

§ 156.080 WIND ENERGY CONVERSION SYSTEMS.

(A) *Purpose.* The purposes of this section are to:

(1) Assure that any development and production of wind-generated electricity in Hancock County is safe and effective;

(2) Facilitate economic opportunities for local businesses and residents;

(3) Promote utilization of wind energy in support of Indiana's alternative energy sources potential; and

(4) Minimize potential adverse visual effects of WECS facilities through careful design and siting standards.

(B) *Applicability.* The provisions of this section are applicable to all zoning districts which:

(1) Allow wind energy conversion systems (WECS);

(2) Govern the siting of WECS and substations that generate electricity to be sold to wholesale or retail markets; or

(3) Allow electricity generation for private use.

(C) *Prohibition.* No entity or person shall construct, operate, or locate a wind energy conversion system (WECS) within Hancock County without having fully complied with the provisions of this section.

(D) *Conflict with other regulations.* Nothing in this section is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration (FAA) rules and regulations and/or the notification requirements of the FAA; nor is this section intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute or other provision of law. In the event that any provision of this section conflicts with a provision of any other ordinance, rule, regulation, statute, or provision of law, the more restrictive provision that imposes the higher standard shall govern.

(E) *Definitions.* For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Any entity or person who submits to the Hancock County Plan Commission or Hancock County Board of Zoning Appeals an application for the siting of a wind energy conversion system (WECS) or substation or thereafter operates or owns a WECS or substation.

FINANCIAL ASSURANCE. Acceptable assurance from a creditworthy entity or person, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable

letter of credit or combination thereof.

HEIGHT, WECS. The vertical distance to the highest point of the WECS structure or to the rotor blade at its highest point, whichever is greatest, measured from the ground level.

OPERATOR. The entity or person responsible for the day-to-day operation or maintenance of the WECS, including any third party contractors.

OWNER. The entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean:

(a) The property owner from whom the land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or

(b) Any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such entity seeks to sell the WECS(s) within one year of such event.

PROFESSIONAL ENGINEER. A qualified individual who is licensed as a professional engineer in the State of Indiana.

SUBSTATION. The apparatus/structure that connects the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission lines.

SWITCHING STATION. An apparatus/structure in the electrical collection system of the WECS similar to a substation but not necessarily increasing voltage into the utility transmission lines.

TOWER, METEOROLOGICAL. A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended for mounting meteorological devices and instruments such as thermometers and wind velocity measurers.

TOWER, WECS. A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts to which are attached the nacelle (motor and drive train housing), rotor, wind turbine generator, and related WECS components.

WECS PROJECT. The collection of WECS, substations, switching stations and related devices as specified in the application for an improvement location permit.

WIND ENERGY CONVERSION SYSTEM (WECS). All necessary devices that together convert wind energy into electricity and deliver that electricity to the applicant's property or a utility's transmission lines, including but not limited to the rotor, nacelle, generator, tower, electrical components, foundation, transformer, electrical cabling for the WECS tower to the substation(s), switching stations, meteorological equipment, communications equipment, and all other required facilities and equipment relating to the WECS project.

(a) *Commercial WECS*. A system primarily designed to collect wind energy for distribution and resale to a utility. For purposes of this section, a commercial WECS is also defined as:

1. Two or more non-commercial WECS towers located on the same parcel of ground;

2. Four or more small WECS towers located on the same parcel of ground;
or

3. One non-commercial WECS tower and two or more small WECS towers located on the same parcel of ground. No height limit is specified for commercial WECS.

(b) *Micro-WECS*. A roof-mounted or wall-mounted system with a nameplate capacity not exceeding ten kilowatts designed to collect wind energy for on-site distribution to a farm, residence, school, or business. These systems shall not exceed ten feet above the highest point of the structure's roof and may not be located on the building's front elevation facing a public street.

(c) *Non-commercial WECS*. A system primarily designed to collect wind energy for on-site distribution to a farm, school, business, or factory. For purposes of this section, a non-commercial WECS is also defined as not more than three small WECS towers on the same parcel of ground. Non-commercial WECS towers shall not exceed 140 feet or 200 feet in height according to the district regulations of this section.

(d) *Small WECS*. A freestanding system anchored by a concrete footer or guy wires designed to collect wind energy for on-site distribution to a farm, residence, school, or business. Towers associated with a small-WECS shall not exceed 60 feet in height.

(F) *District regulations*.

(1) *Location*. Meteorological towers and all WECS shall be permitted, not permitted, or a special exception use according to the meteorological/WECS tower matrix of § 156.021(B).

(2) *Improvement location permit required*. No structure or site improvement relating to a meteorological tower or WECS shall be erected, moved, or added to without an improvement location permit (ILP) first being issued by the Planning Director. No ILP shall be issued unless the project is in conformance with the provisions of this section and other applicable regulations of Hancock County.

(3) *Height*. In addition to the provisions of § 156.021(B), a special exception use permit shall be required for meteorological towers or non-commercial WECS towers exceeding 140 feet in height in the Residential, Commercial, Institutional, and Industrial Business Park (IBP) zoning districts, or 200 feet in height in the Agriculture, Industrial Light (IL), and Industrial General (IG) zoning districts. Commercial WECS are subject to no height limitation except as imposed by FAA rules and regulations and/or the Board of Zoning Appeals.

(4) *Horizontal extension.* In addition to the provisions of division (G) below, the furthest horizontal extension of a meteorological tower or WECS (including guy wires) shall not extend into a required setback of the zoning district or be closer than 12 feet to any primary structure, right-of-way easement, above-ground telephone line, or electrical transmission or distribution line.

(5) *Spacing and density.* A WECS shall be separated from any other WECS by a minimum of 200 feet, measured from the tip of the blades when the blades are parallel to the ground.

(G) *Minimum setback requirements.* In addition to the provisions of division (F) above, the following setback standards shall apply to all meteorological towers and WECS:

(1) *Meteorological towers.* The minimum setback distances for meteorological towers shall be as follows:

<i>Distance from a:</i>	<i>Minimum Setback Distance</i>
Property line, measured from the center of the tower to the property line:	1.1 times (1.1 x) the total height, provided that the distance is no less than the required yard setback. This requirement may be waived by the affected adjoining landowner(s) in a recorded agreement to the satisfaction of the Planning Director.
Residential dwelling, measured from the center of the tower to the nearest wall, roofline, or corner of the structure:	1.1 times (1.1 x) the total height.
Road right-of-way, measured from the center of the tower to the edge of the designated right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less than the required yard setback.
Other easements, such as railroads and utility easements, measured from the center of the tower to the edge of the right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less than the required yard setback.

(G) *Commercial WECS.* The minimum setback distances for commercial WECS shall be as follows:

<i>Distance from a:</i>	<i>Minimum Setback Distance</i>
Property line, measured from the center of the WECS tower to the property line:	1.1 times (1.1 x) the total height. This requirement may be waived by the affected adjoining landowner(s) in a recorded agreement to the satisfaction of the Planning Director.
Residential dwelling, measured from the center of the WECS to the nearest wall, roofline, or corner of the structure:	One thousand feet (1,000').

Road right-of-way, measured from the center of the WECS to the edge of the designated right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less than three hundred fifty feet (350').
Other easements, such as railroads and utility easements, measured from the center of the WECS to the edge of the right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less than three hundred fifty feet (350').

<i>Distance from a:</i>	<i>Minimum Setback Distance</i>
Public conservation land, measured from the center of the WECS to the nearest point of the designated public conservation land in question:	Seven hundred fifty feet (750').
Wetland, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS to the nearest point of the wetland in question:	As determined in writing from the Army Corps of Engineers.
Incorporated limit of a municipality, measured from the center of the WECS to the nearest corporate limits:	Fifteen hundred feet (1,500').

(3) *Micro, non-commercial, and small WECS.* The minimum setback distances for micro-WECS, non-commercial WECS, and small WECS shall be as follows:

<i>Distance from a:</i>	<i>Minimum Setback Distance</i>
Property line, measured from the center of the WECS to the property line:	1.1 times (1.1 x) the total height, provided that the distance is no less the required yard setback prescribed for that zoning district.
Residential dwelling, measured from the center of the WECS to the nearest wall, roofline, or corner of the structure:	1.1 times (1.1 x) the total height.
Road right-of-way, measured from the center of the WECS to the edge of the designated right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less the required yard setback prescribed for that zoning district.
Other easements, such as railroads and utility easements, measured from the center of the WECS to the edge of the designated right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less than the required yard setback prescribed for that zoning district.
Public conservation land, measured from the center of the WECS to the nearest point of the public conservation land in question:	Seven hundred fifty feet (750').
Wetland, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS to the nearest point of the wetland in question:	As determined in writing from the Army Corps of Engineers.

(4) *Residential reciprocity.* The setback for a residential dwelling shall be reciprocal in that no residential dwelling shall be constructed within 1.1 times (1.1 x) the height of a meteorological tower, 1,000 feet of a commercial WECS; or 1.1 times (1.1 x) the height of a

commercial, micro, or small WECS. No variance from these development standards may be granted in conflict with the rules established by the Federal Housing Administration.

(5) *Road right-of-way setback.* The setback for road rights-of-way shall be measured from the designated right-of-way line pursuant to the adopted Comprehensive Plan and/or Thoroughfare Plan of Hancock County.

(H) *Safety design and installation standards.*

(1) *Equipment type.*

(a) *Turbines.* All turbines shall be constructed of commercially available equipment.

(b) *Meteorological towers.* Meteorological towers may be guyed.

(c) *Experimental or proto-type equipment.* Experimental or proto-type equipment still in testing which does not fully comply with industry standards may be approved by the Board of Zoning Appeals according to the variance process established by this section.

(2) *Industry standards and other regulations.* All WECS and meteorological towers shall conform to applicable industry standards, as well as all local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.

(3) *Controls and brakes.*

(a) *Braking system.* All WECS shall be equipped with a redundant braking system. This shall include both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection.

(b) *Operation mode.* All mechanical brakes shall be operated in a fail-safe mode.

(4) *Electrical components.*

(a) *Standards.* All electrical components of all WECS shall conform to applicable local, state and national codes, and any relevant national and international standards.

(b) *Collection cables.* All electrical collection cables between each WECS shall be located underground except with express, written permission by the Planning Director or Board of Zoning Appeals.

(c) *Transmission lines.* All transmission lines that are buried shall be at a depth consistent with or greater than local utility and telecommunication underground lines standards

except with express, written permission by Planning Director or the Board of Zoning Appeals.

(5) *Appearance.* In addition to all applicable FAA requirements, the following shall also apply:

(a) *Wind turbines and towers.* All wind turbines and towers that are part of WECS shall be white, grey, or other neutral color.

(b) *Blades.* All blades shall be white, grey, or other neutral color. Blades may be black in order to facilitate deicing.

(c) *Finishes.* Finishes shall be matte or non-reflective.

(d) *Visual uniformity.* When two or more WECS are located on the same parcel of land, all turbines shall have the same number of rotor blades, and all rotor blades shall spin in the same direction in relation to the wind. All turbines shall have the same height from blade tip to the ground, and all machinery and structures and blades shall be painted with the same color scheme.

(6) *Hazard protection.* With the exception of roof-mounted micro-WECS, all towers and guyed towers shall utilize the following protective mechanisms:

(a) *Visible and reflective objects.* Visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape placed on the anchor points of guy wires and along the innermost guy wires up to eight feet above the ground.

(b) *Climb prevention.* All tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:

1. Fences with locking portals at least six feet in height; or
2. Anti-climbing devices 15 feet vertically from the base of the WECS tower; or
3. Locked WECS tower doors.

(c) *Visible fencing.* Visible fencing not less than four feet in height shall be installed around anchor points of guy wires.

(7) *Blade clearance.* The minimum distance between the ground and any protruding blades(s) utilized on all commercial WECS shall be 25 feet as measured at the lowest point of the arc of the blades. The minimum distance between the ground and any protruding blade(s) utilized on all remaining WECS shall be a minimum of 15 feet, as measured at the lowest point of the arc of the blades, provided the rotor blade does not exceed 20 feet in diameter. In either instance, the minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

(8) *Lighting.*

(a) *Intensity and frequency.* All lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations.

(b) *Shielding.* Except with respect to lighting required by the FAA, lighting shall be shielded so that glare will not extend beyond any WECS structure.

(9) *Materials handling, storage and disposal.*

(a) *Solid wastes.* All solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment related to the construction, operation and/or maintenance of any WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

(b) *Hazardous materials.* All hazardous materials or waste related to the construction, operation and/or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

(I) *Other applicable standards.*

(1) *Sewer and water.* All WECS facilities shall comply with the existing septic and well regulations as required by the Hancock County Health Department and/or the State of Indiana Department of Public Health.

(2) *Utility interconnection.* The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, as amended from time to time.

(3) *Feeder lines.* With the exception of required minimum setback distances, feeder lines installed as part of any WECS shall not be considered an essential service. Therefore, all communications and feeder lines installed as part of any WECS shall be buried underground.

(4) *Other appurtenances.* No appurtenances other than those associated with the wind turbine operations shall be connected to any wind tower except with express, written permission by the Planning Director or Board of Zoning Appeals.

(J) *Signage.* In addition to complying with § 156.085 regarding sign standards, the following signage regulations and standards shall apply. In the event that one of the following regulations or standards conflicts with another sign regulation or standard prescribed by this section, the most restrictive regulation or standard shall apply.

(1) *Surface area.* No sign shall exceed 16 square feet in surface area.

(2) *Height.* No sign shall exceed six feet in height.

(3) *Manufacturer's or owner's company name and/or logo.* The manufacturers or owner's company name and/or logo may be placed upon the compartment containing the electrical equipment.

(4) *Development signs.* An identification sign relating to a commercial WECS may be located on each side of the total WECS area, provided that no more than four signs are located on any one project site.

(5) *Other signs and logos.* No other advertising signs or logos shall be placed or painted on any WECS.

(6) *Warning and contact information.* For all commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted at the base of the tower and/or other suitable location.

(7) *Non-commercial WECS and small WECS.* The following notices shall be clearly visible on all non-commercial WECS, and small WECS towers and accessory facilities:

(a) "No Trespassing" signs shall be attached to any perimeter fence.

(b) "Danger" signs shall be posted at the height of five feet on WECS towers and accessory structures.

(c) A sign shall be posted on the tower showing an emergency telephone number.

(d) The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.

(8) *Meteorological towers.* Aviation warnings shall be painted on all meteorological towers pursuant to, or unless expressly waived by, the Federal Aviation Administration (FAA).

(K) *Operation and maintenance.*

(1) *Physical modifications.* In general, with the exception of micro-WECS, any physical modification to any WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by a professional engineer. Like-kind replacements shall not require re-certification. However, prior to making any physical modification, the owner or operator shall consult with the Planning Director and/or the Board of Zoning Appeals to determine whether the physical modification requires re-certification.

(2) *Noise and vibration.* The noise level of micro-WECS, non-commercial WECS or small WECS shall not exceed 55 decibels (A-weighted) and shall not exceed 50 decibels (C-weighted) if it is determined that a pure tone noise is generated by the project. This level may only be exceeded during short-term events such as utility outages and/or severe wind storms. In

the event of a written complaint received by the Planning Director, the owner/operator shall be responsible for contracting with a licensed or certified noise analyst to verify compliance with this standard. If an agreement to remedy the complaint is not reached within 90 days, appropriate action shall be taken by the Planning Director and/or Board of Zoning Appeals, which may result in requiring the WECS to become decommissioned and taken out of service. The noise level of a commercial WECS shall not exceed ten decibels above the pre-construction ambient baseline sound level. Measurements shall be taken five feet above ground level at the nearest property line. The base-line ambient noise level shall be documented and recorded with the Hancock County Recorder's Office prior to issuance of the improvement location permit.

(3) *Interference.* The owner and/or operator shall eliminate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. In particular, the owner and/or operator shall comply with the following:

(a) *Pre-construction.* The owner or operator shall complete a communications study by a licensed or registered radio communications specialist prior to construction. The study shall include specific recommendations to minimize interference with any public or public-serving utility microwave transmissions. The WECS design shall implement the recommendations of the study which shall be submitted to the Planning Director prior to issuance of the improvement location permit.

(b) *Post-construction.* If after construction of the WTCS, the Planning Director, owner, or operator receives a written complaint related to interference with the broadcast of residential television, telecommunication, communication or microwave transmissions, the owner or operator shall eliminate said interference. Interference with private telecommunications systems such as GPS shall be between the company and the complainant.

(c) *Failure to remedy a complaint.* If an agreement to remedy a known interference is not reached within 90 days of receipt of the complaint, appropriate action shall be taken by the Planning Director and/or Board of Zoning Appeals, which may result in requiring the WECS to become decommissioned and taken out of service. This does not apply to interference with private telecommunications systems.

(4) *Declaration of public nuisance.* Any WECS declared to be unsafe by the Hancock County Building Official by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal pursuant to the approved decommissioning plan.

(L) *Decommissioning plan.* Prior to receiving an improvement location permit or building permit, or siting approval for a WECS under this section, the applicant in cooperation with the Planning Director and/or the Board of Zoning Appeals shall formulate a decommissioning plan in recordable format to ensure that the WECS is properly decommissioned. This requirement shall not apply to a micro-WECS. The decommissioning plan shall include, but not be limited to, the following language.

(1) *Assurance.* Written assurance that the WECS will be properly decommissioned

within six months of non-operation or abandonment. An applicant's obligations shall include removal of all WECS-related components and materials.

(2) *Cost estimate.* A contractor cost estimate for demolition and removal of all WECS-related components and materials to a depth of not less than four feet below ground level and restoration of the project area to pre-construction condition. The cost estimate may include any offsetting affects of salvage value. The cost estimates shall be made by a competent party such as a professional engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning WECS.

(3) *Financial assurance for non-commercial and commercial WECS.* Financial assurance in an amount not less than the aforementioned cost estimate in the form of a bond, irrevocable letter of credit acceptable to the Hancock County Board of Commissioners, or other security acceptable to Hancock County. The security shall be released when the WECS has been decommissioned according to the decommissioning plan as determined by the Planning Director.

(M) *Discontinuation and abandonment.*

(1) *Discontinuation.* All WECS shall be deemed a discontinued use after 12 months without energy production or upon expiration of an annual occupancy permit, if required. Prior to this, the owner or operator may submit a plan to the Planning Director outlining the steps and schedule for returning the WECS to service and obtaining an occupancy permit, if required. The plan shall be subject to review and approval by the Planning Director or the Board of Zoning Appeals.

(2) *Access easement.* With the exception of micro-WECS and small WECS, in the event of abandonment by the owner or operator, the applicant shall provide an affidavit to the Planning Director representing that recorded access easements exist for purposes of salvaging the remaining WECS equipment and/or restoring the property to pre-construction condition.

(3) *Written notices.* Prior to implementation of procedures to resolve the default(s), the Planning Director shall first provide written notice to the owner and/or operator setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed 60 days for good faith negotiations to resolve the alleged default(s).

(4) *Costs incurred by Hancock County.* In the event Hancock County removes the WECS-related components and materials, Hancock County may sell the salvage to defray the costs of restoring the property to pre-construction condition. As a condition of permit approval, the owner and/or operator grants a license to Hancock County to enter the property to pursuant to the terms of the approved decommissioning plan.

(N) *Liability insurance.* With the exception of micro-WECS, the owner shall submit and maintain at all times a comprehensive commercial general liability insurance policy, including completed operations coverage, with limits of no less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate in addition to an umbrella policy or an excess limit policy of no less than \$4,000,000 all of which policies shall name Hancock County and the Hancock County

Board of Commissioners as additional insureds. In both cases, the policies shall state that the owner and insurance carrier will notify the Hancock County Commissioners and Hancock County Plan Commission 30 days in advance of either cancellation and/or non-renewal of said policies.

(O) *Application procedures.* In accordance with § 156.021(B), applications for special exceptions and improvement location permits shall include the following.

(1) *All WECS.* An application for a special exception and improvement location permit for a WECS shall include the following information:

(a) *Contact information of project applicant.* The name(s), mailing address(es), email addresses, fax numbers and phone number(s) of the applicant(s), as well as a description of the applicant's business structure and overall role in the proposed project.

(b) *Contact information of current project owner.* The name(s), mailing address(es), email addresses, fax numbers and phone number(s) of the owner(s), as well as a description of the owner's business structure and overall role in the proposed project, and including documentation of land ownership or legal control of the property on which the WECS is proposed to be located. The Planning Director shall be informed of any changes in ownership.

(c) *Contact information of project operator.* The name(s), mailing address(es), email addresses, fax numbers and phone number(s) of the operator(s), as well as a description of the operator's business structure and overall role in the proposed project.

(d) *Legal description.* The legal description, address, and general location of the project.

(e) *Project description.* The WECS project description, including information for each proposed tower and wind turbine, shall include the following:

1. Number of turbines;
2. Type;
3. Name plate generating capacity;
4. Tower height;
5. Rotor diameter;
6. Total height;
7. Anchor base;
8. The means of interconnecting with the utility transmission lines;

9. The potential equipment manufacturer(s); and

10. All related accessory structures.

(f) *Site layout plan.* A site plan, drawn to scale. All drawings shall be at a scale of one inch equals thirty feet (1"=30'). Any other scale must be approved by the Planning Director. No individual sheet or drawing shall exceed 24 inches x 36 inches.

(g) *Engineering certification.* The manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the building permit application that the turbine, foundation and tower design of the WECS is within accepted professional standards for such structures, given local soil and climate conditions. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings.

(h) *Proof of correspondence and cooperation with wildlife agencies.* For the purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act, the applicant shall provide written documentation that he or she is in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources.

(i) *Plan release from fire prevention and building safety.* The applicant for an WECS shall submit the application documents to the Indiana Fire Prevention and Building Safety Commission for certification that the WECS complies with the Indiana Building Code.

(2) *Non-commercial WECS.* In addition to the application requirements listed in division (O)(1), an application for a special exception and/or improvement location permit for non-commercial WECS shall include the following information:

(a) *Demonstration of energy need.* The primary purpose of the production of energy from a non-commercial WECS shall be to serve the energy needs of that tract. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of the WECS fulfills this need. Net-metering may be allowed, but shall not be the primary intent of the WECS.

(b) *Statement of FAA compliance.* A statement of compliance with all applicable FAA rules and regulations, including any necessary approvals for installations within close proximity to an airport.

(c) *Utility notification.* A non-commercial WECS shall not be installed until evidence has been given that the local utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Systems that do not connect to utility transmission lines shall be exempt from this requirement.

(d) *Compliance with National Electrical Code.* A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

(3) *Commercial WECS.* In addition to the application requirements listed in division(O)(2), applications for commercial WECS shall include the following information:

(a) *Preliminary site layout plan.* In place of the site layout plan described in division (O)(1)(f), an application for a commercial WECS shall include a preliminary site layout plan with distances drawn to scale by a registered land surveyor illustrating the following:

1. Property lines, including identification of adjoining properties;
2. The latitude and longitude of each individual wind turbine, along with individual identification of each WECS;
3. Dimensional representation of the structural components of the tower construction including the base and footings;
4. WECS access roads;
5. Substations;
6. Electrical cabling;
7. Ancillary equipment;
8. Primary structures within one-quarter mile of all proposed WECS;
9. Required setback lines;
10. Location of all public roads which abut, or traverse the proposed site;
11. The location of all above-ground utility lines within a distance of two times the height of any proposed WECS structure;
12. The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources, within one mile of a proposed WECS;
13. The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within one mile of a proposed WECS;
14. Any other item reasonably requested by the Planning Director and/or

Board of Zoning Appeals, such as:

- a. Topographic map;
- b. USGS topographical map, or map with similar data, of the property and the surrounding area, including any other WECS within ten rotor distance, but no less than a one-quarter mile radius from the proposed project site, with contours of not more than five-foot intervals;
- c. Noise profile;
- d. Location of all known WECS within one mile of the proposed WECS, including a description of the potential impacts on said WECS and wind resources on adjacent properties;
- e. Copy of the communications study;
- f. Statement of FAA compliance.

(4) *Aggregated projects.* Aggregated projects may jointly submit a single application and be reviewed under joint proceedings and notices.

(P) *Pre-construction requirements.* Prior to the issuance of an improvement location permit, the applicant shall submit the following information to the satisfaction of the Planning Director in addition to the application requirements of division (O) above:

(1) *Decommissioning plan.* For all WECS except micro-WECS, a decommissioning plan as prescribed in division (L) above.

(2) *Drainage, road use and maintenance agreements.* For all WECS except micro-WECS and small WECS, agreements relating to drainage, road use, and maintenance shall be approved by the Hancock County Commissioners. The agreements shall be developed in conjunction with the Hancock County Surveyor and the Hancock County Highway Department. The agreements must be signed before any improvement location permit is issued. The drainage agreement must prescribe or reference provisions to address crop and field tile damages.

(3) *Erosion control plan and Rule 5 compliance.* For all WECS except micro-WECS, an erosion control plan developed in consultation with the Natural Resources Conservation Services (NRCS), and any storm water quality management plan adopted by the applicable jurisdiction.

(4) *Utility plan.* For all WECS, a utility plan drawn to the same scale as the site plan illustrating the location of all underground utility lines associated with the total WECS project shall be submitted to the Planning Director. No individual sheet or drawing shall exceed 24 inches by 36 inches.

(5) *Final site layout plan.* For commercial WECS, provide a copy of the final site layout plan illustrating the final location of all that is required in the preliminary site layout plan, as approved by the landowner.

(6) *Avoidance and mitigation of damages to public infrastructure.* For commercial WECS, in addition to complying with the approved road use and maintenance agreements, an applicant, owner, or operator proposing to use any county road(s) for the purpose of transporting commercial WECS or substation parts and/or equipment for construction, operation or maintenance of a commercial WECS or substation, shall comply with the following pre-construction requirements.

(a) *Identification of roads and services.* Identify all roads and services, to the extent that any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it shall be approved by the Hancock County Highway Department.

(b) *Pre-construction survey.* The applicant shall conduct a pre-construction baseline survey acceptable to the Hancock County Highway Department to determine existing road conditions for assessing potential future damage. The survey shall include photographs, or video, or a combination thereof, and a written agreement to document the condition of the public facility.

(Q) *Construction requirements.* During construction, the applicant shall demonstrate that the following requirements are being met:

(1) *Dust control.* For commercial WECS, reasonable dust control measures shall be required by the Board of Zoning Appeals during construction of a commercial WECS.

(2) *Drainage.* For all WECS except micro-WECS, storm water best management practices as required by the approved drainage plan/agreement on file with the Hancock County Surveyor.

(R) *Post-construction requirements.* Post-construction, the applicant shall comply with the following provisions:

(1) *Road repairs and bonds.* For all WECS except micro-WECS, road damage caused by the construction of the project, the installation of the same, or the removal of the same, shall be repaired to the satisfaction of the Hancock County Highway Department. The County Highway Department may require remediation of road repair upon completion of the project or may collect fees for oversized load permits. Further, a corporate surety bond in an amount determined by a professional engineer may be required by the Department to insure that repairs are completed to the satisfaction of the Department. The cost of bonding shall be paid by the applicant.

(2) *As-built plans requirement.* For all WECS except micro-WECS, within 60 days of completion of all development, the exact measurements of the location of all constructed and

installed utilities and structures shall be recorded. Initially, the applicant, owner, or operator shall submit a copy of the as-built construction plans to the Planning Director with the exact measurements shown thereon. The Director, after being satisfied that the measurements are substantially the same as indicated on the originally approved plan(s), shall approve, date and sign the as-built plans which the applicant, owner, or operator shall then record and provide a copy of said recorded document to the Planning Director.

(3) *Annual occupancy permit.* For all WECS except micro-WECS, for purposes of this section, it shall be the responsibility of the applicant or property owner to inform the Planning Director of all changes in ownership or operation during the life of the project and to seek and obtain an annual occupancy permit with proof of insurance from the Hancock County Board of Zoning Appeals.

(S) *Summary of submittal requirements for WECS applications.*

APPENDIX: SUMMARY OF SUBMITTAL REQUIREMENTS FOR WECS APPLICATIONS			
	WECS/Commercial	WECS/Micro and Small	WECS/Non-Commercial
<i>Applications for Special Exceptions and ILPS</i>			
Contact information/applicant	•	•	•
Contact information /project owner	•	•	•
Contact information/project operator	•	•	•
Legal description	•	•	•
Project description	•	•	•
Site layout plan	•	•	•
Engineering certification	•	Small, only	•
Proof wildlife agencies	•	Small, only	•

APPENDIX: SUMMARY OF SUBMITTAL REQUIREMENTS FOR WECS APPLICATIONS			
	WECS/Commercial	WECS/Micro and Small	WECS/Non-Commercial
<i>Applications for Special Exceptions and ILPS (cont'd)</i>			
Plan release fire/building safety	•	Small, only	•
Demonstration of need	•		•
FAA compliance	•		•
Utility notification	•	If connected to utility	•
National Electrical Code	•	•	•
Preliminary site plan	•		
<i>Pre-Construction ILP Requirements In Addition to Above</i>			
Decommissioning plan	•	Small, only	•
Drainage, road and maintenance agreements	•		•
Erosion control plan	•	Small, only	•
Utility plan	•	•	•
Final site layout plan	•		
Identification of roads and services	•		
Pre-construction survey	•		
<i>Construction Requirements</i>			
Dust control	•		
Drainage BMPS	•	Small, only	•
<i>Post-Construction Occupancy Permit</i>			
Road repairs and bonds	•	Small, only	•
As-built plans	•	Small, only	•
Occupancy permit	•	Small, only	•

(Ord. 2010-2D, passed 2-22-10)