

AMENDMENTS TO LB1054

Introduced by Brewer, 43.

1           1. Strike the original sections and insert the following new  
2 section:

3           Section 1. (1) For purposes of this section, wind energy generation  
4 project means a project for the construction of a facility for the  
5 generation of electricity using wind that is subject to sections 70-1001  
6 to 70-1028.

7           (2) No wind energy generation project shall be constructed in a  
8 county after August 1, 2018, until the county has zoning regulations or a  
9 zoning resolution as described in section 23-114 which addresses:

10           (a) Protection of property value for nonparticipating property  
11 owners adjacent to or impacted by the wind energy generation project;

12           (b) Fixed-distance setbacks measured from buildings used for  
13 residential purposes and setbacks measured from property lines. The  
14 setbacks shall not be variable distances based on the height of a  
15 turbine. The determination of setbacks based on surface danger area due  
16 to issues such as collapse and ice-throw shall ensure that the surface  
17 danger area does not overlap a nonparticipating property owner's  
18 property;

19           (c) Noise standards restricting the low-level noise generated by the  
20 operation of a wind turbine so that it does not exceed a specified A-  
21 weighted, equivalent sound level or specified A-weighted decibels at the  
22 property line of the wind energy generation project. The measure of noise  
23 shall meet the following requirements:

24           (i) Any instrument used to measure noise shall meet sound level  
25 meter performance specifications of the American National Standards  
26 Institute or the International Electrotechnical Commission for wind class  
27 I;

1           (ii) The procedures used to measure noise shall meet the  
2 requirements of the American National Standards Institute, the  
3 International Electrotechnical Commission, or the International  
4 Organization for Standardization for the measurement of sound or its  
5 characteristics; and

6           (iii) The procedures shall not include procedures based on the  
7 International Electrotechnical Commission Standard IEC 61400-11 (2002)  
8 regarding noise measurement techniques;

9           (d) Evaluation of adverse environmental impacts and mitigation plans  
10 for the protection of the environment, including domesticated animals,  
11 wildlife, wildlife habitat, water, vegetation, scenic areas, and historic  
12 areas. The evaluation shall include consultation with local, state, and  
13 federal agencies with jurisdiction over affected portions of the  
14 environment; and

15           (e) Decommissioning terms and conditions which must be in place  
16 before construction begins. The terms and conditions shall include a site  
17 restoration plan and surety to be held by the county to pay for  
18 decommissioning, which may include, but not be limited to, a performance  
19 bond for each wind turbine.