

Benton County, IN
Summary Only

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Date Passed/Amended: March, 20 2007

Summary Written: May 12, 2022

Agricultural Use Table:

Eligible Zoning:

- a) Commercial Wind Energy System (CWECS)
 - a. Agriculture District (A-1)
 - b. Local Business District (B-1)
 - c. General Business District (B-2)
 - d. Roadside Business District (B-3)
 - e. Enclosed Industrial District (I-1)
 - f. Flood Plain (FP)

Prohibition Language:

- a) Commercial Wind Energy System (CWECS)
 - a. No entity shall construct or operate a CWECS without having fully complied with applicable County ordinances.

Required Information/Permits Required:

- a) Commercial Wind Energy Conversion System (CWECS)
 - a. Must obtain a Conditional Use Permit (aka Special Exception Permit) in zones other than R-1, R-2, R-3 or R-4.
 - b. Must submit a Request for Variance for anticipated variances
Must obtain an Improvement Location Permit

Request for Variance:

- a) Commercial Wind Energy Conversion System (CWECS)
 - a. Must submit a single Request for Variance for all anticipated variances.

Site and Structure Requirements:

- a) Compliance with all local, state, and federal regulations:
 - a. Commercial Wind Energy Conversion System (CWECS)
 - i. All electrical components of the CWECS shall conform to applicable local, state and national codes, and relevant national and international industry standards.
 - ii. Applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories,

Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.

b) Concentrating Solar Power Facilities:

c) Fencing/Security:

a. Commercial Wind Energy Conversion System (CWECS)

i. All CWECS shall have non-climbing features such as:

1. Fences with locking portals at least six (6) feet high.
2. Anti-climbing devices fifteen (15) feet vertically from the base of the CWECS Tower.
3. Locked CWECS Tower doors.

d) Glare minimization:

a. Commercial Wind Energy Conversion System (CWECS)

i. Towers and blades shall be painted white, gray or another non-reflective and unobtrusive color.

e) Height:

a. Commercial Wind Energy Conversion System (CWECS)

i. The minimum distance between the ground and an protruding blade(s) utilized on a CWECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades.

f) Lighting:

a. Commercial Wind Energy Conversion System (CWECS)

i. Except with respect to lighting required by the FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the Wind Farm Facilities.

g) Minimum Lot Size:

h) Noise:

a. Commercial Wind Energy Conversion System (CWECS)

i. Any use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from an Agriculture or a Residential District boundary at least two hundred and fifty (250) feet, or at least one hundred and fifty (150) feet from a Business District boundary. Vibrations at the industrial property line shall not be in violation as long as the vibration is not perceptible without the aid of instruments.

ii. At no point within two hundred (200) feet of a primary residence may the sound pressure levels from a wind turbine exceed the following Hertz(Hz) levels and the corresponding decibel level:

1. 63Hz; 75 decibels

2. 125Hz: 70 decibels
3. 250Hz; 65 decibels
4. 500Hz; 59 decibels
5. 1,000Hz; 53 decibels
6. 2,000Hz; 48 decibels
7. 4,000Hz; 44 decibels
8. 8,000Hz; 41 decibels

i) Outside storage:

j) Setbacks and Lot Coverage:

a. Commercial Wind Energy Conversion System (CWECS)

- i. No CWECS shall be constructed in any setback, dedicated public easement or dedicated public right-of way without prior written authorization from the County.
- ii. CWECS may not be nearer than three hundred and fifty (350) feet, or one and one-tenth (1.1) times the height of the CWECS Tower height, whichever is greater, to any property lines, dedicated roadway, railroad right-of way or overhead electrical transmission or distribution lines.
- iii. Turbines with a rated capacity of one megawatt (1.0 MW) or less shall be one thousand (1,000) feet or more from any existing or occupied residence and turbines with a greater rated capacity shall be set back one thousand (1,000) feet or more from any existing or occupied residence or from the boundary of any to which as of the date of approval of the CWECS is in a plotted subdivision and shall be setback from a property line one and one-tenth (1.1) times the height of the turbine with the blade tip at its highest point.
- iv. Turbines with a rated capacity of less than one megawatt (1.0 MW) may be placed as near as six hundred (600) feet from an occupied residence with the prior written approval of the owner.
- v. CWECS shall be setback fifteen hundred (1500) feet from any plotted community under the zoning jurisdiction of a municipality.

k) Screening:

l) Signage:

a. Commercial Wind Energy Conversion System (CWECS)

- i. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- ii. 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 fifteen (15) feet from the ground.

m) Site Access/Emergency Response:

- a. Commercial Wind Energy Conversion System (CWECS)
 - i. A fire protection plan must be submitted and approved by the County through the permitting or application process.
 - ii. Applicant/Owner/Operator shall submit to the local fire department a copy of the site map.
 - iii. Upon request by the local fire department, the Owner/Operator shall cooperate to develop the fire departments emergency response plan.

n) Utility Connections:

- a. Commercial Wind Energy Conversion System (CWECS)
 - i. The CWECS, in 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 CWECS.

o) Waste:

- a. Commercial Wind Energy Conversion System (CWECS)
 - i. All solid and hazardous waste generated from construction, operation, maintenance or decommissioning shall be removed from the site in a timely manner consistent with industry standards and all local, state and federal laws and regulations.

Operation and Maintenance Plan

a) Monitoring and Maintenance

- a. Commercial Wind Energy Conversion System (CWECS)
 - a. Owner/Operator must submit annual maintenance reports to the County.
 - b. Owner/Operator must confer with the County prior to any physical modifications to the mechanics or major electrical components to determine recertification.
 - c. Like-kind replacements will not require recertification.
 - d. The County reserves the right to inspect the CWECS with a certified third party at a reasonable time and provide the Owner/Operator with sufficient notice.
 - e. Owner/Operator may retain their own certified third party professional engineer to submit a report to the County addressing all recommendations from the inspection within thirty (30) days following receipt of recommendations from the County.

b) Soil and Erosion and Sediment Control

- a. Commercial Wind Energy Conversion System (CWECS)
 - ii. A drainage plan must be submitted and approved by the County through the permitting or application process.
 - iii. An erosion control plan must be developed in consultation with the County Soil and Water Conservation District.

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

Decommissioning and Site Reclamation

- a) Commercial Wind Energy Conversion System (CWECS)
 - a. Prior to application approval and permitting, Applicant/Owner/Operator must submit a Decommissioning Plan.
 - b. This plan shall include the removal of all physical materials pertaining to the project improvements to a depth of forty-eight (48) inches beneath the soil surface, and restoration of the area occupied by the project improvements to as near practicable to the same condition that existed immediately before construction of such improvements.
 - c. A cost estimate for Decommissioning must be provided to the County and the Applicant/Owner/Operator must provide financial assurance by way of bond, letter of credit or other security acceptable to the County in an amount at least equal to the cost estimate. This security will be released following the proper decommissioning of the project to the County's satisfaction.
 - d. In the event the project is abandoned, the Applicant shall provide the County with an affidavit providing financial assurance, including salvage value of the equipment for the property owners to ensure the project is properly decommissioned twelve (12) months following expiration or earlier termination of the project.
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