

ORDINANCE NO. 2019-0903

An Ordinance Amending the Warren County Zoning Ordinance's Wind Energy Conversion Systems (WECS) Siting Regulations

WHEREAS, the Warren County Area Plan Commission, following a duly noticed meeting on June 3, 2019, has provided "no recommendation" to amend the Warren County Zoning Ordinance's Wind Energy Conversion Systems (WECS) Siting Regulations ("WECS Siting Regulations"); and

WHEREAS, the Board of Commissioners of Warren County, following a duly noticed meeting on July 1, 2019, proposed changes to the proposed Amendment 2 and proposed Amendment 4, and sent that proposal to the Warren County Area Plan Commission for an additional hearing; and

WHEREAS, the Warren County Area Plan Commission declined to set a hearing on the proposal within forty-five (45) days of receiving the proposed Amendment 2 and proposed Amendment 4;

WHEREAS, pursuant to Indiana Code 36-7-4-607(f)(4), if the Warren County Area Plan Commission fails to act within the forty-five (45) day period, the ordinance containing Amendment 2 and Amendment 4 stands as passed by the Board of Commissioners of Warren County as of the end of the forty-five (45) day period.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of Warren County, that the Warren County Zoning Ordinance Wind Energy Conversion Systems (WECS) Siting Regulations ("WECS Siting Regulations") are amended to provide as follows:

Amendment 2: Amend Section 1.5.1 of the WECS Siting Regulations to increase the setback from adjoining property lines as follows:

FROM: "Distance from a property line, measured from the center of the WECS to the property line: Seven Hundred fifty (750) feet for non-participating landowners. Subject to BZA approval, the setback requirement may be waived, in writing, by participating landowners."

"Distance from a residential dwelling, measured from the center of the WECS to the nearest corner of the structure: One thousand two hundred fifty (1,250) feet for non-participating landowners.¹ Subject to BZA approval, the setback requirement may be waived, in writing, by participating landowners.

¹The setback for residential dwellings shall be reciprocal in that no residential dwelling shall be constructed within one thousand two hundred fifty (1,250) feet of a COMMERCIAL WECS."

TO: "Wind Turbines must be 1,550 feet from adjoining property lines unless the adjoining property owner signs a waiver allowing a lesser distance. In that case the wind turbine must still be 1,550 feet from the property line of any property owner who does not sign a waiver."

Amendment 4: Amend Section 1.7.3 of the WECS Siting Regulation, repealing and replacing the existing Noise and Vibration standards as follows:

FROM: Noise Standard that apply to Commercial WECS:

At no point within two hundred (200) feet of a residential dwelling may the sound pressure levels from a wind turbine exceed the following sound levels. Sound levels shall be measured with an octave band analyzer or sound level meter and associated filter manufactured in compliance with standards prescribed by the American National Standards Institute (ANSI).

Octave Bands for Warren County in Hertz (Hz), per ANSI	Maximum Permitted Sound Level (In decibels) measured 200 feet from edge of any residential dwelling
63	75
125	70
250	65
500	59
1000	53
2000	48
4000	44
8000	41

TO: Noise Standard that apply to Commercial WECS:

At no point on an adjoining property, including within a dwelling on that property, may the sound pressure levels from a wind turbine exceed the following sound levels unless the adjoining property owner signs a waiver allowing a greater sound level. Sound levels shall be measured with an octave band analyzer or sound level meter and associated filter manufactured in compliance with standards prescribed by the American National Standards Institute (ANSI).

Octave Bands (Hz) decibels	Maximum Permitted Sound Level in (dbA or dbC Leq (1 hr) as appropriate)
2 through 8000	45

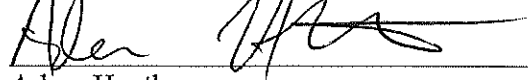
This Ordinance shall be in full force and effect from August 15, 2019, and after its adoption by the Warren County Board of Commissioners, and publication as required by law.

ORDAINED this 3rd day of September, 2019.

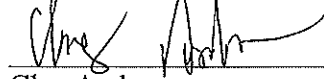
BOARD OF COMMISSIONERS OF
WARREN COUNTY



W. Brian Jordan, President



Adam Hanthorne



Clay Andrews

ATTEST:



Robin Weston-Hubner
Warren County Auditor