

## Current Ordinance Vs. Proposed Ordinance Language

*Please note that all standards that are approved with this ordinance change must be met. If there are any standards not met they must go to the Board of Zoning Appeals for a public hearing.*

Additional Information	Current 2016 Ordinance	Proposed 2019 Ordinance
	1. Commercial WECS or Operational Support Meteorological Towers: For Commercial WECS Towers and Operational Support Meteorological Towers there are no limitations on height, except those-height limitations imposed by Federal Aviation Administration rules and regulations.	1. Commercial WECS or Operational Support Meteorological Towers: For Commercial WECS Towers and Operational Support Meteorological Towers the height shall not exceed six hundred (600) feet measured from the tip of the blade, if height limitations imposed by Federal Aviation Administration rules and regulations or the Department of Defense are stricter than this ordinance those rule and regulations apply.
<b>Minimum setback distances for COMMERCIAL WECS TOWERS</b>	<b>All standards in the section must be met.</b>	
Distance from a...	Minimum Setback Distance	Minimum Setback Distance
Property line, measured from the center of the WECS Tower to the property line	The length of one blade of the WECS Tower being placed on such property. (i) the setback requirement is waived if the affected adjoining landowners sharing the common property line are Participating landowners. (ii) A WECS Tower may be placed up to the property line, if a fully executed and recorded written waiver agreement is secured from the affected adjoining Non-Participating Landowner.	2.5 times the total height of the WECS Tower (where the blade tip is at its highest point) provided that the distance is no less than one thousand five hundred (1,500) feet. (ii) A WECS Tower may be placed up to the property line, if a fully executed and recorded written waiver agreement is secured from the affected adjoining Landowner. <sup>3</sup>
Residential dwellings, measured from the center of the WECS Tower to the nearest corner of the structure	One thousand (1,000) feet <sup>1</sup>	2.5 times the total height of the WECS Tower, (where the blade tip is at its highest point), provided that the distance is no less than one thousand five hundred (1,500) feet. <sup>1,3</sup>
Public road right-of-way, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower, (where the blade tip is at its highest point). <sup>2</sup>	1.5 times the total height of the WECS Tower, (where the blade tip is at its highest point) provided the distance is no less than nine hundred (900) feet. <sup>2</sup>

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Other rights-of-way, such as railroads and public utility easements, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point).	1.5 times the total height of the WECS Tower (where the blade tip is at its highest point).
State and Federally owned public conservation lands measured from the center of the WECS Tower to the nearest point of the public conservation land in question ( <i>"State and Federally owned" is new language</i> )	Seven hundred and fifty (750) feet	2.5 times the total height of the WECS Tower, (where the blade tip is at its highest point), provided that the distance is no less than One thousand five hundred (1,500) feet.
Incorporated limits of a municipality, measured from the center of the WECS Tower to the corporate limits	fifteen hundred (1500) feet	One-half (1/2) mile
Above-ground electric transmission line, measured from the center of the WECS Tower	1.1 times the total height (where the blade tip is at its highest point)	1.5 times the total height (where the blade tip is at its highest point)
Footnote	1. The setback for residential dwellings shall be reciprocal in that no residential dwelling shall be constructed within one thousand (1,000) feet of a COMMERCIAL WECS Tower, measured from the center of the WECS tower to the nearest corner of the structure.	1. The setback for residential dwellings shall be no less than 1.5 times the total height of the WECS tower provided that the distance is no less than one thousand (1,000) feet of a COMMERCIAL WECS Tower, measured from the center of the WECS tower to the nearest corner of the structure. Or

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Footnote	N/A	3. If future residential dwellings or buildable land splits occur near a WECS Tower they shall keep the 2.5 times the total height of the WECS or no less than 1,500 feet setback or a Memorandum of Understanding (MOU) must be signed, notarized and recorded with the Deed.
<b>Minimum setback distances for NONCOMMERCIAL and MICRO WECS TOWERS</b>	<b>All standards in the section must be met.</b>	
Property line, measured from the center of the WECS Tower to the property line	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district	1.5 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Residential dwellings, measured from the center of the WECS Tower to the nearest corner of the structure	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point)	1.5 times the total height of the WECS Tower (where the blade tip is at its highest point)
Public road right-of-way, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district <sup>3</sup>	1.5 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that District <sup>4</sup>
Other rights-of-way, such as railroads and public utility easements, measured from the center of the WECS Tower to the edge of the right-of-way	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district	1.5 times the total height of the WECS Tower (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Above-ground electric transmission lines, measured from the center of the WECS Tower	1.1 times the total height of the WECS Tower (where the blade tip is at its highest point)	1.5 times the total height of the WECS Tower (where the blade tip is at its highest point)

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<b>Minimum setback distances for all Meteorological Towers</b>	<b>All standards in the section must be met.</b>	
Property line, measured from the center of the Meteorological Tower to the property line	1.1 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback (i) The setback requirement is waived if the affected adjoining landowners sharing a common property line are Participating Landowners	1.5 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback (i) A WECS Tower may be placed up to the property line, if a fully executed and recorded written waiver agreement is secured from the affected adjoining Landowner.
Residential dwellings, measured from the center of the Meteorological Tower to the nearest corner of the structure	1.1 times the total height of the Meteorological Tower	1.5 times the total height of the Meteorological Tower
Public road right-of-way, measured from the center of the Meteorological Tower to the edge of the right-of-way	1.1 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback <sup>4</sup>	1.5 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback <sup>5</sup>
Other rights-of-way, such as railroads and public utility easements, measured from the center of the Meteorological Tower to the edge of the right-of-way	1.1 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback	1.5 times the total height of the Meteorological Tower, provided that the distance is no less than the required yard setback
<b>523.05 SAFETY DESIGN AND INSTALLATION STANDARDS</b>		
<b>D. Electrical Components</b>	1. Standards: all electrical components of all WECS shall conform to applicable local, state and national codes, and any relevant national and international standards.	1. Standards: all electrical components of all WECS shall conform to applicable local, state and national codes, and any relevant national standards. Cables or lines in fields shall be buried and trenched. Trenching depth shall be determined in the Road Use and Drainage agreements.

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	N/A	<p><b>K. Anti-Icing Technology</b>          A Utility-grade wind turbine system shall utilize best industry accepted standards for protecting against shedding of significant pieces of ice capable of damaging nearby buildings, public roads, railroads or above-ground utilities.</p>
	N/A	<p><b>L. Top Soil Preservation Plan:</b> there shall be an installation plan approved by the Zoning Administrator that adequately preserved and provides for the restoration of topsoil for all staging and construction activities.</p>
<p><b>523.06 OTHER APPLICABLE STANDARDS</b></p>	<p><b>C. Noise and vibration</b> The noise level of Non-commercial WECS shall be no greater than sixty (60) decibels measured from the nearest residence. This level may only be exceeded during short term events such as utility outages and/or severe wind storms. All other noise and vibration levels shall be in compliance with all county, state and federal regulations.</p>	<p><b>C. Noise and vibration</b> The noise level of Non-commercial WECS shall be no greater than sixty (60) decibels measured from the nearest property line. Commercial WECS shall be no greater than sixty (60) decibels for a Non-participating property measured from the nearest property line. This level may only be exceeded during short term events such as utility outages and/or severe wind storms. All other noise and vibration levels shall be in compliance with all county, state and federal regulations. All noise concerns shall be documented, and mitigation will be determined by the County Commissioners and consulted with the Wind Company.</p>

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	N/A	<p>H. Flicker                  There shall be no more than thirty (30) min a day and no more than thirty (30) hours a year on a residential structure. All flicker concerns shall be documented, and mitigation will be determined by the County Commissioners and consulted with the Wind Company. Mitigation may even entail stopping the WECS Towers rotation during hours of documented flicker.</p>
<p><b>523.08 DECOMMISSIONING PLAN</b>  <b>A. Content</b></p>	<p>3. Financial assurance: 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 WECS Tower and related improvements constructed under the permit. Said security will be released when each WECS Tower is properly decommissioned as determined by Cass County.</p>	<p>3. Financial assurance: 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 WECS Tower and related improvements constructed under the permit. Said security will be released when each WECS Tower is properly decommissioned as determined by Cass County. Review of estimate cost every five (5) years and the financial assurance reflect changes.</p>

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<p><b>523.11 PRE-CONSTRUCTION REQUIREMENTS</b></p> <p><b>C.</b></p>	<p>(Last sentence) The Drainage Agreement must prescribe or reference provisions to address crop and field tile damages.</p>	<p>(Last sentence) The Drainage Agreement must prescribe or reference provisions to address crop and field tile damages up to five (5) years after construction.</p>
	<p>N/A</p>	<p>1. Drainage Developer shall submit a drainage location map and existing conditions report within 100 feet of tower construction and from the center of all transportation routes used. These documents must make note of all known regulated or private open and tiled drains. Drainage preconstruction upgrade and post construction restoration schedule must be provided. These documents must be provided to the County Commissioners sixty (60) days prior to the project commencement.</p> <p>2.Roads Road Use and road condition report construction location be submitted. Road preconstruction and post construction restoration schedule must be provided. These documents must be provide to the County Commissioners sixty (60) days prior to the project commencement.</p>

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<p><b>523.11 PRE-CONSTRUCTION REQUIREMENTS</b></p> <p style="text-align: right;"><b>C.</b></p>	<p>N/A</p>	<p><b>G. Assurance</b>                  Prior to construction the developer/company will put in place two (2) forms of financial assurance one Repair bond and one performance bond for road and drainage pre-construction and post construction. These must be issued and adopted by the County Commissioners prior to the project commencement.</p>
<p><b>523.12 CONSTRUCTION REQUIREMENTS</b></p>	<p>N/A</p>	<p><b>C. Roads</b>                  If there is a road closure or limited access to a road, you must notify and work with the Highway Superintendent.</p>
<p><b>523.04 A. Location of Commercial WECS are allowed</b></p>	<p>Commercial, Non-commercial, and Micro WECS will be permitted, or not permitted, in various districts as stated in Table A: District Use Standards with the exception of the following Map at allows Commercial WECS as a permitted use from the Northern County line to County Road 200 N that extends to the Western and Eastern County lines.</p> <p>map also in ordinance                  Table A: Commercial WECS in AG zoning states S (for special exception)</p>	<p>Commercial, Non-commercial, and Micro WECS will be permitted, or not permitted, in various districts as stated in Table A: District Use Standards.</p> <p>Table A:                  Commercial WECS in AG zoning would state P (for permitted)</p>