attached as Exhibit A to this Resolution, is hereby adopted.
2. The Ordinance Amendments, attached as Exhibit A, shall be filed with the County Clerk.
3. The County Clerk shall publish a notice of ordinance adoption in a newspaper of general circulation in the County within 15 days after adoption.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed.

ADOPTED:

YEAS: Robert Showers, Eileen Heideman, Adam Stacey, David Pohl, Jack Enderle, Paul McNamara and Larry Martin.

NAYS: None

STATE OF MICHIGAN)
)
COUNTY OF CLINTON)

I, Diane Zuker, Clerk of the County of Clinton, do hereby certify that the above and foregoing is a true and complete copy of certain proceedings taken by the Clinton County Board of Commissioners at a regular meeting held on the 27th day of April, 2010.

Diane Zuker, Clinton County Clerk

Larry Martin, Chairperson
Clinton County Board of Commissioners

EXHIBIT A
ORDINANCE NO. 66-09B

CLINTON COUNTY ORDAINS:

Section 1. Purpose and Findings.

A. Purpose. The State of Michigan has been promoting the development of clean energy, renewable energy, and energy optimization through the implementation of a clean, renewable, and energy efficient standard. Clinton County has followed a similar path through the adoption and creation of the County's "Green Initiative" in an effort to achieve significant long term financial and environmental savings by establishing reasonable goals and objectives related to reducing greenhouse emissions.

The most common land use within Clinton County is agriculture. Agricultural use has been historically recognized as the largest consumer of land resources and its preservation has been an ongoing goal within the community. Like traditional farming operations, commercial or "utility-scale" wind energy systems and operations require large tracts of land not typically located near densely populated areas. As a result, regulations of wind energy systems and operations are now necessary for agricultural districts to further the goal of agricultural preservation while also encouraging the goal of producing clean, renewable energy. The following requirements, standards and provisions have been developed with the intention of obtaining an appropriate balance between the need for clean, renewable energy resources and the need to protect the public health, safety, and welfare of the community.

B. Findings. Given the advancement in technology of "wind development" in general, according to the latest maps generated by the Michigan Department of Labor and Economic Growth, specific locations within Clinton County may support the implementation of Utility Scale Wind Energy Systems. To prepare for potential "wind development" as a viable land use within the County, the ordinance requires that use and development of property for such purposes to obtain Special Land Use approval prior to construction, implementation and commencement of use.

Section 3. Amendment of Article 4, Section 415. Section 415, entitled Agricultural and Open Space Preservation District A-1, of Article 4, entitled Zoning District Regulations, of the Zoning Ordinance of Clinton County is hereby amended to add the following as follows:

A-1, Special Land Uses

- 7) Utility-Scale Wind Energy Systems and Facilities, subject to Section 1341

Section 4. Amendment of Article 4, Section 416. Section 416, entitled General Agricultural District, A-2, of Article 4, entitled Zoning District Regulations, of the Zoning Ordinance of Clinton County is hereby amended to add the following as follows:

A-2, Special Land Uses

23) Utility-Scale Wind Energy Systems and Facilities, subject to Section 1341

Section 5. Amendment of Article 13, Section 1341. Section 1341, entitled, Wind Energy Systems and Facilities, of Article 13, entitled Special Land Uses, of the Zoning Ordinance of Clinton County is hereby amended as follows

Section 1341. Wind Energy Generation Facility, Utility Scale WES or MET Towers (Exceeding 150')

Wind Energy Generation Facilities, Utility Scale WES and MET Towers 150 feet or higher ("Special Use MET Tower") are permitted within the A-1 and A-2 agricultural zoning classifications as a special land use subject to the following requirements, standards and provisions:

A. Application Requirements.

Prior to commencing construction or implementation of use an application for a Special Land Use must be filed, reviewed and approved for the establishment and implementation of a Utility Scale WES, Special Use MET Tower or WEGF by the Clinton County Board of Commissioners ("Board"). Information required for review shall include the following in addition to the information requirements and standards for Special Land Use and Site Plan Review contained in Article 7 and Article 13 of the Ordinance:

1. Electromagnetic/Structural Interference. A report shall be produced by a third party, qualified professional to review any impacts to existing television, telephone (including cellular and land line), microwave, navigational, or radio reception within one (1) mile of the Utility Scale WES, Special Use MET Tower or WEGF Participating Parcel boundaries. Additional consideration of electromagnetic and structural interference may be required beyond one (1) mile in response to existing or planned local, state or federal emergency communication systems.
2. Soil Conditions. The applicant shall produce a geotechnical engineering evaluation demonstrating that the load bearing characteristics of the site soils are suitable for petitioned improvements. Such a report must be prepared by a qualified professional.
3. Shadow Flicker. The applicant shall provide a detailed report including a visual site plan illustrating potential shadow areas produced by the Utility

Scale WES, WEGF or Special Use MET Tower including a summation of the impacts the proposed Utility Scale WES, WEGF or Special Use MET Tower may have upon neighboring/adjacent properties and homes. The summation shall include but not be limited to the number of hours per day per year and mechanisms or mitigation efforts that could be implemented to minimize any negative effects.

4. Audible Sound. The applicant shall provide a report of the potential audible conditions created by a Utility Scale WES or WEGF. The review must be produced and certified by a registered professional engineer licensed within the State of Michigan and include:
 - a. A description and map of the project's sound producing features, including the range of decibel levels expected (to be measured in dB(A)), and the basis for the expectation.
 - b. A description and map of the existing land uses and structures including any residences, hospitals, libraries, schools, places of worship, and parks within a half (1/2) mile of the proposed Utility Scale WES, Special Use MET Tower or WEGF Participating Parcel boundaries. Said description shall include the location of the structure/land use, distances from the source of the sound or Utility Scale WES, Special Use MET Tower or WEGF and ambient decibel readings (including the date and time when measurements are taken) for each identified land use and structure described and mapped..
 - c. A description of the project's proposed sound control features shall be described in detail, including specific measures to minimize noise impacts to structures and land uses identified in the preceding item..
5. Wind Resource Availability. Prior to any application being accepted for a Utility Scale WES or WEGF a thorough wind assessment study applied within a potential project area must be completed for a period of time no less than one (1) year. The height of a meteorological tower/anemometer device(s) measuring said resource must be placed within the potential vertical swept blade area of the Utility Scale WES or WEGF.
6. Technical Documentation. The following information is to be assembled and submitted for review of a Utility Scale WES, Special Use MET Tower or WEGF special land use petition to address the physical characteristics of the proposed Utility Scale WES, Special Use MET Tower or WEGF.

- a. Wind energy facility technical specifications including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions.
 - b. Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the State of Michigan.
 - c. Tower blueprints or drawings signed by a Professional Engineer licensed to practice in the State of Michigan.
 - d. Electrical schematic illustrating the proposed support infrastructure wires location, depth and directional flow of power from the Utility Scale WES, Special Use MET Tower or WEGF to the utility's connection lines.
7. Fire Prevention and Emergency Response Plan and Requirements. The following information is required to be provided to allow for adequate response to emergency situations.
- a. Describe the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
 - b. Designate the specific agencies that would respond to potential fire or other emergencies.
 - c. Describe all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training and equipment available to the designated agencies.
8. Environmental Impact issues: In consideration of the application for a Utility Scale WES, Special Use MET Tower and WEGF documentation shall be provided demonstrating that the improvements will comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
- a. Part 31 Water Resources Protection (MCL 324.3101 et seq.),
 - b. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.) ,
 - c. Part 301 Inland Lakes and Streams (MCL. 324.30101 et seq.),
 - d. Part 303 Wetlands (MCL. 324.3030 1 et seq.),

The site plan and other documents shall illustrate and describe mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands, avian and wildlife (migratory bird patterns and bat population effects), other fragile ecosystems, historical/cultural sites and antiquities as identified per the latest available Michigan Natural Features Inventory.

9. Site Plan Requirements and Additional Data. Any site plan for a Utility Scale WES, WEGF or Special Use MET Tower must include the information required by Section 709 and 715 of the Ordinance in addition to the following information.
 - a. The necessary setbacks for a Utility Scale WES, WEGF or Special Use MET Tower shall be displayed upon the site plan.
 - b. Identification and location of the Participating Parcels on which the proposed Utility Scale WES, WEGF or Special Use MET Tower will be located including distances from occupied structures for Participating Parcels and distances from both property lines and principal and residential structures for Non-Participating Parcels. The applicant shall provide documentation that has been recorded at the Register of Deeds from all property owners of the Participating Parcel that provides evidence they agreed to be a Participating Parcel.
 - c. An illustration of the proposed type of Utility Scale WES, WEGF or Special Use MET Tower.
 - d. Proof of the applicant's liability insurance for the subject property(s) and petitioned improvements.
 - e. A written description of the decommissioning and reclamation plan including contact information for those performing maintenance upon the structures, operators of the development and participating parcel owners.
 - f. A site grading, erosion control and storm water drainage plan must be submitted and approved by the Clinton County Drain Commission prior to approval of the Special Land Use and Site Plan being issued for the implementation of a Utility Scale WES, Special Use MET Tower or WEGF.
 - g. A description, or travel plan, of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries.

The travel plan must include the load capacity of the affected road, an assessment of the roadway prior to and after the construction efforts have been completed and an intersection display or diagram indicating where and what type of improvements are necessary for transportation, delivery or maintenance purposes for any Utility Scale WES, WEGF or Special Use MET Tower related items. Any road repairs necessary post construction to impacted roadways will be the responsibility of the owner/operator of the Utility Scale WES, WEGF or Special Use MET Tower and such necessary construction must be performed in compliance with all applicable requirements of the Clinton County Road Commission.

- h. A statement indicating what hazardous materials will be used and stored on the site.
- i. A statement certifying that every Utility Scale WES, Special Use MET Tower or WEGF shall be inspected on an annual basis to ensure that all equipment related to the development is in proper working condition. The applicant must submit the name and contact information for the person or organization related to the general maintenance of the structures.
- j. Any additional information deemed necessary by the Zoning Official to demonstrate compliance with the requirements found in this Subsection 1341.

B. General Requirements

- 1. The proposed installation of the WEGF, Utility Scale WES or Special Use MET Tower shall be consistent with the goals and objectives related to agricultural preservation including the general public's health, safety and welfare within Clinton County. This includes review of potential growth and development areas of the County surrounding incorporated municipalities and in other areas in the Comprehensive Plan identified for residential growth.
- 2. The proposed installation of the WEGF, Utility Scale WES or Special Use MET Towers must comply with any additional requirements found within Section 715.
- 3. Visual Appearance.
 - a. Utility Scale WES, WEGF or Special Use MET Towers shall be required to be of a neutral, non-reflective, non-obtrusive color

which must be maintained throughout the life of the product to mitigate visible oxidation or corrosion.

- b. Lighted safety beacons may be installed upon the top of the structure's nacelle to adhere to Federal, State, or local requirements, including FAA requirements, or to the extent necessary for the reasonable safety and security thereof.
 - c. No advertising may be allowed as approved by the County upon a Utility Scale WES, WEGF or Special Use MET Towers. Additional items such as banners, streamers, flags and related items are similarly prohibited.
 - d. Support structures (i.e. the tower and or base) for a Utility Scale WES Utility Scale WES and WEGF shall not utilize guy wires. Special Use MET towers shall be exempt from this requirement.
 - e. The proposed installation of the WEGF, Utility Scale WES or Special Use MET Tower shall minimize negative visual impacts upon neighborhoods, community landmarks, historic sites and buildings, natural environmentally sensitive areas and public right-of-ways.
4. Audible Sound. Sound emanating from the operation of a Utility Scale WES, WEGF or Special Use MET Tower shall not exceed forty-five (45) dB(A) as measured at the exterior of a residential structure on a Non-Participating Parcel. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds forty-five (45) dB(A) during a short-term event, the standard shall be ambient dB(A) plus five (5) dB(A) as measured at the exterior of a residential structure on a Non-Participating Parcel.

5. **Setbacks.** All setbacks required for a Utility Scale Wes, Special Use MET Tower or WEGF shall be measured from the edge of the base of the tower and meet the provisions set forth in the “Utility Scale Setback Table” below. Where applicable, certain setbacks may be reduced below the minimum requirement at the request of the owner of property where the setback of the structure is being measured against. This request must be provided for in a form recordable by the County Register of Deeds and include all documentation that the property owner has full ownership rights to request such reduction. The request and subsequent reduction if approved shall be considered part of the approved special land use and be recorded as a deed restriction against the property.

UTILITY-SCALE SETBACK TABLE	Required Setback/Separation	Availability of Waiver for Required Setbacks/Separation	Special Provisions Not Applicable for Waiver
Residential Structure	1,600'	Available	No less than 1,000'
Participating Parcel Property Line	0	Not Applicable	None
Non-Participating Parcel Property Line	1.5 times the total height of the structure	Available	No less than the minimum required setbacks for a principal structure set forth in the underlying zoning district
Public Road Right-of-Way or Existing Electrical/Gas Transmission Lines	1.5 times the total height of the structure	Available	None
Between Utility-Scale Structures	No less than 3 times the rotor diameter	Not Applicable	None

6. **Low-Impact Design Layout.** The placement of WEGF, Utility Scale WES and Special Use MET Towers should attempt to minimize the impacts on agricultural production and farming activities including but not limited to tiling systems, harvest and planting patterns or pasture areas.
- a. Appropriate locations for potential WEGF, Utility Scale WES and Special Use MET Towers within existing agricultural lands shall be encouraged along fence rows, tree lines, forest areas and other portions of land which are not typically utilized for agricultural production.
 - b. Land clearing, soil erosion and habitat impact clearing of natural vegetation shall be limited only to that which is necessary for the construction, operation and maintenance of the WEGF, Utility

Scale WES or Special Use MET Tower and is otherwise prescribed by applicable laws, regulations, and ordinances.

- c. Any cooling system ventilation, generators or other potential sources of sound must be referenced by location and type per Utility Scale WES unit, Special Use MET Tower or WEGF on the final site plan. Any sound generative device must be located and/or oriented in a manner which will minimize any negative impacts to neighboring parcels.

7. Safety.

- a. Utility Scale WES, Special Use MET Tower or WEGF shall not be climbable on the exterior of the structure.
- b. All access doors and interior access points shall be lockable and accessible only to those either constructing or maintaining the Utility Scale WES, Special Use MET Tower or WEGF.
- c. Appropriate warning signs shall be placed at the base of the Utility Scale WES towers, Special Use MET Tower or WEGF upon any associated electrical equipment and at every Utility Scale WES towers, Special Use MET Tower or WEGF entrance.
- d. Any access drive remaining on the site shall be required to have an entrance gate no closer than fifty (50') feet from the road right-of-way.
- e. The blade's tip or other rotating mechanism on any Utility Scale WES, Special Use MET Tower or WEGF shall not be less than seventy-five (75') from the ground when measured from the blade's rotational lowest position.
- f. Each Utility Scale WES, Special Use MET Tower or WEGF shall be equipped with both a manual and automatic braking device capable of stopping the operation in high winds and adverse weather conditions.
- g. The applicant must submit the name and contact information for the person or organization related to the general maintenance of the structures.
- h. All Utility Scale WES, Special Use MET Tower or WEGF must have lightning protection.

- i. The County or any emergency service provider who services the County has the authority to order any Utility Scale WES, Special Use MET Tower or WEGF to cease its operations if they determines in good faith that there is an emergency situation involving the Utility Scale WES, Special Use MET Tower or WEGF that may result in danger to life or property. The Owner and/or operator shall provide the County and emergency services providers access to the braking device identified in Subsection 7(f) above at all times. The owner/operator is to be notified but not required to be present in such an emergency situation.
8. Shadow Flicker. A Utility Scale WES, WEGF or Special Use MET Tower shall not be allowed to cast a shadow upon an adjacent or nearby Non-Participating Parcel's principal structure for a period of time in excess of thirty (30) hours per year unless said affected property owner provides written permission.
9. State / Federal Requirements. A Utility Scale WES, WEGF or Special Use MET Tower shall meet or exceed any applicable standards and regulations of the FAA, Michigan Public Service Commission, National Electric Safety Code, U.S. Fish and Wildlife Service and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures.
10. An ongoing log of maintenance activities performed on the Utility Scale WES, WEGF or Special Use MET Tower shall be submitted to the County on an annual basis to discourage physical evidence of technical obsolescence.
11. Environmental Impact. The Utility Scale WES, Special Use MET Tower and WEGF shall comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, M.C.L. 324.101 et seq.) (including but not limited to:
 - a. Part 31 Water Resources Protection (M.C.L. 324.3101 et seq.),
 - b. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 et seq.) ,
 - c. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 et seq.),
 - d. Part 303 Wetlands (M.C.L. 324.3030 1 et seq.),
12. Performance Guarantee Requirements.

- a. Prior to a decision on a Special Land Use, the County shall have the option to retain the services of an independent and certified professional engineer to estimate the total cost of both the decommissioning of Utility Scale WES, Special Use MET Tower or WEGF and reclamation efforts needed to return affected grounds back to their original physical condition. The Applicant shall be responsible for the costs of obtaining such estimate.
- b. The owner/owners and or operator of the Utility Scale WES, Special Use MET Tower or WEGF shall post a performance guarantee pursuant to Section 1305.C of the Ordinance equal to one hundred twenty-five (125) percent of the total estimated decommissioning and reclamation costs.
- c. Over the life of the performance guarantee, the County shall have the opportunity to review the total amount every five (5) years and adjust the overall amount accordingly.. The County shall have the authority to require an increase in the amount of the guarantee each year by at least the rate of inflation.
- d. Said performance guarantee shall be posted and maintained with a bonding company or Federal or State chartered lending institution chosen by the owner/owners or operators posting the financial security and acceptable to the County.
- e. Any lending institution shall be required to notify the County ninety (90) days prior to expiration of the applicable performance guarantee.
- f. When the County has determined that decommissioning and site reclamation has been completed written correspondence from said parties to the Clinton County Board of Commissioners is required for the County to authorize a release of the performance guarantee associated with a Utility Scale WES, Special Use MET Tower or WEGF development.

13. Decommissioning and Removal Procedures.

- a. The applicant shall submit a decommissioning plan to describe the anticipated life of the project, estimated decommissioning costs, net of salvage value in current dollars, methods of ensuring that funds will be available for decommissioning and any restoration efforts including a method of reclamation for each of the sites.
- b. Any Utility Scale WES, Special Use MET Tower or WEGF that is not operated for a continuous period of twelve (12) months shall be

considered abandoned. The owner/owners of such structure shall be required to either provide to the County a written explanation regarding why the tower is inoperable and a timeline of no longer than sixty (60) days to bring the machine back into compliance or apply for the necessary demolition permits for removal within ninety (90) days of receipt of written notice from the County.

- c. When a Utility Scale WES, Special Use MET Tower or WEGF is decommissioned, all items must be removed from the subject property, including buildings, electrical components, any roads, structure foundation, or other associated components to a depth no less than five (5) feet below grade. Reclamation of the site includes the planting of grasses or cover crops.
- d. Any material left under the five (5) foot requirement must be documented and recorded upon a certified survey and recorded within the Clinton County Register of Deeds.
- e. The owner/operator(s) may be exempt from removing certain items including but not limited to the entrance or roadway on the property, if the County grants written permission.
- f. Failure to provide explanation within sixty (60) days as described more fully in Subsection 14.b above or apply for the necessary demolition permits within ninety (90) days to the County for removal of an abandoned Utility Scale WES, WEGF, or Special Use MET tower will hold the owner/operator(s) subject to the following:

Within a period of thirty (30) days after the applicable grace period expires, the County may begin the process of removing the Utility Scale WES, WEGF or Special Use MET Tower structure(s) and all associated equipment or appurtenances at the owner/operator(s)' expense. The County may then sell any salvageable material and deduct any monies generated from said sales from the balance of the required security bond.

- 14. Post Construction Activities. To ensure compliance with the Ordinance's requirements the following actions must be taken pending completion of any Utility Scale WES, Special Use MET Tower or WEGF.
 - a. A final inspection with the Clinton County Drain Commissioner shall take place to ensure that soil erosion matters have been finalized at each site hosting a Utility Scale WES.

- b. Any roadway utilized for moving or construction purposes shall be inspected by both the zoning officer and those representatives from the Clinton County Road Commission to ensure compliance with the travel plan within ninety (90) days of the project's completion date.
 - c. Following the completion of construction, certification that all construction was completed pursuant to the Special Land Use approval.
- 15. Collocation. No collocation of any Wireless Communications Facilities shall be permitted on any Utility Scale WES, Special Use MET Tower or WEGF.
- 16. Non-Compliance. Non-compliance with the standards, requirements and limitations of this Ordinance shall constitute a violation and subject to enforcement pursuant to Article 3, Section 308.
 - a. The County shall require the owner(s)/operators of the Utility Scale WES, Special Use MET Tower or WEGF to deposit funds in an amount sufficient to pay for a sound decibel level test conducted by a certified acoustic technician or professional engineer to determine compliance with the requirements of this Ordinance at the request of the County.
 - b. The owner(s)/operators shall provide to the County a yearly compliance report that at a minimum addresses compliance with the shadow flicker and noise regulations of this Ordinance. The compliance report shall be well-documented, including measurements and location where measurements taken.
 - c. Complaints generated concerning noise and shadow flicker must be submitted to the County in writing from the affected property owner including their name, address and contact information. Inspection of complaints shall follow typical process and procedure under Section 308 of the Ordinance and shall also include review of the compliance report. If it is found that upon inspection of the complaint by the Zoning Official that there may be a violation of the audible maximums outlined herein, the County may draw upon the deposited funds referenced under Item (a), above to retain professional assistance to determine compliance with the provisions herein.
 - d. If the Utility Scale WES, Special Use MET Tower or WEGF is in violation of the Ordinance noise and/or shadow flicker requirements, the owner(s) must take immediate action to bring the

WES into compliance which may include ceasing operation of the structure until the violations are corrected.

Section 6. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 7. Repealer Clause. Any ordinances, resolutions or parts of ordinances or resolutions, in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 8. Effective Date. This Ordinance shall be effective seven (7) days after publication.