

# **SOLAR AND WIND: ENERGY SYSTEM ORDINANCE**

## **Section 1 Title.**

This ordinance may be referred to as the Solar Wind Energy System Ordinance.

## **Section 2 Authority**

This ordinance is adopted pursuant to authority granted to Willow Park Ranch Property Owners Association, Inc..

## **Section 3 Purpose**

The purpose of this ordinance is to:

1. Oversee the permitting of Solar Wind Energy System.
2. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a Solar Wind Energy System.
3. Ensure that the important environmental features of Rio Grande County are protected.

## **Section 4 Definitions**

In this ordinance:

1. "Administrator" means the Willow Park Ranch Board.
2. "ARC" means the Willow Park Ranch Architectural Committee.
3. "WPRPOA" means the Willow Park Ranch Property Owner Association
4. "Owner" shall mean the individual or entity that intends to own and operate the Solar Wind Energy System in accordance with this ordinance.
5. "Solar Platform" means the platform base in which the solar panels are attached. This is considered a structure.
6. "Solar Wind Energy System" means a solar or wind energy system that:
  - (a) Issued to generate electricity for private use;
  - (b) Has a maximum tower height of one hundred feet (100').
7. "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
8. "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator. The tower include the base plate, anchors, guy cables and hardware, anemometers (wind indicators), wind direction vanes, booms to hold equipment anemometer and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location
9. "Wind generator" means blades and associated mechanical and electrical conversion components mounted on top of the towers.

## **Section 5 Standards**

Solar Wind Energy System shall be a permitted use in all parcels containing four (4) acres or larger subject to the following:

1. One Small wind energy system may be installed for the first four (4) acre and one additional, for a total of two maximum not to exceed more than 50 KW per tower. Micro-turbines may be installed instead of towers not to exceed 5 units. These are installed on the roof of the building, the backs or sides of building unless the applicant "provides both technical and economic site specific calculations which demonstrate valid reasons as to why this location is the only effective means for utilizing wind energy on the property, and such calculations are certified by a professional deemed qualified by ARC.
2. Solar panels that are installed on the roof of the residence, will be on the backs or sides of residences and angle of the panels will be determined on an individual basis by the ARC. Unless the applicant "provides both technical and economic site specific calculations which demonstrate valid reasons as to why this location is the only effective means for utilizing solar energy on the property, and such calculations are certified by a professional deemed qualified by ARC.
3. Setbacks.
  - (a) The tower shall be set back a distance equal to its total height (see Section 4 "Definitions", 7) from:
    - (1) Any public road right of ways.

- (2) Any underground utility lines.
- (3) All property lines.
- (4) A minimum of one and one-half (1 ½) times the overall height to any off-site dwellings.
- b) The solar platform shall comply with the WPRPOA, Architectural Review Guidelines, BUILDING SETBACKS: No structure may be erected within fifty (50) feet of the right of way line of any road within property nor within twenty-five (25) feet of any side or rear line of any lot (see Section 4 “definitions” 5).
- 4. Access.
  - (a) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
  - (b) The tower shall be designed and installed so as not to provide step bolts of a ladder readily accessible to the public for a minimum height of eight feet (8’) above the ground.
- 5. Electrical Wires. All electrical wires associated with the Solar Wind Energy System, other than wires necessary to connect wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- 6. Lighting. A Solar Wind Energy System shall not be artificially lighted, unless such lighting is required by the Federal Aviation Administration.
- 7. Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless other colors or finishes (Colors that blend with the natural landscape or background) approved by the ARC. The solar platform (concrete base) will be painted to blend with the natural landscape or background.
- 8. Signs. All signs, other than the manufacturer’s or installer’s identification, appropriate with a small wind energy system visible from any public road shall be prohibited.
- 9. Code Compliance. A Solar Wind Energy System including the tower shall comply with all applicable local construction codes and state / National electrical codes.
 

Utility notification and interconnection. Solar Wind Energy System that connect to the electric utility shall comply with rules for interconnecting distribution generation facilities. No Solar Wind Energy System shall be installed without a written statement with signature and date from the utility company indicating they have been informed of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- 10. Sound. Residential wind energy systems shall not exceed 60 DBA, as measured at the property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- 11. In the event the owner is not occupying the lot for more than 45 consecutive days, then the system must be shut down unless the owner makes arrangements with a qualified professional to maintain Solar Wind Energy System for the period of absence. A notice must be provide to the ARC or Ranch Manager of compling.

## Section 6 **Permit Requirements**

**Building Permit.** A building permit shall be required for the installation for the installation of a Solar Wind Energy System.

Documentation to be submitted for a building permit to ARC.

- 1. Two Plot Plans which include the following:
  - (a) Property lines and dimensions of the property.
  - (b) Location ,dimensions, and types of existing structures on the property.
  - (c) Location of the proposed Solar Wind Energy System tower and or platform.
  - (d) Public roads contiguous with the property.
  - (e) Any underground utility lines.
  - (f) Septic, well, drain field.
- 2. Engineered Solar Wind Energy System specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
- 3. Two sets of engineered foundation blueprints or drawings (cross section).
- 4. Two sets of engineered Tower or Platform blueprints or drawings.
- 5. A certified letter of approval from the property owner if different from the applicant.
- 6. Expiration. A permit issued pursuant to this ordinance shall expire if:
  - (a) The Solar Wind Energy System is not installed and functioning within 24-months from the date the permit is issued; or,
  - (b) The Solar Wind Energy System is out of service or otherwise unused for a continuous 6-month period.

## Section 7 **Building Permit Procedure**

1. An owner or applicant shall submit the required documentation to the ARC when applying for a Solar Wind Energy System.
2. The ARC shall approve and issue the permit within ten (10) business days of the date the application was submitted to the building department unless additional information is requested by the ARC to complete the plan review process; and the Solar Wind Energy System materials meet the requirements of this ordinance.
3. When the building permit is issued the ARC will return a copy of the stamped / signed sets of the plot plan, and engineered foundation and tower drawings.
4. The owner / applicant shall conspicuously post the building permit number on the premises so as to be visible to the public at all times until construction or installation or the Solar Wind Energy System is complete and the final building inspection has been approved.

## **Section 8 Abandonment**

1. A Solar Wind Energy System that is out of service for a continuous 6-month period will be deemed to have been abandoned, unless a letter of approved notification is on file with WPOA. The administrator may issue a notice of abandonment to the owner of the Solar Wind Energy System that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from the notice date. The administrator shall withdraw the notice of abandonment and notify the owner that the notice of abandonment has been withdrawn if the owner provides information that demonstrates the Solar Wind energy system has not been abandoned.
2. If the Solar Wind Energy System is determined to be abandoned, the owner shall remove the Solar Wind energy system at the owner's sole expense within three (3) months of the notice date of the notice of abandonment. If the owner fails to remove the Solar Wind energy system, the administrator may pursue a legal action to the wind energy system removed at the owner's expense.

## **Section 9 Violations**

It is unlawful for any person to construct, install, or operate a Solar Wind Energy System that is not in compliance with:

1. This ordinance.
2. Other County Ordinances / Building Codes, or State and Federal requirements.
3. Any condition contained in a building permit issued pursuant to this ordinance.
4. Solar Wind Energy System installed prior to the adoption of this ordinance are exempt from the requirements of this ordinance, except for the provisions of Section 5, #11 and Section 8 regarding abandonment.

## **Section 10 Administration and Enforcement**

1. This ordinance shall be administered by the Administrator, ARC, or designee.
2. The Administrator, ARC or designee may enter any property for which a building permit has been issued under this ordinance to conduct inspections to determine whether the conditions stated in the permit or this ordinance have been met.
3. The Administrator or ARC may issue orders to abate any violation of this ordinance.
4. The Administrator or ARC may issue a citation for any violation of this ordinance, other County Ordinances or Building Codes.
5. The Administrator or ARC may refer any violation of this ordinance to legal counsel for enforcement.

## **Section 11 Penalties and Severability**

1. Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in Willow Park Ranch Property Covenants and Policies...
2. Nothing in this section shall be construed to prevent the WPRPOA from using any other lawful means to enforce this ordinance.
3. The provisions of this ordinance are severable, and the invalidity of any section or other part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

## **Section 12 Indemnity Provision**

Same as stated in the WPOA by-laws.