

**KOSCIUSKO COUNTY**  
**WINDMILL REGULATIONS**



## What is needed for a Residential/Agricultural/Agricultural 2 Improvement Location Permit:

If the proposed project is within a corporate limits of Syracuse, North Webster, Pierceton, Milford, Claypool, or Silver Lake in addition to or in substitution to the below please reference the information on the back of this sheet for the appropriate Town.

### **Property Documentation**

- You will need to bring us the legal description of the property. If this is a new tract of ground, you will need to bring us a **recorded** copy of the new deed. This means the copy you bring should have the Kosciusko County Recorders stamp on it.
- You will also need to provide us with the property **Key Number** which may be obtained in the **Kosciusko County Auditors office or from a Tax Statement.**
- We will also require the property owner's name, mailing address, phone number, and existing address for the property if applicable.

### **Building Site Plan Must Show:**

- **Lot Size:** The Scaled diagram should indicate the dimensions of your property and where your property lines are located.
- **Existing Buildings:** Diagram must show all existing buildings, structures located on the property at the time of application, and the distance each is from the property lines to the closest point of the proposed structure.
- **New Building:** On the diagram show the location of the new construction and its proposed location. Including the dimensions of all new construction, the setback of the new construction from existing property lines, waters edge, and road right-of-ways. These setback measurements should be taken to the closest point including but not limited to gutters, overhangs, decks, stairs, and porches. You should also indicate any erosion control methods to be used on the property during construction. You should indicate the **North** direction and label all roads, watercourses, and lakes.

### **Sewage and Water Requirements**

- If you are constructing a new principle structure you must obtain a septic and a well permit from the County Health Department, or if the structure is going to be located on public sewer and or water you will be required to provided our office with a letter/permit from the service provider stating that the new construction will be connected to the respective line.
- If you are constructing an addition or an accessory building, you must obtain a letter of non-objection from the county Health Department.
- **The Area Plan Commission will not issue a building permit if the applicant does not obtain the proper approvals listed above.**

### **Driveway Access**

- If you are constructing a new structure on a tract without an existing driveway, you must obtain a highway entrance permit from the County Highway Department, the State Highway Department, or equivalent town/city office before the Area Plan Commission will issue a permit.
- If the construction is an addition with curb-and-gutter or there is an existing driveway than a waiver permit may issued.

### **Flood Requirements**

- In some instances, a property may be located within a designated floodplain as determined by the National Flood Insurance Maps. In these instances, there are additional requirements that must be completed prior to obtaining an improvement location permit.

### **Estimated Cost & Contractor**

- You should provide an estimated cost of the proposed construction or structure.
- You will need to provide the name, address, and phone number of the contractor if it is different then the property owner.

*\*Certain projects may require additional information that is unforeseen and may be required as specified under section 4.45 of the Kosciusko County Zoning Ordinance or as prescribed under and hearing approvals.*

**Town of Syracuse:**

1. Must submit detailed construction plans to the Town building inspector, Hal Hansborough @ 574-457-8369, in the Syracuse Town hall and provide certification of such. His normal office hours are Monday, Wednesday, and Thursday from 9 a.m. to 4 p.m.
2. Must check with the Town, Clint Houseworth @ 574-457-3229, and provide written approval for any new sewer and/or water connection and any new driveway cut or increase.
3. Any new address, assigned by the Town Clerk @ 574-457-3216, must have written notice.
4. The Town of Syracuse prohibits Mobile Homes.

**Town of North Webster:**

1. For projects that are connecting or disconnecting and reconnecting to Town sewer and/or water or creating or increasing a driveway a permit must be obtained from the public works department, Dennis Reafsnyder @ 574-834-7241, prior to the issuance of the Improvement Location Permit.
2. Any new address, assigned by the Town Clerk @ 574-834-7894, must have written notice.

**Town of Milford:**

1. Must check with the Town, Dallas Winchester @ 574-648-4614, and provide written approval for any new sewer and/or water connection and any new driveway cut or increase.
2. Any new address, assigned by the Town Clerk @ 574-658-4519, must have written notice.
3. The Town of Milford requires any mobile home to also have a shed.

**Town of Claypool:**

1. Must check with the Town Clerk @ 574-566-2910, and provide written approval for any new sewer and/or water connection, any new driveway cut or increase and any new address assigned by written notice.

**Town of Silver Lake:**

1. Must check with the Town Clerk @ 260-352-2120, and provide written approval for any new sewer and/or water connection, any new driveway cut or increase and any new address assigned by written notice.

**Town of Pierceton:**

1. Must check with the Town Clerk @ 574-594-2231, and provide written approval for any new sewer and/or water connection, and any new address assigned by written notice.
2. The Town does not require driveway permits.

**Below are the requirements for wind turbines in Kosciusko County. All turbines must obtain an Improvement Location Permit from our office prior to placement.**

### **3.29 WIND TURBINES**

**3.29.1 PURPOSE AND SCOPE** - This article establishes general guidelines for the siting and use of wind turbine generators, anemometers and related devices and structures. This article is intended to:

- A. Protect residential areas from any potentially adverse visual or noise impacts of wind turbine generators or related devices and structures.
- B. Provide for a land use that will provide an energy source with low associated environmental impacts
- C. Provide for the removal of abandoned or noncompliant wind turbine generator towers, anemometer towers, or related devices and structures.
- D. Allow restricted use of wind turbine generator towers and anemometers of limited height.

### **3.29.2 APPLICABILITY**

- A. Micro Wind System towers and anemometer towers less than 120 feet in height shall be permitted as listed under Table A and are subject to the standards of section 3.29.3 however are not subject to Section 3.29.4,
- B. Wind Farms, Wind Turbines (Large Wind System or Small Wind System), WECS, anemometer towers 120' feet in height and over, and all related devices and structures for the above shall only be permitted after special exception approval in accordance with Article 5, section 5.4, Exceptions, exclusively in the those districts listed on Table A and shall be subject to all standards and the requirements of Sections 3.29.3 and 3.29.4.

### **3.29.3 GENERAL REQUIREMENTS**

**A. Minimum Site Area.** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other standards of this ordinance.

**B. Setbacks.** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

1. Each wind turbine generator or anemometer tower and any associated features (including guy wires) shall be set back from any adjoining property lot line, road right-of-way, railroad right-of-way or overhead electrical transmission or distribution lines a minimum distance equal to the total height of the structure.

2. Large and small wind system(s) must be located at least 1000' from any occupied structure (including but not limited to residences, schools, churches, medical buildings), except occupied structures located on-site. Occupied Structures located adjacent to and off-site from a large or small wind system shall maintain these same minimum separation requirements. No occupied structure shall be built less than 1000' from any existing large or small wind system.

3. Wind Farms and WECS' occupying multiple parcels may have internal property line setbacks waived by execution of a written document signed by all land owners sharing such a property line. All such documents shall be recorded in the office of the Kosciusko County Recorder and presented at the time of permitting.

4. The setback distance for the WECS shall be 1500 feet from any platted community of a municipality. Distance shall be measured from the center of the foundation at the base of the WECS to the closest Corporate Limit boundary line.

**C. Minimum Rotor Wind Vane or Blade Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than 25 feet or 1/3 of the tower height whichever is greater.

**D. Maximum Noise Levels.** Any proposed wind turbine generator shall produce sound levels that are no more than 50 decibels as measured on the dB (A) scale at the property lines of the site in question. A noise report shall be submitted with any application for an anemometer tower or wind turbine generator tower. A noise report shall be prepared by a qualified professional and shall include the following, at a minimum:

1. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation;

2. A survey and report prepared by a qualified engineer that analyzes the pre-existing ambient noise (including seasonal variation) and the potentially affected residences, schools, public buildings or other noise sensitive land uses located within 2 miles of the proposed project site.

3. A description and map of the cumulative noise impacts and any problem areas identified.

4. A description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive land uses.

**E. Maximum Vibrations.** Any proposed wind turbine generator shall not produce vibrations humanly perceptible beyond the property on which it is located.

## **F. Electrical Components**

1. All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards.

2. Electrical Collection Cables - All WECS electrical collection cables between each WECS shall be located underground unless they are located on public or utility rights-of-way or with prior County approval. 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 land owner or the land owner's designate until the same reach the property line or a substation adjacent to the property line.

**G. Interference with Reception.** Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.

**H. State or Federal Requirements.** Any proposed wind turbine generator or anemometer tower shall meet or exceed any additional local, state, or federal standards and regulations.

**I. Aesthetics and Lighting.** Any proposed wind turbine generator or anemometer tower shall meet the following requirements:

1. Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, such as gray or white, so as to reduce visual obtrusiveness.

2. Each wind turbine generator, including all accessory structures, or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings.

3. Each wind turbine generator or anemometer tower shall not be artificially lighted, except as required by the FAA in which instance all lighting shall be shielded as much as possible so that no glare extends substantially beyond the boundaries of the facility. In the instance that "strobe" lighting is required it should be configured so that it is alternating lighting; white light during daylight, red light at night.

4. Each wind turbine generator tower may be a monopole, monotube or lattice style construction and shall not include guy wires. This provision shall not apply to anemometer towers.

**J. Signs.** A sign no more than 4 square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the wind turbine generator or anemometer tower erected prior to a wind turbine

generator. No wind turbine generator tower or anemometer tower or site shall include an advertising sign.

**K. Not Essential Services.** Wind turbine generators and anemometers shall be regulated and permitted pursuant to this Article of the Zoning Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

**L. Removal of Abandoned or Unsafe Wind Turbine Generators or Anemometer Towers**

1. Any wind turbine generator or anemometer tower that is not operated for a continuous period of 6 months shall be considered abandoned.
2. Any tower found to be unsafe or not in compliance with the special exception conditions related to noise or shadow flicker placed upon it by the Board of Zoning Appeals (BZA), shall be found to be in violation of the special exception approval.
3. The owner of any wind turbine generator tower or anemometer tower that is abandoned or in violation of the special exception approval shall remove the same within twelve (12) months of receipt of notice from the Area Plan Commission of such abandonment or violation.
4. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site to its condition prior to location of the wind turbine generator or anemometer tower (excluding replanting of original vegetation and trees), subject to reasonable wear and tear and shall stabilize soils through use of ground cover.
5. Failure to remove an abandoned wind turbine generator or anemometer tower within the twelve (12) month period provided in this subsection shall be grounds for the Kosciusko County Area Plan Commission to pursue the violation as prescribed under section 4.12 of this ordinance.
6. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the wind turbine generator or anemometer tower and attendant accessory structures as a condition of a special exception given pursuant to this section.

**M. Climb Prevention - All Tower designs must include features to deter climbing or be protected by anti-climbing devices, when applicable, such as:**

1. Fences with locking portals at least six feet high; or
2. Anti-climbing devices 15 feet vertically from the base of the tower.
3. Locked tower doors.

#### **N. Waste Management**

All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All HAZARDOUS WASTE generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state and federal rules and regulations.

#### **O. Utility Interconnection**

The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS.

#### **P. Warnings**

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground.

#### **Q. Drainage Repair**

All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the WECS, must be completely repaired to near original condition, and so as not to impede the natural flow of water. All repairs must be completed within a reasonable amount of time.

#### **R. USE OF ROADS**

An Applicant, Owner, or Operator proposing to use any county road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall prior to construction:

Identify all such public roads and services;

##### 1. Roads

- a. Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Kosciusko County Highway Superintendent. The Superintendent shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
- b. Any road damage caused by the construction of the WECS project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the Kosciusko County Highway Superintendent. The Superintendent may choose to require either remediation of road repair upon completion of the

project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a Professional Engineer may be required by the Superintendent to insure the county that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant.

c. Newly constructed WECS access roads may not impede the flow of water.

d. All repairs must be completed within a reasonable amount of time.

### **S. Dust Control**

Reasonable dust control measures will be required by the County during construction of the WECS.

### **T. Sewer and Water**

Any facility shall comply with existing septic and well regulation as required by the Kosciusko County Health Department and the State of Indiana Department of Public Health.

## **3.29.4 SPECIAL EXCEPTION APPROVAL REQUIRED**

**A.** Unless exempted under Section 3.29.2, all wind turbine generators and anemometer towers shall be subject to special exception approval and all requirements for special exception uses in Article 5, section 5.4. In addition to the general standards of approval for special exception, all special exceptions regulated under this Article shall comply with the following standards of approval:

1. The use shall meet all general requirements listed above in Section 3.29.3.
2. A performance bond is placed in conformance with 3.29.3.K, above, to ensure removal of any abandoned or dangerous wind turbine generator tower.
3. As specified in Section 3.29.3 a Noise Report is submitted including satisfactory mitigation measures to assure that no nearby residential uses will be subjected to unreasonable noise impacts.
4. The special exception, if granted by the BZA, for a proposed project shall be valid for a period of one (1) year in which to apply for an Improvement Location Permit, after which, approval shall terminate and be of no further force or effect if construction in earnest of the approved tower/s has not commenced. The Applicant shall be granted a one (1) year

extension to result in a total of two (2) years from the date of the BZA approval if the Applicant presents a request for an extension to the BZA and provides a report to the BZA which shows the progress made on the project. Thereafter, an additional extension shall be at the BZA's discretion.

## **B. APPLICATION REQUIREMENTS**

Prior to the construction of a WECS, the Applicant shall obtain approval for the following: (1) an Application for a Exception Use from the Kosciusko County Board of Zoning Appeals ("BZA") to permit a WECS in any zone list under table A, (2) Request for Variance for any variances anticipated on the WECS Project, and (3) Drainage approval as required under the Kosciusko County Stormwater and Erosion Control Ordinance when deemed necessary, (4) an Improvement Location Permit from the Kosciusko County Area Plan Commission.

### **1. The Application for Exception Use**

a. The application shall be filed with the Kosciusko County Area Plan Commission and include the following items:

1. A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner, and Operator, including their respective business structures.

2. The name(s), address (es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) with WECS on their properties, if known.

3. A topographic map of the project site and the surrounding area which shall encompass an area at least a quarter mile radius from the proposed project site with contours of not more than five foot intervals.

4. A site plan at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower site not greater than 1 inch equals 20 feet): the proposed location of the wind energy facility (including planned locations of each WECS

Tower, guy lines and anchor bases (if any); WECS access roads; Substations; electrical cabling; and ancillary equipment). In addition, the site plan shall show: Primary Structures within one quarter of one mile of any WECS; property lines, including identification of adjoining properties; setback lines; public roads; location of all above-ground utility lines within a distance of two (2) times the WECS Tower Height of any WECS Tower; recognized historic or heritage sites as noted by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources; and any wetlands based upon a delineation prepared in accordance with the applicable U. S. Army Corps of Engineer requirements and guidelines.

5. Location of all existing underground utility lines associated with the WECS site.

6. Property owner Name/s for each tract involved (tower or associated utility lines) in the project.

7. All required hearing filing fees as prescribed by this ordinance.

## 2. The Application for Improvement Location Permit

a. the Applicant shall apply to the Area Plan Commission for an Improvement Location Permit. In addition to the information required on the Improvement Location Permit Application, the Applicant shall provide the following information to the Area Plan Commission prior to the issuance of an Improvement Location Permit:

1. Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.

2. Location of all underground utility lines associated with the WECS site.

3. Dimensional representation of the structural components of the tower construction including the base and footings.

4. Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.

5. Manufacturer's specifications and installation and operation instructions or specific WECS design information.
6. Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by BOCA.
7. All turbines shall be new equipment commercially available. Used, experimental or proto-type equipment still in testing shall be approved by the BZA as per the normal special exception process.
8. Necessary recorded access easements and necessary recorded utility easements, copies of which shall be submitted to the Kosciusko County Plan Commission.
9. No appurtenances other than those associated with the wind turbine operations shall be connected to any wind tower except with express, written permission by the BZA.
10. A transportation plan showing how vehicles would access the site and describing the impacts of the proposed energy project on the local and regional road system during construction and operation.
11. A revegetation plan for restoring areas temporarily disturbed during construction.
12. A fire protection plan for construction and operation of the facility.
13. Any other item reasonably requested by the BZA.
14. A drainage plan for construction and operation must be developed under the standards of the Kosciusko County Stormwater and Erosion Control Ordinance.
15. An erosion control plan must be developed and provided in compliance with the Kosciusko County Stormwater and Erosion Control Ordinance and all other local, state, and federal regulations.

B. Each WECS Tower and anemometers shall require an Improvement Location Permit. The fee for each improvement Location Permit shall be subject to the fee schedule established under section 4.11 of the Kosciusko County Zoning Ordinance.

### **3.29.5 OPERATION**

#### **A. Interference**

If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, telecommunication, communication or microwave transmissions, the Owner or Operator shall take reasonable steps to respond to minimize the complaint.

#### **B. Coordination with Local Fire Department**

1. The Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.
2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

#### **C. Materials Handling, Storage and Disposal**

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials or waste related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

### **3.29.6 LIABILITY INSURANCE**

The Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage and name Kosciusko County as an additional insured with limits of at least \$2 million per occurrence and \$5 million in the aggregate with a deductible of no more than \$5 thousand.

#### **Related Definitions:**

**Anemometer:** An instrument for measuring and recording the speed of the wind.

**Anemometer Tower:** A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

**Large Wind System:** A WECS that has a nameplate capacity (manufacturer's rating) of more than 50 kilowatts per wind tower, or a total height of more than 140', or a swept area of more than 40'. Any WECS meeting one or more of these criteria shall be considered a large wind system.

**Micro Wind System:** A free standing or building-mounted wind system that has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and does not exceed a total height of 120'. Micro wind systems are subject to regulations in all zoning districts.

**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 any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

**Wind Farm:** Two or more large or small wind systems on a single property or aggregated properties for the purpose of converting and then storing or transferring energy from the wind into usable forms of energy

**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 switching station.

**Wind Turbine Generator:** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted and are a part of a micro wind system, small wind system, or large wind system:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind kinetic energy into electrical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator, or other device used to convert the mechanical energy transferred by the rotation of the rotor into electrical energy.

**Wind Turbine Generator Height:** The distance between the ground and the highest point of the wind turbine generator tower including blades.