

To: The County Commissioners, The Planning and Zoning Admin & Staff & The Planning and Zoning Commission

I am confused about the setback being from a wind turbine to the foundation of my house. "A setback is the minimum distance between an industrial wind turbine and an "inhabited dwelling"

So, let's take an obvious case where this definition is in my view a real problem. Say that I purchased a large property that has a very ratty old house on one corner of it... what in real estate terms is called a 'pushover'. However, the property has some other wonderful locations which are quite attractive to build on, including a nice spot on a far corner that is approximately 2400' away from the pushover house. What I originally intended to do was live in the old house until my spiffy new house is built. In the meantime, some **Industrial Wind Turbines** were approved that would be well over 1000' from the pushover house but well within 1000' from where I want to locate the new house. This raises a whole bunch of questions:

1. Are IWT permits prevented from building where a dwelling could potentially be located? Or only from where they actually are located right now?

2. What does a homeowner have to do to assert a right to be able to build anywhere he/she wants to on their property within the confines let's say of what would have been 'existing building code requirements'? Existing zoning laws operate on a principal of 'separation distances' between the distinctive zoning allocations of residential, commercial and industrial, etc., but it would appear that IWTs have some superseding rights here that dictate what existing property owners can do with their properties in the future. At least, it would seem that if one tried to take out a building permit to build a house in a location that is now within under 1000' from an IWT, the building department would have to refuse to give it to the property owner. Is this really the case? If so, it would seem that there is essentially no protection for the homeowner to do what they want with their property.

3. I have read that this could be called a "taking". If I decided to sell my property instead of building on it, would I have to declare this in the disclosure? Would the home inspection need to reference this? Would the title company need to declare this an easement or something? Even if there was a clause in the zoning that allowed for a waiver, would I be forced to sign that against my will for the right to build on my own property? Would the County record an easement without my consent? Wouldn't this lower the value of my property?

It seems to me the only answer to this is to make the setback go from the Industrial Wind Turbine to my property line instead of the foundation of my house.

Thank you for reviewing this issue

Would you please add it to the documents posted for the Wind Ordinance rules

Sincerely,

Jerry Scott

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