

NOBLE COUNTY COMMISSIONERS SPECIAL MEETING
WEDNESDAY, MAY 9, 2012 1:00 PM
NOBLE COUNTY COMMISSIONERS ROOM
2ND FLOOR NOBLE COUNTY COURTHOUSE

PRESENT:

Joy Y LeCount
Jack Herendeen
Dave Dolezal

ALSO PRESENT:

Dennis Graft, Noble County Attorney
Jacqueline L. Knafel, Noble County Auditor
Marion Cavanaugh, Deputy Auditor @ 3:23

The commissioners met in special session to continue discussion concerning the UDO. The following issues are concerns of the Commissioners:

Page 11.4 Definitions-A – Animals, Farm – Strike “Farm Animals are primarily pastured”.

Page 11.31 Definitions-P – Pets, Outdoor – Add Chickens
Pets, Household – Add Rabbits

Page 5-59 – Sign Standards – section 5 “Special Temporary Signs” Strike

Page 5-63 – Sign Standards – section 5 “ Special Temporary Signs” Strike

Page 5-67 – Sign Standards – Section 5 “special Temporary Signs” Strike

Page 5-71 – Sign Standards – Section 5 “special Temporary Signs” Strike

It is the recommendation that the Plan Commission review the entire sign section of this ordinance

Page 5-79 – Vision Clearance Standards - Commissioners feel that there may be issues with farmers and the planting of crops.

WIND TURBINE SECTION

Page 5-81 – Nuisance Prevention: - 1 Noise 40db should be 40DBA at any point 100 feet from the base from the small wind turbine system.

Page 5-82 B – Prerequisites #2 Lot Size – Change from 2 acres to 5 acres The commissioners feel that 2 acres are not sufficient acreage to allow for the required setback.

E – Height Limitations #1 Void Under 5 acres.

Page 5-83 H- Rotor Diameter – Change 200 to 100 ft
I – Location Restrictions #1 Change 100 ft to 250 ft
#3 Change 1000 ft to 1500 Ft
J – Safety #1 Ground Clearance change 30 to 50ft
K- Nuisance Prevention #1 40db to 40DBA and add “base” of the large wind turbine system. Also add “or at 1000 from the base of system or as measured on any off site property whichever is less”.

Page 5-87 K Nuisance Prevention: #1 Noise DBA not DB - also add “the times of Midnight to 5AM

#2 Illumination: add “ the strobe effect caused by FAA required signal light shall be mitigated to the extent possible with the best available technology or practice which shall include the shielding required in Section K-2.

#3 Strike – Signal light

Page 5-86 – I Location Restrictions 1 A – second line after into add “participating” property line.
Also are questioning why there is no reference to Rail lines and also the commissioners feel that there should be something in the ordinance to prevent climbing.

Page 7-5 A – project applicability #1 Streets – add “ however, it needs to be noted – a road dedicated as public way, may not automatically accepted by the County”.

Page 7-6 #2 A [] is there something suppose to be in these brackets.

In the reference section of this document: The commissioners feel there should be a list of the referred to ordinances or documents and where these ordinances or documents can be found.

Page 7-26 [] missing something

Page 7-30 Review street lighting section. Consider down lighting.

Pages 9-5 Section 9-6 Section 9-10 and Section 9-11 Should we have the icon e.i. A1 A2 etc at the headers.

Page 9-6 #2-A – Question – do you need permission to put up a fence?

Page 9-13 #4 Transfer of Information A. Please refer to Draft E – only requested a change of applicant not all of the “red” change.

Page 9-20 E Formal Procedure: #2 Internal Review Instead of report it should read opinion.

Page 9-31 Icon since the request of combing of A1 and A2 remove A2 and add A1.

Page 9-40 Subdivision of Land

Page 9-41 #4 Current playtime

Page 10-2 under 10.01 *Authority* - D. Types - Add at the end of the sentence “pursuant to applicable Indiana Code”.

Page 10-2 under 10.02 *Violations* - D-9 - Include ordinance number for address ordinance if we have one – (we don’t)

Page 10-3 under 10.03 *Procedure for Violations* – A & B – Are notices sent by certified mail? If not, the Commissioners feel they should be and maybe it should say that.

Page 11-3 under *Accessory Structure* – The last word in the last sentence above the map/picture should be “equipment”.

Page 11-23 under *Lot* it should say “A legally established”, instead of “legal established”.

There is no Land Use Matrix included in this revision, which should include all revisions that were made.

Section 5.74. I-2. Add the phrase, "whichever is greater" after 150%.

Section 5.74. I-4. Add the sentence at the end “A large wind turbine system shall be a minimum of 4 times the hub height from active railroads with two or more tracks”.

Section 5.74. I-5. Add at the end after wildlife refuge "or state-dedicated nature preserve”.

Section 5.74 K-1. Reword the section to read "A utility-grade wind turbine system shall not generate sound more than 5 dBA louder than pre-construction background, or 40 decibels as measured on the A-weighted scale (40 dBA), whichever is greater, at any point 1000 feet or more from the base of any individual wind turbine. For purposes of this ordinance, pre-construction background shall be considered as the average ambient nighttime sound levels measured between midnight and 4 AM on at least five separate dates prior to construction.

Section 5.74. K-3 Break this section down into an (A) and (B) section as follows: K-3 (a): “The strobe effect caused by an Federal Aviation (FAA) required signal light shall be mitigated to the extent possible with the best available technology or practice, which shall include the shielding required in Section K-2 above”. K-3 (b): “Shadow flicker produced by the interaction of the turning rotors and direct sunlight shall a) be mitigated by appropriate siting of the wind turbine designed to minimize the impact on off-site structures; and b) under no circumstances exceed a combined total of five (15) hours per year.

Section 5.74. K-6. Reword as: ”The owner or developer of a wind farm shall submit studies as part of the application process ascertaining whether the wind farm is likely to disrupt, weaken, or otherwise interfere with civilian radio, telephone, television, radar (weather and aviation), and microwave communications (cellular, emergency/law enforcement). Such studies shall set forth the best available technologies to mitigate anticipated effects. All costs associated with upgrading communications systems to overcome wind-farm-related disruptions shall be borne by the developer or owner of the wind farm.

Section 5.74. M. Revise section to read as follows: M-1. “The Zoning Administrator shall maintain a phone number (and web site), and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. All complaints shall be published in a timely manner and made available to members of the public upon request.”

M-2. “The Zoning Administrator shall evaluate each complaint to determine if a violation of the standards set forth in this ordinance has occurred, and shall notify the wind farm operator of the findings”.

M-3. “If a complaint results in a finding of a violation of these standards, the wind farm operator must provide the proposed mitigation measures to the Zoning Administrator within 30 days. Failure to adopt effective mitigation measures within an additional 15 days, resulting in ongoing noncompliance with these standards, shall be considered grounds for revocation of the operator’s permit”.

M-4. “All costs associated with maintaining the complaint registry and responding to complaints resulting in a violation of these standards shall be borne by the wind farm operator”.

Section 5.74 N-2. Change 100% to 110%.

5.74 N-3. After 200 feet add the phrase: or 200% For consistency and public safety, amend this section as follows: “Any structures associated with a wind farm shall be a minimum of 200 feet or 200% of the height of the structure, whichever is greater, from any wetland...” and “Any structure associated with a wind farm, excluding... shall be a minimum of 2,640 feet (1/2 mile) from any state park, state forest, national park, national forest, fish and wildlife area, wildlife refuge, or state-dedicated nature preserve.

Section 5.74 P. Add a new section P-2, as follows: “A surety (e.g., bond) shall be posted for the estimated cost to demolish and remove all components of utility-grade wind farm and to restore the site to its pre-construction condition to the extent practicable. For purposes of determining the value of the surety, the cost to demolish and remove the utility-grade wind farm and to restore the site to its pre-construction shall be calculated and certified by a professional engineer”.

Please note: The final draft of the UDO amendments recommended by the Commissioners are reflected in the May 29, 2012 minutes.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 4:00 P.M. recessed from day to day until the 14th day of May 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor