Wind Energy Conversion Systems (WE)

Add the following to Chapter 5:

This Large Wind Energy Conversion System Standards section applies to the following zoning districts:

Permits required: Large WECs shall not be constructed, erected, placed, modified or altered until a Special Exception and an Improvement Location Permit has been obtained. See Chapter 10; § 10.37: Wind Energy Conversion System Review; Special Exception and §10.38: Wind Energy Conversion System Review; Improvement Location Permit.

A) Location: Large WECS shall not be located within the boundaries of any recorded residential Subdivision.

B) Design Requirements: Proposed or modified Large WECs shall meet the following design requirements:

1. Appearance: All wind turbines and towers that are a part of the Large WECS, shall be light grey. Finishes shall be matte or non-reflective, except in an instance where the color is dictated by State or federal authorities such as the Federal Aviation Administration (FAA). All WECS shall be of uniform design, including tower type, color, number of blades, and direction of blade rotation.

2. Clearance: Rotor blades or air folds must maintain at least twenty-five feet (25') of clearance, as measured at the lowest point of the arc of the blade or air folds.

3. Signs: A visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
   (a) Signs shall comply with Chapter 5; § 5.46 SI-01: Sign; General
   (b) Signs shall not display advertising, except for identification of the turbine manufactures and facility owner and operator.
   (c) Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
   (d) Advertising and/or symbols shall not be visible from one hundred (100) feet from any part of the turbine

4. Electrical Wires: Electrical control and control wiring shall be wireless or buried a minimum of five (5) below grade. WECS collector wiring connected to the transmission or distribution network, adjacent to that network, may be above ground.

5. Lighting: Large WECS shall not be illuminated by artificial means and shall not display flashing white obstruction lights during the nighttime hours except when dictated by State and Federal authorities such as FAA or FCC. Documentation of this requirement must be provided to the Plan Commission Office. If lighting is required by State or Federal authorities such as FAA or FCC, the lighting shall be dual lighting; this consists of red lights for nighttime and medium intensity flashing white lights for daytime and twilight.
C) Setbacks: All Large WECS shall meet the following setback requirements:

(a) Side and Rear Setbacks: All Large WECS shall be set back a minimum distance of 1.1 times the total height from the rear and side property lines, including all blades and attachments as certified by an Indiana licensed engineer, unless two (2) adjoining parcel owners agree to allow the tower to be constructed without a side yard setback.

(b) Front Setback: Large WECS shall be set back a minimum distance of one (1) times the total height from the right-of-way or proposed right-of-way.

(c) The minimum setback from all existing or proposed primary and accessory structures shall be two times the total height of WECS.

(d) Boundaries:
   i) Large WECS shall be set back from the boundaries of any minor subdivision approved and recorded between 1992 and 2007 a minimum distance of 1,000 feet.
   ii) Large WECs shall be set back from the boundaries of any subdivision, school and/or place of worship a minimum distance of 3,000 feet.

(f) Large WECS setbacks may be reduced or increase the location of WECS varied at the sole discretion of the Board of Zoning Appeals to allow the integration of an existing or proposed structure.
(g) Spacing and Density: The minimum distance between all turbines shall be two (2) times the total height.

(h) Height: The maximum total height of any turbine shall be five hundred (500) feet.

(i) Overlay Districts: WECS shall be located from the boundaries of any Overlay Districts a minimum distance of two hundred (200) feet.

(j) Wetlands: Large WECS shall be located from the boundaries of any existing wetlands a minimum distance of six hundred (600) feet.

(k) Regulated Drain(s): Large WECS shall be located from the boundaries of any Porter County Regulated Drain(s) a minimum distance of seventy-five feet (75’) as measured from the center line of the tile or top of bank.

(l) Floodplains: Large WECS shall be located from the boundaries of any floodplains a minimum distance of two hundred (200) feet.

D) Roads: An applicant, owner, or operator proposing to use any county road(s), for the purpose of transporting any size WECS or substation parts and/or equipment for construction, operation or maintenance of the WECS or substation(s) shall prior to construction identify the following:

(1) Any proposed routes that will be used for the construction and maintenance purposes shall be identified. If the route includes a public road(s), it shall be approved by Porter County’s Highway Engineer and Highway Supervisor. Porter County Sheriff’s department and the local school systems shall review of all proposed construction routes.

(a) Any road damage repair caused by the construction of any WECS project equipment, the installation of, or removal of said WECS project, must be repaired by the developer to the satisfaction of Porter County’s Highway Engineer and/or Highway Supervisor.

(b) Surety Bond: The Highway Supervisor and/or Highway Engineer may require a surety bond in an amount fixed by an Indiana Registered Engineer for the remediation of road repair upon completion of the project.

(2) Dust Control: Dust control measures shall be required during the construction and maintenance of all WECS projects. Said dust control shall be provided by the developer.

E) Sewer and Water: Any WECS project shall comply with existing and proposed septic and well regulations as required by the County of Porter Health Department and the State of Indiana Department of Public Health.

F) Drainage Repair: Damages to waterways, drainage ditches, field tiles, and/or any infrastructures caused by the construction or maintenance of the WECS must be completely repaired by the developer to the satisfaction of the County of Porter Office of the Surveyor and/or Porter County Drainage Board. All repairs shall be completed in a reasonable amount of time.
G) **Noise:** All Large WECS shall comply with all county, state and federal regulations.
   
   (a) Audible sound from a Large WECS facility shall not exceed fifty-five (55) dBA, as measured from any Occupied Building of a Non-Participating Landowner(s).

H) **Shadow Flicker:** All WECS shall be designed such that shadow flicker will not fall on, or in any existing occupied building. Shadow flicker expected to fall on a roadway or a portion of a residence parcel may be acceptable under the following circumstances:

   a) The flicker will not exceed ten (10) hours per day;
   b) The flicker will fall within one hundred (100) feet from an existing residence;
   c) The traffic volumes are fewer than five hundred (500) vehicles per day on the roadway;
   d) The flicker will not fall on to an intersection; and
   e) If shadow flicker exceeds any of these conditions, the source WECS shall be shut down until the flicker is remedied

I) **Signal Interference:** The owner of WECS shall take such reasonable steps as are necessary to prevent, eliminate or mitigate any interference with cellular, radio or television signals caused by the WECS

J) **Decommissioning:** Decommissioning the facilities shall include the following:

   a) The WECS owner shall have six (6) months to complete decommissioning of the facility if no electricity is generated for a continuous period of 12 months.
   b) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads and any other associated facilities down to five (5) feet below grade.
   c) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

K) **Inspection of Large WECS:** Proposed or modified Large WECS shall meet the following maintenance/inspection requirements:

   a) The Porter County Building Commissioner/Executive Director and/or staff, along with licensed 3rd party professionals retained by the County for the specific purpose of conducting inspections of all WECS shall have a right, at any reasonable time and with sufficient prior notice, to accompany the owner or operator, or his/her agent, on the premises where any WECS has been constructed, to inspect all parts of said WECS installation and to require that repairs and alterations have been made.

   b) Inspections, at a fee to be determined by the Porter County Plan Commission and paid by the applicant, may be made by the Porter County Building Commissioner, or by a qualified inspector, for equipment of this type selected by the Porter County Building Commissioner, to certify the safety and maintenance of the WECS and accessory structure(s).
L) *Waste Disposal:* Solid and hazardous wastes, including but not limited to, crates, packaging materials, damaged or worn out parts, and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

M’) *Collector Stations:*

(a) Collector stations shall be required to follow the design standards of Chapter 5: § 5.22 LA-01: Landscaping; Buffer Yards (E) Small-Size Buffer Yard.

(b) Setbacks:

(i) *Minimum Front Yard Setback:* The minimum front setback shall follow the primary structure standard per each two-page layout in Chapter 02: Zoning District

(ii) *Minimum Side Setback:* The minimum front setback shall follow the primary structure standard per each two-page layout in Chapter 02: Zoning District

(iii) *Minimum Rear Setback:* The minimum front setback shall follow the primary structure standard per each two-page layout in Chapter 02: Zoning District
Chapter 10: Process, Permits and Fees

Chapter 10 Large Wind Energy Conversion System Review; Special Exception

A) Authority and Purpose: Large WECS shall not be constructed, erected, placed, modified or altered until a Special Exception has been granted and an Improvement Location Permit has been issued.

B) Prerequisites:
   a) Ownership: The petitioner must:
      i) Own a controlling interest in the parcel that is the subject of the petition; or 
      ii) Provide documentation authorizing the petitioner to act as the agent of the owner of the parcel that is subject of the petition.
   b) Pre-application Meeting: Prior to submitting an application, the petitioner shall meet with the Plan Commission office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C) Applicability:
   a) Large WECS shall not be constructed, erected, placed, modified or altered until a Special Exception has been granted and an Improvement Location Permit has been obtained.
   b) Exceptions: Once a Special Exception has been granted for a Large WECS, minor alterations made thereafter do not require a Special Exception; the facility need only to obtain a new Improvement Location Permit (see §10.38: Large WECS Review: Improvement Location Permit).

D) Application:
   a) Filing Deadline: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of Zoning Appeals.
   b) Application Packet: The petitioner shall submit the completed application to the Plan Commission Office.
   c) Supporting Information: The application shall include, but not limited to, the following documents:
      i) Pre-application meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      ii) Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office during the pre-application meeting. The application shall include:
         (a) Name, address, phone number of the petitioner, property owner, owner of the WECS, intended lessee or user and contractor.
         (b) A site plan not less than 1:100 scale topographic map, showing the following:
            (i) Complete property dimensions;
            (ii) Location and full dimensions of any other natural or manmade features within two hundred feet (200’) of the property such as trees, ridges, highways, streets, bridges and underpasses; and
            (iii) Proposed location of all towers including height and setbacks
         (c) Drawings, to scale, of the structure, including tower, base, footings and guyed wires, if any. The drawings and any necessary calculations shall be

Add the following to Chapter 10:
certified by a Indiana licensed Engineer;

(d) Line drawing of the electrical components in sufficient detail to allow for a
determination that such manner will meet all Indiana State Electrical codes;

(e) Certification from a licensed engineer or qualified person that the rotor and over-
speed control has been designed for the proposed use on the proposed site;

(f) Evidence that the proposed WECS model has had an operational history of at least
one year;

(g) Evidence the applicant has notified the utility that it does not violate any
covenants of record;

(i) Evidence from a qualified individual that the site is feasible for a WECS, or
covenants, easements and other assurances to document that the site is sufficient to
operate WECS have been obtained;

(j) Evidence that the proposed WECS will comply with applicable federal aviation
regulations, including all necessary approval from the Federal Aviation
Administration;

(k) Evidence that the applicant can obtain and maintain adequate liability insurance
for the facility;

(l) A shadow flicker model;

(m) For Aggregated WECS, a site-specific electromagnetic compatibility analysis
assessing the impact to existing microwave bands with frequencies between
900 MHz and 40 GHz. The report shall include the following elements:
   (i) An inventory of existing microwave links operating in the 900 MHz to 40
       GHz range within ten (10) miles of the Aggregated WEC;

(n) A plan delineating any existing, proposed or anticipated WECS within the County
for purpose of promoting long-range planning over the next three (3) years;

(o) Additional Information: Such other additional information as may be required by
the Plan Commission Office or other members of the Development Advisory
Committee to evaluate the application.

E) Fees:
   i) The Plan Commission Office shall calculate the total of the application fee and any
      other applicable fees, and shall then apprise the petitioner of the total fee.
   ii) The petitioner shall submit the filing fee when the Plan Commission Office issues a
docket number.

F) Independent Consultant:
   i) At any point in the review process, the county may hire one (1) or more
      independent consultants of its own choosing. These consultants shall be qualified
      professionals with an appropriate combinations of training, record of service, and
      or certification in one or more of the following fields: radio frequency engineering,
      structural engineering, electromagnetic field (EMF); and, if determined by the
      Executive Director or the Board of Zoning Appeals, other fields;
   ii) The Plan Commission Office shall provide the independent consultant with a copy
       of the complete application for analysis or review;
   iii) The independent consultant shall provide an estimate in writing to the petitioner;
       and the petitioner shall promptly pay this fee during the review process (sepa
rate from the general application fee). The estimate shall be regarded as a decision of the Executive Director. No application be will processed and no public hearings shall be scheduled until full payment has been made;

iv) The consultant shall work under the direction of the Board of Zoning Appeals. Copies of the consultant’s finding and reports shall be made available to the petitioner not less than seven (7) days prior to any scheduled public hearings, and the petitioner shall be given the opportunity to respond to said reports in writing and at the applicable public hearing.

G) Plan Commission Office:

i) Review:
   (1) Plan Commission Office: The Plan Commission Office shall review the petition upon receipt of a complete application and supporting documents.
   (2) Agenda: Once the Plan Commission Office has determined that it has received a complete submittal for a Development Advisory Committee review, the Executive Director shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and the place of the meeting.

ii) Development Advisory Committee:
   (1) Determination: The Development Advisory Committee shall review WECS plans.
   (2) Copies: The petitioner shall refer to the schedule of meeting dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition’s being held off the Development Advisory Committee agenda to allow the petitioner time to complete the submittal.
   (3) Attendance: The petitioner should be present at the Development Advisory Committee agenda for given date.
   (4) Revisions: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office.

iii) Complete Submittal:
   (1) General: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Executive Director shall:
      (i) Assign a docket number;
      (ii) Place the item on agenda of the Board of Zoning Appeals;
      (iii) Inform the petitioner of the time, date and place of the meeting.

H) Inspection: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of the Special Exception petition.
I) Board of Zoning Appeals:
   a) Plan Commission Report: If the Plan Commission has not filed its report with the Board of Zoning Appeals within forty-five-day time period, the Board of Zoning Appeals may proceed to process the application and hold a public hearing pursuant to the Board of Zoning appeals Rules of Procedure.
   b) Public Notice:
      i) Published: The applicant shall be responsible for publishing notice pursuant to the Board of Zoning Appeals Rules and Procedure;
      ii) Mailed: The applicant shall be responsible for posting proof of published and mailed notice to the Plan Commission Office. The applicant shall refer to the application form to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the petition’s being continued to the Board of Zoning Appeals agenda for the following month.
   c) Submittal: The applicant shall refer to the application form to determine the format and number of copies of the information packet to be delivered to the Plan Commission Office for distribution to members of the Board of Zoning Appeals members. Incomplete submittals may result in the petition’s being held off the Board of Zoning Appeals agenda to allow the applicant time to complete the submittal.
   d) Attendance: The petitioner is required to be present at the Board of Zoning Appeals meeting to address and discuss comments and concerns posted by the Board of Zoning Appeals members. Failure to appear shall result in the petition’s being dealt with as outlined in the Board of Zoning Appeals Rules and Procedure.
   e) Public Hearing: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules and Procedures.
   f) Review: The Board of Zoning Appeals shall review:
      i) The written statement and supporting material submitted by the petitioner;
      ii) The Comprehensive Plan;
      iii) Any commitments or conditions of approval attendant to prior approvals;
      iv) The testimony of the petitioner;
      v) Relevant evidence presented by other persons;
      vi) The Plan Commission Report;
      vii) The compatibility of the proposed use with existing and anticipated growth;
      viii) The potential use of adjoining land for uses permitted in the district
      ix) The current trends of development of lands in the vicinity;
      x) The effect of the proposed use on the natural features of the district and adjoining lands;
      xi) The quality and capacity of existing or proposed access roads to accommodate traffic generated by the proposed use;
      xii) The applicable standards of the Unified Development Ordinance;
      xiii) The applicable standards of the County’s engineering manuals;
      xiv) All the Information presented by the members of the Development Advisory Committee; and
      xv) Such other additional information as may be required by the Board of Zoning Appeals to evaluate the application.
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g) **Decision:** The Board of Zoning Appeals shall:
   i) Approve the application;
   ii) Approve the application with conditions and/or commitments;
   iii) Deny the application; or
   iv) Continue the application to a definite future meeting date; or
   v) Table the application to an uncertain date.

h) **Findings of Fact:**
   i) The Board of Zoning Appeals may grant a Special Exception if, after a public hearing, it makes written findings of fact that;
      (1) The proposed Special Exception is to be located in a zoning district wherein such use may be permitted; and
      (2) The requirement set forth in Chapter 05; §: Special Exception Standards for such a Special Exception shall be met; and
      (3) The Special Exception is consistent with the spirit, purpose and intent of the Unified Development Ordinance; and
      (4) The Special Exception shall not substantially and permanently injure the appropriate use of the neighboring property; and
      (5) The Special Exception shall serve the public convenience and welfare.
   ii) Certification: The Findings of Fact shall be signed by the chair of the Board of Zoning Appeals.
   iii) Notification: In case of a denied petition, the Board of Zoning Appeals shall furnish the petition with a copy of the decision.

J) **Surety Requirements:** In conjunction with the approval of a Special Exception, the petitioner shall provide financial surety for all public improvement pursuant to Chapter 10; § Surety Standards.

K) **Commitments:**
   a) Acceptance: In conjunction with the approval of a Special Exception, the Board of Zoning Appeals may permit or require the owner of a parcel of property to make written commitments concerning the use or development of the lot.
   b) Form: The petitioner shall prepare the commitment instrument in a form approved by the Board of Zoning Appeals attorney. The commitment instrument shall be signed by the applicant and the Chair of the Zoning Appeals.
   c) Recordings: The petitioner shall record the commitment instrument in the Porter County Recorder’s Office. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office prior to applying for a Certificate of Zoning Compliance.
   d) Modification or Termination: A commitment made under this section may be modified or terminated only by the decision of Board of the Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules and Procedure.
   e) Enforcement: The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.
L) **Conditions of Approval:** The Board of Zoning Appeals may impose such conditions and limitations as may be necessary to minimize adverse effects upon other property in the vicinity or upon public facilities and services or to satisfy applicable criteria. Such conditions shall be expressly set forth in the record of the grant of the Special Exception, and the Board of Zoning Appeals may require the commitment of the applicant to such conditions.
   a) Requirement:
      i) General: In conjunction with the approval of a Special Exception, the Board of Zoning Appeals may impose conditions of approval concerning the use or development of the lot.
   b) Form: The Plan Commission Office shall prepare the conditions of approval in a form approved by the Board of Zoning Appeals attorney. The conditions of approval instrument shall be signed by the chair of the Board of Zoning Appeals.
   c) Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder’s Office.
   d) Modification or Termination: A commitment made under this section may be modified or terminated only by the decision of Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure.
   e) Enforcement: The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.
   f) Compliance: Whenever any Special Exception granted pursuant to this Chapter is made subject to conditions or limitation to be met by the application, the applicant shall meet such conditions as may be applicable prior to the issuance of a permanent Certificate of Occupancy.

M) **Revisions:** Within thirty (30) calendar days of the Board of Zoning Appeals approval, the applicant shall submit revised copies of the plans that address the comments and concerns of the Board of Zoning Appeals to the Plan Commission Office. The applicant shall refer to the application form to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.

N) **Duration:**
   a) In the case of new construction or modification to an existing structure, a Special Exception granted by the Board of Zoning Appeals shall expire three (3) years after the date granted by the Board of Zoning Appeals, unless a Building Permit has been obtained and construction of structure or structures has commenced.
   b) In the case of occupancy of land which does not involve new construction, a Special Exception granted by the Board of Zoning Appeals shall expire three (3) years after the date granted by the Board of Zoning Appeals, unless a Certificate of Zoning Compliance has been obtained and the use has commenced.
   c) Extension: The Board of Zoning Appeals may provide by rule for the granting of extension of the Special Exception approval.
O) Changes or Amendments:
   a) Any modification or intensification of a Special Exception that alters the essential
      character or operation of the use in a way not intended by the Board of Zoning Appeals
      at the time the Special Exception was granted shall require a new Special Exception
      approval. The property owner/operator or his/her authorized representative shall apply
      for such Special Exception approval prior to any modification of the use or property.
   b) The Executive Director shall determine in writing whether the proposed modification
      or intensification represents an alteration in the essential character of the original
      Special Exception, as approved. The operator of the Special Exception use shall provide
      the Executive Director with all the necessary information to render this determination.
   c) If so authorized as a condition in the Plan Commission Rules of Procedure, the Hearing
      Officer may hear requests for amendments to a Special Exception.
   d) No use classification as conditional may be conducted without first obtaining a Special
      Exception approval and no such use shall be conducted except in compliance with all
      applicable provisions of this Unified Development Ordinance and with any
      conditions placed upon such Special Exception approval.
      (1) Current Standards: Changes, amendments or re-submittals shall be subject to
      the County engineering standards in effect at the time the application for such
      changes, amendment or re-submittal is made.
Chapter 10: Process, Permits and Fees

Wind Energy Conversion Review (ILP)

Add the following to Chapter 10:

Chapter 10 Large Wind Energy Conversion System Review; Improvement Location Permit

A) Authority and Purpose: Large WECS shall not be constructed, erected, placed, modified or altered until a Special Exception has been granted and an Improvement Location Permit has been issued.

B) Prerequisites:
   a) Ownership: The petitioner must:
      i) Own a controlling interest in the parcel that is the subject of the petition; or
      ii) Provide documentation authorizing the petitioner to act as the agent of the owner of the parcel that is subject of the petition.
   
   b) Evidence of Special Exception: The applicant shall file evidence demonstrating that a Special Exception has been granted or demonstrating the facility’s compliance with Chapter 9: Nonconformance.
   
   c) Pre-application Meeting: Prior to submitting an application, the applicant shall meet with the Plan Commission Office to review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the applicant in preparing the application and supporting documents, as necessary.

C) Applicability:
   a) Large WECS shall not be constructed, erected, placed, modified or altered until a Special Exception has been granted and an Improvement Location Permit has been obtained.

D) Application:
   a) Filing Deadline: An Improvement Location Permit is an administrative approval, and application may be filed at anytime following the approval of the Special Exception by the Board of Zoning Appeals.
   
   b) Application Packet: The applicant shall submit the completed application to the Plan Commission Office.
   
   c) Supporting Information: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to specific circumstances of the particular project. The application shall include:
      (a) Name, address, phone number of the petitioner, property owner, owner of the WECS, intended lessee or user and contractor;
      (b) A site plan not less than 1:100 scale topographic map, showing the following:
         (i) Complete property dimensions;
         (ii) Location and full dimensions of any other natural or manmade features within two hundred feet (200’) of the property such as trees, ridges, highways, streets, bridges and underpass;
      (iii) Proposed location of all towers including height and setbacks
      (c) Drawings, to scale, of the structure, including tower, base, footings and guyed wires, if any. The drawings and any necessary calculations shall be certified by a Indiana licensed Engineer;
      (d) Line drawing of the electrical components in sufficient detail to allow for a determination that such manner will meet all Indiana State Electrical codes;
      (e) Certification from a licensed engineer or qualified person that the rotor and over-speed control has been designed for the proposed use on the proposed site;
      (f) Evidence that the proposed WECS model has had an operational history of at least one
Wind Energy Conversion Review (ILP)

year;

(g) Evidence the applicant has notified the utility that the customer intends to install an interconnected customer owner generator, and the generator meets the minimum requirements established by the utility and the Indiana State electric code. Off-grid systems shall be exempt from this requirement;

(h) Evidence that the WECS does not violate any covenants of record.

(i) Evidence from a qualified individual that the site is feasible for a WECS, or covenants, easements and other documented assurances to be sufficient to prove that the operation of WECS and site have been obtained;

(j) Evidence that the proposed WECS will comply with applicable federal aviation regulations, including any necessary approval from the Federal Aviation Administration;

(k) Evidence that the applicant can obtain and maintain adequate liability insurance for the facility;

(l) A shadow flicker model;

(m) For Aggregated WECS, a site-specific electromagnetic compatibility analysis assessing the impact to existing microwave bands with frequencies between 900 MHz and 40 GHz. The report shall include the following elements:
   i) An inventory of existing microwave links operating in the 900 MHz to 40 GHz range within ten (10) miles of the Aggregated WECS;

(o) A plan delineating any existing, proposed or anticipated WECS within the County for purpose of promoting long-range planning over the next three (3) years.

(p) Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application;

E) Fees: Once a complete submittal has been filed, the Plan Commission Office shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees prior to issuance of the Improvement Location Permit.

F) Plan Commission Office:
   a) Review: The Plan Commission Office shall review the application and site plan for compliance with the Unified Development Ordinance.

   b) Development Advisory Committee:
      i) Determination: The Executive Director shall determine whether the application merits Development Advisory Committee Review.
      ii) Agenda: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee the Plan Commission Office shall place the item on the Development Advisory Committee agenda and inform the applicant of the time, date and place of the meeting.

   c) Complete Submittal: Once the Plan Commission Office has determined that it has received a complete submittal and the Development Advisory Committee has made its recommendations, the Executive Director shall approve or deny the site plan within thirty (30) days. An Improvement Location Permit shall be issued within thirty (30) days of the approval.

   d) Inspection: The Plan Commission Office may inspect at any reasonable time any structure,
other improvement, or site that is the subject of an Improvement Location Permit application.

e) **Record:** The Plan Commission Office shall maintain records of all applications, plans and permits filed for a Special Exception.

G) **Development Advisory Committee:**

a) **Determination:** The Development Advisory Committee shall review any Improvement Location Permit that has been forwarded by the Plan Commission Office.

b) **Copies:** The applicant shall refer to the application packet to determine the format and number of copies of plans to be delivered to the Development Advisory Committee members.

c) **Meeting Date:** The applicant shall refer to the schedule of meeting dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition’s being held off the Development Advisory Committee agenda to allow the applicant time to complete the submittal.

d) **Attendance:** The applicant should be present at the Development Advisory Committee meeting to address concerns posed by the committee members. Failure to appear may result in the petition’s being held off the Development Advisory Committee agenda to allow the applicant time to complete the submittal.

e) **Revisions:** Following Development Advisory Committee review, the applicant shall submit revised copies of the plan that address the comments and concerns of the Development Advisory Committee. The applicant shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Development Advisory Committee members.

H) **Duration:**

a) **Expiration:** Once an Improvement Location Permit has been issued, the applicant shall have twelve (12) months to commence construction on the project or the Improvement Location Permit shall expire. Once construction has commenced, the applicant shall have eighteen (18) months to complete the project and obtain a Certificate of Zoning Compliance.

b) **Extension:** The applicant may apply to the Plan Commission Office for an extension of the duration of an Improvement Location Permit. The Executive Director may extend the Improvement Location Permit as needed by the applicant, up to eighteen (18) months.

I) **Changes or Amendments:** The Executive Director shall decide if the proposed changes require review by the Development Advisory Committee and if the applicant will need to apply for a new Improvement Location Permit. If the extent of the changes is deemed significant enough for a new Improvement Location Permit, the applicant shall reapply by filing the new plans with the Plan Commission Office as detailed in § D: Application. Application for Improvement Location Permit for alteration or modification of an existing WECS facility shall be submitted to the Plan Commission Office for Site Plan approval prior to issuance of an Improvement Location Permit. No Improvement Location Permit for alteration or modification of an existing WECS facility may be issued without the Executive Director’s approval of the application and site plan hereunder.
**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, but not limited to, base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, meteorological towers, communications facilities, electrical cabling or other components related to the system.

**Large Wind System:** A WECS that has a capacity of equal to or greater than 100 kilowatts in total name plate per wind tower or a total height of more than 81’, or a rotor diameter area of more than 41’. Any WECS meeting one or more of these criteria shall be considered a large wind system.

**Small Wind System:** A WECS that has a capacity less than or equal to 100 Kilowatts per wind tower, and a total height of 80’ or less, and the rotor diameter area of 39’ or less. Any WEC meeting one or more of these criteria shall be considered a small wind conversion system.

**Rotor Diameter Area:** The diameter of the circle encompassing all blades for a WECS

**Total Height:** Regarding WECS, the distance measured from the ground level at the base of the tower to the highest extension of the blade or rotor.

**Wind Farm:** Two or more large wind systems on single or aggregated properties.

**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 a switching station.

**Aggregated Project:** Aggregate projects are those which are developed and operated in a coordinate fashion, but which have multiple entities owning one or more of the individual WECS within the project. Associated infrastructure such as power lines and transformers that service that the facility may be owned by a separate entity but are also included as part of the aggregate project.

**Shadow Flicker:** The on-and-off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.