

ARTICLE 13

WIND ENERGY CONVERSION SYSTEM (WECS)

SECTION 1300 – Purpose and Intent

The purpose and intent of this section is to regulate the placement, construction, and modification of Wind Energy Conversion Systems and Facilities in order to minimize its negative impact on the character and environment of the County and to protect the health, safety, and welfare of the public. The process for the review and approval of the application shall assure an integrated and comprehensive review of the environmental impact of such facilities. The County recognizes that facilitating the development of Wind Energy Conversion System technology can be an economic development asset to the County and of significant benefit to both the County and its residents. Therefore, it is not the County's intent to unreasonably interfere with the development of the competitive Wind Energy Conversion System marketplace in Decatur County. Micro Wind Systems, which are a building-mounted wind system that has a nameplate capacity (manufacturer's rating) of 10 Kilowatts or less, and projects no more than Fifteen (15) feet above the highest point of the roof shall not be considered a wind energy conversion system.

The purpose of these relations are:

1. To regulate the location of Wind Energy Conversion Systems and Facilities within the County.
2. To protect residential areas and land use from potential adverse impact of Wind Energy Conversion Systems and Facilities.
3. To minimize adverse visual impacts of Wind Energy Conversion Systems and Facilities through careful design; placement; landscaping; preservation of trees and natural vegetation; and innovative camouflaging techniques.
4. To avoid potential damage to adjacent properties caused by Wind Energy Conversion Systems and Facilities by ensuring such structures are soundly and carefully designed, constructed, screened, modified, maintained, and removed.
5. To the greatest extent feasible, ensure that Wind Energy Conversion Systems and Facilities are compatible with surrounding land uses.

SECTION 1302 – Definition

Wind Energy Conversion System and facilities shall be defined as any device or assemblage which directly converts wind energy into usable thermal, mechanical, or electrical energy, including such devices as windmills, and wind turbines, towers, and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

SECTION 1304 – Permanent Special Exceptions

The following are permitted as permanent special exceptions in the Agricultural A-1 & A-2 zoning districts; in the Business B-1, B-2 and B-3 zoning districts; and in the Industrial I-1 and I-2 zoning districts when approved by the Decatur County Board of Zoning Appeals:

- A. Attached WECS and facilities if integrated within an existing structure.
- B. Replacement of a legal, existing WECS structure with a similar facility of equal or smaller size, subject to the applicable procedures and general requirements of the Ordinance.
- C. Placement of a WECS as permitted under the zoning districts A-1, A-2, B-1, B-2, B-3, I-1 and I-2.

SECTION 1306 – General Requirements

The following requirements apply to all WECS that are erected or placed within Decatur County jurisdictional area after the effective date of this Ordinance.

- A. For each application, the property owners, the WECS providers, and the WECS owners, shall be considered Co-Applicants and shall jointly and severally be subject to the provisions of this Ordinance.
- B. Each permit application for placement of a WECS and Facilities / Support Structure shall be accompanied by the following:
 - (1) An application, rezoning application or variance application form with original signatures from the property owners, WECS providers, and WECS owners.
 - (2) A written statement with illustrations that describe the proposed WECS and Facilities, including the type of construction and total height.
 - (3) A site plan which is comprised of a scale drawing setting forth property lines, distances, existing site improvements/buildings/structures, existing and or proposed roadways and easements, proposed WECS location, and proposed landscaping.
 - (4) A visual impact analysis that includes current photographs of man-made or natural features adjacent to the WECS and a photograph presentation that depicts current site conditions with a super-imposed image of the proposed WECS and Facilities to demonstrate the anticipated view and the facility upon its completion.
 - (5) A copy of the Facility Maintenance and Removal Agreement signed by all applicants that binds the applicants and all successors in interest to the property to properly maintain and or remove the facility upon abandonment in compliance with the terms of this Ordinance.

(6) Decatur County shall not authorize the placement of any WECS or Support Structure unless Decatur County obtains an indemnification from applicant that releases Decatur County from all liability arising out of the construction, operation, removal or repair of a WECS. Parties to the WECS Agreement agree to not sue or seek any monies or damages from Decatur County, to indemnify and hold harmless Decatur County, its elected/appointed officials, agents, servants, and employees from all claims, demands or causes of action, along with the resulting losses, expenses, costs, attorney fees, liabilities, damages, Orders, Judgments, and Decrees which arise out of or result from a WECS Facility owner, operator, agent, employee, or servant for negligent acts, errors, or omissions.

(7) A policy of insurance maintained with a reputable company that insures the WECS or Support Structure with minimum and adequate insurance coverage for liability, bodily injury, and property damage for the entire period the WECS and or Support Structure is in existence. Decatur County shall be named as an additional insured on the policy. A certificate of insurance shall be submitted verifying the insurance coverage at the time the application is made. Failure to maintain insurance coverage shall be a violation of this Ordinance.

SECTION 1308 – Performance / Construction Standards

A. A perimeter fence at least Eight (8) feet in height shall be installed to contain the WECS accessory structures and/or facilities.

B. Security lighting is not required. If security lighting is installed, it shall be confined to accessory structures and shall be directed downward to minimize glare or intrusion onto adjoining properties. No WECS Support Structures illumination shall be permitted.

C. Any landscaping that is installed shall be properly maintained or replaced to maintain a presentable appearance for the structure.

D. Off-premise or advertising signage is prohibited. Each WECS or Facility shall have identification signage that states the name of the facility owner and a Twenty-four (24) hour emergency telephone number.

E. The WECS shall be constructed using Stealth Construction and shall be self-supporting without utilizing cables for support. In the event an alternate form of construction is more suitable to a proposed WECS location site, the Decatur County Plan Commission or Decatur County Board of Zoning Appeals may authorize an alternate form of construction upon a showing of sufficient documentation.

F. All WECS Support Structures, accessory buildings, poles, antenna, and other external facilities shall be painted a neutral color or galvanized grey. Paint color shall be designed to minimize visibility and blend with the surrounding environment. All facilities shall be repainted as necessary.

G. Access ladders or climbing apparatus will be fifteen (15) feet above ground level. Doors to access tower or facility need to be solid steel doors with locking device on it and kept locked at all times.

H. Minimum clearance between blade tip and ground level or final grade is to be Thirty (30) feet.

I. All WECS shall be equipped with manual and automatic braking device capable of halting operation.

J. All wiring for WECS and Facility shall be buried.

K. No WECS shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, airport RF signals, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

L. Setback requirements for WECS: Property Lines, roads, overhead utility or transmission lines, electrical substations, communication or meteorological towers shall be 1.5 times the total height, and shall be Six Hundred Forty (640) feet from the nearest residence.

M. All WECS electrical equipment and connections must adhere to all local, state, and national codes and international standards.

N. The WECS and or Facility shall not generate noise in excess of Fifty (50) decibel levels at ground level to the property lines or at the nearest residence. Such measurements shall be signed by a qualified engineer, stating that noise levels are being met, per ordinance.

O. At such time that a WECS ceases operation for a period of Twelve (12) months, the company shall physically remove the WECS and facility within Ninety (90) days from the Twelve (12) month period from when the operation ceased.

P. Removal of all machinery, equipment, shelters, security barriers, and waste materials to a minimum of Five (5) feet below grade, and restoring the location of the WECS Facility to its natural condition.

Q. Applicant shall post a bond for One Hundred Fifty (150) percent of the cost, the applicant shall submit a fully-inclusive estimate of the cost associated with removal of the WECS prepared by a certified company for that type of work.