

**ORDINANCE NO. 2015-1**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING CODE OF HUNTINGTON COUNTY, INDIANA, MODIFYING SECTION 720: WIND ENERGY CONVERSION SYSTEM (WECS)**

WHEREAS, the Huntington County Plan Commission considered application PC-14-012 filed by the Department of Community Development to amend the Huntington County Zoning Ordinance Section 720: Wind Energy Conversion System (WECS); and,

WHEREAS, the Huntington County Plan Commission conducted a duly noticed public hearing on application PC-14-012 on November 12, 2014; and

WHEREAS, the Huntington County Plan Commission, by a 9-0 vote, issued a favorable recommendation to application PC-14-012 at a meeting duly conducted on December 10, 2014. The Plan Commission Certification of the favorable recommendation is attached hereto and incorporated by reference as Exhibit "A;" and,

WHEREAS, the Huntington County Commissioners made changes in writing to the amended ordinance recommended by the Plan Commission at a meeting duly conducted on March 9, 2015; and,

WHEREAS, the Huntington County Plan Commission considered application PC-15-004 filed by the Department of Community Development that included the written changes to the Zoning Ordinance Section 720 made by the County Commissioners; and,

WHEREAS, the Huntington County Plan Commission, by a vote of 5-2, issued a favorable recommendation to application PC-15-004 at a hearing duly conducted on March 11, 2015. The Plan Commission Certification of the favorable recommendation is attached hereto and incorporated by reference as Exhibit "B;" and,

WHEREAS, the Board of Commissioners now determines that from time to time it is necessary to revisit and amend land use regulations in accordance with IC 36-7-4-607; and,

WHEREAS, such regulations are designed to promote the public health, safety, general welfare, efficiency and economy in the process of the normal and orderly development of the land within the jurisdictional area.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HUNTINGTON COUNTY, INDIANA, that Section 720 of the Huntington County Zoning Code be amended to read as follows:

## “Section 720: Wind Energy Conversion System Ordinance

### A. Purpose and Intent

#### 1. Purpose

The Purposes of this ordinance are:

- a. To ensure that the development and production of wind-generated electricity in Huntington County is safe and effective;
- b. To support and facilitate economic opportunities for local residents that are consistent with public health, safety and general welfare; and
- c. To promote the effective and efficient use of alternative energy production.

#### 2. Intent

It is the intent of the Wind Energy Conversion Systems (WECS) chapter to provide basic siting regulations to properly allow commercial and private WECS placement throughout Huntington County. Siting is subject to reasonable restrictions. These regulations are intended to preserve the health and safety of the citizens of Huntington County, Indiana.

### B. Applicability

The provisions of this ordinance are applicable to those zoning districts that allow Wind Energy Conversion Systems (WECS) as permitted uses or as uses requiring Board of Zoning Appeals approval and governs the siting of WECS that generate electricity to be sold to wholesale or retail markets, or that generate electricity for private use.

### C. Compliance Required

No Applicant shall construct, operate, locate, or enlarge a Wind Energy Conversion System (WECS) within Huntington County without having fully complied with the provisions of this chapter.

### D. Conflict with Other Ordinances

Nothing of this chapter shall preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration (FAA) rules and regulations. All WECS shall comply with the notification requirements of the FAA. This chapter and the regulations contained within shall not interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. In the event that any provision of the regulations contained within this chapter impose restrictions different from any other ordinance, rule of regulation, statute or other provision of law, then the provisions that are more restrictive and/or impose a higher standard shall govern WECS.

### E. Severability Clause

Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

### F. District Regulations

## 1. Open Space Districts

## Non-Commercial WECS allowed by Variance of Use only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total for Non-Participating Property Owners.
Distance from a residential dwelling unit, measured from the center of the Turbine to the nearest corner of the structure	1.1 times the Total Height
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is not less than the required yard setback prescribed for that district
Distance from conservation lands, measured from the center of the Turbine to the nearest point of the conservation land in question	One thousand (1,000) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet

## Commercial WECS allowed by Variance of Use only

Distance from Participating Property Owner's property line, measured from the center of the Turbine to the property line	1.1 times the Total Height from all property lines.
Distance from Non-participating Property Owner property line.	One thousand (1,000) feet
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is no less than three hundred and fifty (350) feet
Distance from conservation lands, measured from the center of the Turbine to the nearest point of the conservation land in question	Two thousand six hundred forty (2,640) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie and Wabash River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance from incorporated limits of a municipality, measured from the center of the Turbine to the corporate limits	Two thousand six hundred forty (2640) feet

Property Owners who own property adjoining the site where a Turbine may be located invited to participate in the citizen participation plan process.

## 2. Agricultural Districts

## Non-Commercial WECS allowed by Special Exception only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height for Non-Participating Property Owners.
Distance from a residential dwelling unit, measured from the center of the Turbine to the nearest corner of the structure	1.1 times the Total Height
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is not less than the required yard setback prescribed for that district
Distance from Open Space Zoning measured from the center of the Turbine to the nearest point of the conservation land in question	One thousand (1,000) feet
Distance to the Little River, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet

## Commercial WECS allowed by Special Exception only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height from all property lines.
Distance from Non-participating Property Owner property line.	One thousand (1,000) feet
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is no less than three hundred and fifty (350) feet
Distance from Open Space Zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	Two thousand six hundred forty (2,640) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance from incorporated limits of a municipality, measured from the center of the Turbine to the corporate limits	Two thousand six hundred forty (2640) feet

Property Owners who own property adjoining the site where a Turbine may be located shall be invited to participate in the citizen participation plan process.

### 3. Residential Districts

#### Non-Commercial WECS allowed by Special Exception only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height for Non-Participating Property Owners.
Distance from a residential dwelling unit, measured from the center of the Turbine to the nearest corner of the structure	1.1 times the Total Height
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is not less than the required yard setback prescribed for that district
Distance from Open Space Zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	One thousand (1,000) feet
Distance to the Little River, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet

#### Commercial WECS allowed by Variance of Use only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height from all property lines.
Distance from Non-participating Property Owner's property line.	One thousand (1,000) feet
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is no less than three hundred and fifty (350) feet
Distance from, Open Space Zoning measured from the center of the Turbine to the nearest point of the conservation land in question	Two thousand six hundred forty (2,640) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance from incorporated limits of a municipality, measured from the center of the Turbine to the corporate limits	Two thousand six hundred forty (2640) feet

Property Owners who own property adjoining the site where a Turbine may be located shall be invited to participate in the citizen participation plan process.

#### 4. Commercial Districts

##### Non-Commercial WECS allowed by Special Exception only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height for Non-Participating Property Owners.
Distance from a residential dwelling unit, measured from the center of the Turbine to the nearest corner of the structure	1.1 times the Total Height
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is not less than the required yard setback prescribed for that district
Distance from Open Space Zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	One thousand (1,000) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet

##### Commercial WECS allowed by a Variance of Use only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height from all property lines.
Distance from Non-participating Property Owner's property line.	One thousand (1,000) feet
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is no less than three hundred and fifty (350) feet
Distance from Open Space zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	Two thousand six hundred forty (2,640) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance from incorporated limits of a municipality, measured from the center of the Turbine to the corporate limits	Two thousand six hundred forty (2,640) feet

Property Owners who own property adjoining the site where a Turbine may be located shall be invited to participate in the citizen participation plan process.



## 5. Industrial Districts

### Non-Commercial WECS is a Special Exception

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height for Non-Participating Property Owners.
Distance from a residential dwelling unit, measured from the center of the Turbine to the nearest corner of the structure	1.1 times the Total Height
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height (where the blade tip is at its highest point), provided that the distance is not less than the required yard setback prescribed for that district
Distance from Open Space Zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	One thousand (1,000) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet

### Commercial WECS is a Special Exception

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height from all property lines.
Distance from Non-participating Property Owner's property line	One thousand (1,000) feet
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is no less than three hundred and fifty (350) feet
Distance from Open Space Zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	Two thousand six hundred forty (2,640) feet
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Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
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Distance from incorporated limits of a municipality, measured from the center of the Turbine to the corporate limits	Two thousand six hundred forty (2640) feet

Property Owners who own property adjoining the site where a Turbine may be located shall be invited to participate in the citizen participation plan process.

G. Safety Design and Installation Standards

1. Equipment Type

- a. All Turbines shall be constructed of commercially available equipment specifically designed for WECS construction and operation.
- b. Meteorological Towers may be guyed
- c. Experimental or proto-type equipment still in testing which does not fully comply with industrial standards, may be utilized if a variance or special exception, as applicable is obtained by the Board of Zoning Appeals

2. Industrial Standards and Other Regulations

All WECS shall conform to applicable industrial designs and standards, as well as all local, state and federal regulations. An Applicant shall submit certificates of design compliance to the Department prior to the issuance of a Location Improvement Permit or Building Permit.

3. Controls and Brakes

- a. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls and mechanical brakes. Stall regulations shall not be considered as a sufficient braking system for over speed protection.
- b. All mechanical brakes shall be operated in a fail-safe mode.

4. Electrical Components

- a. All electrical components of the WECS shall conform to applicable local, state and federal electrical codes.
- b. All electrical collection cables between each WECS shall be located underground wherever possible.
- c. All transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards or as negotiated with the Property Owner or the Property Owner's designee until the same collection or transmission lines reach the property line or a substation adjacent to the property line
- d. All buried electrical and service lines shall be properly marked, located and/or mapped.

5. Color and Finish

- a. All wind Turbines and towers that are part of a WECS shall be white, grey, or another non-obtrusive color
- b. All blades shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing.
- c. All finishes shall be matte or non-reflective.

6. Warnings

- a. For all Commercial WECS, signage shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the Turbine or at other suitable points.
- b. For all guyed towers, one of the following warning mechanisms shall be used for each anchor point:
  1. Visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape placed on the anchor points of guy wires and along the innermost guy wires up to eight (8) feet above the ground.
  2. Visible fencing not less than four (4) feet in height installed around anchor points of guy wires.



- c. The following notices shall be clearly visible on all non-commercial WECS and Micro-WECS towers and accessory facilities/structures:
    - 1. "No Trespassing" signs shall be attached to any perimeter fence.
    - 2. "Danger" signs shall be posted at the height of five (5) feet on WECS towers and accessory structures.
    - 3. A sign shall be posted on the tower showing an emergency telephone number.
    - 4. The manual electrical and/or over speed shutdown disconnect switch shall be clearly labeled.
  - d. Consideration shall be given to painted aviation warning on all Meteorological Towers.
  - e. Locations of all WECS shall provide GPS locations to the Department and the Huntington Municipal Airport.
7. Climb Prevention
- All commercial WECS tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:
- a. Fences with locking portals at least six (6) feet in height; or
  - b. Anti-climbing devices fifteen (15) feet vertically from the base of the WECS tower; or
  - c. Locked WECS tower doors.
8. Blade Clearance
- The minimum distance between the ground and any protruding blades utilized on all Commercial WECS shall be twenty-five (25) feet, as measured at the lowest point of the arc of the blades. The minimum distance between the ground and any protruding blades utilized on any other WECS shall be a minimum of fifteen (15) feet, as measured at the lowest point of the arc of the blades, provided the rotor blade does not exceed twenty (20) feet in diameter. In either instance, the minimum distance shall be increased if necessary to provide for vehicular clearance in locations where over-sized vehicles might travel.
9. Lighting
- a. All lighting, including lighting intensity and frequency of strobes, shall adhere to but not exceed requirements established by the Federal Aviation Administration permits and regulations
  - b. Except with respect to lighting required by the Federal Aviation Administration, lighting will require shielding so that no glare extends substantially beyond any WECS structure.
10. Materials Handling, Storage and Disposal
- a. All solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment related to the construction, operation and/or maintenance of any WECS shall be removed from the site properly and disposed of in accordance with all local, state and federal laws.
  - b. All hazardous materials or waste related to the construction, operation or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
11. Vibration Control
- a. Non-commercial WECS shall not cause Vibrations through the ground which are perceptible beyond the property lines of the parcel in which the WECS is located.
  - b. Commercial WECS shall not cause Vibration through the ground which is perceptible beyond one thousand (1,000) feet from the base of the WECS.
12. Shadow Flicker and Blade Glint Zone
- Shadow Flicker and Blade Glint Zones for both non-commercial and commercial WECS shall not encroach into public road rights-of-way causing potential traffic safety concerns as

reasonably determined by the Plan Commission. These zones will be determined as the area in which shadow flicker and blade glint occur during day light hours.

H. Other Applicable Standards

1. Guyed Wire Anchors

No guyed wire anchors shall be allowed within any required road right-of-way setback.

2. Sewer and Water

All WECS facilities shall comply with the existing septic and well regulations as required by the Huntington County Health Department and/or State of Indiana Department of Public Health.

3. Sound Levels

The Sound Level limits contained in this section shall apply ~~only~~ to the WECS project area only.

a. The Sound Levels of each Turbine or the combination of multiple Turbines, resulting from routine operation, as measured in accordance with the procedures described in this section, shall not exceed 50 dBA as measured four (4) above grade at the exterior of a Non-participating Property Owner's residence closest to the Turbine(s).

b. All Turbines shall be maintained at the Sound Levels indicated above for the duration of their operation until they are decommissioned.

c. In the event the Sound Levels outlined in this section exceed the operation limits set forth above, the Turbine or Turbines shall cease production until such time they are in compliance with this section.

d. All associated costs, including but not necessarily limited to assisting in investigation of Turbine sound complaint and any required sound measuring devices, incurred by the Department shall be paid by the Applicant, Owner or operator of the WECS. If, after an investigation of a sound complaint, it is deemed the Turbine or Turbines are operating within the Sound Levels set forth in this section, the complainant may be responsible for all associated cost of the investigation if the complaint was unreasonable.

e. Community Sound Complaints

i. All sound complaints shall be submitted to the Department –on a form supplied by the Department. The complaint form shall include the following:

1. Name, address and contact information of the complainant;
2. The nature of the complaint, including any supporting documentation;

ii. Once a complaint has been submitted, the Department will investigate the complaint and take appropriate action, including but not necessarily limited to engaging the assistance of a qualified professional Acoustician to verify whether the Turbine(s) in question are operating in compliance with the above referenced Sound Levels.

iii. Sound measurements taken during the investigation of a sound related complaint of a wind Turbine(s) shall be carried out in the following manner:

1. Measurements shall be obtained during representative weather conditions when the sound of the subject Turbine(s) is most clearly noticeable, including overcast days and times of temperature inversion periods.

2. Sound Levels shall be measured at least four (4) feet above ground level by an approved meter set on the A-weighted response scale, fast response.

3. 5 dBA shall be added to all Sound Levels of any short duration repetitive sound measured as outline above.

iv. The Owner/Operator shall operate the WECS facility in conformance with the Sound Levels outlined in this section. If, based on pre-production measurements or the investigation of a complaint, it is determined the actual Sound Level limits are in excess of the prescribed limits, the Owner/Operator shall, at their expense, take remedial action deemed necessary to ensure compliance with the required sound limits. Remedial action may include, but shall not be limited to the following actions:

1. Modification or limitation of operations during certain hours, weather conditions or wind conditions;
2. Maintenance, repair, modification, or replacement of the Turbine(s) out of compliance;
3. If Sound Levels cannot be at or below the prescribed levels, the turbine(s) shall be decommissioned;
4. Decommissioning will only be required if there are no practicable alternatives to bring the Turbine(s) into compliance.

f. Prior to the issuance of a Certificate of Occupancy, or allowing the Turbine(s) to begin electricity production, the Applicant, Owner or Operator shall submit documentation from a licensed professional engineer or other qualified professional that the Sound Level of the Turbine(s) meet the minimum requirements as outlined in this section.

4. Utility Interconnection

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

5. Signage

With the exception of the required warning signage, all other Signage shall comply with all signage regulations and standards contained within the Huntington County Zoning Ordinance.

6. Feeder Lines

With the exception of minimum setback distances, feeder lines installed as part of any WECS shall not be considered an essential service. All communications and feeder lines installed as part of any WECS shall be buried underground wherever possible. The placement of all electric lines shall be subject to Development Plan approval. All underground lines shall be properly recorded and shall be properly marked, located and/or mapped

7. Other Appurtenances

No appurtenances other than those associated with the Turbine operations shall be connected to any wind tower except with express written permission by the Board of Zoning Appeals.

I. Operation and Maintenance

1. Physical Modifications

Any substantial physical modification proposed made to any WECS shall require a variance or special exception, as applicable, from the Board of Zoning Appeals, Development Plan approval from the Plan Commission and an approved Location Improvement Permit or Building Permit and a Certificate of Occupancy upon completion. Like-kind replacements shall require receipt of a Certificate of Occupancy. Prior to making any physical modification or structural changes or improvements, the Owner or Operator shall confer with the Department to determine whether the physical modification or structural changes or improvements require additional approvals or permits or a Certificate of Occupancy.

2. Interference

Prior to any construction of a WECS in Huntington County, a communications equipment study to minimize the interference of public serving utilities shall be completed. If necessary, the Applicant, Owner or Operator shall mitigate any interference to these public serving utilities or interference reported by a Property Owner who owns property within two (2) miles of the nearest Turbine and determined to be caused by any WECS. If a written complaint is received by the Department or Owner/Operator indicating signal interference is occurring, the Owner/Operator shall take reasonable steps to mitigate said interference. If a complaint is not mitigated for a known signal interference within ninety (90) days, appropriate action may be taken from the Department which could result in requiring the WECS to become inactive or decommissioned.

3. Declaration of Unsafe Structure and Public Nuisance

Any WECS structure declared to be unsafe by the Huntington County Building Commissioner or by the Department by reasons of inadequate maintenance, inadequate structural components, dilapidation, obsolescence, fire hazard, damage or abandonment shall be declared a Public Nuisance and shall be repaired, rehabilitated, razed or removed in accordance with the approved decommissioning plan.

a. Designation and Notice of an Unsafe Structure

i. If, upon inspection, the Huntington County Building Commissioner or his or her designee, determines a wind Turbine is unsafe, the Building Commissioner or his or her designee shall give notice of the unsafe determination. Such notice shall:

1. Be in writing and in compliance with the Huntington County Unsafe Building Ordinance;
2. Include a statement and reasons why the notice is being issued, including the reasons why the structure is unsafe;
3. Outline what actions are required to render the structure safe and designate a reasonable amount of time for the Owner or Operator to remedy the unsafe situation;
4. Also contain the procedures to appeal the designation of an Unsafe Structure.

J. Decommissioning Plan

Prior to receiving an Improvement Location Permit or Building Permit, the County and the Applicant, Owner or Operator shall prepare a decommissioning plan for Commercial grade WECS. The plan will outline the anticipated costs and means of removing a WECS at the end of its serviceable lifespan or upon becoming a discontinued or abandoned structure to ensure that the WECS is properly decommissioned and removed. The final plan shall be approved and signed by the Huntington County Commissioners prior to receiving an Improvement Location Permit or Building Permit.

1. Content of Decommissioning Plan

A decommission plan shall include the following:

a. Assurance

A written assurance from the Owner or Operator stating the WECS facility will be properly decommissioned upon the project life, discontinuation of use, or in the event that the facility is abandoned shall be on file with Huntington County.

b. Cost Estimates

At the expense of the Applicant, Owner, or Operator, Huntington County shall obtain at least two (2) cost estimates from independent engineers licensed by the State of Indiana or qualified contractors who have experience in the decommissioning of WECS facilities, for the demolition and removal of a WECS facility in the event the WECS should become discontinued or abandoned. Every five (5) years thereafter for the life of the WECS project, Huntington County, with the assistance from independent engineers licensed by the State of Indiana or qualified contractors who have experience in the decommissioning of WECS facilities, shall update the estimates at the expense of the Owner or Operator. This will allow for the financial assurance for the decommissioning to be altered to adjust for inflation and other applicable economic adjustments. Scrap value will not be used in the calculation of the decommissioning costs.

c. Financial Assurance

Financial assurances shall be given to Huntington County that are one hundred twenty-five percent (125%) of the approved estimated cost of demolition and removal of all structures and equipment, including Turbines, associated with the WECS. The financial assurance may consist of cash, an appropriate bond, a letter of credit, or any other suitable financial assurance approved by the Huntington County Board of Commissioners.

i. The bond or bank letter of credit shall be from an A-rated bonding company or an A-rated bank and shall be a new bond or letter of credit annually.

ii. If bonds are utilized as part of the financial assurance, the surety shall be a company listed "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reimbursing Companies," Department Circular 570, latest revision, Department of the Treasury. Underwriting limitations for the acceptable companies are also contained in Circular 570. The bond shall be executed by an acceptable surety company licensed to do business in the State of Indiana.

iii. All subsequent bonds or letters of credit shall be received by Huntington County no less than 90 days before the previous bond or letter of credit expires. If the required bond or letter of credit is not received ninety (90) days before the expiration of the current bond or letter of credit, decommissioning of the entire WECS will begin immediately.

iv. The extent to which salvage value may be considered in determining the estimated cost of demolition and removal shall be determined by the Huntington County Commissioners.

The bond, letter of credit, or excess cash will only be released at the time the WECS is properly decommissioned as determined by a professional engineer licensed in the State of Indiana and the Department.

2. Discontinuation and Abandonment

a. Discontinuation



WECS shall be considered as being discontinued after six (6) consecutive months without Energy Production occurring. An Owner or Operator may submit a plan extending the period that a WECS is not producing energy that provides the steps and timeline to bring the WECS back into Energy Production. The operation of a Turbine or Turbines for 72 consecutive hours or less shall not be considered as operating or producing energy and will be considered a discontinuation.

b. Abandonment by Owner or Operator

At the time that an Owner or Operator decides to abandon a WECS, an affidavit will be provided to Huntington County that ensures the property will be properly decommissioned within six (6) months of the time of abandonment. The affidavit shall also include the necessary financial assurances and access to salvage values of tower, structures and/or equipment.

3. Removal

The Applicant, Owner or Operator's obligations for decommissioning a site or operation shall include the removal of all physical material, excluding underground collection lines, to a minimum depth of four (4) feet and provide appropriate backfill to the site. Other physical material to be removed may include, but is not necessary limited to, stone drives, asphalt, fences, and above ground wires. This removal shall occur within ~~one (1) calendar year~~ six (6) months from the date that the site or operation is discontinued or abandoned with restoration of the ground to as near as practicable to pre-construction condition. The removal process shall occur by the Applicant, Owner or Operator or by Huntington County at the Applicant, Owner or Operator's expense.

4. Written Notices

Huntington County shall, prior to implementation of the decommissioning regulations contained within this ordinance, provide a written notice to the Owner or Operator that sets forth the concerns or violations occurring on the property. The written notice shall provide the Owner and/or Operator a reasonable time period not exceeding sixty (60) days to resolve any violations or to provide a plan which includes a timeline to bring the property and operation into compliance with this ordinance.

~~5.~~ Access

By obtaining approval of an Improvement Location Permit or Building Permit, the Applicant, Owner, Operator and Property Owner grants approval to Huntington County to enter the property and remove a tower or structures in accordance with the terms contained within the decommissioning plan and the provisions of this ordinance.

K. Wind Energy Development Agreement(s)

Huntington County may enter into any number of negotiated agreements with the Owner or Operator of a WECS project. These agreements may include, but are not necessarily limited to, an economic development agreement, the decommissioning escrow letter of credit or bond agreement, payment in lieu of development, payment in lieu of taxes, roadway use, tile, bridge, small structure repair or replacement agreement, section corner perpetuation, performance bonds, warranty bonds, construction inspections, sound compliant investigation, transmission line agreement, and tree removal agreement. Other agreements such as tax abatements will be negotiated by the Owner or Operator and the Huntington County Council.



2. Section Corner Perpetuation

Section cornerstones within roads scheduled for upgrades shall be located and monumented with Harrison monuments after the roadway has been rebuilt. The review of the draft Road Use and Maintenance during Development Plan review will determine the extent of the road improvements required and the number of Section Corners that will be required to be located, monumented, and replaced.

3. Other agreements between Huntington County and the Owner or Operator of a WECS project may need to be negotiated or may be included within the required agreements such as the Road Use, Repair and Maintenance Agreement, Avoidance and Mitigation of Damages to Public Infrastructure.

L. Liability Insurance

The Owner or Operator of any WECS shall maintain a current commercial general liability policy covering bodily injury and property damage and shall name Huntington County as an additional insured with dollar amount limits per occurrence, in the aggregate, and a deductible, which are acceptable to Huntington County.

M. Application Procedures

Prior to the start of construction of a WECS facility, a variance or special exception, as applicable, from the Board of Zoning Appeals, Development Plan approval from the Plan Commission, and Improvement Location/Building Permit from the Department are required. The following information shall be submitted with the Board of Zoning Appeals application:

1. Contact Information

Contact information which includes the names, addresses, and phone numbers of the Applicants, Owners, and Operators shall be submitted with the application to the Department. Any changes to ownership will be submitted to the Department in order to maintain proper contact and property information with respect to the operation of the WECS.

2. Legal Description

The legal description, property address (if applicable), and general location of the WECS project will be submitted with the application to the Department.

3. Project Description

A WECS project description shall include the following information on each proposed Turbine:

- a. Number of Turbines;
- b. Type;
- c. Name plate generating capacity;
- d. Tower height
- e. Rotor diameter;
- f. Total height;
- g. Anchor base;
- h. The means of interconnecting with the electrical grid;
- i. The potential Turbine manufacturers; and
- j. All related accessory structures

4. Site Plan, Preliminary

A site plan for the proposed WECS project shall be drawn. All drawings shall be at a scale not smaller than one inch equals fifty feet (1"=50') with a scale of one inch equals thirty feet (1"=30') being preferred. Any other scale must be approved by the Executive Director of

Department. No individual sheet or drawing shall exceed twenty-four inches by thirty-six inches (24" x 36"). The site plan shall include the approximate location of all towers, distances of towers from all property lines, other structures associated with the WECS project, approximate location of all access roads and driveways, and the approximate location of all electrical transmission lines.

5. Proof of Correspondence with Wildlife Agencies

The Applicant must submit written documentation that they are in direct correspondence with the U.S. Fish and Wildlife Services, the Indiana Department of Natural Resources, and any other applicable local, state and/or federal wildlife agencies to demonstrate the Applicant is working with these agencies to identify required State or Federal regulations that govern the protection of wildlife species.

5. Pre-development road inventory of the Project Area

6. Citizen Participation Plan

In addition to the public notice requirements applicable to a variance or special exception, every application for construction of a WECS shall include a citizen participation plan which must be implemented and completed prior to the Board of Zoning Appeals public hearing. Interested parties to be invited to this process shall include, but not be limited to, all persons with a legal interest in property adjoining the site in which the WECS is to be located, any home owners association or neighborhood association that is adjoining the site in which the WECS is located, and the Department. At a minimum, the citizen participation plan shall include the following:

- a. A listing, including the name and mailing address, of which interested parties may be affected by the application
  - b. How those interested parties will be notified of the application
  - c. How those interested parties will be provided an opportunity to discuss the application and express any concerns, issues, or ideas they have regarding the application. At least one meeting between the Applicants and interested parties is required
  - d. List of those interested parties who participated
  - e. Dates and locations of all meetings where interested parties are invited to discuss the application
  - f. Summary of concerns, issues, comments, suggestions, or ideas presented to the Applicants
  - g. Summary of how the Applicant will address comments provided
  - h. Summary of those comments provided that the Applicant is unwilling or unable to address, and why
8. Other information as determined by the Executive Director or the Board of Zoning Appeals.
9. If construction of the WECS has not started within five years of the date of Board of Zoning Appeals Special Exception approval, the approval will become null and void.

The above items constitute a complete application for a Board of Zoning Appeals WECS application. The meeting will not be scheduled until all of the items have been submitted. The applicant may formally request, in writing to the Board of Zoning Appeals, certain items to be waived from the complete application.

N. Development Plan Application

The following items shall be submitted to the Plan Commission for Development Plan approval:

1. Contact Information

Contact information which includes the names, addresses, and phone numbers of the Applicants, Owners, and Operators shall be submitted with the application to the Department. Any changes to ownership will be submitted to the Department in order to maintain proper contact and property information with respect to the operation of the WECS.

2. Legal Description

The legal description, property address (if applicable), and general location of the WECS project will be submitted with the application to the Department.

3. Project Description

A WECS project description shall include the following information on each proposed wind Turbine:

- k. Number of Turbines;
- l. Type;
- m. Name plate generating capacity;
- n. Tower height
- o. Rotor diameter;
- p. Total height;
- q. Anchor base;
- r. The means of interconnecting with the electrical grid;
- s. The potential equipment manufacturers; and
- t. All related accessory structures

4. Site Plan

A site plan for the proposed WECS project shall be drawn at a scale not smaller than one inch equals fifty feet (1"=50') with a scale of one inch equals thirty feet (1"=30') being preferred. Any other scale must be approved by the Executive Director of the Department. No individual sheet or drawing shall exceed twenty-four inches by thirty-six inches (24" x 36"). The site plan shall include the final location of all towers, other structures associated with the WECS project, final location of all access roads and driveways, and the final location of all electrical transmission lines.

5. Citizen Participation Plan

6. FAA Permit Application

7. Decommissioning Plan signed and approved by the Huntington County Commissioners

8. Drainage Plan – approved and signed by the Huntington County Surveyor's Office and the Huntington County Drainage Board.

9. Road Use and Maintenance Agreement signed and approved by the Huntington County Highway Department and the Huntington County Commissioners.

10. Erosion Control Plan

11. Utility Plan

12. Draft Avoidance and Mitigation of Damages to Public Infrastructure Plan

13. Microwave study and analysis

14. Avian Impact Study and analysis—The Applicant shall submit written documentation that the project is in compliance with all Federal and State wildlife regulations.

The above items constitute a complete application for approval of the Development Plan by the Plan Commission. The meeting will not be scheduled until all of the items have been submitted. The applicant may formally request, in writing to the Plan Commission, certain items to be waived from the complete application.

## O. Improvement Location/Building Permit Application

Every Turbine and any other structure approved by the Board of Zoning Appeals and the Plan Commission as part of the wind energy development will require a separate Improvement Location/Building Permit. The following items constitute a complete Improvement Location/Building Permit application. No permit shall be issued without submitting all of the items listed below. The applicant may formally request, in writing to the Executive Director, certain items to be waived from the complete application.

1. Site plan showing the exact location of the Turbine on the property, the height of the Turbine, setbacks to property lines, a vicinity map showing adjacent properties and stating whether those properties are participating in the development, and access.
2. Prior to receiving an Improvement Location Permit or Building Permit, all WECS to be constructed within Huntington County shall be certified by the manufacturer's engineer or another qualified registered professional engineer that the Turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the Turbine structure, including the tower, base, and footings.
3. FAA permit approval.
4. Decommissioning Plan signed by the Huntington County Commissioners.
5. Other negotiated agreements between Huntington County or the Huntington County Council and the Owner/Operator.
6. Drainage Plan – approved and signed by the Huntington County Surveyor's Office and the Huntington County Drainage Board.
7. Road Use and Maintenance Agreement – approved and signed by the Huntington County Highway Department and the Huntington County Commissioners.
8. Erosion Control Plan.
9. Utility Plan.
10. Avoidance and Mitigation of Damages to Public Infrastructure Plan – approved and signed by the Huntington County Commissioners.
11. Microwave study and analysis
12. Avian study and analysis reviewed and approved by all applicable wildlife agencies.

## P. Aggregated Project Applications

Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, and review and as appropriate, approvals. Each tower and related equipment shall be required to obtain separate Location Improvement Permits or Building Permits.

## Q. Fees

### 1.Improvement Location Permits or Building Permits

The following fees shall apply for Improvement Location Permits or Building Permits:

Permit for tower construction: non-commercial	\$50.00 per tower
Permit for accessory structures:	\$30.00 per structure

non-commercial	
Electrical permit: non-commercial	\$20.00 per tower/structure
Permit for tower construction: commercial	\$500.00 per tower
Permit for accessory structures: commercial	\$100.00 per structure
Electrical permit: commercial	\$250.00 per tower/structure

## 2. Board of Zoning Appeals

The following fees shall apply for Board of Zoning Appeals:

Per tower	\$150.00
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## 3. Development Plan Review

The following fees shall apply for Development Plan Review:

Per tower	\$150.00
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## 4. Violations

The following fees shall apply in addition to remediation of noted violations:

Construction without BZA approval	\$250.00 for non-commercial \$1,000.00 for commercial
Construction without obtaining permits	\$250.00 for non-commercial \$1,000 for commercial
Missed or skipped inspections	\$100.00 per missed/skipped inspection
Violations to Development Plan approval	\$250.00 per violation

## R. Construction Requirements

During the construction process, the Owner and Applicant shall adhere to the following construction requirements:

### 1. Dust Control

Dust control measures shall be required by Huntington County during the construction of Commercial WECS. Best management practices for dust control will be filed by the Owner and/or Applicant with the Department.

### 2. Drainage

Storm water management plans shall be filed with the Department and will be reviewed by the Huntington County Surveyor, and when necessary reviewed by the Huntington County Drainage Board for all Commercial WECS.

### 3. Erosion Control

Erosion control measures shall be required by Huntington County during the construction of Commercial WECS with a plan stating the management practices to be used for erosion control filed with the Department.



## S. Post-Construction Requirements

### 1. Road Repairs

Any road, road rights-of-way, and areas adjacent to road rights-of-way damaged during the construction or decommissioning processes of a WECS shall be repaired to the satisfaction of the Huntington County Highway Superintendent. Prior to the issuance of a Certificate of Occupancy or Release of Decommissioning, the Huntington County Highway Superintendent shall inspect the road network impacted by the construction or decommissioning and provide the Department written approvals.

a. After all identified repairs are made to any road, road rights-of-way or areas adjacent to road rights-of-way to the satisfaction of the Huntington County Highway Superintendent, the Applicant, Owner or Operator of a WECS shall submit a separate financial guarantee as a warranty to ensure correction of any deficiencies identified within these areas within twenty-four (24) months of final approval. The amount of this warranty shall be 10% of the total cost of repairs as determined by the Huntington County Highway Department Superintendent and may be in the form of cash, letter of credit, bond or any other financial assurance acceptable to the Huntington County Commissioners, shall be subject to such additional terms related to road repairs and maintenance as shall be set forth in the Road Use and Maintenance Agreement to be negotiated between the Applicant, the Huntington County Highway Department and the Huntington County Commissioners..

### 2. Drainage Repairs

Any County Regulated Drain, public or private drainage tile, or other drainage infrastructure (natural or man-made) damaged during the construction or decommissioning process of a WECS shall be repair to the satisfaction of the Huntington County Drainage Board or other suitable and appropriate commission. Prior to the issuance of a Certificate of Occupancy or Release of Decommissioning, the Huntington County Drainage Board or other suitable and appropriate commission shall inspect the drainage network impacted by the construction or decommissioning and provide the Department written approvals.

a. After all identified repairs are made to any County Regulated Drain, public or private drainage tile, or other drainage infrastructure (natural or man-made), the Applicant, Owner or Operator of a WECS shall submit a separate financial guarantee as a warranty to ensure correction of any deficiencies identified by the Huntington County Surveyor or the Huntington County Drainage Board within these areas within twenty-four (24) months of final approval. The amount of this warranty shall be 10% of the total cost of repairs and may be in the form of cash, letter of credit, bond or any other financial assurance acceptable to the Huntington County Drainage Board and shall be subject to such additional terms related to drainage as shall be set forth in the Drainage Plan to be negotiated between the Applicant, the Huntington County Surveyor's Office and the Huntington County Drainage Board.

### 3. As-Built Plans

Upon completion of the WECS, exact measurements of the location of all utilities and structures erected on site shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

### 4. Change in Ownership

It shall be the responsibility of the Owner and Operator listed in the application to inform the Department of any change in ownership and operation during the life of the project, including the sale or transfer of ownership or operation.



## T. Definitions

**Applicant** – the entity or person who submits to the County an application for approval and / or siting of a WECS.

**A-weighted Sound Level** – The Sound Pressure level in decibels as measured on a sound level meter using the A-weighted network. This level is designated as dB(a) or dBA.

**Avian Impact Study and Analysis** – A comprehensive study of the types of birds, including but not necessarily limited to eagles, hawks, falcons, vultures, and migratory birds which is reviewed and accepted by all applicable local, state, and federal agencies. The Avian Impact Study and Analysis also includes the impacts and analysis of bat species, including the Indiana Bat.

**Blade Glint** – The intermittent reflection of the sun off the surface of the blades of a single or multiple WECS.

**Commercial WECS** – All necessary devices that together convert wind energy into electricity and most of that electricity is delivered to a public utility's transmission lines, including but not limited to the blades, rotor, Nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower, the substation, switching stations, communications facilities, and other required facilities and equipment as is customarily related to the WECS project.

**Department** – the Huntington Countywide Department of Community Development

**Meteorological Tower** – Used for the measurement of wind speed and direction, also known as a MET tower or wind test tower.

**Nacelle** – The enclosure located at the top of a WECS tower that houses the gearbox, generator and other equipment.

**Noise** – Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**Noise Disturbance** – Any sound which (a) endangers or adversely impacts the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property.

**Non-Commercial WECS** – all necessary devices that together convert wind energy into electricity and most of that electricity is not delivered to a public utility's transmission lines, but rather is consumed privately, and wholly within that property described in the application on which the WECS project is to be located, including but not limited to the blades, rotor, Nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower, the substation, switching stations, communications facilities, and other required facilities and equipment as is customarily related to the WECS project.

**Non-participating Property Owner** – any Property Owner who is neither an "Owner" nor a "Participating Property Owner" as these terms are defined in this section.

**Open Space Zoning** – a zoning district outlined in the Huntington County Zoning Ordinance which is intend for outdoor recreational and leisure activity uses and which is intended to experience very limited development.

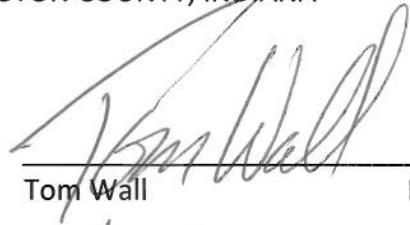
**Operator** – the entity responsible for the daily operation and maintenance of a WECS, including any third party subcontractor.

**Owner** – the entity with an equity interest in the WECS, including their successors or assigns. Owner does not mean the Property Owner from whom land is leased for locating any component of the WECS, unless the Property Owner has an equity interest in the WECS; or any person holding a security interest in the WECS solely to secure an extension of credit.


- Participating Property Owner – a property owner from whom land is leased by the WECS owner in order to facilitate the WECS development.
- Project Area – All of the properties within the Project Boundary and within a one-mile radius beyond the Project Boundary of a proposed or approved WECS project.
- Project Boundary – A continuous line which encompasses all WECS and Related Equipment to be used in association with a WECS project.
- Property Owner – any person or entity owning real estate in Huntington County, Indiana.
- Public Nuisance – an act or omission that obstructs, damages, or inconveniences the rights of the community.
- Related Equipment – Transformers, tower, electrical conductors, termination points, switches, fences, substations and any other equipment to operate a WECS.
- Shadow Flicker – The effect when the blades of an operating WECS pass between sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment.
- Shadow Flicker and Blade Glint Zone – The land area that falls within the setback for Shadow Flicker
- Sound – An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- Sound Level – The weighted Sound Pressure level obtained by the use of a Sound Level Meter and frequency-weighting network such as A or C as specified in the American National Standards Institute specifications for Sound Level Meters (ANSI S.14—1971), or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-weighting shall apply.
- Sound Level Meter – An instrument which includes a microphone, amplifier, RMS detector, integrator or time averaging device, output meter, and weighting networks used to measure Sound Pressure levels.
- Sound Pressure – The instantaneous difference between the actual pressure and the average or barometric pressure of a given point in space, as produced by sound energy.
- Total Height – The distance between the ground at normal grade and the highest point of the installed WECS which would be the tip of the blade when the blade is in full vertical position.
- Turbine – A wind driven machine that converts wind energy into electrical power.
- Unsafe Structure – a structure that is in an impaired structural condition that makes it unsafe to a person or property, a fire hazard, or a Public Nuisance as determined by the Huntington County Building Commissioner or his or her designee.
- Vibration – An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.
- Wind Energy Conversion System (WECS) – All necessary devices that together convert wind energy into electricity and the electricity is independently consumed or delivered to a utility's transmission lines, including but not limited to the blades, rotor, Nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, electrical cabling from the WECS Tower to the substation(s), switching stations, communication facilities and other required facilities and equipment, as related to a WECS Project."

Adopted this 23<sup>rd</sup> day of MARCH, 2015.

BOARD OF COMMISSIONERS, HUNTINGTON COUNTY, INDIANA

  
\_\_\_\_\_  
Tom Wall President

  
\_\_\_\_\_  
Larry Buzzard Member

  
\_\_\_\_\_  
Rob Miller Member

ATTEST:

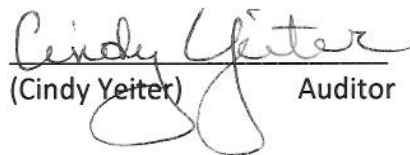
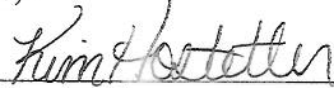
  
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(Cindy Yeiter) Auditor

Exhibit "A"

Plan Commission Certification

On December 10, 2014, the Huntington County Plan Commission by a 8-0 vote certified a favorable recommendation on application PC-14-012: Section 720: Wind Energy Conversion Systems (amendments thereto).

A handwritten signature in cursive script, reading "Kim Hostetler", written over a horizontal line.

Kim Hostetler, Secretary  
Huntington County Plan Commission

Exhibit "B"

Plan Commission Certification

On March 11, 2015, the Huntington County Plan Commission by a 5-2 vote certified a favorable recommendation on application PC-15-004: Section 720: Wind Energy Conversion Systems (Amendments thereto).

  
\_\_\_\_\_  
Kim Hostetler, Secretary  
Huntington County Plan Commission