

Requested revisions are in red print and strike-throughs,

2.14 Uses:

TABLE A:
Environmental

Permitted Uses	Exception Uses

Public Use

Permitted Uses	Exception Uses
9. Micro Wind System	9. Wind Turbines (Large Wind System or Small Wind System), Wind Farm, anemometers and related devices and structures

Agricultural II

Permitted Uses	Exception Uses
1. Micro Wind System	6. Small Wind System

Agricultural

Permitted Uses	Exception Uses
11. Micro Wind System	40. Wind Turbines (Large Wind System or Small Wind System), Wind Farm, anemometers and related devices and structures

Residential

Permitted Uses	Exception Uses
12. Micro Wind System	

Commercial

Permitted Uses	Exception Uses
15. Micro Wind System	30. Wind Turbines (Large Wind System or Small Wind System), Wind Farm, anemometers and related devices and structures

Limited Industrial

Permitted Uses	Exceptional Uses
7. Micro Wind System	9. WECS Large , Wind Turbines (Large Wind System or Small Wind System), Wind Farm, anemometers and related devices and structures

Light Industrial "I-2"

Permitted Uses	Exceptional Uses
7. Micro Wind System	10. WECS Large Wind Turbines (Large Wind System or Small Wind System), Wind Farm, anemometers and related devices and structures

Heavy Industrial "I-3"

Permitted Uses	Exceptional Uses

8. Micro Wind System	11. WECS Large Wind Turbines (Large Wind System or Small Wind System), Wind Farm, anemometers and related devices and structures
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3.29 WIND TURBINES **Wind Energy Conversion Systems (WECS)**

3.29.1 PURPOSE AND SCOPE - This article establishes general guidelines for the siting and use of wind turbine generators, ~~anemometers~~ **meteorological (MET) testing towers** and related devices and structures. This article is intended to:

- A. Protect residential areas from any potentially adverse visual or noise impacts of wind turbine generators or related devices and structures.
- B. Provide for a land use that will provide an energy source with low associated environmental impacts **and protect the health, safety, and welfare of Kosciusko County residents.**
- C. Provide for the removal of abandoned or noncompliant wind turbine generator towers, ~~anemometer~~ **meteorological (MET)** towers, or related devices and structures.
- D. Allow restricted use of wind turbine generator towers and ~~anemometers~~ **meteorological towers** of limited height.

3.29.2 APPLICABILITY

- A. Micro Wind System towers and ~~anemometer~~ **meteorological testing** towers less than 120 feet in height shall be permitted as listed under Table A and are subject to the standards of section 3.29.3 however are not subject to Section 3.29.4 & 3.29.6. **Portions of sections 3.29.3 & 3.29.5 may be waived for micro wind systems when deemed appropriate by the Plan Director.**
- B. Wind Farms; **Large Wind Turbines** (~~Large Wind System or Small Wind System~~), WECS, ~~Anemometer~~ **meteorological testing towers (MET)** towers 120' feet in height **and over to 325 feet**, and all related devices and structures for the above shall only be permitted after special exception approval in accordance with Article 5, section 5.4, Exceptions, exclusively in the those districts listed on Table A and shall be subject to all standards and the requirements of Sections 3.29.3 and 3.29.4.

3.29.3 GENERAL REQUIREMENTS

- A. Minimum Site Area. The minimum site area for a wind turbine generator or an ~~anemometer~~ **meteorological testing towers (MET)** tower erected prior to a wind turbine

generator shall be as necessary to meet required setbacks and any other standards of this ordinance.

B. Setbacks.

1. Micro towers and any associated features shall be set back from any adjoining property lot line, road right-of-way, railroad right-of-way or overhead electrical transmission or distribution lines a minimum distance equal to the total height of the structure.

2. Each proposed large wind turbine generator or ~~anemometer~~ meteorological testing tower shall meet the following applicable setback requirements:

a. ~~1.~~ Each wind turbine generator or ~~anemometer tower~~ meteorological testing towers (MET) and any associated features (~~including shall have no guy wires~~) shall be set back from any adjoining property lot line, road right-of-way, railroad right-of-way or overhead electrical transmission or distribution lines a minimum distance of 3,960 feet or 6.5 times the height of the tower from the base to the tip of the blade in vertical position, whichever is greater. ~~equal to the total height of the structure.~~

~~2. Large and small wind system(s) must be located at least 1000' from any occupied structure (including but not limited to residences, schools, churches, medical buildings), except occupied structures located on site. Occupied Structures located adjacent to and off site from a large or small wind system shall maintain these same minimum separation requirements. No occupied structure shall be built less than 1000' from any existing large or small wind system.~~

b. ~~3.~~ Wind Farms and WECS' occupying multiple parcels may have internal property line setbacks waived by execution of a written document signed by all land owners sharing such a property line. All such documents shall be recorded in the office of the Kosciusko County Recorder within 45 days of the signing of each wind lease agreement and said document shall be cross referenced to the current recorded deed. The wind developer may not submit a memorandum of lease containing multiple lease contracts to the Kosciusko County Recorder. Signed wind lease contracts not submitted to the Kosciusko County Recorder's office within 45 days of signing are null and void in Kosciusko County, and presented at the time of permitting.

c. ~~4.~~ The setback distance for the WECS shall be one mile ~~1500 feet~~ from any platted community of a municipality. Distance shall be measured from the center of the foundation at the base of the WECS to the closest

Corporate Limit boundary line.

C. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than ~~50~~ 25 feet or 1/3 of the tower height whichever is greater.

D. Maximum Noise Levels. Any proposed wind turbine generator shall produce sound levels that are no more than ~~32~~ 50 decibels as measured on the dB(A) scale at the property lines of the site in question. **For all towers other than micro wind systems the following shall be provided:**

1. A noise ~~report~~ study by a licensed acoustician chosen by the Kosciusko County Plan Commission and paid for by the wind developer shall be submitted with any application for an ~~anemometer tower or~~ wind turbine generator tower. ~~A noise report~~ Said study shall be prepared by a qualified professional acoustician with no less than three years of experience conducting WECS and community noise sound studies and shall include the following, at a minimum:

a. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation;

b. A survey and report prepared by a qualified ~~engineer~~ acoustician with no less than three years of experience conducting WECS community noise sound studies and wind development that analyzes the preexisting ambient noise (including seasonal variation) and the potentially affected residences, schools, public buildings or other noise sensitive land uses located within 2 miles of the proposed project site. Study shall include decibels for both A and C weighted scales.

c. A description and map of the cumulative noise impacts and any problem areas identified.

d. A description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive land uses.

E. Maximum Vibrations. Any proposed wind turbine generator shall not produce vibrations humanly perceptible beyond the property on which it is located **or cause vibration that could be detected in nearby structures or damage underground wells.**

F. Electrical Components

1. All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards.

2. Electrical Collection Cables - All WECS electrical collection cables between each WECS shall be located underground ~~unless they are located on public or utility rights of way or with prior County approval.~~ All transmission lines that are buried should be at a depth of 10 feet ~~consistent with or greater than local utility and telecommunication underground lines standards or as negotiated with the land owner or the land owner's designate~~ until the same reach the property line or a substation adjacent to the property line.

G. Interference with Reception. Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, **GPS for agricultural use, military defense radar**, navigational or radio reception to neighboring areas.

H. State or Federal Requirements. Any proposed wind turbine generator or ~~Anemometer~~ **meteorological testing** tower shall meet or exceed any additional local, state, or federal standards and regulations.

I. Aesthetics and Lighting. Any proposed wind turbine generator or ~~anemometer~~ **meteorological testing** tower shall meet the following requirements:

1. Each wind turbine generator or ~~anemometer~~ **meteorological testing** tower shall ~~either maintain a galvanized steel finish or a neutral gray or white, so as to reduce visual obtrusiveness,~~ be subject to any applicable standards of the FAA. **When said towers are not subject to FAA regulation said tower shall be marked or identified in order to easily be identified for .low-level aviation operations as noted below;**

- a. Towers shall be painted utilizing a pattern used to mark structures based on size and shape, which is eight equal alternating horizontal bands from the base to the tip of the tower of alternating stripes of aviation orange and white.
- b. Each tower shall have lighting that shall be shielded as much as possible so that no glare extends beyond the boundaries of the facility. In the instance that "strobe" lighting is required it should be configured so that it is alternating lighting; white light during daylight, red light at night.

2. Each wind turbine generator, including all accessory structures, ~~or Anemometer tower~~ shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings.

3. Each wind turbine generator or ~~anemometer~~ tower shall ~~not~~ be artificially lighted, ~~except~~ as required by the FAA in which instance all lighting shall be shielded as much as possible so that no glare extends substantially beyond the boundaries of the facility. In the instance that “strobe” lighting is required it should be configured so that it is alternating lighting; white light during daylight, red light at night.

4. Each wind turbine generator tower and meteorological tower may be a monopole, monotube or lattice style construction and shall be self supporting. Towers shall not include guy wires. This provision shall not apply to ~~anemometer towers~~.

J. Signs. A sign no more than 4 square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the wind turbine generator or ~~anemometer~~ meteorological testing tower erected prior to a wind turbine generator. No wind turbine generator tower or ~~anemometer~~ MET tower or site shall include an advertising sign.

K. Not Essential Services. Wind turbine generators and meteorological testing towers ~~anemometers~~ shall be regulated and permitted pursuant to this Article of the Zoning Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

L. Removal of Abandoned or Unsafe Wind Turbine Generators or ~~Anemometer~~ Meteorological Testing Towers

1. Any wind turbine generator or ~~anemometer~~ meteorological testing tower that is not operated for a continuous period of 6 months shall be considered abandoned.

2. Any tower found to be unsafe or not in compliance with the special exception conditions related to noise or shadow flicker placed upon it by the Board of Zoning Appeals (BZA), shall be found to be in violation of the special exception approval.

3. The owner of any wind turbine generator tower or ~~anemometer~~ meteorological testing tower that is abandoned or in violation of the special exception approval shall remove the same within twelve (12) months of receipt of notice from the Area Plan Commission of such abandonment or violation.

4. In addition to removing the wind turbine generator, or ~~anemometer~~ meteorological testing tower, the owner shall restore the site to its condition prior to location of the wind turbine generator or meteorological testing ~~anemometer~~ tower (excluding replanting of original vegetation and trees), subject to reasonable wear and tear and shall stabilize soils through use of ground cover.

All concrete and rebar must be removed from the soil.

5. Failure to remove an abandoned wind turbine generator or ~~anemometer~~ **meteorological testing** tower within the twelve (12) month period provided in this subsection shall be grounds for the Kosciusko County Area Plan Commission to pursue the violation as prescribed under section 4.12 of this ordinance.

~~6. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the wind turbine generator or anemometer tower and attendant accessory structures as a condition of a special exception given pursuant to this section.~~ **e. A decommissioning plan approved by the Kosciusko County Technical Committee providing for the method and payment of the anticipated cost of removing a WECS at the end of its serviceable life or upon it's becoming a discontinued or abandoned use to ensure that the WECS is properly decommissioned.**

1. Content

A decommissioning plan, for all systems except micro wind systems, shall include, at a minimum, the following:

a. Assurance - Written assurance that the WECS will be properly decommissioned upon the expiration of its serviceable life or in the event of its discontinuance or abandonment.

b. Cost estimates for all WECS except Micro WECS, an estimate of the costs of decommissioning and removing the WECS upon the expiration of its useful life, or in the event of its discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of WECS, and shall be updated every five (5) years for approval by the Kosciusko County Area Plan Commission.

c. Financial assurance the cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the wind energy system and to restore the site, the following steps shall be followed:

1). For each wind energy system, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost.

2). The Planning Commission shall require independent verification of the adequacy of this amount.

3). This money shall be secured in the form of a surety, such as surety bond, letter of credit, or other financial promise , and shall be determined by the Kosciusko County Area Plan Commission..

d. Abandonment Verification under penalties for perjury, that all easements and/or leases for the WECS contain terms that provide financial assurances to the property owners to ensure that the WECS are properly decommissioned within one (1) year of the expiration of its serviceable life or in the event of its discontinuance or abandonment.

M. Climb Prevention - All Tower designs must include features to deter climbing or be protected by anti-climbing devices, when applicable, such as:

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

N. Waste Management - All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All HAZARDOUS WASTE generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state and federal rules and regulations.

O. Utility Interconnection

The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS.

P. Warnings

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
- ~~2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground.~~

Q. Drainage Repair

All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the WECS, must be completely repaired to near original condition, and so as not to impede the natural flow of water. All repairs must be completed within a reasonable amount of time **agreed upon by the Kosciusko County Surveyor.**

R. USE OF ROADS

An Applicant, Owner, or Operator proposing to use any county road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall prior to construction:

Identify all such public roads and services;

1. Roads

a. Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Kosciusko County Highway Superintendent. The Superintendent shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.

b. Any road damage caused by the construction of the WECS project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the Kosciusko County Highway Superintendent. The Superintendent may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a Professional Engineer may be required by the Superintendent to insure the county that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant.

c. Newly constructed WECS access roads may not impede the flow of water.

d. All repairs must be completed **in the time period agreed upon by the Kosciusko County Highway Superintendent** ~~within a reasonable amount of time.~~

e. Throughout the life of the project as repairs to WECS are made, road repairs will be completed each time the company's equipment traverses

Kosciusko County roads if the Kosciusko County Highway Superintendent deems repairs be necessary, at the wind developer's expense.

f. The location of all WECS access roads must be approved by the Kosciusko County Plan Director and may not be located closer than 2,000 feet from any residence as measured from the center of the access road to the corner of the residence.

S. Dust Control

Reasonable dust control measures will be required by the County during construction of the WECS.

T. Sewer and Water

1. Any facility shall comply with existing septic and well regulation as required by the Kosciusko County Health Department and the State of Indiana Department of Public Health.

2. Wells within one mile of each site shall be inspected by a licensed certified Indiana well installed prior to and following construction. All expenses associated with the inspections shall be at the expense of the developer. Any damage caused by vibration or the operations of WECS or their construction shall be repaired at the expense of the developer and construction companies and these companies are required to provide commercial water tanks and water to affected homes until an investigation is complete and problems, if caused by WECS construction or operation, are mitigated.

U. Height

All Micro Wind System towers, ~~anemometers~~ MET towers, Wind Farms, Wind Turbines (Large Wind System or Small Wind System), and WECS, approved under this section are subject to the height requirements as specified under section 3.14.2 of the Kosciusko County Zoning Ordinance.

V. Fire Prevention and Emergency Response Plan and Requirements.

1. Description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.

2. Designation of the specific agencies that would respond to potential fire or other emergencies.

3. Description of all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training

W. The site plan and other documents shall illustrate and describe mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands, avian and wildlife (migratory bird patterns and bat population effects), other fragile ecosystems, historical/cultural sites and antiquities.

X. Shadow Flicker

At no time shall a wind turbine's tower, nacelle, or blades create shadow flicker on any non-participating landowner's property. For the purpose of this section a non-participating landowner shall be defined as a landowner on which a tower does not physically sit.

Y. Property Value Guarantee will be offered by the wind developer to all residents and landowners within two miles of a wind turbine. Fair market value will be established by, at minimum, two reputable appraisers of the Kosciusko County Plan Commission's choice to establish baseline data for property values at the wind developer's expense. If the property value of a home decreases and a home or landowner is unable to sell his property after the wind turbines are erected, the developer will pay that landowner the difference or buy the property at the baseline fair market value determined prior to construction of the wind project.

Z. Prior to meeting with landowners in Kosciusko County to secure leases and holding private meetings with residents, the wind developer must notify every household and landowner within five miles of a planned wind project of their intentions to develop a wind farm in the area via certified letter. The wind developer must also contact the Kosciusko County Plan Director and inform the Kosciusko County Planning Commission of their intent to develop a wind farm in Kosciusko County prior to notice being sent to residents and landowners and prior to meeting with landowners to secure wind lease contracts in Kosciusko County.

3.29.4 SPECIAL EXCEPTION APPROVAL REQUIRED

A. Unless exempted under Section 3.29.2, all wind turbine generators and anemometer towers shall be subject to special exception approval and all requirements for special exception uses in Article 5, section 5.4. In addition to the general standards of approval for special exception, all special exceptions regulated under this Article shall comply with the following standards of approval:

1. The use shall meet all general requirements listed above in Section 3.29.3.

2. ~~A performance bond is placed in conformance with~~ All decommissioning money paid to Kosciusko County to be placed in an interest accruing account controlled by Kosciusko County prior to the approval of any permits. In order to ensure the proper removal as required under section 3.29.3.L.6, ~~above, to ensure removal of any abandoned or dangerous wind turbine generator tower.~~

3. As specified in Section 3.29.3 a Noise ~~Report~~ Study is submitted including satisfactory mitigation measures to assure that no nearby residential uses will be subjected to ~~unreasonable~~ noise impacts **greater than 32 dBA at the property line.**

4. The special exception, if granted by the BZA, for a proposed project shall be valid for a period of one (1) year in which to apply for an Improvement Location Permit, after which, approval shall terminate and be of no further force or effect if construction in earnest of the approved tower/s has not commenced. The Applicant shall be granted a one (1) year extension to result in a total of two (2) years from the date of the BZA approval if the Applicant presents a request for an extension to the BZA and provides a report to the BZA which shows the progress made on the project. Thereafter, an additional extension shall be at the BZA's discretion.

B. APPLICATION REQUIREMENTS

Prior to the construction of a WECS, the Applicant shall obtain approval for the following: (1) an Application for a Exception Use from the Kosciusko County Board of Zoning Appeals ("BZA") to permit a WECS in any zone list under table A, (2) Request for Variance for any variances anticipated on the WECS Project, and (3) Drainage approval as required under the Kosciusko County Stormwater and Erosion Control Ordinance when deemed necessary, (4) an Improvement Location Permit from the Kosciusko County Area Plan Commission.

1. The Application for Exception Use

a. The application shall be filed with the Kosciusko County Area Plan Commission and include the following items:

1. A WECS Project summary, including, to the extent available: ~~(1) a general description of the project~~ **Each turbine's point location**, including its ~~approximate~~ name plate generating capacity; the **make and model of the WECS that will be installed** ~~potential equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS;~~ the maximum height of the WECS Tower(s) **measured from the base to the tip of the blade in vertical position** and ~~maximum~~ diameter of the WECS(s) rotor(s); ~~the general location of the project;~~ and (2) a description of the Applicant, Owner, and Operator, including their respective business structures.

2. The name(s), address (es), and phone number(s) of the Applicant(s),

Owner and Operator, and all property owner(s) with WECS or associated utility lines on their properties, if known. All leases for properties with WECS must be filed in the Kosciusko County Recorder's Office within 45 days of the contract being signed agreeing to a wind lease or said contract is null and void in Kosciusko County.

3. A topographic map of the project site and the surrounding area which shall encompass an area at least a quarter mile radius from the proposed project site with contours of not more than five foot intervals.

4. A site plan at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower site not greater than 1 inch equals 20 feet): the proposed location of the wind energy facility (including planned locations of each WECS Tower, ~~guy lines and anchor bases (if any)~~; WECS access roads; Substations; electrical cabling; and ancillary equipment). In addition, the site plan shall show: Primary Structures within ~~one quarter of~~ one mile of any WECS; property lines, including identification of adjoining properties; setback lines; public roads; location of all above-ground utility lines within a distance of two (2) time the WECS Tower Height of any WECS Tower; recognized historic or heritage sites as noted by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources; and any wetlands based upon a delineation prepared in accordance with the applicable U. S. Army Corps of Engineer requirements and guidelines.

5. Location of all existing underground utility lines associated with the WECS site.

~~6. Property owner Name/s for each tract involved (tower or associated utility lines) in the project.~~

~~6. 7.~~ All required hearing filing fees as prescribed by this ordinance.

2. The Application for Improvement Location Permit

A. The Applicant shall apply to the Area Plan Commission for an Improvement Location Permit. In addition to the information required on the Improvement Location Permit Application and those documents required under section 3.29.3, the Applicant shall provide the following information to the Area Plan Commission prior to the issuance of an Improvement Location Permit:

1. Location of all ~~above-ground~~ utility lines within a radius equal to two (2) times the height of the proposed WECS.

2. Location of all underground utility lines associated with the WECS site.
3. Dimensional representation of the structural components of the tower construction including the base and footings.
4. Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
5. Manufacturer's specifications and installation and operation instructions ~~or specific WECS design information~~ and an un-redacted operations safety manual for the model of WECS that will be installed.
6. Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by BOCA.
7. All turbines shall be new equipment commercially available. Used, experimental or proto-type equipment still in testing shall be approved by the BZA as per the normal special exception process.
8. Necessary recorded access easements and necessary recorded utility easements, copies of which shall be submitted to the Kosciusko County Plan Commission.
9. 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 BZA.
10. A transportation plan showing how vehicles would access the site and describing the impacts of the proposed energy project on the local and regional road system during construction and operation.
11. A revegetation plan for restoring areas temporarily disturbed during construction.
12. A fire protection plan for construction and operation of the Facility (See V. Fire Prevention and Emergency Response Plan and Requirements).
13. Any other item reasonably requested by the BZA.
14. A drainage plan for construction and operation must be developed under the standards of the Kosciusko County Stormwater and Erosion

Control Ordinance.

15. An erosion control plan must be developed and provided in compliance with the Kosciusko County Stormwater and Erosion Control Ordinance and all other local, state, and federal regulations.

B. Each WECS Tower and ~~anemometers~~ MET tower shall require an Improvement Location Permit. The fee for each improvement Location Permit shall be subject to the fee schedule established under section 4.11 of the Kosciusko County Zoning Ordinance.

3.29.5 OPERATION

A. Interference

If, after construction of the WECS, the ~~Plan Commission~~ ~~Owner or Operator~~ receives a written complaint related to interference with local broadcast residential television, telecommunication, communication or microwave transmissions, ~~the Owner or operators shall be notified in writing and~~ the Owner or Operator shall take reasonable steps to respond to minimize the complaint. ~~Applicant, owner and/or operator shall take such actions as may be required to mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, GPS for agricultural use, military defense radar or television signals caused by any WECS. In addition, the applicant, owner and/or operator shall comply with the following:~~

~~a.-b. Failure to remedy a complaint - If the Plan Commission Director determines that an owner or operator has unreasonably failed to remedy verified interference with the broadcast of residential television, telecommunication, communication or microwave transmissions within ninety (90) days after owner or operator received a written complaint related thereto, the Plan Commission Director may take appropriate action to rescind the permit or approval associated to the WECS in question- This does not apply to interference with private telecommunications systems.~~

B. Coordination with Local Fire Department

1. ~~The Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.~~ The WECS applicant, owner or operator shall submit to all providers of emergency services serving the WECS Project area a copy of the as-built site map in digital format, if requested.

2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's

emergency response plan.

3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

C. Materials Handling, Storage and Disposal

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2. All hazardous materials or waste related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

D. An ongoing log of maintenance activities performed on all WECS shall be submitted to Kosciusko County Plan Director on an annual basis.

3.29.6 LIABILITY INSURANCE

The Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage and name Kosciusko County as an additional insured with limits of at least \$2 million per occurrence **per wind tower** and \$5 million in the aggregate with a deductible of no more than \$5 thousand.

Definitions:

Anemometer: An instrument for measuring and recording the speed of the wind.

Anemometer Tower: ~~A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.~~

Large Wind System: A WECS that has a nameplate capacity (manufacturer's rating) of more than ~~50~~ **10** kilowatts per wind tower, or a total height of more than ~~140'~~ **120'**, **and** or a swept area of more than 40'. Any WECS meeting one or more of these criteria shall be considered a large wind system.

Meteorological (MET) Testing Towers - ~~A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer or similar instrument is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.~~

Micro Wind System: A free standing or building-mounted wind system that has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and does not exceed a total height of 120'. Micro wind systems are subject to regulations in all zoning districts.

Small Wind System: ~~A WECS that has a nameplate capacity (manufacturer's rating) less than or equal to 50 kilowatts per wind tower, and a total height of 140' or less, and a swept area of 40' or less~~

Wind Energy Conversion System (WECS): The equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

Wind Farm: Two or more large or small wind systems on a single property or aggregated properties for the purpose of converting and then storing or transferring energy from the wind into usable forms of energy

Wind Farm Collection System: All the low-voltage wiring and cabling connecting any wind turbine with another wind turbine or to a place where voltage is stepped up, commonly known as a substation or switching station

Wind Turbine Generator: A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted and are a part of a micro wind system, small wind system, or large wind system:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind kinetic energy into electrical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator, or other device used to convert the mechanical energy transferred by the rotation of the rotor into electrical energy.

Wind Turbine Generator Height: The distance between the ground and the highest point of the wind turbine generator tower including blades.