



WELLS COUNTY ZONING ORDINANCE (WCZO)

ARTICLE 12 – WIND ENERGY FACILITIES

UPDATED 2025

12 ARTICLE 12 WIND ENERGY FACILITIES

A wind turbine facility may be permitted in an Agricultural District upon approval as a special use, provided the criteria and submittal requirements are met.

12.1 WIND ENERGY FACILITIES

12.1.1 Purpose

The purpose of the ordinance is to provide a regulatory framework for the siting, construction and operation of wind energy facilities in the County, subject to reasonable restrictions, which will preserve the safety and well-being of the residents, while allowing equitable and orderly development of wind energy facilities.

12.1.2 Definitions

- 12.1.2.1 “Decibel” means a unit of sound measurement, abbreviated dB. dB(A) – a frequency weighting that relates to the response of the human ear. The weighted sound pressure level by the use of the A metering characteristic and weighting specified in American National Standards Institute (ANSI) Specification of Sound Level Meters.
- 12.1.2.2 “Height (of turbine)” means the vertical distance from the construction grade of the property to the highest point of a turbine rotor blade when in the upright position.
- 12.1.2.3 “Non-Participating Primary Residence” means a Primary Residence on a Non-Participating Parcel.
- 12.1.2.4 “Non-Participating Parcel” means a parcel of real estate that is not a participating parcel.
- 12.1.2.5 “Occupied Structure” means a building in which people live, work or frequent.
- 12.1.2.6 “Participating Primary Residence” means a Primary Residence on a Participating Parcel.
- 12.1.2.7 “Participating Parcel” means a parcel of real estate on which any turbine of the wind turbine facility will be constructed, or for which a participation agreement has been executed.
- 12.1.2.8 “Sound Pressure Level (SPL)” means the physical intensity of sound.



- 12.1.2.9 “Wind Turbine Facility” means one or more wind turbines, including appurtenant structures and facilities, rated at an individual or combined nameplate capacity of 150 kilowatts or greater.
- 12.1.2.10 “Primary Residence” means a residential structure occupied at least 9 of the past 12 months and in existence as of the date that an application is submitted.

12.1.3 Criteria

12.1.3.1 Appearance

Wind turbines shall be painted with a non-reflective coating and in a uniform, off-white color. Turbines shall not display any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility. The design of the buildings and related structures at the wind energy facility sites shall use materials, textures and location that will blend the wind energy facility to the natural setting and existing environment. Turbines shall be installed on tubular, monopole-type towers.

12.1.3.2 Performance History

All turbines shall be commercially available, utility scale, with an operational history of at least one year. Prototype turbines are not allowed.

12.1.3.3 Lighting

Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable governmental regulatory authority.

12.1.3.4 Minimum Ground Clearance

The blade tip of any wind turbine shall, at its lowest point, have a ground clearance of not less than fifty (50) feet.

12.1.3.5 Turbine Access Roads and Protection of Agricultural Operations

The location and construction of access roads and other infrastructure shall, to the extent reasonably possible, not disrupt farming, agricultural operations, or the landscape within Wells County. In order to preserve the integrity of fields and capacity of efficient tilling, planting, and harvesting, the applicant shall work with the landowner to determine the most appropriate routing of access road locations.

12.1.3.5a Access roads shall be low profile roads with in-slopes and back-slopes of 10:1 or flatter so that farming equipment can cross them and roadway surfacing shall be Class 5 gravel or similar material, unless otherwise negotiated with the landowner.

12.1.3.5b A plan outlining the location and design of all access roads shall be provided to the County Planner for determination as to whether the plan conforms to the other terms of this section.



12.1.3.5c If the applicant wishes to build an access road on a section line, in accordance with North Dakota Century Code (NDCC) Section 24-07-05, the applicant shall first petition the township board or the Board of County Commissioners (in unorganized townships.) If the petition is granted, the applicant must build the road to township or county standards under the supervision of the township district roadway overseer.

12.1.3.5d The applicant must protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowners. The applicant must minimize soil compaction of all agricultural lands during all phases and confine soil compaction to as small of an area as possible.

12.1.3.6 Fence and Gate Repair

The applicant shall promptly repair or replace all fences and gates removed or damaged during all phases of the wind energy facility's life and provide continuity of electric fence circuits unless otherwise negotiated with the affected landowner.

12.1.3.7 Drainage Tile Repair

The applicant shall take into account to avoid, promptly repair or replace all drainage tiles broken or damaged during all phases of project life unless otherwise negotiated with the affected landowner.

12.1.3.8 Road Repair (Private Roads)

The applicant shall promptly repair any damaged private roads, driveways or lanes to a condition at least equal to the condition prior to construction of the wind energy facility, unless otherwise negotiated with the affected landowner.

12.1.3.9 Hazardous Waste

The applicant shall be responsible for compliance with all federal, state and local laws applicable to the generation, storage, transportation, clean up and disposal of hazardous wastes generated during any phase of the project's life.

12.1.3.10 Chemicals

The use of chemicals is limited to those herbicides and methods approved by the North Dakota Department of Agriculture and the North Dakota Department of Health. The applicant must contact the affected landowners prior to application.

12.1.3.11 Temporary Staging Areas

The applicant shall negotiate with landowners to locate sites for temporary equipment staging areas.

12.1.3.12 Tree Removal

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The applicant shall minimize the removal of trees and shall not remove groves of trees or shelter belts without the written approval of the affected landowners. Trimming or removal of trees within the public right-of-way to allow for safe construction of power lines shall be allowed.

12.1.3.13 Waste Removal

The applicant shall remove all waste and scrap that is the product of construction, operation, restoration and maintenance from the site and properly dispose of it upon completion of each task. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.

12.1.3.14 Land Restoration

The applicant shall, as soon as practical following construction of each turbine, considering the weather and preferences of the affected landowner, restore the area affected by any construction activities to the condition that existed immediately before construction began. The time period may be no longer than eight (8) months after completion of construction of the turbine. Restoration shall be compatible with the safe operation, maintenance, and inspection of the wind turbine facility.

12.1.3.15 Complaints

Prior to the start of construction, the applicant shall submit to the County Planner the company's procedures to be used to receive and respond to complaints.

12.1.3.16 Public Safety Plan

The applicant is encouraged to provide educational materials to landowners within the site boundaries and, upon request, to interested persons, about the project and any restrictions or dangers associated with the project. The applicant is encouraged to also provide any necessary safety measures, such as warning signs and gates for traffic control or to restrict public access to turbine access roads, substations and wind turbines. The applicant shall comply with provisions outlined in the public safety plan.

12.1.3.17 Fire Protection and Medical Emergency Plans

Prior to construction, the applicant shall prepare fire protection and medical emergency plans in consultation with the rural fire district, sheriff's department, Emergency Management, and local emergency medical service providers having jurisdiction over the area. The applicant shall submit the project to the Wells County 911 coordinator.

12.1.3.18 Road Use Arrangements

Prior to construction, the applicant shall make satisfactory arrangements (including obtaining permits) for road use, access road intersections, maintenance and repair of damages with governmental jurisdiction with authority over each road. The applicant shall notify the County Planner of such arrangements upon request.

12.1.3.19 Overweight Load Permits



The applicant is responsible for abiding by the state and local overweight load permitting processes in accordance with NDCC Chapter 39-12. A special use permit issued under this ordinance to erect a wind turbine facility does not negate a hauler's obligation to obtain overweight load permits prior to hauling.

12.1.3.20 Approach Permits

The applicant is responsible for obtaining an approach permit from the County Road foreman or the affected township for any new or reconstructed approach.

12.1.3.21 Road Repair (Public Roads)

Any road damage caused by the applicant, its independent contractor, employee, agent, contractor, or subcontractor shall be promptly repaired at the applicant's expense to current standards set out in the North Dakota Department of Transportation's (NDDOT) Standard Specifications for Road and Bridge Construction.

If it is reasonably foreseeable that continued trips will make prompt repair to this standard unreasonable, intermediary measures must be taken by the applicant, if approved by the political subdivision in charge of the road, to ensure the public road remains passable and useable as has been the tradition in the community. Final repairs to these standards must be made promptly after the completion of the construction of the wind turbine facility.

12.1.3.22 Collector Lines

The applicant shall place electrical lines, known as collectors, and communication cables underground. Applicant to coordinate with landowner on placement of cable.

12.1.3.23 Feeder Lines

The applicant shall place overhead or underground electric lines, known as feeder lines, on private land immediately adjacent to public rights-of-way (whether improved or not) except as necessary to avoid or minimize human, agricultural, or environmental impacts.

12.1.3.23a Feeder lines may be placed on public rights-of-way only if approval or the required permits have been obtained from the governmental unit responsible for the affected right-of-way.

12.1.3.23b The applicant shall coordinate with affected landowners to locate lines in locations that will not interfere with agricultural operations.

12.1.3.23c Any guy wires on the structures for feeder lines shall be marked with safety shields.

12.1.3.23d When feeder lines are placed on private property, the applicant shall place the feeder lines in accordance with the easement negotiated with the affected landowner(s).



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12.1.3.23e All underground feeder lines must be placed at a depth of at least four (4) feet.

12.1.3.24 Electromagnetic Interference Assessment.

The applicant shall submit an assessment of microwave signal patterns in the project area prior to commencement of construction of the project.

12.1.3.24a The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of microwave patterns in the event residents complain about such disruption or interference after the turbines are placed in operation. The assessment shall be completed prior to operation of the turbines.

12.1.3.24b The applicant shall be responsible for alleviating any disruption or interference caused by the turbines or any associated facilities of residents' cell phone, television, radio, computer, satellite, or other electronic transmissions, receptions, or services.

12.1.3.24c The applicant shall not operate the wind turbine facility so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or federal, state or local laws.

12.1.3.24d In the event the wind turbine facility or its operations cause such interference as described in items b and c above, the applicant shall take measures necessary to correct the problem within thirty (30) calendar days.

12.1.3.25 Archeological Resource Survey and Consultation

Unless the project is under the purview of the North Dakota Public Service Commission (PSC), and an Archeological Resource Survey is being prepared as part of that process, the applicant shall work with the State Historic Preservation Office (SHPO) at the State Historical Society of North Dakota at the beginning of the planning process for the wind energy facility to determine whether an archeological survey is recommended for any part of the proposed project. If recommended, the applicant shall contract with a qualified archaeologist to complete such surveys, and shall submit the results to the County Planner and the SHPO. The SHPO will make recommendations for the treatment of any significant archaeological sites which are identified. Any issues in the implementation of these recommendations will be resolved by Board of County Commissioners in consultation with the SHPO. All information provided/submitted under this provision is subject to North Dakota Century Code Section 55-02-07.1.

12.1.3.25a In addition, if any archaeological sites or human remains are found during construction, the applicant shall follow standard operating



procedures as established by the SHPO and in accordance with NDCC Section 23-06-27 and associated North Dakota Administrative Code 40-02-03.

12.1.3.26 Biological Resources Survey

The applicant, in consultation with the US Fish & Wildlife Service – Ecological Services Office (USFW) and the North Dakota Department of Game and Fish (NDGF) shall, for the project site, conduct a pre-construction inventory of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas and wildlife resources, particularly birds and bats, within the site and assess the presence of state or federally-listed or threatened species, and other protected species. Such as migratory birds. The results of the survey shall be submitted to the County Planner, USFWS and NDGF.

12.1.3.27 Extraordinary Events

Within twenty-four (24) hours of an occurrence, the applicant shall notify the County Tax Director/Zoning Administrator of any extraordinary event. Extraordinary events include, but shall not be limited to, fires, tower collapse, thrown blade, collector or feeder line failure, or injured wind turbine facility worker or private person. The applicant shall, within thirty (30) calendar days of the occurrence, submit a report to the County Tax Director/Zoning Administrator describing the cause of the occurrence and the steps taken to avoid future occurrences.

12.1.3.28 Wildlife Incidents

Any fatality or injury to any state-or federally – listed species or migratory bird or bat shall immediately be reported to the U.S. Fish and Wildlife Service (USFWS) – North Dakota Field Office and the USFWS Office of Law Enforcement. Also, if a dead or injured whooping crane or sandhill crane is found, operation of all turbines shall be immediately curtailed until it has been determined by the USFWS that there is no longer a threat to other birds in the area. If a whooping crane or sandhill crane is sighted by a wildlife biologist within two (2) miles of any wind turbine, that turbine or turbines should be immediately shut down, and the USFWS should be contacted for further coordination. Cranes usually move on within a few days, at which time, in consultation with the USFWS, the turbine(s) may be restarted.

12.1.3.29 Sound

A sound study which includes modeling of sound levels of wind turbines within 100-feet of every Primary Residence within 1-mile of a wind turbine shall be submitted with the application. Sound levels of wind turbines within 100-feet of any Non-Participating Primary Residence shall not exceed 45dBA (Leq). Construction noise or reasonable and necessary maintenance activities are allowed to exceed this sound limit except between the hours of 11 p.m. and 7 a.m. This sound standard does not apply to Participating Primary Residences.

**12.1.3.30 Setbacks from Primary Residences**

Minimum setbacks from Primary Residences are necessary to mitigate noise impacts.

Wind turbines shall be setback at least 5280 feet (1 mile) from Non-Participating Primary Residences (measured from the center of the turbine monopole), and further as necessary to meet the sound level requirement in Subsection 29 above. A variance may be granted if an authorized representative or agent of the applicant and those affected parties sign a formal and binding agreement expressing all parties' support for a variance that may reduce this setback requirement.

The horizontal distance between the center of a turbine monopole and any park, boat ramp, swimming beach, or other public recreation area shall not be less than 5280 feet (1 mile). A variance may be granted if an authorized representative or agent of the applicant and those affected parties sign a formal and binding agreement expressing all parties' support for a variance that may reduce this setback requirement.

12.1.3.31 Reverse Setback

Building permits will not be issued to construct any proposed habitable structure within 5280 feet (1 mile) of any existing turbine (the center of a turbine monopole) or approved turbine location. The option for a variance is available.

12.1.3.32 Setbacks from Non-Participating Properties

Each wind turbine shall be set back not less than 1.1 times the height of the turbine from any Non-Participating Parcel.

12.1.3.33 Setbacks from Public Road Ways

Each wind turbine shall be set back not less than 1.1 times the height of the turbine from state road right-of-ways.

Each wind turbine shall be set back not less than 1.1 times the height of the turbine plus 75 feet from the centerline of any county or township roadway (whether improved or not).

Each wind turbine shall be set back not less than 1.1 times the height of the turbine from any railroad right-of-way or from any overhead utility not associated with the project.

12.1.3.34 Shadow Flicker

A shadow flicker analysis, assuming typical meteorological conditions, shall be submitted for all Primary Residences within one-mile of a wind turbine. The maximum acceptable level of shadow-flicker exposure for Non-Participating Primary Residences in the study shall be 30 hours per year. The applicant shall provide commercially reasonable efforts to remedy shadow-flicker complaints from any Non-Participating Primary Residences with a window view of a wind



turbine on a case-by-case basis by undertaking measures such as trees or vegetation plantings, awning installations, or providing light-blocking curtains or shades.

12.1.3.35 Pre-construction meeting

Prior to the start of any construction, the applicant shall conduct a preconstruction meeting with the County Building Official to coordinate field monitoring of construction activities. The pre-construction meeting shall be open to all interested parties and shall address staging, complaints, emergency plans, and other pertinent issues.

12.1.3.36 As-Built Plans and Specifications.

Within one hundred eighty (180) calendar days after completion of construction, the applicant shall submit to the County Building Official, a copy of the as-built plans and specifications in both hard copy and in electronic digital format as specified by the County Planner.

12.1.3.37 Decommissioning Plan and Bonding Requirements

The wind project shall develop a Wind Turbine Decommissioning Plan in accordance with NDCC 49-02-27 and NDAC 69-09-09 and this Plan and Bond shall be submitted as part of the Building Permit Application.

12.1.3.38 Insurance Requirement

The owner/operator of a wind turbine facility must provide proof of liability insurance at the time of application. Wells County shall be listed as a certificate holder. Certificates shall provide not less than thirty (30) calendar days' notification to the certificate holder prior to cancellation or material change in coverage.

Throughout the duration of this special use permit, the owner/operator of a wind turbine facility agrees to provide evidence of insurance coverages no less than the types and amounts specified below:

- | | |
|------------------------------|-------------|
| a. Worker's Compensation: | Statutory |
| b. Employer's Liability | |
| Each Accident: | \$1,000,000 |
| Disease, Policy Limit: | \$1,000,000 |
| Disease, Each Employee: | \$1,000,000 |
| c. General Liability | |
| General Aggregate: | \$2,000,000 |
| Each Occurrence | |
| (Bodily Injury and | |
| Property Damage) | \$1,000,000 |
| d. Excess Umbrella Liability | |
| Each Occurrence | \$5,000,000 |
| General Aggregate: | \$5,000,000 |
| e. Automobile Liability | |
| Combined Single Limit | |



(Bodily Injury and
Property Damage)

Each Accident

\$1,000,000

f. Other Conditions (Specify):

1. Commercial General Liability policy shall be endorsed to add Wells County, its employees, officers, agents and contractors as additionally insured.
2. Certificates evidencing required insurance shall be provided to Wells County upon approval of the special use permit and prior to commencement of construction.

12.1.3.39 Contact Information

The applicant must provide a local contact authorized by the applicant to receive service and respond to all notices, demands, complaints, concerns or other requests. Local contact information must include the name of the local representation, local phone number and physical address. Said contact information must be filed with the County Tax Director/Planning & Zoning Administrator prior to commencement of construction of the wind energy facility.

12.1.3.40 Transfer of Ownership of a Wind Turbine Facility

Prior to any change in ownership or assignment of a controlling interest of any entity owning a wind energy facility permitted in Wells County, including any assignment or transfer of a controlling interest to any corporation, partnership, or other entity controlled by or a subsidiary or affiliate of the wind energy facility permitted in Wells County, notice and attestation shall be made to Wells County Planning Commission. The new entity shall attest in writing to agree to comply with the requirements and conditions of this ordinance, as amended, and the special use permit. The notice and attestation shall also include the new entity's agent and contact information. Any change of ownership or entity that results in inability, unwillingness, or failure to abide by the conditions of this ordinance can be a basis for revocation of the special use permit. [This limitation shall apply to all transfers by operation of law and any transfers by trustee in bankruptcy, receivers, administrators, executors, and legatees.]

12.1.3.41 Changes

Any minor changes in the location or character of wind turbine facilities and structures may be authorized in writing by the County Planner. All other changes shall require approval of an amended special use permit under these same ordinance requirements.

12.1.4 Special Use Permit Application Submittal Items

The following items shall accompany the special use permit application:

- 12.1.4.1 Two (2) copies of a site plan submitted on high quality paper on sheets thirty (30) inches by thirty-six (36) inches, provided that when more than one sheet is required, there shall also be submitted an index sheet on high quality paper and of the same dimensions, showing the entire wind turbine facility project



on one sheet and giving section, township and range numbers. The applicant must also submit this data in electronic digital format as specified.

- 12.1.4.2 The site plan shall be drawn to a scale of one (1) inch equals 1000 feet or less with scale to be shown graphically.
- 12.1.4.3 To Provide adequate coverage, the site plan shall show an area up to a minimum of three-quarters (3/4) mile (3,960 feet) beyond the outermost wind turbine towers, meteorological towers, all wind turbine facility access roads and appurtenant project structures.
- 12.1.4.4 In advance of submitting an application, the Applicant may submit a proposed project boundary map and request the addresses and owners of record for Primary Residences located within Wells County and within 5280 feet of the proposed project boundary to ensure all required setbacks and other requirements of this ordinance are met prior to submitting the application and being reviewed by the Wells County Planning Commission. The County Planner shall provide such a list within ten (10) calendar days of receipt of request.
- 12.1.4.5 Site plans shall contain the following elements:
 - 12.1.4.5a Name of the wind turbine facility
 - 12.1.4.5b Name and address of the wind turbine facility owner
 - 12.1.4.5c Name, address, and registration number of professional surveyor involved in preparing the site plan
 - 12.1.4.5d Date the site plan was prepared
 - 12.1.4.5e North point indication
 - 12.1.4.5f Section, township and range numbers
 - 12.1.4.5g Topographic contours with a minimum contour interval of ten (10) feet, with indication of datum used
 - 12.1.4.5h A location map inset showing the township(s) in which the project is located and the boundary of the proposed project
 - 12.1.4.5i Location of all existing public roadways and right-of-way within five hundred (500) feet of proposed turbine locations
 - 12.1.4.5j General location and railroad rights-of-way, as available from public documents, within five hundred (500) feet of proposed turbine locations



- 12.1.4.5k Name, dimensions and location of any utility easements, as available from public documents, within five hundred (500) feet of proposed turbine locations
- 12.1.4.5l Name, dimensions and location of any parks, public land, historic resources, multi-use trails, or areas of recreational significance, as available from public documents, within three thousand (3000) feet of proposed turbine locations
- 12.1.4.5m Name, dimensions and location of Primary Residences as determined under Section 12.1.4.4 and any identifiable habitable structures.
- 12.1.4.5n Location of any corporate or township boundaries
- 12.1.4.5o General location and identification of section lines, as available from public documents
- 12.1.4.5p General property ownership boundary lines, as available from public documents, for properties within five hundred (500) feet of proposed turbine locations.
- 12.1.4.5q Names of property owners, identified as Participating or Non-Participating, within five hundred (500) feet of proposed turbine locations.
- 12.1.4.5r Streams, rivers, watercourses, lakes, and any marshy or swamp areas
- 12.1.4.5s Federally designated wetland areas
- 12.1.4.5t All affected public or private airstrips with the FAA identification number
- 12.1.4.5u Proposed turbines locations
- 12.1.4.5v Names of property owners, as available from public documents, within five hundred (500) feet of proposed turbine locations
- 12.1.4.5w Participating Primary Residences within five hundred (500) feet of proposed turbine locations, Non-Participating Primary Residences within two thousand (2000) feet of proposed turbine locations, and parks, boat ramps, swimming beaches or other public recreation areas within three thousand (3000) feet of proposed turbine locations, as available from public documents

**12.1.4.6 Other Submittal Items**

12.1.4.6a Statement of assurance that the project will not alter any existing surface water drainage patterns.

12.1.4.6b Plan for Restoration of the Site Due to Construction

12.1.4.6c Plan for Receiving and Responding to Complaints

12.1.4.6d Public Safety Plan

12.1.4.6e Fire Protection and Medical emergency Plan

12.1.4.6f Biological Preservation Study

12.1.4.6g Shadow Flicker Study

12.1.4.6h Decommissioning Plan and Bond the facility or turbine owner or operator shall file with the Special use application the estimated decommissioning cost per turbine, in current dollars at the time of filing, for the proposed facility or turbine and a comprehensive decommissioning plan that describes any expected effects on present and future natural resource development and how the facility or turbine owner or operator plans to pay for decommissioning of the facility or turbine as required. The commission may at the time require the owner operator of a commercial wind energy conversion facility or wind turbine to file a report with the Planning and Zoning Commission describing how the facility or turbine owner or operator is fulfilling this obligation. The owner or operator shall secure a performance bond, surety bond, letter of credit, corporate guarantee, or other form of financial assurance that is acceptable to the Planning and Zoning Commission to cover the anticipated costs of decommissioning the commercial wind energy conversion facility or turbine.

12.1.4.6i Copies of letters of application from the applicant to the following agencies requesting review of the proposed wind turbine facility:

- a. United States Fish & Wildlife Service (USFW)
- b. North Dakota Game & Fish Department (NDGF)
- c. The State Historic Preservation Office (SHPO) at the State Historical Society of North Dakota
- d. Federal Aviation Administration (FAA)

12.1.4.7 Fees

The special use permit fee of \$1000 plus \$250 for each proposed wind turbine up to a total amount of no more that \$30,000.



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12.1.5 Building Permit Submittal Items:

An application for a building permit for the construction of a wind turbine facility must include:

12.1.5.1 A copy of the special use permit, with the site plan, as approved by the Wells County Board of Commissioners and, if applicable, a copy of the permit as approved by the North Dakota Public Service Commission (PSC)

12.1.5.2 Additional site plan items not included with special use permit site plan submittal, including:

12.1.5.2a Name, location and width of all existing public roadways and right-of-way within five hundred (500) feet of proposed turbine locations, including the type and width of surfacing

12.1.5.2b Existing and proposed access points along public rights-of-way

12.1.5.2c All existing wind turbine facility fixtures, regardless of ownership, accessory structures or buildings, including substations,

meteorological towers, electrical infrastructure, and collector or transmission lines

12.1.5.2d Proposed turbine locations showing turbine heights, roads, electrical equipment, collector and feeder lines and all other associated facilities

12.1.5.2e Location and dimensions of proposed utility easements, including easements for storm water management facilities and proposed locations of culverts and retention/detention areas, if applicable

12.1.5.2f Boundaries of any filed lease, easement, or option for wind energy facilities, whether they benefit the applicant, the applicant's property operator, or an unrelated party

12.1.5.3 Documentation certifying structural loading requirements

12.1.5.4 The applicant shall identify, by map, each public road in Wells County that the applicant may or will travel on with a gross weight in excess of 80,000 lbs.

12.1.5.5 Reclamation Performance Bonding



12.1.5.6 Electromagnetic Interference Assessment

12.1.5.7 Proof of Insurance

12.1.5.8 National Pollution Discharge Elimination System (NPDES)
construction permit.

12.1.5.9 A building permit fee of \$500 per wind turbine.

12.1.5.10 Copies of letters of acceptance regarding the proposed wind turbine facility
from the following agencies:

- a. United States Fish & Wildlife Service (USFW)
- b. North Dakota Game & Fish Department (NDGF)
- c. The State Historic Preservation Office (SHPO) at the State
Historical Society of North Dakota
- d. Federal Aviation Administration (FAA)

12.1.5.11 Upon request of the Applicant, the County Commission may vary or waive the
requirements of the zoning regulations as applied to the project if the waiver
or variance preserves the public health, safety and welfare of the County and
is consistent with the purposes and intent of these zoning regulations.

12.2 Resolution for Wind Energy Facilities

The following Resolution was introduced by Commissioner Stanley Buxa and seconded by Commissioner
Danny Maxwell for adoption at the Wells County Commission Meeting on July 8, 2025:

WHEREAS, the Wells County Planning Commission consisting of Stan Buxa, Danny Maxwell, Connie Kunz,
Faye Schimelfenig, Robert Martin, Warren Strand, Daniel Stutlien, Chad Ziegler and Jon Polries has
revised Article 12, Wind Energy Facilities dated June 2, 2009 which was added to the Wells County
Zoning Ordinance dated June 3, 2008, recorded June 3, 2008 at 8:45 am as Document #195117 in the
Office of the Wells County Recorder; and

WHEREAS, said revised Article 12, Wind Energy Facilities dated July 8, 2025 is to replace Article 12 of the
Wells County Zoning Ordinance which was recorded as document #196550 on June 2, 2009 at 10:20 am
in the Office of the Wells County Recorder; and

WHEREAS, said revised Article 12 dated 2025 is designed to provide a regulatory framework for the
siting, construction, and operation of wind energy facilities in the County, subject to reasonable
restrictions, which will preserve the safety and well-being of the residents, while allowing equitable and
orderly development of wind energy facilities; and

WHEREAS, the Wells County Planning Commission has approved Article 12, Wind Energy Facilities dated
July 8, 2025 to replace the Wells County Zoning ordinance dated June 2, 2009 and recorded June 2, 2009
at 10:20 am as document 196550 in the Office of the Wells County Recorder and recommends its
adoption by the County Commission; and



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WHEREAS, the Board of County Commissioners has resolved to replace Article 12, Wind Energy Facilities dated June 2, 2009 with Article 12, Wind Energy Facilities dated July 8, 2025 to the Wells County Zoning ordinance dated June 3, 2008 and recorded June 3, 2008 at 8:45 am as Document #195117 in the Office of the Wells County Recorder;

NOW, THEREFORE, BE IT RESOLVED, that the County Commission of Wells County hereby replaces Article 12, Wind Energy Facilities dated June 2, 2009 and recorded as document 196550 with Article 12, Wind Energy Facilities dated July 8, 2025 which is to be added to the Wells County Zoning Ordinance dated 2008 recorded June 3, 2008 at 8:45 am as Document #195117 in the Office of the Wells County Recorder on this the ____ day of _____, 2025.

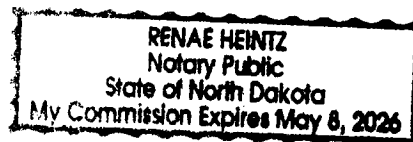
<u>Jana Mogren</u>	<u>9-16-25</u>	<u>Dennis T Dockter</u>	<u>Sept 16, 2025</u>
Wells County Tax Director	Date	Chairman	Date

STATE OF NORTH DAKOTA)
) ss.
 COUNTY OF WELLS)

On this the 16 day of Sept., 2025, personally appeared before me, a notary public within the aforesaid County and State, Dennis Dockter and Jana Mogren, to me personally known to be the Chairman of the Board of County Commissioners and the Tax Director, respectively, of Wells County, and acknowledged to me that they executed the foregoing instrument for and on behalf of Wells County.

Renae Heintz
 Renae Heintz, Notary Public
 Wells County, North Dakota

STATE OF NORTH DAKOTA)
) ss.
 COUNTY OF WELLS)



I, Jana Mogren, County Tax Director in and for the County of Wells, State of North Dakota, acting as Secretary of the Wells County Planning Commission, do hereby certify that the above-entitled document is a true & correct original of Article 12, Wind Energy Facilities dated 2025, to be added to the Wells County Zoning Ordinance dated 2008 recorded June 3, 2008 at 8:45am as Document #195117 in the Office of the Wells County Recorder which was adopted by Wells County, North Dakota, July 8, 2025.

Jana Mogren
 Jana Mogren, Wells County Tax Director



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WELLS COUNTY Recorded: 9/16/2025 at 11:25 AM

216452 Fee: \$0.00

RECORDER'S OFFICE, WELLS COUNTY, ND 9/16/2025 11:25 AM

I certify that this instrument was filed for record this date

CARRIE K. KRAUSE, County Recorder

By Carrie K. Krause

Return To :WELLS COUNTY TAX DIRECTOR

JANA MOGREN

700 RAILWAY ST N DEPT 361

FESSENDEN ND 58438