

WEST PENN TOWNSHIP WIND ENERGY ORDINANCE

NO **4** of 2017

SECTION 1 - INTRODUCTION

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources; and

WHEREAS, West Penn Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for access to and use of wind energy facilities; and

WHEREAS, the purpose of this Ordinance is to set forth requirements for wind energy facilities;

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania, as follows:

SECTION 2 -- DEFINITIONS

FACILITY OWNER – the entity or entities having a legal or equitable interest in the Wind Energy Facility, including the respective successors and assigns.

FLICKER – a repeating cycle of changing light intensity.

GROUND CLEARANCE – the minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.

HUB HEIGHT – the distance measured from the surface of the tower foundation to the highest point of the wind turbine hub, to which the blade is attached.

METEOROLOGICAL TOWER - a tower used for the measurement of wind speed.

NON-PARTICIPATING LANDOWNERS – any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

OCCUPIED BUILDING – a residence, school, hospital, church, public library, commercial building or other building used for public gathering that is in use when the permit application is submitted.

OPERATOR – the entity responsible for the day-to-day operation and maintenance of the wind energy facility.

PARTICIPATING LANDOWNER – a landowner upon whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

ROTOR – that portion of the wind turbine, i.e. blades and associated hub and shaft, which is intended to be moved or activated by the wind.

SHADOW FLICKER – alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

TOTAL HEIGHT – the vertical distance from adjacent grade at the base of the tower to the tip of the wind turbine blade when the blade is positioned at its highest point

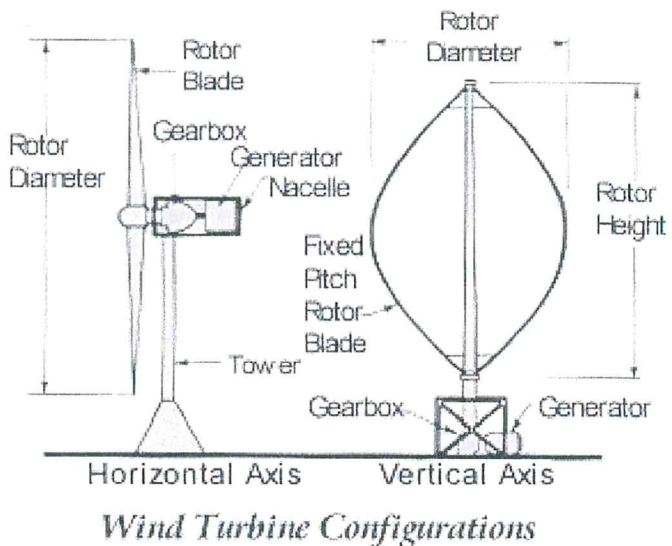
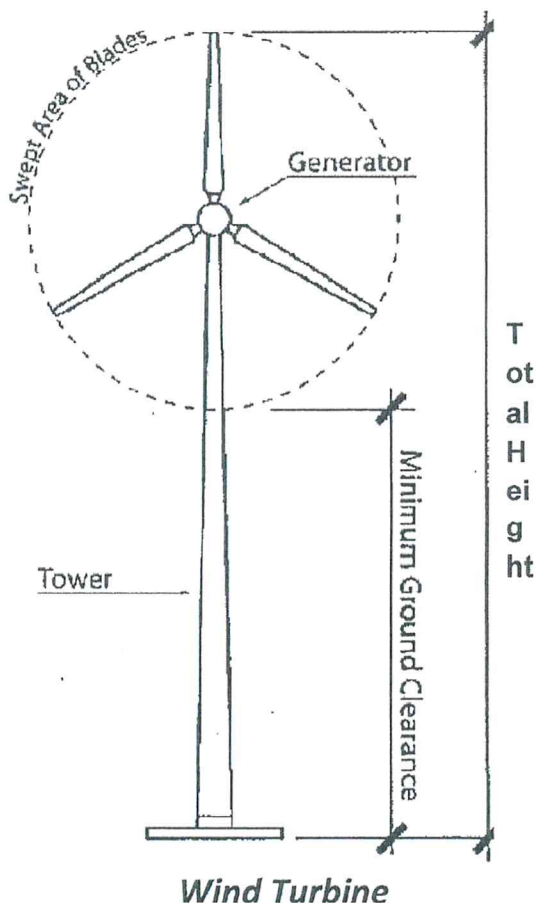
TOWER – the supporting structure of a wind turbine on which a rotor and accessory equipment are mounted. The basic types of towers include self-supporting (free standing) or guyed.

UCC -- the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended.

WIND ENERGY FACILITY – an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities.

1. **ACCESSORY WIND ENERGY FACILITY** - a system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.
2. **PRINCIPAL WIND ENERGY FACILITY** – a system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

WIND TURBINE – a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.



SECTION 3 – ACCESSORY WIND ENERGY FACILITIES (AWEF)

A) Requirements for All AWEF

1. Accessory Wind Energy facilities (AWEF) shall be permitted in Conservation and Agricultural Districts. Accessory Wind Energy facilities (AWEF) shall be a conditional use in all other Zoning Districts. Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.
2. Permit Exemptions
 - i) AWEF constructed prior to the effective date of this Section shall not be required to meet the requirements of this Ordinance.
 - ii) With respect to an existing AWEF, and physical modification that materially alters the size, type and number of Wind Turbines or other equipment shall require approval under this Ordinance and meet the requirements of the Uniform Construction Code. Like kind replacements shall not require a building or zoning permit modification.
3. The layout, design and installation of AWEF should conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the PA Uniform Construction Code and all applicable building and electrical codes of West Penn Township. The manufacturer specifications shall be submitted as part of the application.
4. Number of AWEF permitted on lot
 - i).One ground mounted AWEF and one building mounted AWEF is permitted on a lot.
5. Noise
 - i) The sound produced by the AWEF shall not exceed 45 dBA as measured at the property line at ground level.
 - ii) Noise limits may be exceeded during short-term events such as utility outages and/or severe wind storms.
 - iii) Methods for measuring and reporting acoustic emissions from AWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.
6. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building requirements of the underlying zoning district.
7. The owner of an AWEF shall provide West Penn Township written confirmation that the public utility company to which the AWEF will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid AWEF shall be

exempt from this requirement.

8. All on-site utility, transmission lines, and cables shall be placed underground, unless they are attached to a structure or are inside a structure.
9. The display of advertising is prohibited except for identification of the manufacturer of the system which shall not be visible beyond the lot on which it is located.
10. With the exception of a small safety light, AWEF shall not be lighted except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations.
11. AWEF shall be painted a non-reflective, flat color such as white, off-white or gray unless required to be colored differently by FAA or BOA regulations.
12. AWEF shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
13. An AWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property. The Applicant shall have the burden of proving that the shadow flicker does not have significant adverse impact on neighboring or adjacent uses either through relocation or mitigation.
14. No part of any AWEF shall be located within or above the required setbacks of any lot, extend over parking areas, access drives, driveways or sidewalks.
15. The potential ice throw or ice shedding for a AWEF shall not cross the property line of the lot on which the AWEF is located nor impinge on any right-of-way or overhead utility line.
16. The owner of the AWEF shall ensure that the design and operation avoids disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby. The manufacturer's specifications shall be provided with the application. The AWEF installation shall comply with the Federal Communications Commission Regulation 47 CFR 15.
17. Decommissioning
 - i) At such time as an AWEF is to be decommissioned. The owner/applicant shall notify the Township Zoning/Code Enforcement Officer by certified mail of the proposed date of removal from the owner's property.
 - ii) Each AWEF and related equipment shall be removed within three (3) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
 - iii) The AWEF shall be presumed to be discontinued or abandoned if no electricity is generated by such AWEF for a period of twelve (12) continuous months.
 - iv) Decommissioning of the AWEF shall include removal of the AWEF, electrical components, batteries, transformers, etc, and the area, if on the ground, shall be graded and reseeded.
 - v) An authorized officer or representative of the Township may inspect any property for the purpose of ascertaining compliance with the provisions of this section. If access is denied, access shall be obtained pursuant to the applicable laws of the Commonwealth of

Pennsylvania.

18. Permit requirements

- i) Zoning permit applications for accessory wind energy systems shall be accompanied by the application fee, by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Permits shall show the location of the AWEF on the lot, lot lines, rights of way, adjoining occupied buildings, and above ground utility lines located on the lot. The drawing shall show distances to existing structures on the property, distances to neighboring lot lines and structures distances to the Public road or right-of way, power lines, etc. The site plan shall be drawn on a 1" = 100' scale, showing a north arrow, boundary lines as heavy lines, indicating which buildings are existing and the newly proposed AWEF buildings. Permits must be kept on the premises where the AWEF is constructed.
- ii) UCC inspection applications shall be filled out by the owner or authorized representative of the owner on a form provided by the inspection company and shall be accompanied by the fees established by the inspection service which shall perform the required inspections on the installation and operation of the AWEF.
- iii) At the discretion of the Zoning officer, site plan review and recommendation by the Township's Planning Commission may be required before a Zoning Permit can be issued.
- iv) The zoning permit shall be revoked if the AWEF, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the AWEF not to be in conformity with this Ordinance, to protect the health and safety of Township residents.
- v) For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for AWEF installations of 20kW or less and will not require project-specific soils studies. Applicants proposing projects involving substandard soil conditions or installations of AWEF greater than 20kW may be required by the Zoning Officer to submit detailed soil studies.
- vi) The AWEF must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the AWEF to conform or to remove the AWEF.

B) Requirements for Ground Mounted AWEF

1. Ground mounted AWEF shall comply with the height and setback restrictions found in this section.

2. Height for Ground Mounted AWEF

- i) AWEF shall comply with the height restrictions of the underlying zoning district
- ii) The minimum ground clearance for the AWEF shall be fifteen (15) feet
- iii) Applicants shall file a Notice of Proposed Construction or Alteration with the BOA and the FAA for any AWEF that is in a designated Airport Hazard Overlay Zone. Applicant shall provide evidence from either FAA or BOA acknowledging that the ground mounted AWEF does not adversely affect the airspace of any airports.

3. Setbacks for Ground Mounted AWEF

- i) AWEF shall be set back from property lines, occupied buildings (Unless mounted on the building), above ground utility lines, railroads and/or road right-of-ways by a distance equal to no less than 115% of the total height of the AWEF.

4. Number of Ground Mounted AWEF allowed per lot

- i) One ground mounted AWEF is permitted per lot.

5. Location

- i) Ground mounted AWEF shall be located to meet all setback requirements of the underlying district.

6. Safety and security

- i) The owner shall post electrical hazard warning signs on or near the AWEF.
- ii) Ground mounted AWEF shall not be climbable up to fifteen (15) feet above ground surface
- iii) Access doors to any AWEF electrical equipment shall be locked to prevent entry by unauthorized persons.
- iv) All AWEF shall be surrounded by a minimum 6' high fence with a locking gate.

C. Requirements for Building Mounted AWEF

- 1. Building mounted AWEF shall comply with the height and setback restrictions of the underlying zoning district.
- 2. One building mounted AWEF is permitted per lot.
- 3. For building mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township.

SECTION 4 – PRINCIPAL WIND ENERGY FACILITIES (PWEF)

A) Design and Installation

- 1. Principal Wind Energy Facilities (PWEF) shall be permitted by conditional use in the Light Industrial/Business, General Industrial and Extractive Industrial Zoning District(s). Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.
- 2. Permit Requirement and Exemptions
 - i) PWEF constructed prior to the effective date of this Section shall not be required to meet the requirements of this Ordinance;

- ii) With respect to an existing PWEF, any physical modification that materially alters the size, type and number of Wind Turbines or other equipment shall require conditional use/special exception approval under this Ordinance and meet the requirements of the UCC. Like kind replacements shall not require a permit modification.
- 3. The layout, design, and installation of PWEF shall conform to applicable industry standards, including those of the manufacturer, Commonwealth of Pennsylvania and U.S. standards for construction, operation and maintenance of the proposed PWEF, including but not limited to, back feed prevention and lightning grounding. PWEF shall be built, operated and maintained to the applicable industry standards of American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of West Penn Township. The manufacturer specifications shall be submitted as part of the application. The applicant shall furnish evidence, over the signature of a professional engineer licensed to practice in the Commonwealth of Pennsylvania that such PWEF is in compliance with said standards.
- 4. Applicants shall submit land development and/or subdivision plans which shall be compliant with all land development/subdivision ordinance requirements of the Township.
- 5. The applicant shall provide sufficient documentation showing that the PWEF will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.
- 6. An Annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property/facility owner and submitted to the Township no later than thirty (30) days following each anniversary of the date on which the Township certified the PWEF ready for operation. The inspection shall certify the structure soundness and proper operation of the PWEF.
- 7. All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- 8. Visual Appearance
 - i) All on-site utility, transmission lines, and cables shall be placed underground. PWEF shall be painted a non-reflective, flat color such as white, off-white, or gray unless required to be colored differently from FAA or BOA regulations.
 - ii) PWEF shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall seek to minimize the disturbance to the surrounding views.
 - iii) The display of advertising is prohibited except for identification of the manufacturer of the system, facility owner and operator which shall not be visible beyond the lot on which it is located.

- iv) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the PWEF.
 - v) PWEF shall not significantly impair a scenic vista or scenic corridor as identified in the Township's comprehensive plan or other published source.
 - vi) Accessory Buildings, Structures, Mechanical Equipment
 - (1) Accessory structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen..
 - (2) The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the structures into the natural setting and existing environment.
9. Warnings and Safety Measures
- i) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - ii) All access doors to PWEF including electrical equipment, outbuildings and all appurtenances thereto, shall be locked or fenced, as appropriate, to prevent entry by non-authorized personnel.
 - iii) Wind Turbines shall not be climbable up to 15 feet above ground surface or the climbing apparatus shall be fully contained and locked within the tower structure.
 - iv) A minimum six (6) foot high fence with a locking gate shall be placed around the PWEF. The fence may not be within the required setback.
 - v) 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 ten (10') feet from the ground.
 - vi) The potential ice throw or ice shedding for a PWEF shall not cross the property line of the lot on which the PWEF is located nor impinge on any right-of-way or overhead utility line.
 - vii) The applicant will provide a copy of the project summary and site plan to local emergency services.
 - viii) Facility owner and/or operator shall abide by all applicable local, state and federal fire code and emergency guidelines. Upon request the applicant, facility owner and/or operator shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.

B) Zoning Requirements

1. Lot size

- i) In order for a tract(s) of land to be eligible for a PWEF, it must have a minimum lot size derived as follows: (2 acres x number of Wind Turbines) + 18 acres = minimum lot size.

- ii) Wind Turbines shall be separated from each other by a minimum of 1.1 times the total height of the highest wind turbine.

2. Setbacks

- i) Wind Turbines shall be set back from the nearest property line a distance of not less than the maximum setback requirements for the zoning district or 1.5 times its total height, whichever is greater.
- ii) Wind Turbines shall be set back from an occupied building, on a non-participating landowner's property, not less than 1.5 times its total height measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
- iii) Wind Turbines shall be set back from an occupied building on a participating landowner's property, not less than 1.5 times its total height measured from the center of the wind turbine base to the nearest point of foundation of the occupied building. Any operator/occupied building used in connection with the development is exempt from this distance limit.
- iv) Wind Turbines shall be set back from the nearest public road right-of-way a distance of not less than the normal setback requirements for the zoning district or 1.15 times its total height, whichever is greater as measured from the right-of-way line to the center of the Wind Turbine base.
- v) Each Wind Turbine shall be set back from above-ground electric power lines, public telephone lines and television cable lines a distance of no less than 1.15 times its total height. The setback distance shall be measured from the center of the wind turbine generator base to the nearest point of such lines.
- vi) Wind Turbines shall be set back at least 2,500 feet from Important Bird Areas as identified by Pennsylvania Audubon and at least 2,500 feet from identified wetlands. Wind Turbines shall not be located in the migratory flight path of any endangered species. A PNDI (Penn Natural Diversity Inventory) search shall be done by the Applicant and the results provided to the Zoning Officer who shall review the results with the Township Engineer.
- vii) Each Wind Turbine shall be set back from the Appalachian Trail and any historic structure, district, site or resource listed in the state inventory of historic places maintained by the Pennsylvania Historical and Museum Commission a distance no less than two thousand five hundred (2,500') feet. The setback distance shall be measured from the center of the wind turbine generator base to the nearest point on the foundation of an historic building, structure or resource, or the nearest property line of an historic district or site or the Appalachian Trail.
- viii) In the Kittatinny Ridge Region, as defined by the Audubon Society, no blade or turbine shall extend above the peak of the Kittatinny Ridge.
- ix) Accessory buildings, structures, and related equipment to the PWEF shall comply with the building setback requirements of the underlying zoning district.

3. Waiver of Setbacks

- i) Non-Participating Property owners may waive the setback requirements for occupied buildings on non-participating landowner's property and property lines by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
- ii) The written waiver shall notify the property owner(s) of the setback required by this Ordinance,

describe how the proposed PWEF is not in compliance, and state that consent is granted for the Facility to not be setback as required by this Ordinance.

- iii) Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

4. Height

- i) PWEF shall not exceed 75 feet maximum in height, unless a lower height is imposed by FAA regulations.
- ii) The minimum Ground Clearance shall be thirty (30) feet.

C) Operational Standards

1. Use of Public Roads

- i) The applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the PWEF.
- ii) The Township's engineer, or a qualified third party engineer hired by the Township and paid for by the applicant, shall document public road conditions prior to construction of the PWEF. The engineer shall document road conditions within thirty (30) days after construction of the permitted project is complete, or as soon thereafter as weather may allow.
- iii) The Township may require applicant to secure a bond for the road(s) to be used within the Township in compliance with applicable regulations at an amount consistent therewith; or, if not provided by regulation, an amount set at the discretion of the governing body in consultation with the Township engineer.
- iv) Any road damage caused by the applicant, facility owner, operator, or contractors shall be promptly repaired to the Township's satisfaction at the expense of the applicant and/or facility owner.
- v) The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged public roads.
- vi) Every effort should be made to use existing roads and logging roads. New deforestation and forest fragmentation should be kept to a minimum. Private entrance roads to PWEF must be maintained in a mud-free condition.

2. Noise

- i) Audible sound from a PWEF shall not exceed 50 dBA, as measured at the exterior of any occupied building on a non-participating adjoining landowner's property.
- ii) Methods for measuring and reporting acoustic emissions from PWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.

- 3. A Wind Turbine shall not cause vibrations through the ground which are

perceptible beyond the property line of the parcel on which it is located.

4. Shadow Flicker.

i) A PWEF shall not cause shadow flicker on any occupied building on a non- participating landowner's property.

ii) A PWEF shall be designed in such a manner as to minimize shadow flicker on a roadway.

iii) The facility owner and operator shall conduct, at the applicant's expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a non- participating property.

5. Facility owner and/or operator shall ensure that the design and operation of any PWEF avoids disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby. Manufacturer's specifications shall be provided to the Zoning/Code Enforcement Officer.

6. Public Inquiries and Complaints

i) The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

ii) The Facility Owner and Operator shall make efforts to respond to the public's inquiries and complaints.

iii) The Facility Owner and/or Operator shall keep a record of all such inquiries and complaints and shall submit a report thereof to the Township in a timely fashion.

7. A PWEF owner shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$2 million in the aggregate. A certificate of insurance shall be made available to the Township upon request.

8. Decommissioning

i) The facility owner or operator shall, at his expense, complete decommissioning of the PWEF and all related improvements within twelve (12) months of the date when the use of the particular PWEF has been discontinued or abandoned by the facility owner and/or operator, or upon termination of the useful life of same. The PWEF shall be presumed to be discontinued or abandoned if no electricity is generated by such PWEF for a continuous period of twelve (12) months.

ii) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

iii) Disturbed earth shall be graded and re-seeded, unless the land owner requests in writing that the access roads or other land surface areas not be restored.

iv) An independent and certified Professional Engineer shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to Township after the first year of operation and every fifth year thereafter.

v) The facility owner or operator shall post and maintain decommissioning funds in an amount 110% of the identified decommissioning costs, as adjusted over time. The decommissioning funds shall be posted prior to issuance of a Zoning permit and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility

owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the Township.

- vi) Decommissioning funds may be in form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
 - vii) If the facility owner or operator fails to complete decommissioning within the period prescribed by paragraph 10.(i) above, then the land owner shall have six (6) months to complete the decommissioning.
 - viii) If neither the facility owner or operator, nor the landowner complete decommissioning within the periods described by paragraphs 10.(i) and 10.(viii) above, then Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating land owner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
 - ix) The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.
- D) Application Requirements. A conditional use application for a PWEF shall include the following:
- 1. A narrative describing the proposed PWEF, including an overview of the project, the project location, the approximate generating capacity of the PWEF, the approximate number, representative types and height or range of heights of Wind Turbines to be constructed including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - 2. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and the operation of the PWEF and setting forth the applicant's and property owner's name, address and phone number.
 - 3. Identification of the properties on which the proposed PWEF will be located, and the properties adjacent to where the PWEF will be located.
 - 4. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the PWEF to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.
 - 5. A Decommissioning Plan sufficient to demonstrate compliance with Section C.10 above.
 - 6. Other relevant studies, reports, certifications and approvals as required by this Ordinance or as may be requested by the Township to ensure compliance with this Ordinance.
 - 7. Throughout the permit process, the applicant shall promptly notify the Township of any changes to the information contained in the conditional use permit application. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

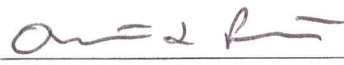
SECTION 5 - CONCLUSION

- A. Repealer. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be and the same are hereby repealed.
- B. Validity. If any section or part of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid section, or portion thereof, had not been included therein.
- C. Effective Date. This Ordinance shall become effective five (5) days after enactment thereof.

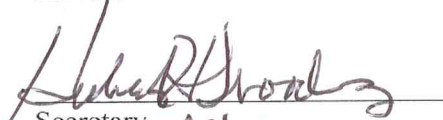
DULY ENACTED AND ORDAINED this 4th day of December, 2017, by the Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania, in lawful session duly assembled by a vote of 2 Yes 1 No 0 Abstained 0 Absent.

BOARD OF SUPERVISORS OF
WEST PENN TOWNSHIP


JAMES G. DEAN, Chairman


ANTHONY J. PRUDENTI

ATTEST:


Secretary - Acting


THEODORE BOGOSH III