

7.18.A.

If any discrepancies are found between the UDO and the EDA, DA or RUMA, then whichever regulations/discrepancies protect the county's best interest the most shall be adhered to.

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7.18 Commercial SES Pre-Construction Requirements

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add,
remove

A. Prior to the issuance of any Building Permit, the following shall be submitted to and reviewed by the Plan Administrator and/or a third-party engineering consultant, who shall certify that the following are in compliance with all applicable regulations. The cost of any third-party engineer shall be borne by the developer.

1. A decommissioning plan as prescribed in Section 7.4 of this Ordinance.
2. An Economic Development Agreement (EDA), a Drainage Agreement (DA), and a Road Use and Maintenance Agreement (RUMA) approved by the County Commissioners.
 - a. An EDA shall be required if the owner/operator seeks any type of tax abatement prior to the start of a CSES project. The EDA shall be developed in conjunction with the Pulaski County economic-development director as amended, the Pulaski County Board of Commissioners and County Council, and Pulaski County's attorney. The EDA shall address property-tax abatements offered as incentive for development; economic-development payments to be made to the County and its units, and the distribution thereof; and any other related issues deemed necessary. This agreement must be signed by the aforementioned legislative bodies before any building permit is issued; the applicant/owner may withhold building-permit payment and any payment guaranteed by the EDA until the Pulaski County Council has noticed and conducted a public hearing pertaining to tax-abatement incentives and adopted the resolutions required awarding such incentives.
 - b. The DA must contain provisions to address well, crop, field-tile, County-maintenance-ditch/tile, and culvert damages, as well as responsible storm-water management practices during construction and operation. The DA shall be developed in conjunction with the Pulaski County Drainage Board and the attorney therefor, the Pulaski County Surveyor, the Pulaski County Highway Department (County Highway) Superintendent, and Pulaski County's attorney. This agreement must be signed by the Pulaski County Drainage Board before any Building Permit is issued.
 - c. The RUMA shall assure Pulaski County that a CSES developer/owner/operator shall use reasonable efforts to limit road closures and potential safety hazards to motorists, pedestrians, neighboring residents and land users, and laborers; shall use reasonable effort to avoid disruption of power or other utility services to surrounding areas; shall abide by other parts of this ordinance pertaining to road-use and road-closure notification; shall use reasonable efforts to avoid any damage to County-maintained roads, rights-of-way, signage, ditches and tiles; and shall provide, prior to construction, adequate financial assurance to the County pertaining to the developer's/owner's ability to repair any damages done to County-maintained roads and rights-of-way; and repair, after construction completion, any and all damages done to County-maintained road, rights-of-way, signage, ditches, and tiles to the approval of the County Highway Superintendent and, if appropriate, Surveyor. The RUMA shall be developed in conjunction with the County Highway Superintendent, the County Surveyor, and Pulaski County's attorney. The RUMA must be signed and approved by the Pulaski County Commissioners prior to construction of the project.
3. In addition to complying with the approved RUMA, an applicant/owner/operator proposing to use any county road(s) for the purpose of transporting CSES or substation parts and/or equipment for construction, operation, or maintenance of a CSES or substation shall comply with the following pre-construction requirements.
 - a. Identification of Roads and Services. The CSES owner/operator shall identify all State highways and local roads to be used in the transport of equipment and parts for construction of the CSES. It shall also prepare a timeline and phasing plan for construction and identify any known road closures. This information shall be released to the local newspapers as notice to persons who may be affected. This information shall also be conveyed to local law enforcement, emergency services, public school corporations, the United States Postal Service, the regional office of the Indiana Department of Transportation (INDOT), and the County Highway and Building Departments. INDOT and County Highway may require alterations of the plan as they judge appropriate to limit obstruction of daily circulation patterns.
 - b. Pre-construction Survey. The owner/operator shall conduct a pre-construction baseline survey acceptable to the County Highway Superintendent to determine existing road conditions for assessing

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