

AN ORDINANCE AMENDING THE MOUNT PLEASANT TOWNSHIP ZONING ORDINANCE PERTAINING TO LARGE-SCALE COMMERCIAL WIND FARMS

Ordinance 48-11

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of the Township of Mount Pleasant, Columbia County, Pennsylvania, as follows:

Portions of the Mount Pleasant Township Zoning Ordinance are hereby amended to read as follows:

ARTICLE 1 - SHORT TITLE AND PURPOSES

100 SHORT TITLE

This Ordinance shall be known and cited as the “Mount Pleasant Township Zoning Ordinance”.

101 GENERAL INTENT

The intent of this Ordinance is to establish comprehensive controls for the development of land in Mount Pleasant Township based on the Township goals and objectives and the Columbia County Comprehensive Plan as it pertains to Mount Pleasant Township, and it was enacted in order to promote and protect the health, safety, comfort, convenience and the general welfare of the residents of Mount Pleasant Township.

102 PURPOSE

This Ordinance is made in accordance with an overall program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures. The provisions and regulation in this Zoning Ordinance are designed to protect and promote the safety, health, morals and general welfare of the inhabitants of Mount Pleasant Township; to encourage the most appropriate use of land throughout the Township while preventing nuisances from excessive noise, vibration, light/shadow flicker, and radio frequency interference; to preserve and stabilize the value of property; to prevent overcrowding of land and facilitate proper sewage disposal; to prevent traffic congestion and facilitate traffic safety; to secure safety from fire, flooding, panic and other dangers; to conserve and protect natural resources including groundwater quality and quantity; to protect sources of water for public water supply; to protect access to solar energy, natural light and air and access to mineral and natural gas resources without injury to other property interests; to facilitate provision of transportation, water, sewerage, schools, parks and other public services; to preserve and promote the natural beauty of Mount Pleasant Township; to preserve and protect the rural character and environmental integrity of Mount Pleasant Township.

104 FINDINGS

After study by the Township Planning Commission the Board of Supervisors finds that Mount Pleasant Township is experiencing growth but remains rural in nature with scattered single family residential, limited developments of single family detached residential, a few multi-family townhouses and apartments, with the primary use of land being agricultural or agribusiness and a few commercial developments near the I-80 corridor. More specifically, the Board of Supervisors finds:

- A. The Mount Pleasant Township comprises 17.5 square miles and is situated north of the Town of Bloomsburg, bounded on the west by Little Fishing Creek and on the south by Fishing Creek and Interstate 80. Both of these streams and several of their tributaries are of high quality, serving as habitat for cold water fish species.
- B. That the population of Mount Pleasant Township was 1276 according to the 1980 Census, resulting in a population density of 76 individuals per square mile. The 2010 Census revealed that the population was 1,609, resulting in a population density of 92 persons per square mile. This still constitutes a relatively rural population density.
- C. That there are 42 miles of Township road and 20.91 miles of State road, none of which has a cartway in excess of 25 feet. There are 22 miles of macadam road; 8.5 miles of tar and chip road and 29 miles of dirt road.
- D. That there is no industrial manufacturing in the Township; several commercial/industrial warehousing and storage facilities, one commercial service company fabricating/installing insulation, one ice cream sales stand and several agribusiness sales/service operations in conjunction with active farms. Resource extraction in the area is growing with a sand and gravel quarry under development.
- E. That the major streams to the west, south and southeast create an effective topographic barrier for urban development which is reinforced by the I-80 limited access Right-of-Way. State highways and Township roads are secondary in nature and function with rural traffic volumes.
- F. That there are no public utilities such as water and sewage treatment in the Township.
- G. That the expected growth of Mount Pleasant Township will be continued rural residential on scattered sites, moderate density residential developments of townhouses and garden apartments, agribusinesses and occasional light and service industrial.
- H. That "Home Occupations" have increased dramatically with the following businesses active in the Township as of August 2011:

Small engine repair shops	Appliance repair shops
Beauty shops	Home health care
Custom-made clothing	Antique refinishing and sales
Sewing and sales	Craft making and sales
Satellite antennae installation and sales	Horse boarding, riding and training
- I. That the historic character of the Township includes a stand of virgin Hemlock timber, covered wooden bridges and colonial era homes. Stone houses and barns reflect exceptional masonry skills of the German, English and Scot settlers in the area. Place names and specific mills bear the traces of woolen, fabric and grist mills

- developed and operated as family industries from the early 1800's to the mid 1900's.
- J. Based on the 2010 Census Mount Pleasant Township was 2% of Columbia County's population of 67,295. The Mount Pleasant median household income of \$55,404 in 2008 was substantially higher than that of the County. In 2010 84.9 % of Mount Pleasant residents were high school graduates and 13.6% were college graduates.
 - K. In 1980 48.9% of the Township population was female with 35.8% under 18 years old and 6.6% age 65 or older. In 2010 52 % were males and 48% females. Blacks, Spanish origin and other minorities accounted for less than 1% of the Township population.
 - L. The Township 1980 count revealed 3.16 persons per household compared to 2.71 persons for Columbia County as a whole. There were 349 families and 404 separate households in the Township in 1980. In 2010 there were 627 houses or apartments.

105 GOALS AND OBJECTIVES

In view of the findings noted above, the Board of Supervisors declares the following to be the goals and objectives of this Ordinance: (For more specific details and recommendations for accomplishment of the goals and objectives see the Township's Goals and Objectives Study.)

- A. To maintain the peaceful rural character and unique scenic environment of the Township.
- B. To encourage the continuation of agricultural activities within the Township.
- C. To encourage land developments to locate within the Township in areas where they are best suited.
- D. To utilize environmentally sensitive areas (including steep slopes, floodplains and areas with soils which are unsuitable for proper septic tank effluent renovation) in ways which will not create nor increase problems for the Township and its residents.
- E. To maintain suitable residential environments and a variety of housing types and styles for Township residents.
- F. To encourage development in such a manner as to assure adequate, safe transportation and highway access can be provided.
- G. To provide adequate drainage control facilities in all new developments and, where possible, to upgrade existing stormwater runoff controls.
- H. To provide for adequate, accessible public facilities, services and utilities for all Township residents.
- I. To promote commercial and industrial activity only in areas the Township designated for such uses.
- J. To encourage coordinated local and regional planning efforts and expenditures in order to promote orderly growth in Columbia County.
- K. To retain open space, in conjunction with farmers and developers, for continued agricultural utilization.
- L. To discourage nonfarm encroachments into farming-dominant areas in order to minimize incompatible land uses and avoid conflicts.
- M. To retain open space for protection of the groundwater quality, as well as the streams adjacent to the Township and the Town of Bloomsburg 's public water supply.
- N. To retain open space for recreational uses such as camping, hunting and hiking, and

- for protection of wildlife habitat.
- O. To retain open space and active farming areas to preserve lifestyle choices through natural environmental character.
- P. To retain open space for aesthetic considerations, including public viewsheds for Township residents, visitors to Columbia County and Pennsylvania tourists.
- Q. To establish and maintain development controls in order to prevent overcrowding of the Township relative to its heritage and rural character.
- R. To establish and maintain development controls based on site-specific topographic, soils and geologic conditions in order to prevent groundwater contamination.
- S. To establish and maintain development controls based on site-specific natural resource features which are environmentally fragile.
- T. To provide standards consistent with a rural setting for healthful and safe living quarters for people of all ages, origins, religions, sexual preference, income, marital, medical and mental conditions or circumstances.
- U. To provide standards for safe development of alternative energy systems.

ARTICLE 14 - DEFINITIONS

1400 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, the plural the singular; the word "structure" shall include the word "building;" the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used;" and the word "shall" is mandatory and not optional. The word "auto" shall mean "automobile," "truck," "semi-trailer," "truck trailer," "motorized conveyance" or "motorized vehicle," except farm or construction equipment and machinery. The word "person" shall mean any individual, group of individuals, partnership, company, corporation, association, institution, tribe, cult, cooperative enterprise, or sect. In any provisions of this Ordinance prescribing a procedure, requirement, fine, penalty, imprisonment or combination thereof, the term "person" shall include the officers and directors of any corporation or legal entity having officers and directors and the requirements or effects and responsibilities imposed herein shall apply individually and collectively. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof". The word "may" is permissive; the words "shall" and "will" are mandatory.

1400. DEFINITION OF TERMS

1401. DEFINITIONS

BLADE LENGTH – the length of a wind turbine blade measured from the tip of any blade to the hub of the nacelle.

FACILITY OWNER – the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

HUB HEIGHT – the distance measured from the surface of the tower foundation to the top of the wind turbine hub (nacelle), to which the rotor blades are attached.

NON-PARTICIPATING LANDOWNER – 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 single family or multifamily dwelling, school, hospital, church, public library or other building used for public gathering that is in use when the zoning permit application is filed.

OPERATOR – the entity responsible for the on-going operation and maintenance of a Wind Energy Facility, or other commercial or industrial facility or operations, business, factory, institution, shopping center, truck terminal, hospital or medical center.

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.

PUBLIC UTILITY SERVICE – A privately owned corporation or business or publicly owned authority which provides services such as water supply, wastewater collection and treatment, electricity, telephone or telecommunications, or heat directly to the public and which is regulated by the Pennsylvania Public Utility Commission.

SMALL WIND ENERGY SYSTEM – A single tower, or multiple towers, situated on a lot or farm to provide energy from a wind turbine source to an individual home, multi-family residential use, offices or business and industrial or agricultural uses located on the same lot or farm. The wind energy is not to be provided to others for sale off-site in the power grid. The small wind energy system may follow the rules of net metering under the State policy.

TOWER BASE – the foundation, typically made of reinforced concrete, which extends below the ground surface and to which the Wind Tower is attached.

TURBINE HEIGHT (TOWER HEIGHT)– the distance measured from the surface of the turbine tower foundation to the highest point in vertical position of the turbine rotor blade.

WIND TOWER – In total a structure for converting wind sources into electricity through a system using a wind turbine generator that includes the nacelle, rotor, blades, tower, foundation, and pad transformer with transmission lines sending the electricity to a power sub-station.

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.

WIND ENERGY FACILITY (LARGE-SCALE COMMERCIAL WIND FARM) - an electric generating facility, whose main purpose is to supply electricity, consisting of multiple Wind Turbines and other accessory structures and buildings, including substations, transmission lines, meteorological towers, electrical infrastructure, and other appurtenant structures and facilities.

ZONING DISTRICTS

200 ESTABLISHMENT OF DISTRICTS

For the purpose of implementing the objectives of this Ordinance, the Township of Mount Pleasant is hereby divided into the following zoning districts:

VC	Village Center District
R	Residential District
A	Agriculture District
OS	Open Space District
C	Commercial District
RE	Resource Extraction District
N	Natural Area District
FF & FP	Flood Fringe & General Floodplain District (Overlying District)
FW	Floodway District (Overlying District)

201 DISTRICT PURPOSE STATEMENTS

A. VC - Village Center District

The purpose of this district is to set aside an area of the Township in the vicinity of Millertown, which can support the logical growth and maintenance of appropriate public and semi-public uses, such as institutional or government buildings and recreational facilities. The regulations developed for this zone are intended to protect the integrity of the existing use in this area for present and future citizens of the Township.

Large scale wind farms will not be permitted and small wind energy systems will be permitted only by Special Exception.

B. R - Residential District

This district is generally intended for application to rural residential development areas of the Township where public sewer and water facilities are not available and are not contemplated for the foreseeable future. The purpose of the regulations for this district is to foster a quiet, low to moderate density family home environment. To this end lot sizes are based upon the need to safeguard the health of the citizens by providing ample space to allow for proper provision of on-lot sewage and water facilities and to maintain the peaceful rural character of the community. Commercial activities are prohibited in this district; compatible public and semi-public uses are allowed; and agricultural activities are recommended for undeveloped land in this zone.

Large scale wind farms will not be permitted and small wind energy systems will be permitted only by Special Exception.

C. A - Agriculture District

The purpose of this district is to preserve and protect prime farmland in the Township and the existing agricultural characteristics of the area. It is the intent of such designation to reinforce agricultural land utilization as an important economic activity and to permit those lands best suited for agriculture to be utilized for that purpose. All types of agriculture uses, including agribusiness, are allowed and non-compatible uses, including substantial residential uses, which would interfere with the purpose of the district, are discouraged.

Large scale wind farms and small wind energy systems will be permitted by right.

D. OS - Open Space District

It is the intent of this district to encourage the conservation of land and forest resources where the economics of building and supplying public facilities and services is not in the public interest, such as on steep slopes, floodplains, or other environmentally fragile areas. The value of conserving land as a natural resource is recognized, as well as the problems that can be created by over-utilization or development of such areas. Problems which are likely to arise in Mount Pleasant Township in the areas designated as Open Space districts, given their topographic and geophysical features, include substantial soil erosion, water supply contamination, and loss of aesthetic value as well as diminished property values for nearby Township residential property owners. Although steep forested ravines and side hills predominate in the areas designated as Open Space, the regulations for this district are designed to protect the active farming areas within and adjacent to the Open Space District as well. Accordingly, nonfarm land uses and activities (other than forest management, outdoor recreation and natural resource conservation) are discouraged.

Large scale wind farms will not be permitted and small wind energy systems will be permitted only by Special Exception.

E. C - Commercial District

The commercial district is established to accommodate retail and wholesale business activities serving both Township residents and a broader community market. The regulations governing this district permit the development of a wide range of shopping, service and warehousing activities, but require adequate off-street parking and loading spaces to be provided. Provisions are also included to ensure that buffer strips or plantings are provided between adjacent land uses and to assure the efficient movement of people and goods to and from this district. Large scale wind farms will not be permitted and small wind energy systems will be permitted only by Special Exception.

F. RE - Resource Extraction District

The purpose of this district is to delineate areas of the Township where minerals and similar resources can be extracted from the earth and associated industrial activities, such as batch mix plants crushing operations and equipment repair can be located. Reasonable provisions are included to ensure the protection of the public health, safety and welfare and to minimize problems affecting groundwater, noise, dust, stream sedimentation and potential safety hazards. Large scale wind farms and small wind energy systems will be permitted by right.

G. N - Natural Area District

This district recognizes a unique area of outstanding natural resources including virgin hemlock, pine, fern and various forms of vegetation in an attempt to preserve these resources which are a vanishing element of the natural heritage of American and specifically of Mount Pleasant Township. Strict limitations on land use are deliberately established to avoid loss of these irreplaceable resources. It is the intent in this Ordinance to control any and all activities which have the potential to destroy or diminish the unique character of this area. Although privately owned, the lands in this district possess or constitute a public value if maintained in their natural state. Large scale wind farms and small wind energy systems will not be permitted.

H. FF & FP- Flood Fringe and General Floodplain District (Overlying District)

It is the intent of these Districts to prevent the loss of property and life; the creation of healthy and safety hazards; the disruption of commercial and government services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, permitted uses must be floodproofed against flood damage. (See Article 6) In these Floodplain districts, development and/or use of land shall be permitted in accordance with the regulations of the underlying districts, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions in all other applicable codes and ordinances.

Large scale wind farms will be permitted only if allowed in the underlying zoning district. Small wind energy systems will be permitted only if allowed in the underlying

zoning district.

I. FW - Floodway District (Overlying District)

The purpose of this District is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and government services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in flood heights, velocities, or frequencies will be permitted. (See Article 6) In addition, in the Floodway District, no development shall be permitted except where the effects of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities and notification of such has been given to Federal Flood Insurance authorities and the PA Department of Community Affairs. Large scale wind farms and small wind energy systems will not be permitted.

ARTICLE 4 - SUPPLEMENTARY REGULATIONS FOR SELECTED USES

400 PURPOSE

The purpose of this Article is to supplement the District Regulations contained in Article 3 with additional requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Article 3, the following regulations shall apply to the identified uses.

401 PROHIBITED USES

Any use not otherwise expressly permitted in any district shall be prohibited. If an individual desires to undertake an activity not expressly permitted, they may request the Township Board of Supervisors to consider amending the Ordinance to permit such a use. (See Article 11 for amendment process.) Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance revision; provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

448 WIND ENERGY FACILITY

In addition to the Permit Application requirements of this Ordinance each Permit Application for a Large Scale Commercial Wind Farm shall contain:

1. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; 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. A lease 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 operation of the Wind Energy Facility.
3. Identification of the properties and landowners on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located; with notations on a site map showing which landowners are participating and which landowners are non-participating.
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 Wind Energy Facility 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. Documents related to decommissioning that explain who will be responsible and how the facilities are to be dismantled and removed from the premises.
6. A separate road access plan showing the road widths, weight-bearing capacity and type of road surface of all state, township and private roads to be used by trucks and construction equipment to and from the site; the approximate weight and size of the vehicles used to construct the facility and for on-going operation and maintenance.
7. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Chapter.
8. Throughout the permit process, the Applicant shall promptly notify the Township Zoning Officer of any changes to the information contained in the permit application; provided that changes to the pending application, which do not materially alter the initial site plan, may be incorporated without restarting the process or conducting another public hearing.

SUPPLEMENTARY REGULATIONS FOR LARGE-SCALE COMMERCIAL WIND FARMS:

- (1) Wind towers shall not encroach into any airport approach glidepath. All wind tower sites shall be checked by the FAA, or a local airport official authorized to conduct such siting review, and certification shall be submitted that the proposed wind towers will not create a safety hazard for aircraft.
- (2) A subdivision and land development plan shall be filed with the Columbia County Planning Commission.

- (3) Any conditions of Board of Supervisors or Zoning Hearing Board approval shall apply to the leasehold parcel of land, irrespective of lessee or term limit, and shall be binding upon the applicant, all assigns, successors and corporate affiliates or other licensees, agents and contractors.
- (4) The applicant shall provide a performance bond plus a tower/facility decommissioning and removal bond designated for the Township in an amount determined by the Township Engineer to represent likely costs for corrective action by the Township.
- (5) Storage and use of fluids, gases and chemicals on-site shall be in accordance with the manufacturer's recommendations and Material Safety Data Sheets (MSDS) shall be kept on-site and available for inspection. Only chemicals that support the wind energy facility shall be stored on-site.
- (6) New or replacement tower installations shall have clearly posted the emergency notification procedure and location of the responsible dispatching center, which is manned 24 hours per day, seven days per week. Such procedures and all revisions thereto shall be provided to the Emergency Management Coordinator.
- (7) Mobile equipment on site shall be limited to direct operational support type equipment, unless temporary in nature while repairs are underway.
- (8) Setbacks. Wind towers shall be located a minimum setback distance, dependent upon the use of adjacent property, as follows:
 - (a) Wind towers shall be set back a distance of 1.5 times the tower height as measured from the street right-of-way line of the nearest public road to the tower base.
 - (b) Wind towers shall be set back from the nearest occupied building of any use located on a participating landowner's property a distance not less than 1.1 times the tower height. Any operator occupied buildings used in connection with the development are exempt from building setback requirements.
 - (c) Wind towers shall be set back from the nearest occupied building of any use located on a non-participating landowner's property, a distance not less than five (5) times the tower height measured from the tower base.
 - (d) There is no setback requirement for towers from participating property owner property lines.
- (9) All on-site transmission lines shall be underground and the land surface of the powerline corridor and all cleared or disturbed areas shall be revegetated and maintained in a wildlife food plot seed mixture as recommended by the PA Game Commission.
- (10) Advertising signs of any type shall not be permitted on the wind turbine towers, nacelle, meteorological tower, antennae or accessory facilities. Owner and manufacturer identification signs shall be allowed.
- (11) No wind tower shall be illuminated, except as required by the FAA, in which case the applicant shall present for Township selection alternative lighting options designed specifically to cause the least disturbance to the surrounding community. Technical specifications, number and color of lights, flash frequency and illumination levels shall be presented to enable the Township to determine light intrusion into the community.
- (12) Wind Towers, turbines and related equipment shall be regulated pursuant to

this chapter and shall not be classified as public utilities or private utilities.

(13) Wind Towers, turbines, power supply and all related facilities shall be maintained in compliance with all federal, state and local laws, regulations, ordinances and building codes. Failure to comply shall constitute cause for the Township to require removal of any or all such facilities and equipment, at the owner's expense, within such time schedule as may be prescribed by the Township. The use shall be in compliance with the Pennsylvania Uniform Construction Code, 34 Pa. Code Section 403.1-403.142. All electrical components shall conform to all relevant and applicable local, state and national codes, and international standards. Design of the wind energy facility shall conform to applicable standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations prior to the issuance of the Certificate of Occupancy.

(14) Clearly visible warning signage concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Any guy wires to be installed shall be clearly marked with flags, reflectors or other visual materials placed up to fifteen (15) feet from ground level. All access doors to wind towers and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons.

(15) Towers shall be designed at wind-design speeds for the area in which the Township is located, with appropriate safety factor (including all loads) and gust factor, assuming ice buildup, as determined by the design engineer, in compliance with applicable Federal Communications Commission regulations, BOCA (or International Building Code) and EIA/TIA - 222-F Design and Construction Standards, including concrete foundation curing time before loading. Wind Turbines shall be equipped with a redundant braking system, including aerodynamic overspeed controls (including variable pitch, tip, 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.

(16) Decommissioning. The wind energy facility owner and operator, their successors or assigns shall, at their expense, initiate decommissioning of the wind energy facility, or individual wind towers as appropriate, following a period of time exceeding one (1) year during which the wind energy facility (or individual tower) is in a non-operational status. Decommissioning shall be a component part of a Decommissioning Plan and Agreement between the Township of Mount Pleasant and the wind energy facility owner and operator, successors or assigns. The operator shall maintain sufficient funds to address decommissioning expenses in the form of surety acceptable to the Township. The Plan will be prepared by the operator and submitted as part of the Zoning application and shall include provisions for:

- (a) Removal of wind towers and foundations and any other associated facilities and structures,
- (b) Restoration of all disturbed earth with revegetation and drainage stabilization,
- (c) Restoration of access roads, unless said road is to remain in active use by the land owner.
- (d) A Decommissioning Cost Estimate shall be submitted to the Township Zoning

- Officer prior to issuance of the Certificate of Occupancy and updated every fifth (5th) year thereafter. An independent Professional Engineer shall be retained by the Township at the expense of the Operator to estimate the total cost of decommissioning without regard to salvage value of the equipment.
- (e) A timeline for the operator, facility owner, or landowner to complete the decommissioning plan, not to exceed two years for completion of site cleanup.
 - (f) If the Operator has not taken substantial steps to restore operations, as determined by the Township Supervisors, within six months of the effective notice then the Operator shall commence decommissioning. Decommissioning does not need to be initiated provided that the operator notifies the Township when the facility or individual towers(s) is off-line for a period of one (1) year due to technology and equipment factors, or unforeseen events beyond the control of the operator. The off-line period of one (1) year shall be applied to the facility or individual tower(s) not producing electricity during the one (1) year period.
 - (g) Upon notice from the Operator the Township shall arrange for a site inspection to be conducted by a professional (s) qualified to ascertain whether site cleanup, stabilization and restoration has been completed. Said inspection(s) shall be at the operator's expense.
- (17) Site security acceptable to the Township Supervisors shall be established at the time of decommissioning.
- (18) The applicant shall be a signatory to the Pennsylvania Game Commission Standard Agreement for wind energy facilities at the time of application.
- (19) Notice of a complete permit application submittal shall be given via mail delivery for the benefit of public information by the Township Secretary to the adjoining property owners and posted at the Township Building. Any other permit submission leading up to a complete application submission such as a temporary permit issued for any meteorological data gathering tower, shall include notice of the permit posted at the Township Building and acknowledgement that the applicant is on notice that the proposed use is public information. The wind energy facility applicant shall provide a public information contact person who may be reached during normal business hours by the public upon the submission of any Zoning/Development Permit application.
- (20) A Community Impact and Municipal Services Agreement between the applicant and the Township shall be incorporated with the permit application which shall include, but is not limited to, the provision of improvements and compensation to alleviate any undue burden on any public improvements, stormwater drainage, facilities such as emergency management, ambulance and fire services and the extra training cost therewith, utilities, public water supplies, or township or municipal services.
- (21) Liability Insurance. There shall be maintained a current general liability policy adjusted annually to the rate of inflation covering bodily injury, property damage, and damage to any public use areas of land, watershed, or air with minimum limits of at least one million dollars (\$1 million) per occurrence and five million dollars (\$5 million) in aggregate. Certificates shall be submitted to the Township Zoning Officer prior to the issuance of the Certificate of Occupancy. The Operator shall maintain the policy and shall require the insurance carrier to notify the Township should the insurance lapse or be changed. Lapse of insurance coverage shall be cause to start decommissioning.

(22) Signal Interference. The Operator shall mitigate any disruption or loss of radio, telephone, cellular phone, television and Wi-Fi or 3G/4G signal interference, or similar signals, and shall mitigate any harm caused by the wind energy facility in a timely manner.

(23) Design of all turbines, structures, access roads, plus ancillary facilities and on-going maintenance of the WIND ENERGY FACILITY, in its entirety, shall avoid or minimize stormwater runoff impacts on nearby properties and Township property, and shall protect the quality and volume of groundwater on nearby properties.

(24) Design of the WIND ENERGY FACILITY and the Operating Plan shall include precautions to safeguard the health of nearby residents and on-site workers. Audible sound from a Wind Turbine and related equipment shall not exceed fifty-five (55) dBA, as measured at the exterior of any Occupied Building on a Non-Participating Landowner's property. Methods for measuring and reporting acoustic emissions from a Wind Turbine or Wind Energy Facility shall be equal to or exceed the minimum standards for precision in AWEA Standard 2.1-1989. The Operating Plan shall include measures to minimize noise, light/shadow flicker, and vibration impacts on nearby residents. The Facility Owner and Operator shall provide a designated person to assist any nearby resident with questions or complaints about health impacts, and to facilitate operational adjustments to minimize disturbance to residents. The Operating Plan shall include procedures to be followed by residents to file complaints and shall include reports to the Township immediately upon receipt of a complaint and the resolution/disposition of each.

(25) Applicants shall identify sites for a WIND ENERGY FACILITY to the Township Supervisors who shall arrange for said applicant to secure an inspection and comments from the Township Roadmaster and Township Engineer relative to the capability of probable access roads to accommodate the construction vehicles and equipment prior to submittal of an application for zoning permit. The cost of such inspections shall be reimbursed by the applicant. Applicants shall secure and file with the Township Secretary a Performance Bond for any road damage. The Township may restrict access across certain roads or require special traffic control measures at the applicant's expense and may also require Excess Maintenance Agreements to be executed prior to Zoning Permit issuance.

(26) Applicants shall repair any damage to Township roads to the satisfaction of the Township Engineer. Applicants shall be responsible to design, secure approvals, construct and maintain any new access roadway needed for a specific site. Applicants shall be responsible for reimbursement of all inspections costs by the Township Engineer or his designee and related costs.

(27) Applicants shall be responsible to have a Hazard Mitigation Plan and a Spill Prevention / Response Plan prepared and submitted to the Township with the Permit Application. Applicants shall consult with Emergency Response agencies serving Mount Pleasant Township and shall prepare an Emergency Response Plan specifically for the Wind Energy Facility and secure review from those Emergency Response agencies. Review comments shall be shared with the Township.

(28) Applicants shall conduct and present the scientific findings of professional preconstruction avian and wildlife impact studies as part of the application. Professional recommendations from qualified wildlife and avian biologists for facility

siting precautions, design measures and operational adjustments to minimize and mitigate wildlife and avian impacts shall be presented with the application. If approved, those recommendations shall be incorporated into the approval as part of post-construction and on-going operations plans. Studies presented with the Permit Application shall be presented to the PA Game Commission and US Fish & Wildlife Service for review and comment. If avian and wildlife impacts are determined to be substantial by the professional scientific studies, wind turbine operational adjustments shall be incorporated into the Zoning Permit to minimize such adverse impacts. Land restoration and habitat improvements to retain and enhance the site and vicinity biodiversity may be incorporated into the conditions of approval.

(29) Professional geologic testing for pyritic rock and geologically unstable site conditions shall be performed for the turbine pad sites with the findings and recommendations incorporated into the conditions of approval.

(30) Wind Turbines shall be constructed and installed by contractors certified by the wind turbine manufacturers to perform such work. Inspection certificates from the Manufacturer shall be presented to the Township Zoning Officer prior to issuance of an Occupancy Permit.

BOARD OF SUPERVISORS OF
MT. PLEASANT TOWNSHIP

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