

CITY OF BLUFFDALE, UTAH

Ordinance No. 2008-17

AN ORDINANCE AMENDING THE BLUFFDALE CITY ZONING ORDINANCE REGARDING SMALL WIND POWER.

WHEREAS Jim Magnusson has applied for an amendment of Title 12 of the Bluffdale City Code, the Bluffdale City Land Use Ordinance, regarding small wind power generation; and

WHEREAS the Planning Commission held a public hearing, has reviewed the application, and has made a recommendation to the City Council concerning the proposed change to Title 12, the Bluffdale City Land Use Ordinance, and the City Council has found the proposed amendments to be consistent with the City's general plan; and

WHEREAS the proposed text amendment set forth herein has been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held and public notice given in accordance with Utah law to obtain public input regarding the proposed revisions to the Subdivision Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE AS FOLLOWS:

Section 1. Adoption of Chapter 12.32 of the Bluffdale City Land Use Ordinance. Chapter 12.32 of the Bluffdale City Land Use Ordinance, is hereby adopted as shown in Exhibit "A."

Section 2. Amendments to various sections of the zoning ordinance related to small wind power facilities. Chapters 12.6.3, 12.6.4, 12.6.5, 12.6.7, 12.6.8, 12.6.9, 12.6.10, 12.6.11, 12.6.12, 12.6.13, 12.6.14, 12.6.19 of the Bluffdale City Land Use Ordinance are hereby amended as shown in Exhibit "B."

Section 3. Effective Date. This Ordinance shall take effect upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH, THIS 11th DAY OF NOVEMBER, 2008.

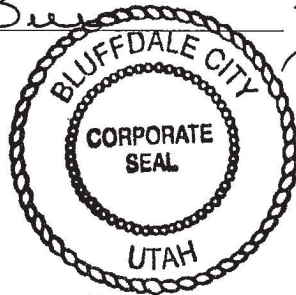
BLUFFDALE CITY

ATTEST:

Jeddiek. Bee
Recorder

[Signature]
Mayor

[SEAL]



Voting by the City Council:

	“AYE”	“NAY”
Councilmember Chisholm	<u> x </u>	<u> </u>
Councilmember Flanigan	<u> </u>	<u> x </u>
Councilmember Kartchner	<u> x </u>	<u> </u>
Councilmember Lord	<u> x </u>	<u> </u>
Councilmember Maxwell	<u> x </u>	<u> </u>

EXHIBIT A

CHAPTER 12.32 SMALL WIND ENERGY FACILITY REGULATIONS

CHAPTER 12.32 SMALL WIND ENERGY FACILITY REGULATIONS

Section 12.32.1 Purpose.

Section 12.32.2 Findings.

Section 12.32.3 Definitions.

Section 12.32.4 Regulations

Section 12.32.1 Purpose.

The purpose of this Chapter is to provide regulations for the safe and effective construction and operation of Small Wind Energy Facilities in Bluffdale City, subject to reasonable restrictions, which will preserve the public health and safety.

Section 12.32.2 Findings.

The Planning Commission and City Council make the following findings:

- A. That wind energy is an abundant, renewable and nonpolluting energy resource and;
- B. That the conversion of wind to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources and;
- C. That wind energy systems enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify energy supply.
- D. The unnecessary proliferation of wind energy facilities throughout the City creates a negative visual impact (visual pollution) on the community.
- E. The visual effects of small wind energy facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.

Section 12.32.3 Definitions.

As used in this Section, the following terms shall have the meanings indicated:

Small Wind Energy Facility – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which is intended to primarily reduce on-site consumption of utility power. Small wind energy systems are typically designed for onsite home, farm, and small commercial use.

Total Height - When referring to a Wind Turbine, the distance measured from ground level to the blade extended at its highest point.

Section 12.32.4 Regulations

A. **Allowed Areas.** Small Wind energy systems may be allowed in all zoning districts on a site of at least one (1) acre as an accessory use.

B. **Applications.** In conjunction with the application requirements for a building permit an application for a Small Wind Energy Conversion System shall include the following:

1. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
2. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.
3. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
4. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states in the application, to connect the system to the electricity grid.
5. A visual analysis of the Small Wind Energy Facility as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.
6. A decommissioning plan that includes the anticipated life of the Small Wind Energy Facility, the estimated decommissioning costs in current dollars, and the manner in which the Wind Energy Facility will be decommissioned and dismantled.

C. **Design Standards.** All small wind energy systems shall comply with the following standards.

1. A system shall be located on a lot a minimum of one acre in size, however, this requirement can be met by multiple owners submitting a joint application.
2. Only one small wind energy system tower per legal lot shall be allowed, unless there are multiple applicants, in which their joint lots shall be treated as one lot for purposes of this Section.
3. Tower heights may be allowed as follows:
 - (a) 50 feet or less on parcels between one and five acres.
 - (b) 75 feet or less on parcels of five or more acres.
 - (c) The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements.
4. The rotor and blade diameter shall not collectively exceed 16 feet.

5. A Small Wind Energy Facility shall not be located closer to a property line than the Total Height of the facility.

6. The system's tower and blades shall be painted or treated a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.

7. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible a small wind energy system:

(a) Shall not project above the top of ridgelines.

(b) If visible from public viewing areas, shall be screened to the maximum extent reasonable by vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.

8. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

9. All on-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the Planning Commission if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.

10. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

11. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery.

12. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

13. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:

(a) Tower-climbing apparatus located no closer than 12 feet from the ground.

(b) A locked anti-climb device installed on the tower.

(c) A locked, protective fence at least six feet in height that encloses the tower.

(d) Tower may be of a smooth metal design similar to a metal flag pole that by its design inhibits climbing.

14. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

15. All small wind energy system tower structures shall be designed, constructed and installed to be in compliance with pertinent provisions of the International Building Code, National Electric Code, and any other applicable codes.

16. All small wind energy systems shall be equipped with automatic over-speed controls. The conformance of rotor and overspeed control design and fabrication with good engineering practices shall be certified by the manufacturer.

17. Except during short-term events including utility outages and severe wind storms, a Small Wind Energy Facility shall be designed, installed, and operated so that noise generated by the system shall not exceed 50 decibels (dBA), as measured at the closest neighboring dwelling.

D. Maintenance. All Small Wind Energy Facility shall be maintained in good condition and in accordance with all requirements of this section.

E. Abandonment of Use. A Small Wind Energy Facility which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner in accordance with an approved decommissioning plan.

EXHIBIT B

12.6.3 A-5 Agriculture Zone

12.6.3.2 Permitted, Conditional and Accessory Uses

Accessory Uses

The following list of land use types are allowed as accessory uses in the A-5 Agriculture Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Garages - detached
2. Storage facilities for products, machinery and equipment as an accessory use to a permitted or conditional use in the zone
3. Buildings used for the confinement or protection of animals used as a permitted or conditional use in the zone
4. Private riding arenas and stables, no outdoor lighting
5. Public riding arenas and stables, with outdoor lighting
6. Stands for selling goods and products produced on the premises as a permitted or conditional use in the zone
7. Home occupations in accordance with City ordinance.
8. Small Wind Power Facilities as provided in Chapter 12.32

12.6.4 R-1-43 Residential Zone

12.6.4.2 Permitted, Conditional and Accessory Uses

Accessory Uses

The following land use types are allowed as accessory uses in the R-1-43 Residential Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Garages - detached
2. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone
3. Buildings used for the confinement or protection of animals allowed in accordance with City ordinance
4. Home occupations in accordance City ordinance
5. Small Wind Power Facilities as provided in Chapter 12.32

12.6.5 R-1-10 Residential Zone

12.6.5.2 Permitted, Conditional and Accessory Uses

Accessory Uses

The following land use types are allowed as accessory uses in the R-1-10 Residential Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Garages - detached
2. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling unit. The accessory building shall not be larger than ten (10) percent of the total area of the lot or parcel and must meet all setback requirements
3. Except as a legal non-conforming use, accessory structures for the housing of animals or poultry is not permitted, other than incidental shelter for pets as allowed by City ordinance
4. Home Occupations pursuant to City ordinance
5. Small Wind Power Facilities as provided in Chapter 12.32

12.6.7 P0-1 Professional Office Zone

12.6.7.2 Permitted, Conditional and Accessory Uses

Accessory Uses

The following list of land use types are allowed as accessory uses in the PO-1 Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- a. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use.
- b. Small Wind Power Facilities as provided in Chapter 12.32

12.6.8 GC-1 General Commercial Zone

12.6.8.2 Permitted, Conditional and Accessory Uses

Accessory Uses

The following list of land use types are allowed as accessory uses in the GC-1 Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use.
2. Small Wind Power Facilities as provided in Chapter 12.32

12.6.9 I-1 Light Industrial Zone

12.6.9.2 Permitted, Conditional and Accessory Uses

Accessory Uses

The following list of land use types are allowed as accessory uses in the I-1 Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use.
2. Small Wind Power Facilities as provided in Chapter 12.32

12.6.10 I-2 Heavy Industrial Zone

12.6.10.2 Permitted, Conditional and Accessory Uses

Accessory Uses

The following land use types are allowed as accessory uses in the I-2 Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use.
2. Small Wind Power Facilities as provided in Chapter 12.32

12.6.11 SG-1 Sand and Gravel Zone

12.6.11.2 Permitted, Conditional and Accessory Uses

Accessory Uses

The following list of land use types are allowed as accessory uses in the SG-1 Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use.
2. Temporary job trailers and offices
3. Small Wind Power Facilities as provided in Chapter 12.32

12.6.12 HC Heavy Commercial Zone

12.6.12.2 Permitted, Conditional and Accessory Uses

Accessory Uses

The following list of land use types are allowed as accessory uses in the HC Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use.
2. Repealed (*amended 4/22/2003 Ord. 2003-06*)
3. Small Wind Power Facilities as provided in Chapter 12.32

12.6.13 R-MF Multi-Family Housing Zone

12.6.13.2 Permitted, Conditional and Accessory Uses

Accessory Uses

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling units. The accessory building shall be constructed of essentially the same materials as the main residential buildings or structures.
2. Except as a legal non-conforming use, accessory structures for the housing of animals or poultry is not permitted, other than

- incidental shelter for household pets.
- 3. Home occupations.
- 4. Small Wind Power Facilities as provided in Chapter 12.32

12.6.14 GW-R Gateway Redwood Overlay Zone

12.6.14.2 Permitted, Conditional & Accessory Uses

Accessory Uses

The following land use types are allowed as accessory uses in the GW-R Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use
2. Off street parking lots
3. Trails, paths, and other pedestrian facilities
4. Recreational facilities
5. Small Wind Power Facilities as provided in Chapter 12.32

12.6.19

REGIONAL COMMERCIAL (RC) ZONE

12.6.19.3 Allowed Uses

A-Small Wind Power Facilities as provided in Chapter 12.32

12.6.20 NC Neighborhood Commercial Zone

12.6.20.2 Permitted, Conditional and Accessory Uses

Accessory Uses

The following list of land use types are allowed as accessory uses in the NC Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

1. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use.
2. Small Wind Power Facilities as provided in Chapter 12.32