

Proposed amendments to the Pulaski County UDO regarding Solar Energy Systems and Small Wind Energy Facilities/Micro WECS/Non-Commercial WECS: EXISTING LANGUAGE

	Current use-table reference, page 100										
	A-1	A-2	R-R	R-1	C-1	C-2	L-I	H-I	R-D	P-D	STANDARDS
Solar array	P	P	P	S	S	P	P	P	S	P	4.2,F,6,a 4.3,D,6,a

Current 4.2.F.6.a text, page 110

a. Solar array. An industrial-scale group or series of photo-voltaic (or solar) panels placed to convert solar radiation into usable direct current electricity and provide that electricity to a use on-site or to the larger electrical network

Current 4.3.D.6.a text, page 120

a. Solar array. A solar array use shall comply with the following standards:

- 1) Be on a site of at least one acre in area;
- 2) Be enclosed with a fence of at least six feet in height; and
- 3) Not create glare or shadows on adjacent lands.

Current regulations pertaining to small-scale, personal-power-use solar panels (“Solar Energy Equipment”) in 4.4.C NON-EXISTENT

Current table 4.2, “Table of Common Accessory Uses”

Includes “Wind Energy Facility, Small”

Current 4.4.C.16, “Wind Energy Facility, Small” (accessory use)

Lengthy list of regulations pertaining to personal-use wind turbines.

Current name of section 7

“Wind Energy Convergence Systems”

Current 7.1, “General Information”

A. Purpose. The purpose of this section is to:

2. Assure that any development and production of wind-generated electricity in Pulaski County is safe and effective;
4. Promote the supply of wind energy in support of Indiana’s alternative energy sources potential and other such economic dev. tools.

B. Intent. The intent of this Ordinance is to provide a regulatory scheme for the construction and operation of Wind Energy Convergence Systems (WECS) in the county....

C. Applicability.

1. The provisions of this Section are applicable to those districts which allow WECS, govern the siting of WECS and substations that generate electricity to be sold to wholesale or retail markets, or that generate electricity for private use. A reasonable attempt shall be made to notify all property owners within the defined area of the WECS project prior to making application for a WECS permit. Notification may be done by media, separate mailings, or through the public notice requirements prescribed by IC 5-3-1 as amended from time to time. Said notice shall inform land owners of the intent to build a Commercial WECS and/or wind farm.

D. Prohibition.

1. No applicant shall construct, operate, or locate a WECS within Pulaski County without having fully complied with the provisions of this Ordinance.

F. Definitions.

1. All definitions for WECS are located within Section 8, Definitions.

Current Section 7.2

“Setback Requirements”

MAKE SECTION 7.2 BECOME 7.6

Current Section 7.3 (to become Section 7.2), “Regulations”

A. Location.

1. Non-commercial and micro-WECS will be permitted, or not permitted, in various districts as prescribed in Section 4, Use Standards.

B. Height.

1. Any non-commercial WECS or meteorological tower greater than two hundred (200) feet in height shall require a special exception use permit. No Micro-WECS shall exceed sixty (60) feet in height.

C. Horizontal Extension.

1. The furthest horizontal extension of a WECS (including guy wires) shall not extend into a required setback by the zoning district or be closer than twelve (12) feet to any primary structure, or right-of-way easement for any above-ground telephone, electrical transmission or distribution lines.

Current Section 7.4	Safety, Design, and Installation Standards
Proposed Section 7.7	Safety, Design, and Installation Standards FOR WECS
Current Section 7.5	Other Applicable Standards
Proposed Section 7.8	Other Applicable WECS Standards
Current Section 7.6	Operation and Maintenance
Proposed Section 7.9	WECS Operation and Maintenance

Current Section 7.7

MAKE SECTION 7.7 BECOME 7.4

Decommissioning Plan

A. Plan Outline.

1. Any WECS thereof declared to be unsafe by the Pulaski County Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved Decommissioning Plan.

B. Content.

1. A decommissioning plan shall include, at a minimum, language to the following:
 - a. Written assurance that the facilities will be properly decommissioned upon the project life or in the event that the facility is abandoned.
 - b. The applicant shall provide a contractor cost estimate for demolition and removal of the WECS facility. The cost estimates shall be made by a competent party: such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience
- c. Applicant will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, letter of credit or other security acceptable to the County, for the cost of decommissioning each tower and related improvements constructed under the permit. Said security will be released when each tower is properly decommissioned as determined by the Pulaski County Building Commissioner.

C. Discontinuation and Abandonment.

1. All WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Pulaski County Building Department outlining the steps and schedule for returning the WECS to service.
2. In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Pulaski County Building Department representing that all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within one (1) year of expiration or earlier termination of the project.

D. Removal.

1. An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level within three hundred sixty-five (365) days of the discontinuation or abandonment of the facility, and restoration of the project area to as near as practicable the condition of the site immediately before construction of such improvements by the owner, or by Pulaski County at the owner's expense.

E. Written Notices.

1. Prior to implementation of the existing procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).

F. Costs Incurred by the County.

1. If the County removes a tower and appurtenant facilities, it may sell the salvage to defray the costs of removal. By approval, the permitted or grantor grants a license to Pulaski County to enter the property to remove a tower pursuant to the terms of an approved decommissioning plan.

Current 7.8, "Liability Insurance"

A. The owner or operator of any WECS shall maintain a current general liability policy covering bodily injury and property damage and may be required to name Pulaski County as an additional insured with dollar amount limits per occurrence, in the aggregate, and a deductible, which is suitable to the County. Home owners that have electrical power generating equipment of 10 kw or less on their property need to carry \$100,000.00 of liability insurance. The owner of any electrical power generating equipment over 10 kw that is directly connected to the local utility provider is required to carry a minimum of 1 million dollars of liability insurance.

MOVE THIS UP IN SECTION TO BECOME NEW 7.3

Current 7.9, “Application Procedures”

A. Permits and variances shall be applied for and reviewed under the procedures established by this UDO and the application procedures application for a Commercial WECS Improvement Location Permit.

1. See section 2.3,Q Applications for All Wind Energy Conversion Systems (WECS) for application procedures.

MOVE THIS UP IN SECTION TO BECOME NEW 7.4

Current Section 7.10	Pre-Construction Requirements
Proposed Section 7.10	WECS Pre-Construction Requirements

Current Section 7.11	Construction Requirements
Proposed Section 7.11	WECS Construction Requirements

Current Section 7.12	Post-Construction Requirements
Proposed Section 7.12	WECS Post-Construction Requirements
