

# PULASKI COUNTY

## BOARD OF COMMISSIONERS

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August 20, 2018

Dear Mr. Hoover, Ms. Kreamer, President Thompson,  
and members of the Pulaski County Advisory Plan Commission:

We have reviewed the certified recommendation submitted to us regarding proposed changes to the Pulaski County Unified Development Ordinance pertaining to wind energy convergence systems. While we agree in substance with the recommendation to prohibit *commercial* wind-energy development, we are returning your recommendation to you with amendments we ask you to consider in order to accomplish the following:

1. to provide for a distinction between commercial development and non-commercial development and micro-WECS, so as to encourage responsible stewardship by local landowners and to protect their property rights;
2. to ensure that reasonable restrictions are placed on non-commercial wind turbines to protect and to promote the health, safety, and general welfare of the residents of Pulaski County, and to protect various species of fauna of cultural or environmental significance;
3. to repeal language in the Pulaski County Unified Development Ordinance appurtenant to land uses no longer to be permitted by the Ordinance: *i.e.*, commercial wind energy systems/turbines; and
4. to ensure that the language employed to justify the prohibition of commercial wind development is adequate to meet strict scrutiny in a court of law and is incorporated in chapter 7 of the Unified Development Ordinance.

Please see the requested amendments on the following pages.

Sincerely,  
Pulaski County Board of County Commissioners

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Kenneth R. "Kenny" Becker, President

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Jerome C. "Jerry" Locke, Vice-President  
Attest:

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John M. "Mike" McClure, Member

\_\_\_\_\_  
Laura Wheeler, Pulaski County Auditor

Date:

Proposed Amendments to the Pulaski County Advisory Plan Commission's Certified Recommendation to the Pulaski County Board of County Commissioners to Prohibit the Development of Wind Energy Convergence Systems within the Jurisdiction of the Plan Commission

**Point 1.** a. On page 100 of the Ordinance, in the Table of Permitted Uses, remove the use 'Wind energy conversion systems'. Add the uses 'Micro wind energy convergence systems', non-commercial wind energy convergence systems – small (-), and non-commercial wind energy convergence systems – large (+). Permit them in the table as follows:

	A-1	A-2	R-R	R-1	R-2	R-3	R-4	C-1	C-2	L-I	H-I	R-D	P-D
Micro	P	P	S	S	S	S			S	S	P	S	P
Non-s	S	P							S	S	P		S
Non+	S	S								S	S		S

Where 'P' means that the use is permitted, and 'S' requires a special exception be granted by the Board of Zoning Appeals.

b. Amend the definition of 'WECS Non-Commercial' in chapter eight of the Ordinance to reflect that towers shorter than 200' are small, and those 200' and taller are large.

**Point 2.** a. Amend Table 7.2, "Minimum Setbacks for Non-Commercial WECS and Micro WECS" to reflect the following setbacks:

<u>Point of setback measurement</u>	<u>Minimum setback</u>
Property line (non-participant)	1.5 times height with blade at highest point. Micro may be waived
Residential structure	NO MEASUREMENT TO STRUCTURE
Road right-of-way	1.5 times height, must meet yard setback; applies to future ROW if planned road improvement/expansion is known at time of construction
Other rights-of-way (including but not limited to utility & ditch right-of-way)	1.5 times height, must meet yard setback. Micro= no restriction
Jasper-Pulaski F&WA	6 miles. Micro= no restriction
Public conservation land	1/2 mile
Wetlands (Army Corps)	per Army Corps permit
Tippecanoe River	1 mile
Incorporated municipal limits/village boundaries	1.5 times height with blade at highest point

b. Remove C. after Table 7.2. and D. after Table 7.3

c. Chapter 2, section 3. Rename Q.2. to “Applications for Micro or Non Commercial WECS”

d. Amend 7.5.C. to decrease from 60 decibels to 51 decibels during daytime hours and 40 decibels between 9:00p.m. and 7:00a.m. Rename “Noise, Vibration, and Flicker”. Restrict shadow flicker to 30 minutes per day and no more than 30 days per year. Add reference to micro WECS.

**Point 3.** a. Chapter 2, section 3. Remove Q.3, “Applications for Commercial WECS.”

b. Chapter 4, section 2. Amend. F.6.d. “Wind Energy Conversion Systems (WECS)”. State that Commercial WECS are prohibited and include explanatory language (found below). Add that “Wind Energy Conversion Systems (WECS) — Micro/Non-Commercial” are facilities that convert wind energy to electrical energy and primarily provide power for localized consumption. Repeat definition in Chapter 8.

c. Remove references to Commercial WECS in 7.2.B.

d. Remove Table 7.1., “Minimum Setbacks for Commercial WECS”

e. Remove A. and B. immediately following Table 7.1.

f. Amend definition of ‘WECS Commercial’ in chapter eight to reiterate they are prohibited and to explain why.

g. Remove all other language included in Chapter 7 pertaining exclusively to Commercial WECS.

**Point 4.** Create new 7.1.D.2 expressly to prohibit Commercial WECS in Chapter 7.

In the name of protecting and promoting the health, safety, and general welfare of the residents of Pulaski County; in light of concerns regarding negative impact on the value of property; and because of threats to migratory birds and bats, commercial wind energy convergence systems shall be a prohibited use within the planning and zoning jurisdiction of Pulaski County.

Incidents relating to impacts on persons’ health caused by shadow flicker and noises created by the rotation of turbine blades; the possibility of blade fragments from damaged turbines flying significant distances and striking persons, animals, or property; and the potential for flying ice chunks in the event of an equipment malfunction during a freezing-weather event, among other threats, create concern for the health, safety, and general welfare of persons in the vicinity of “wind farms”.

Many studies have shown an inverse relationship between the number of wind turbines in an area and the directional trend of property values in said area. While a number of factors may contribute to the nature and degree of such an impact, it is in the interest of the Pulaski County Government to protect property values, both as sources of public revenue and as investments held by landowners.

Sandhill cranes are a tourist attraction in Pulaski County, and other flying animals, some with endangered or protect status, are known to inhabit our area. Because of the threats that rapidly rotating blades at the heights at which commercial turbines are built pose to these animals, particular cranes, which attract transient dollars to our community, it is in the interest of the Pulaski County Government to act proactively to protect these species.