

ATTACHMENT 4
Sherman County Wind Power Set Back
Ordinance

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IN THE COUNTY COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF SHERMAN

IN THE MATTER OF AN ORDINANCE)
SETTING BOUNDARIES FOR WIND)
POWER GENERATION SITING, AND) ORDINANCE NO. 39 - 2007
DECLARING AN EMERGENCY)

WHEREAS, Sherman County has become a desirable area for the placement of wind turbines for the purpose of generating electrical power; and

WHEREAS, Sherman County has an interest in insuring that the current and future wind generation projects are compatible with each other; that they protect the health, safety, and welfare of Sherman County citizens, as well as the property rights of Sherman County property owners; and

WHEREAS, to accomplish clear, timely, predictable conditions of the permitting process in Sherman County, boundary set backs for wind projects are desirable;

NOW, THEREFORE, the County Court of the COUNTY OF SHERMAN, OREGON, hereby ORDAINS as follows:

Section 1. Purpose. It is the intention of Sherman County to encourage the collaboration and cooperation of neighboring property owners and project developers to establish appropriate set back requirements between neighboring projects. The purpose of this Ordinance is to establish standards which shall be applied to boundaries where the developers of adjacent, separate wind projects cannot agree on set back requirements for the wind towers of their respective projects. The requirements of this ordinance are intended to apply to all wind power projects in the County whether sited pursuant to Energy Facility Siting Council (EFSC) under ORS Chapter 469 or County Conditional Use Permit.

Section 2. Definitions.

a. Boundary Set Backs. The minimum distance measured from an operating wind turbine in a project to the outer boundary lines of said project.

b. **Mutually Negotiated Set Back.** A set back boundary which is negotiated between developers of a project with adjacent project developers and land owners outside the project.

Section 3. Procedure.

a. Prior to application for a permit for wind power projects in Sherman County, the project developer is encouraged to negotiate set back distances from wind turbines on the outer edges of the project to the outer boundary lines of the project with owners or developers of adjacent projects or adjacent property owners outside the project.

b. In the event the project developer is unable or unwilling to negotiate boundary set backs, then the Sherman County wind power siting set back requirements of this ordinance shall apply.

Section 4. Set Back Distances.

a. Set back from property lines in all East-West upwind and downwind directional property line installation shall be no less than 7.5 times the rotor diameter and no less than 1.5 times the rotor diameter for all North-South property line delineations. These requirements shall only apply to project boundaries and will not be required for towers installed internally within the project.

b. A variance may be issued to set back standards in cases where extraordinary topographical or geographical conditions would justify the granting of a variance. A variance may be applied for pursuant to Article 7, Variances, of the Sherman County Zoning Ordinance.

Section 5. Set Backs From Pre-Existing Wind Turbines. The minimum set back requirements from pre-existing wind turbines shall be 15 times the rotor diameter upwind and downwind for all East-West set back considerations and 3 times the rotor diameter for all North-South set back considerations.

Section 6. Set Backs From City Boundaries. The minimum set back distance from an operating wind turbine to the boundary lines of any incorporated city in Sherman County shall be a distance of one (1) mile, unless a variance to such distance is obtained through the city council of an affected city, after public hearing.

Section 7. Emergency Clause. This Ordinance, being essential to the preservation of the health, safety, welfare and financial integrity of the County, an emergency is hereby declared to exist and this Ordinance is effective upon its adoption.

PASSED AND ADOPTED by the County Court on the 21st day of November, 2007.

SHERMAN COUNTY COURT

By [Signature]
Gary Thompson, County Judge

By [Signature]
Sherry Kaseberg, County Commissioner

By [Signature]
Steve Burnet, County Commissioner

ATTEST:

[Signature]
County Clerk/Deputy