

WIND ENERGY CONSERVATION SYSTEM (WECS)
ORDINANCE OF WABASH COUNTY
ORDINANCE # 2017 – 85 - 9

AMENDED 12/18/2017 FINAL

Table of Contents

| <u>SECTION</u> | <u>DESCRIPTION</u> | <u>PAGE #</u> |
|-----------------------|--|----------------------|
| 6.24 | Purpose and Intent | 1 |
| 6.24A | Applicability | 1 |
| 6.24B | Prohibition | 1 |
| 6.24C | Commercial WECS Application Requirements | 1-4 |
| 6.24D | Aggregate Project Applications | 4 |
| 6.24E | Application for Variance | 4 |
| 6.24F | Non-Commercial WECS Application Requirements | 4-5 |
| 6.24G | Zoning Requirements | 5 |
| 6.24H | Application Fees | 5-6 |
| 6.24I | WECS Standards | 6-7 |
| 6.24J | WECS Conditions | 7-9 |
| 6.24K | Color and Finish | 9 |
| 6.24L | Timetable | 9 |
| 6.24M | Modifications, Repairs Maintenance | 9 |
| 6.24N | Inspections | 9 |
| 6.24O | Written Notices | 9-10 |
| 6.24P | Temporary Meteorological Equipment | 10 |
| 6.24Q | Abandonment, Discontinuation, Decommissioning, Removal | 10-11 |
| 6.24R | WECS Construction Requirements | 11-12 |
| 6.24S | Housekeeping | 12 |
| 6.24T | Safety | 12-13 |
| 6.24U | WECS Ownership | 13 |

**WABASH COUNTY WIND ENERGY CONSERVATION SYSTEM
(WECS) ORDINANCE # 2017 - 85 - 9
12/18/2017**

6.24 Development Standards, Wind Energy Conservation System, (WECS)

It is the purpose of the WECS Development Standards to:

- A. Assure that the development and production of wind-generated electricity in Wabash County is safe and effective by establishing predictable and balanced regulations for the establishment of COMMERCIAL and NON COMMERCIAL WECS in the locations and circumstances under which the use may be established without detriment to the public health, safety and welfare of neighboring property owners or occupants.

- B. It is the intent of the Wind Energy Conservation System (WECS) siting regulations to provide a regulatory scheme for the construction and operation of WECS in Wabash County subject to reasonable restrictions. These regulations are intended to preserve the health, safety, and welfare of the community.

- C. Due to the possible complexity of large-scale solar power projects, the county may require a development agreement or other appropriate instrument to address taxing, land use, property assessment, and other issues related to the project. Cooperation to establish an agreement for payment in lieu of taxes (PILT), or other acceptable solutions, may be necessary. A development agreement may be required as a condition of the permit process, and must be approved by the board of county commissioners prior to completion of the permitting process.

6.24 A Applicability

The provisions of the WECS Development Standards are applicable to those zoned areas which allow WECS, or govern the siting of WECS and WECS associated equipment that generate electricity to be sold to wholesale or retail markets, or that generate electricity for private use. A reasonable attempt shall be made by the Wabash County Plan Commission, at the applicants expense, to notify all property owners within the proposed defined area of a WECS project prior to review of any application for a Commercial WECS . Notification may be done by media, separate mailings, or through the public notice requirements prescribed in IC 5-3-1 as amended. Said notice shall inform land owners of the proposed project intent to develop a COMMERCIAL WECS.

6.24 B Prohibition

No person or entity shall construct, operate or locate a WECS within the Jurisdiction of the Wabash County Plan Commission without having fully complied with all of the provisions of this Ordinance.

6.24 C Commercial WECS Application Requirements

Prior to the construction of a COMMERCIAL WECS, the Applicant(s) shall seek approval for a COMMERCIAL WECS by completing a Special Exception Application in which the following conditions shall be met:

Special Exceptions and Variances shall be applied for and reviewed under the procedures outlined in Indiana Code, The Plan Commission and BZA Rules of Procedure, and this Ordinance. Applications for COMERCIAL WECS shall include, but not be limited to requiring, the following information:

- A. Contact information of the project applicant including names, addresses, and phone numbers for the applicant and applicant's overall role in the proposed project.

- B. Contact information of current project owner including names, addresses and phone numbers of the owner and owner's overall roll in the proposed project.
- C. Contact information of project operator including names, addresses and phone numbers of the operator and operator's overall role in the proposed project,
- D. Contact information of the current project applicant shall include a description of the project applicant's business structure with Three (3) references.
- E. Contact information of the current project owner shall including a description of the project owner's business structure with Three (3) references.
- F. Contact information of the current project operator shall include a description of the project operator's business structure with Three (3) references.
- G. The legal description, property addresses, deeded owner addresses, and location of the proposed project, including documentation of land ownership or legal control of the property on which the WECS is proposed to be located.
- H. For all COMMERCIAL WECS, the manufacturer's engineer or a Certified Indiana Structural Engineer shall certify, by Seal, as part of the permitting application, that the turbines foundations, tower design, substations, and power distribution for the COMMERCIAL WECS are within accepted professional standards, given local soil and climate conditions.
 - 1. Must certify soil type at each site location.
- I. 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 the certified drawings of the wind turbine structure, including the tower, base, and footers.
- J. A WECS project description, providing information on each wind turbine proposed including:
 - 1. Each turbines point location,
 - 2. Turbine type,
 - 3. Nameplate generating capacity,
 - 4. Tower height and design,
 - 5. Blade arc diameter,
 - 6. Total height,
 - 7. Anchor base schematic,
 - 8. Underground cable routing path,
 - 9. Means of interconnection with the electrical grid (Electrical Schematic),
 - 10. Equipment Manufactures,
 - 11. All related accessory structures.
- K. All COMMERCIAL WECS shall comply with all air hazard rules by applying for and receiving permits and approvals of compliance for all required Federal Aviation Administration rules and regulations.
- L. A copy of the Communications Study and Noise Profile for each actual wind turbine unit which is proposed to be installed on each specific site.

- M. For the purpose of preventing unnecessary harm to nature and wildlife the applicant shall provide written documentation verifying they are in direct correspondence and cooperation with the U.S. Fish and Wildlife Service, Indiana Department of Natural Resources and the Wabash County NRCS.
- N. A Transportation Plan for construction, operation, and maintenance phases shall be submitted. Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with current road surfacing and conditions. Specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (for both the construction and O&M periods), identify needed bridges, culverts, fence crossings etc. Also identify all areas where modification of the topography will be or is anticipated (cutting/filling) to construct improve roadways or intersections. Address road improvement, restoration and maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling of the project. Provide projected traffic counts for the construction period, broken down by the general type/size of vehicles, and identify how many trips will have oversized or overweight loads. If significant impacts to the transportation system are anticipated, the County shall require financial guarantees to ensure proper repair/ restoration of roadways or other infrastructure damaged or degraded during construction, operation or dismantling of the project. In such case, the "before" conditions of the roadways and other infrastructure shall be documented through appropriate methods such as videos, photos, and written records, to provide for proper reference and restoration.
- O. Applications for COMMERCIAL WECS shall include a preliminary site layout plan with distances, certified by a registered land surveyor, drawn to scale (one inch= 30 feet preferred) illustrating the following:
1. Property lines, including identification of all adjoining properties,
 2. The longitude and latitude of each wind turbine, along with individual identification for each WECS turbine, (ID by number),
 3. Dimensional representation of the structural components of the tower construction including the base and footers,
 4. All WECS access roads and road composition,
 5. Substations and switching stations,
 6. All WECS electrical cabling runs,
 7. Ancillary equipment,
 8. All Primary Structures within One (1) mile of all proposed COMMERCIAL WECS equipment,
 9. Required setbacks identified by lines,
 10. Location of all public roads which abut, or traverse the proposed site,
 11. Location of all above-ground utility lines within One (1) mile of any proposed COMMERCIAL WECS turbine or structure,
 12. Location of all existing underground utilities that may impede buried cable runs and all underground utilities associated with the WECS,
 13. The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the IDNR or the Wabash County Historical Society, within One (1) mile of the proposed COMMERCIAL WECS,
 14. 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 (1) mile of the proposed COMMERCIAL WECS,
 15. A USGS topographical map or map with like data, of the property and the

- surrounding area, including contours at One (1) foot intervals,
16. Any other items reasonably requested by the Wabash County Plan Commission.

6.24 D Aggregate Project Applications

Aggregate projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, and reviews, and as appropriate, approvals.

6.24 E Application for Variance

Contemporaneously with the application for a Special Exception, the applicant shall submit a Variance Application for any variances sought as part of the WECS. A Variance Application shall be submitted for each different variance category sought.

- A. One Variance shall be submitted for each variance category, however consideration of said variance, by the board, shall be applied to each individual applicable unit or situation for which the variance covers.

6.24 F Non-Commercial WECS Application Requirements

Prior to the construction of a NON-COMMERCIAL WECS, the Applicant(s) shall obtain approval for a NON-COMMERCIAL WECS by completing an Application for an Improvement Location Permit in which the following conditions shall be met. Variances shall be applied for and reviewed under the procedures established by the Wabash County Zoning Ordinance. Applications for NON-COMMERCIAL WECS shall also include the following information:

- A. Contact information of the project applicant, including name, address, and phone number of the applicant.
- B. Contact information of current project owner, including name, address, and phone number of the owner.
- C. The legal description, address, and location of the proposed turbine(s) and associated equipment including documentation of land ownership or legal control of the property on which the NON-COMMERCIAL WECS will be located.
- D. A NON-COMMERCIAL WECS project description, providing information on each wind turbine proposed including:
 1. Number of turbines,
 2. Turbine type,
 3. Nameplate generating capacity,
 4. Tower height and design,
 5. Blade arc diameter,
 6. Total Height,
 7. Anchor base schematic,
 8. Underground cable routing path,
 9. Means of interconnection with the electrical grid (Electrical Schematic),
 10. Equipment Manufactures,
 11. All related accessory structures.
- E. Most of the energy produced by a non-commercial WECS project shall be consumed on said property defined in the application.
- F. A site layout plan drawn to scale (one inch equal Thirty (30) feet preferred).
- G. For all NON-COMMERCIAL WECS, 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 NON-COMMERCIAL WECS are within accepted professional standards, for the proposed location soil types and climate conditions.

- H. 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 and meets all the requirements of the electrical utility's service regulations applicable to WECS as amended from time to time.
- I. All NON-COMMERCIAL WECS shall comply with all air hazard rules by applying for and receiving permits and approvals of compliance for all required Federal Aviation Administration rules and regulations.
- J. All NON-COMMERCIAL WECS applicants must provide a copy of Communications Study and Noise Profile of the actual wind turbine that is to be installed on the selected site.
- K. No NON-COMMERCIAL WECS shall be installed until verification that the local utility company has been informed of the customer's intent to install an interconnected customer owned wind turbine generating system.
 - 1. All applicants must provide a completed "Agreement to Interconnect Application" between the public utility company providing electrical service and the customer before an application for an Improvement Location Permit can be completed,
 - 2. Off-grid systems shall provide proof of notification of the local utility company before and after installation with verification of approval from the utility company.

6.24 G Zoning Requirements

WECS shall be permitted by Special Exception and/or Application for Improvement Location Permit in the following zones according to Commercial WECS or Non-Commercial WECS classification.

COMMERCIAL

AGRICULTURE 1
AGRICULTURE 2
FLOOD PLAIN
FOREST, RECREATION,
CONSERVATION
INDUSTRIAL

NON-COMMERCIAL

AGRICULTURE 1
AGRICULTURE 2
FOREST, RECREATION, CONSERVATION
RESIDENTIAL 1
RESIDENTIAL LAKE 1
GENERAL BUSINESS
INDUSTRIAL

6.24 H Application Fees

All fees for Special Exceptions, Variances, and ILPs shall be paid at the time of application. The fees charged by the County aid the County in recovering the cost incurred in connection with the application process resulting from engineering and other professional fees and expenses, including but not limited to attorney's fees.

- A. All Improvement Location Permit Applications for NON-COMMERCIAL WECS shall be charged a fee based on the current Permit Fee Schedule.
- B. All Variance Application fees for COMMERCIAL and NON-COMMERCIAL WECS shall be based on the current Permit Fee Schedule. Multiple Variances may be listed on one application.

- C. The Special Exception Application fee for COMMERCIAL WECS shall be based on the current Permit Fee Schedule.
- D. All Improvement Location Permit Applications for all COMMERCIAL WECS shall be charged a fee, based on the current Permit Fee Schedule, for each tower.
- E. WECS shall conform to all industry standards. Applicant shall submit a certificate of design compliance that the wind turbine manufactures have obtained from Underwriters Laboratories, Det Norske Vertas, Germanishcer Lloyd Wind Energie, or an equivalent Third party.

6.24 I WECS Standards

- A. Tower Construction

All wind turbines shall be installed on a certified tubular free standing tower, a guyed lattice tower, or a monopole tower. Towers may be guyed or self-supporting.
- B. Filtering

All NON- COMMERCIAL and COMMERCIAL WECS shall be filtered, shielded or other-wise designed and constructed so as not to cause electrical, radio frequency, television, navigational, microwave, or any other electro-magnetic interference.
- C. Grounding

All NON-COMMERCIAL AND COMMERCIAL WECS components shall be grounded and shielded to protect against natural lightning strikes and system faults in conformance with the National Electrical Code (NEC), and local utilities service regulations which may apply to WECS.
- D. Speed Control

All NON-COMMERCIAL and COMMERCIAL WECS shall be designed with automatic over speed control to render the system inoperable when winds are in excess of speeds for which the machine is designed to operate.
- E. Brake Control

All NON-COMMERCIAL and COMMERCIAL WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. All mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
- F. Power Loss

All NON-COMMERCIAL and COMMERCIAL WECS, connected to an electric utility grid, shall be designed with an automatic and a manual control that will render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
- G. Utility Interconnection

All NON-COMMERCIAL and COMMERCIAL WECS connected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's service regulations applicable to WECS, as amended from time to time.
- H. Electrical Applications
 1. All electrical components of all NON-COMMERCIAL and COMMERCIAL WECS shall

conform to all applicable local, state, federal and national codes, and any relevant national and international standards,

2. All NON-COMMERCIAL and COMMERCIAL WECS, turbines, structures, substations, feeder lines, facilities, and accessory equipment shall comply with the National Electrical Code and operate as set forth in the electrical utility's service regulations Applicable to WECS, as amended from time to time.

I. Noise and Vibration

1. At no time outside of any Primary Structure shall the sound pressure levels from a wind turbine or any of the components that make up a NON-COMMERCIAL or COMMERCIAL WECS exceed 32 decibels on the "A" weighted scale,
2. At no time shall vibration created by any Commercial or Non-Commercial WECS be detectable on any non-participating land owners property or within the structures located on said property.

J. Shadow Flicker

For NON-COMMERCIAL OR COMMERCIAL WECS.

At no time shall a wind turbines tower, nacelle, or blades create shadow flicker on or within the current structures of any non-participating land owners property.

K. Lighting

All lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed, requirements established by the Federal Aviation Administration (FAA) permits and regulations. Except with respect to lighting required by the FAA, all other lighting shall require shielding so that no glare extends Twenty (20) feet beyond any any NON-COMMERCIAL or COMMERCIAL WECS structures.

6.24 J WECS Conditions

In addition to all WECS requirements and standards, all WECS shall meet or exceed the following WECS conditions as designated dependent on the classification of each WECS as a NON-COMMERCIAL or COMMERCIAL WECS.

A. Final Site Layout Plan

APPLIES TO COMMERCIAL WECS

1. 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 landowners, WECS project owners, WECS project operators, WECS project applicants, Wabash County Highway Department, Wabash County Drainage Board, Wabash County Plan Commission, and the Wabash County Commissioners.

APPLIES TO COMMERCIAL WECS

2. The final site plan shall include a utility plan drawn to scale (One (1) inch equals Thirty (30) feet preferred) illustrating the location of all underground utility lines associated with the total WECS project.
3. A site plan shall be required for any WESC Commercial Work Yard in which WECS materials, work equipment, portable engineering offices, etc. are to be located during the construction period, operations period, and demolition period.
 - a. Site shall be fenced and gated for security purposes.
 - b. Any work site facility requiring sewer, septic or well, shall comply with the current regulations of the Wabash County Health Department, and the Indiana State Department of Public Health,

B. Drainage and Erosion

APPLIES TO COMMERCIAL WECS

1. Requirements of the IDEM Rule 5 and the Wabash County Storm Water Control Ordinance shall be followed during construction, operation and maintenance of the WECS. An erosion control plan developed in consultation with NRCS, IDEM, and any storm water quality management plan adopted by the applicable jurisdiction shall be submitted and approved.

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

2. All site locations shall be reviewed by the Wabash County Drainage Board and shall comply with all requirements administered by the drainage board for each specific site. All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by construction, construction equipment, maintenance, maintenance equipment, turbine transportation equipment or all-purpose use vehicles of the WECS must be completely repaired to original or better condition, and so as to not impede the natural flow of water. All maintenance and repairs must be completed immediately.

C. Drainage, Road and Property Maintenance Agreement

APPLIES TO COMMERCIAL WECS

1. Any applicant, owner, or operator of a Commercial WECS proposing to use any county road for the purpose of transporting any COMMERCIAL WECS associated substation parts and/or equipment for construction, operation, maintenance, or demolition of any part of the COMMERCIAL WECS, shall prior to construction:
 - a. Identify all such public roads, bridges, culverts, ditches, county drains, personal property and services. Any proposed routes that will be used for construction and maintenance purposes shall be identified. Any route that includes a public road shall be approved by the Wabash County Highway Supervisor. The WECS applicant and County Highway Supervisor shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future road damage,
 - b. Any damage, to above listed items , or items noted during the survey, created during the construction of the WECS, by the project equipment, by the installation, removal, maintenance or demolition of same, must be repaired to the satisfaction of the Wabash County Highway Superintendent, County Drainage Board and/or County Commissioners. The Wabash County Highway Superintendent and/or the County Commissioners shall require remediation of all road damage under a scheduled timeline previously set and agreed to by all parties. Further, a corporate surety bond, in an amount to be fixed by a county selected professional engineer, shall be required by the Wabash County Commissioners to insure the County that the future repairs are completed to the Satisfaction of the County. The cost of bonding is to be paid by the applicant.

APPLIES TO COMMERCIAL and NONCOMMERCIAL WECS

- c. Culvert pipes shall be sized by the County Highway Superintendent and installed as required at all exits from roadways onto WECS access roads and any intersection corners expanded to provide ample turning area for oversized or wide loads,
- d. Newly constructed WECS access roads and expanded intersection corners shall not impede the natural flow of water and shall comply with the Wabash County Storm Water Control Ordinance,
- e. Dust control measures shall be required by the county in scheduled work areas during construction of all Commercial WECS,

D. Required Agreement

APPLIES TO COMMERCIAL WECS

All WECS applicants, operators, owners shall complete and follow an economic development agreement, a drainage agreement, and a road use and maintenance agreement approved by the Wabash County Commissioners. The agreement shall also prescribe or reference provisions to address all current and future crop and field tile damages.

6.24 K Color and Finish

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

- A. All WECS turbines shall be white, light grey, or another non-obtrusive color. Finishes shall be matt or non-reflective. Must meet all applicable FAA color requirements. No advertising or signage shall be allowed on a WECS turbine, or WECS related equipment except for the manufactures name on the Nacelle.

- B. Upon review by the WCPC Board, exception may be made for meteorological towers, with regard to color, where concerns exist relative to aerial spray applicators.

6.24 L Timetable

APPLIES TO COMMERCIAL WECS

A work schedule shall be provided, to the Wabash County Commissioners by 8:30 AM every Monday morning, for review during the County Commissioners weekly scheduled meeting outlining the construction zone and all other related project activity for the current week.

6.24 M Modification, Repairs, Maintenance

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

Any physical modification to a WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Prior to making any physical modifications (other than like-kind) the owner, operator or service technician shall confer with the Wabash County Plan Commission to determine whether the physical modification requires re-certification.

6.24 N Inspections

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

The Wabash County Plan Commission, along with a licensed 3rd party professionals, retained by the County for the specific purpose of conducting inspections of the WECS, shall have the right, at any reasonable time and with sufficient prior notice, to accompany the owner, operator, agent, or service technician onto the premises where a WECS has been constructed, to inspect all parts of said WECS installation and to require repairs or alterations be made. The owner or operator of a WECS may also retain a licensed 3rd party professional engineer, familiar with WECS systems, to prepare and submit data to address the repairs or alterations requested and may suggest alternate methods for addressing the defaults or provide evidence that said repairs or alterations are unnecessary.

6.24 O Written Notices

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

Prior to implementation of the existing procedures for the resolution of such default, the Wabash County Plan Commission shall first provide written notice to the owner, operator, or service technician setting forth the alleged default. Response to the written notice must be submitted to the Wabash County Plan Commission, within Thirty (30) days of receiving notice of the infractions. The WCPC will consider any such written report and determine

whether the repairs or alterations should be made as originally requested in the initial written report. The decision of the Wabash County Plan Commission shall be final.

6.24 P Temporary Meteorological Equipment

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

Temporary equipment located upon a temporary tower used on an interim basis to gather wind and meteorological data to determine feasibility of the WECS shall require siting approval along with the satisfactory completion of an Improvement Location Permit showing compliance with the requirements of this Ordinance.

6.24 Q Abandonment, Discontinuation, Decommissioning, And Removal

APPLIES TO COMMERCIAL WECS

- A. Prior to issuance of a Special Exception, the applicant shall provide a contractor cost estimate for demolition and removal of all COMMERCIAL WECS structures and access drives. Applicant shall provide financial assurance through the use of a bond, or other security acceptable to the county, in an amount equal to 200% of the contractor estimated cost of said demolition and removal. The security for decommissioning, demolition and removal of anything proposed to be constructed under said ILP shall be released when such structures are properly decommissioned as determined by the Wabash County Plan Commission.

APPLIES TO COMMERCIAL WECS

- B. The plan shall include assurance that all facilities will be properly decommissioned upon the end of the project life or facility abandonment. Applicants' and owners' obligations with respect to decommissioning shall include removal of all physical material pertaining to the project improvements to a depth of Fifty Four inches (54") beneath the soil surface and restoration of the area occupied by the project improvements to the same or better condition that existed immediately before beginning construction of such improvements.

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

- C. In the event of abandonment by the owner or operator, the applicant shall provide, in the application process, an affidavit to the Wabash County Plan Commission that all easements for the wind turbines shall contain assurance for access to remove WECS equipment. The Wabash County Plan Commission shall have the right to remove any abandoned WECS and the right to sell all equipment to defray the cost of removal subject to the rights of any secured creditor holding a security interest in the WECS.

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS.

- D. Any WECS therefore declared to be unsafe by the Wabash County Plan Commission by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, or demolition and removal in accordance with the procedures set forth in this Ordinance.

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

- E. All WECS shall be considered as a discontinued use after One (1) year without energy production, unless a plan is submitted to the Wabash County Plan Commission outlining the steps and schedule for returning the WECS to service. The submitted timeline and steps shall be strictly adhered to.

APPLIES TO COMMERCIAL WECS and NONCOMMERCIAL WECS

- F. Applicant and/or owner obligations shall include removal, by the owner or by Wabash County, at the owner's expense, of all physical material pertaining to the project improvements, within Three Hundred Sixty Five (365) days of the discontinuation or abandonment of the facility. Restoration of the area occupied by the project improvements to the same or better condition which existed immediately before construction of such improvements shall be required.

6.24 R WECS Construction Requirements

A. BLADE CLEARANCE

The minimum distance between the ground and any protruding blades utilized on a WECS shall be Fifty (50) feet, as measured at the lowest point of the arc of the blades. The minimum distance maybe increased as necessary to provide clearance in locations which may require a greater clearance.

B. STRUCTURE HEIGHT

Maximum tower height shall not to exceed the maximum height in feet permitted by the Federal Aviation Administration as measured from the ground level base of the WECS tower to the top of the tower.

C. TOTAL HEIGHT

Maximum total height shall not to exceed the maximum height in feet permitted by the Federal Aviation Administration as measured from the ground level base of the WECS tower to the top of the arc of the rotor diameter.

D. COLLECTION, TRANSMISSION AND FEEDER LINES

All COMMERCIAL WECS electrical distribution, transmission, feeder and collection lines shall be located underground a minimum of Five (5) feet. All electrical components of the WECS shall conform to all applicable local, state and national codes and relevant national and international standards.

- 1. For all identified existing tile drains, open drains, streams or ditches all WECS buried cables shall be a minimum of Five (5) feet below the existing flow line.
 - a. Field locate of identified existing tiles will be at WECS applicants expense.

E. SETBACKS

No NON-COMMERCIAL or COMMERCIAL WECS shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the county. No WECS shall be constructed in any flowage easement or floodplain without prior written authorization from FEMA, Army Corp. of Engineers, Indiana Department of Natural Resources or the Wabash County Floodplain Administrator.

- F. Distances shall be measured from the center of the foundation at the base of the structure. New structures built adjacent to the wind power facilities shall maintain these minimum setback requirements. Participating landowners within the area comprising the COMMERCIAL WECS may waive side and rear property line setbacks with written approval, from both land owners, when the adjoining properties are both owned by participating land owners.

- G. Except as otherwise provided herein the setback distance for all COMMERCIAL WECS towers and turbines shall be a minimum of Three Thousand Nine Hundred Sixty (3,960) feet from any non-applicant/ non-participant Primary Residential or Business Structure and One Thousand Nine Hundred Eighty (1980) feet from any

applicant/participant Primary Residential or Business Structure.

- H. All WECS turbines shall be set back from all public roads Two (2) times the total height of the wind turbine or a minimum of One Thousand (1000) feet whichever is more restrictive.
- I. Substations, and accessory facilities, not located within a public right of way or any utility easement, shall be setback as specified from the centerline of any public road the following minimum distances:

| | |
|-----------------------|----------|
| State Road | 105 Feet |
| Primary County Road | 95 Feet |
| Secondary County Road | 65 Feet |
- J. All wind turbines shall be set back Two(2) times the total height of the wind turbine or a minimum of One Thousand(1000) feet from any non-participating WECS Property owner's property line, whichever is more restrictive.

6.24 S Housekeeping

- A. All solid waste whether generated from supplies, equipment, parts, packaging or operation and maintenance of a WECS, including old parts and equipment, shall be removed from each site immediately upon completion of the site development. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubrication materials, coolants, shall be handled in a manner consistent with all local, state and federal rules and regulations.

6.24 T Safety

- A. Equipment Type
 - 1. All WECS components shall be constructed of commercially available equipment.
- B. Signage
 - 1. For all WECS, warning signs, danger signs and informational signs shall be posted on towers, transformers, substations, structures and accessory buildings to notify of: high voltage, no trespassing, danger overhead, emergency contact phone number (s), turbine ID number.
 - 2. Emergency manual shutdown procedures shall be posted with all manual shutdown levers and switches clearly labeled,
 - 3. No signage shall be used on any WECS equipment for the purpose of advertising or to promote any product or service.
- C. WECS Access
 - 1. Removal of all exterior tower climbing fixtures Twenty (20) feet above ground level shall be required. Installation of a locking anti-climb device shall be installed on all towers when exterior climbing mechanisms are present All substations, switching stations, associated facilities, or accessory structures shall be locked.
- D. Guyed Towers
 - 1. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points along the outer and innermost guy wires up to a height of not less than Twenty (20) feet above the ground.

E. Emergencies

1. The applicant, owner or operator of a WECS shall submit to the local fire department a copy of the site plan. Upon request by the local fire department, the owner/operator shall cooperate with the local fire department to develop the fire department's emergency response plan. Nothing in this Section shall alleviate the need to comply with all other applicable fire laws and regulations.

F. Insurance Commercial Units

1. The owner, operator of the WECS shall maintain a current general liability policy covering bodily injury and property damage and name Wabash County Plan Commission as an additional insured with limits of at least \$2 million per occurrence and \$5 million in the aggregate with a deductible of no more than \$5,000.00.

G. Experimental /Prototype Equipment

1. Experimental or proto-type equipment, still in testing, which does not fully comply with industry standards, shall not be approved for use.

6.24 U WECS Ownership

A. Change in Ownership

1. It shall be the responsibility of the owner, operator listed on the application to inform The Wabash County Plan Commission of all changes in ownership and operation of the WECS during the life of the project.
2. All bonding and liabilities shall transfer accordingly.