

Pulaski County Advisory Plan Commission
Special Session
Pulaski County Courthouse 2nd Floor Room 201
Winamac, Indiana
October 8th, 2025, 5:30 pm

APC Commission members present: Ray Franko, Bob Keller, Tyler Gutwein, Mike McClure, Mike Tiede, Todd Schmicker, Karla Redweik and Tina Dunn.

Member absent were Abby Dickey, Megan Korus & Breann Wilson

Members of the public: Chris Mullins, Roger (?), Ryan Rohloff, B. Larkin, Gary Kruger, Connie Ehrlich, Gail Lambert & Larry Lambert

Call to Order

Vice-President Ray Franco called meeting to order at 5:30

Pledge

Approval of Agenda

Motion to approve by Bob Keller, Tyler Gutwein seconds, Motion passed

Approval of Minutes

Approval of July 28th, 2025 minutes

Mike McClure motions, Bob Keller seconds, Motion passed

New Business

Hearing -Mullins/Rohloff- Rezone 5 acres from LI to A1

****See attached***

No member of the public contacted office to object.

Todd motions to approve, Mike McClure seconds Motion passed

Old Business

Bess Moratorium: Response from commissioners

1. Battery storage separate from data centers
2. 6-month moratorium

****See attached***

Todd motions to approve Tyler seconds Mike Tiede opposed Motion passed 5-1

Karla went over the language changes for sections 2,7 & 8 with recommendations from the APC's attorney. (attached)

****New Bess Text to the UDO (attached)***

Members discussed language for the data center UDO text amendments

Public Comment

B Larkin- Asked if a subcommittee would be helpful. Need to think of the footprint of the project leave.

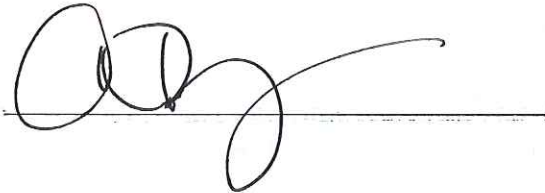
Adjournment

Bob Keller motions, Mike McClure seconds

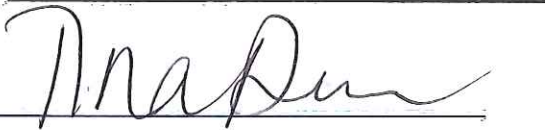
Meeting adjourned at 7:01 pm

Next meeting will be held on November 11th at 7:00 pm at the Pulaski County Courthouse 2nd floor room 201.

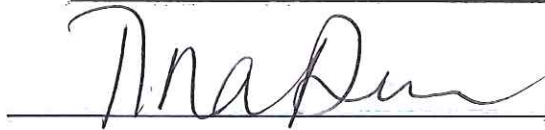
President Abby Dickey

A handwritten signature in black ink, appearing to be 'Abby Dickey', written over a horizontal line.

Vice President Ray Franko

A handwritten signature in black ink, appearing to be 'Ray Franko', written over a horizontal line.

Tina Dunn Secretary

A handwritten signature in black ink, appearing to be 'Tina Dunn', written over a horizontal line.

Pulaski County Advisory Plan Commission (APC)
Special Session with a hearing
Pulaski County Courthouse
Winamac, Indiana
Wednesday, October 8, 2025 5:30pm EST

Meeting Agenda

Call to Order

Pledge

Approval of Agenda

Approval of Minutes

July 28, 2025

New Business

Hearing: Chris Mullins/Ryan Rohloff-rezoning 5 acres from Light Industrial to A1 General Residential Ag

Old Business

BESS Moratorium-discuss response from Commissioners
UDO Section 2, 7, 8 text amendments
Data Center UDO text amendments

Other Business

Public Comment

Adjournment

Next meeting will be held in the Pulaski County Courthouse, November 24, 2025

Sincerely submitted,

Karla Redweik, Pulaski County Advisory Plan Commission

**NOTICE OF A SPECIAL SESSION
TO INCLUDE A PUBLIC HEARING OF A PETITION FOR MAP AMENDEMENT**

Notice is hereby given that on the 8th day of October, 2025 at 5:30 P.M. E.S.T.,

A special session will be held by the Pulaski County Advisory Plan Commission (APC) to include;

A public hearing which will be held before the Pulaski County Advisory Plan Commission (APC) in the Pulaski County Courthouse Meeting Room #201 on the upper floor; 112 E. Main St., Winamac, Indiana, 46996 on the petition of:

Ryan Rohloff with Chris Mullins

Docket #09162025 is filed for a petition for a rezoning for the property comprising parcel:

66-07-30-200-032.001-010

Legal Desc: 010-02095-00 PT PT NW FRAC SEC 30/30/2 5.086A AGNEW/LWR (519) SMITH/WALBURN (696) SMITH/WALBURN RECON (696R) Approximately 5.086 acres+/-

Located at: 4857 W 200 S Winamac, IN 46996

The nature of the petition is as follows:

Rezoning from L-I Light Industrial to A-1 General Agriculture to allow for residential growth and compliment neighboring parcels

The proposed ordinance and all submitted documentation are available for review, by appointment, Monday through Friday 8 a.m. to 4 p.m. in the Building/Zoning Department, County Building, 112 East Main St Room 212, Winamac, by appointment.

The Advisory Plan Commission has set said hearing at the time and place specified. Written suggestions or objections concerning this application may be filed with the Plan Administrator or Administrative Secretary a minimum of 48 hours prior to the hearing and will be heard by the Advisory Plan Commission at the time and place specified. Interested persons desiring to present their views upon the application, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place or via digital means. Said hearing may be continued from time to time as may be necessary.

Dated at Pulaski County, Indiana, this 19th day of September, 2025.

Karla Redweik
Pulaski County Building Inspector
APC/BZA Administration
574-946-7858
buildinginspector@pulaskicounty.in.gov
zoning@pulaskicounty.in.gov

Pulaski County Advisory Plan Commission & Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING

DATE FILED: 9.15.25

Docket # 09162025

Petition: ☒ Map Amendment -APC

☐ Rezoning-APC

Petitioner Information

Name(s): Chris Mullins

Street address: 11650 W. 55th

City, State Zip: Delphi, IN 46923

Telephone: (765) 701-0897 Email: chrischoosierx.com

Signature: [Signature]

Petitioner is ☒ Sole Owner ☐ Joint Owner ☐ Tenant ☐ Agent ☐ Other: _____

Property Owner Information (if different from petitioner)

Name(s): Ryan Rohloff

Street address: 8020 W 200S

City, State Zip: Francesville, IN

Telephone: 219-204-0118 Email: RCR8020@gmail.com

Signature: [Signature]

Premises Affected

Address: 4857 W 200S Winamac
(If no assigned address, then provide location relative to nearest cross streets or county roads.)

Parcel #: 46-07-30-200-032001-010
(If more than one parcel is included, please provide key parcel number here and additional numbers as an attachment to this application. Please attach complete legal description(s).)

Acreage: 5 Current use: Light industrial

Present Zoning: Light industrial Proposed Zoning: Res Ag A1

(For rezoning requests only)
Use of Adjacent properties

North: Ag A1 East: Ag A1 South: Ag A1 West: L1-light industrial 2

Pulaski County Advisory Plan Commission & Board of Zoning Appeals
APPLICATION FOR PUBLIC HEARING

Statement of Intent Findings-of-Fact Inquiry

Petitioner: Chris Mullins
Parcel number(s): 46-07-30-200-032.001-010
Parcel location(s): West 200 S. Winamac
Docket #: 09152025

Dear Petitioner: The Indiana Code and the Pulaski County Unified Development Ordinance require the Advisory Plan Commission and County Commissioners to consider certain criteria when judging the merits of a rezoning request; require the Board of Zoning Appeals to consider certain criteria when judging the merits of a request for a variance; and permit the Board to consider certain criteria when judging the merits of a request for a special exception. Please answer the following as thoroughly as possible in your Statement of Intent to ensure that staff and Commissioners/Board members have all relevant information.

Map Amendment (Rezoning) - APC

1. Is the proposed map amendment compatible with the current comprehensive plan for Pulaski County (<http://gov.pulaskionline.org/comp-plan/>)? Please explain.

yes - reclaiming industrial zoned ground to, as neighboring properties, A1 general ag ground.

2. Is the proposed map amendment compatible with the current conditions and character of existing structures and uses in the district? Please explain.

yes - all but 1 neighboring parcel is A1 general ag ground with residential structures or farm ground.

3. Would the (use intended for the) proposed map amendment provide for the most desirable use for which the land in this zoning district is adapted? Please explain.

yes - this ground is presently zoned light industrial, but is presently partially being farmed on one portion and the remaining is wooded. Rezoning will eliminate possibility of removing farming possibilities and removing the wooded portion neighboring parcels.

4. Would the proposed map amendment likely have a positive, neutral, or negative impact on property values throughout the jurisdiction? Can you provide a basis for your judgment?

Additional residential structure and out buildings to help increase neighborhood property values and increase this properties value.

5. Does the proposed map amendment allow for responsible development and growth? Consider the following in answering this: potential economic impact, availability of adequate public facilities and services (utilities and drainage, roads and traffic, public safety, etc, as necessary), adverse environmental effects, and similar issues.

yes - increase tax base and population. Can potentially allow future farming on portions and keep wooded landscaping. Rezoning eliminates potential industrial waste and total ground clearance.

Pulaski County Building and Zoning Department
125 South Riverside Drive, Room 150, Winamac, Indiana 46996
574-946-7858 (o), 574-946-4917 (f)

Email: buildinginspector@pulaskicounty.in.gov, zoning@pulaskicounty.in.gov

Web: <http://gov.pulaskionline.org/bpz/>







Type notes here

Printed
09/16/2025

The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither WTH Technology nor the agencies providing this data make any warranty concerning its accuracy or merchantability. And no part of it should be used as a legal description or document.

66-07-30-200-032.001-010

General
Bills
Payments
Deductions
Assessments

Owner and General Parcel Information

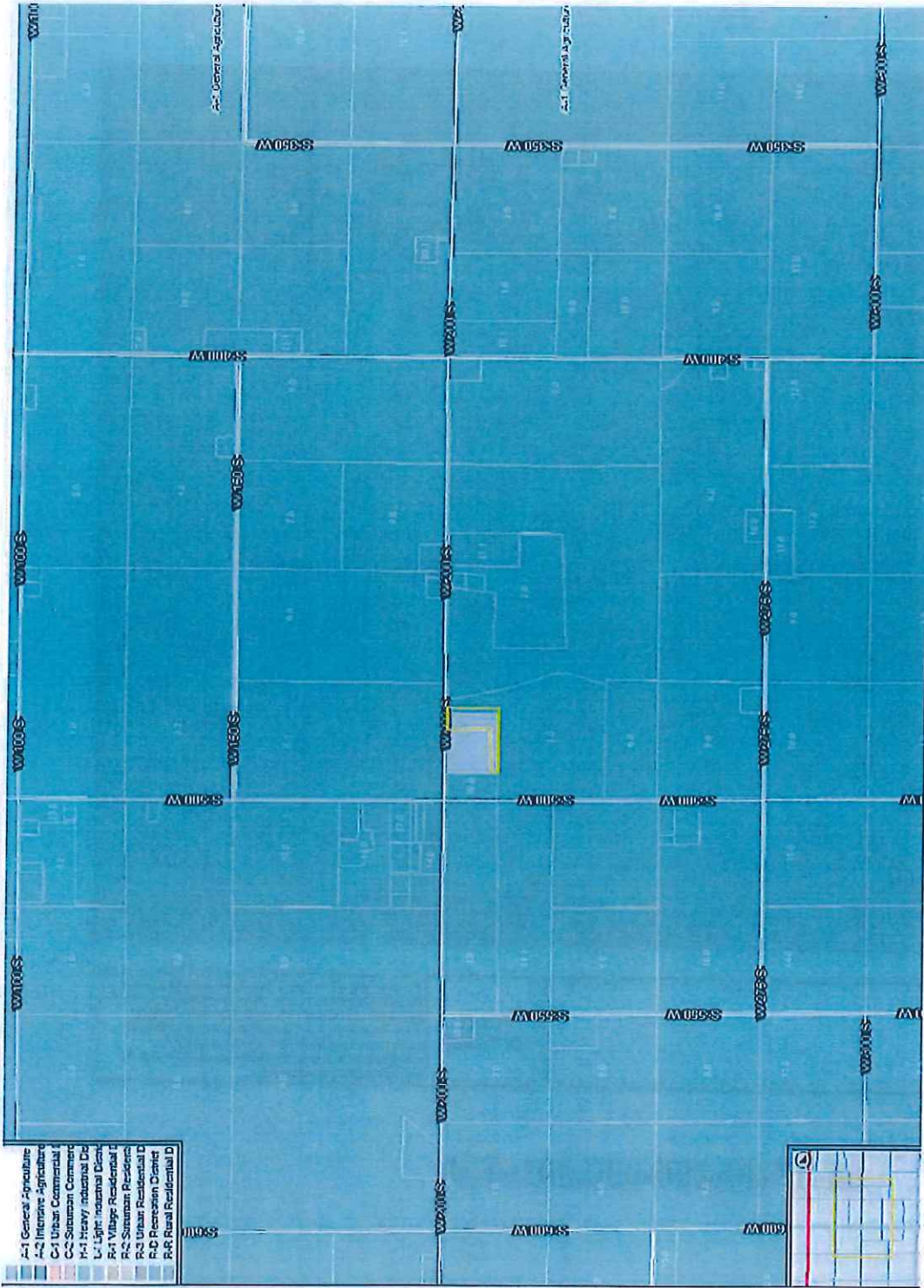
Property Card	Show Property Card
OwnerName	ROHLOFF, RYAN C.
StateParcelNumber	66-07-30-200-032.001-010
PropertyNumber	66-07-30-200-032.001-010
MapNumber	

66-07-30-200-032.001-010

[Home](#)
[Bills](#)
[Payments](#)
[Deadlines](#)
[Assessments](#)

Owner and General Parcel Information

Property Card	State Property Card
OwnerName	ROCKOFF, RYAN C.
StateParcelNumber	66-07-30-200-032.001-010
PropertyNumber	66-07-30-200-032.001-010
MapNumber	010-02095-00 PT 17 NW FRAC SEC 30 042 5 289A AGNEW TWP (510) SOUTH HAVESUP (089) SOUTH HAVESUP RECON (089)
LegalDescription	
Acres	5.0880
InstrumentNumber	22006272
BookNumber	
PageNumber	
LocationAddress	4537 W 200 S WINSTONIA IN 46098
OwnerAddress	8023 W 200 S FRANCESVILLE IN 47848
NeighborhoodNumber	010001-010
MarketArea	Ag/Ple - Vlec (010)
PropertyClass	Vlc - Unplanned (0 to 9.99 Acres)
PropertyClassNumber	501
LocalParcelNumber	010020600
RoutingNumber	



Pulaski County Board of Commissioners
Reply to PCAPC Proposal for a moratorium on
Battery Energy Storage Systems (BESS)
For Twelve (12) Months

Date: October 6, 2025

To: The Pulaski County Advisory Plan Commission (PCAPC)

Purpose: Response to the PCAPC Proposal for a moratorium on Battery Energy Storage Systems (BESS) for Twelve (12) Months. Pursuant to Ind. Code 36-7-4-607(f) (1-4)

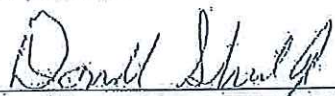
Request: To consider the recommendations made by the Pulaski County Commissioners revising the proposed 12-month moratorium on Battery Energy Storage Systems (BESS)

In response to the PCAPC recommendation changes to the UDO to place a moratorium for a period of twelve (12) months on the issuance of permits to any person, firm, or entity seeking to place or install a BESS on any property with the jurisdiction of the Commission of Pulaski County, Indiana to the Pulaski County Commissioners in a public meeting on September 15, 2025, the Commissioners return the Proposed Changes to the PCAPC to consider the following.

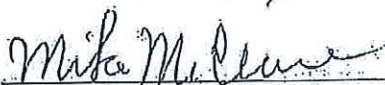
1. More specific language is that the moratorium is for Battery Energy Storage Systems (BESS) only and does not include solar.
2. The moratorium would be for six (6) months only instead of twelve (12) months on BESS.

The Pulaski County Commissioners voted unanimously for the PCAPC consider adding more specific language and a six (6) month moratorium instead of a twelve (12) months moratorium.

The legislative body (Pulaski County Commissioners) returns the above to the PCAPC for its consideration. Said consideration to be completed and returned to the legislative body within forty-five (45) days.


Donald (Don) Street, Jr., President Board of Commissioners

10/6/25
Date


Mike McClure, Commissioner

10/6/25
Date


Jennifer Knebel, Commissioner

10/6/25
Date

CURRENT LANGUAGE	RECOMMENDED LANGUAGE
7.1.A.2. General Information-Purpose. The purpose of this section Assure that any development and production of wind- or solar-generated electricity in Pulaski County is safe and effective;	7.1.A.2. General Information-Purpose. The purpose of this section Assure that any development and production of wind or solar-generated electricity or battery energy storage in Pulaski County is safe and effective;
7.1.B. Intent. The intent of this chapter is to provide a regulatory scheme for the construction and operation of Wind Energy Convergence Systems (WECS) and Solar Energy Systems (SES) in the county; subject to reasonable restrictions, these regulations are intended to preserve the health and safety of the public.	7.1.B. Intent. The intent of this Ordinance is to provide a regulatory scheme for the construction and operation of Wind Energy Convergence Systems (WECS) and Solar Energy Systems (SES) and Battery Energy Storage Systems (BESS) in the county; subject to reasonable restrictions, these regulations are intended to preserve the health and safety of the public.
7.1.C. Applicability. The provisions of this chapter are applicable to those districts that allow WECS and/or SES and govern the siting of WECS, SES and substations that generate electricity to be sold to wholesale or retail markets or that generate electricity for private, on-site use.	7.1.C. Applicability. The provisions of this chapter are applicable to those districts that allow WECS and/or SES and/or BESS and govern the siting of WECS, SES, BESS and substations that generate electricity to be sold to wholesale or retail markets or that generate electricity for private, on-site use.
7.1.D. Notification Requirements 1. Applicability The provisions of this subsection govern notification requirements pertaining to the siting of WECS, SES, and substations that generate electricity to be sold to wholesale or retail markets of that generate electricity for on-site use by non-residential users. Residential WECS and residential accessory-use SES are exempt from the following notification rules. 2. Requirements A non-exempt SES/WECS applicant shall notify all property owners within the defined boundary via Certified Mail Form 3800 within 45-60 days of submitting one or more application(s) for a WECS and/or SES permit(s). Additional notification may be done by media, separate mailing, or through the public notice requirements prescribed by IC 5-3-1 as amended from time to time. Said notice shall inform land owners of the intent to build a WECS and/or SES.	7.1.D. Notification Requirements 1. Applicability The provisions of this subsection govern notification requirements pertaining to the siting of WECS, CSES, BESS, and substations that generate and/or store electricity to be sold to wholesale or retail markets of that generate electricity for on-site use by non-residential users. Residential WECS and residential accessory-use SES are exempt from the following notification rules. 2. Requirements A non-exempt SES/WECS/CBESS applicant shall notify all property owners within the defined boundary via Certified Mail Form 3800 within 45-60 days of submitting one or more application(s) for a WECS and/or SES and/or CBESS permit(s). Additional notification may be done by media, separate mailing, or through the public notice requirements prescribed by IC 5-3-1 as amended from time to time. Said notice shall inform landowners of the intent to build a WECS and/or SES and/or CBESS.

7.1.F. Prohibition 1. No applicant shall construct, operate, or locate a WECS or SES within Pulaski County without having fully complied with the provisions of this Ordinance to the satisfaction of the plan administrator.	7.1.F. Prohibition 1. No applicant shall construct, operate, or locate a WECS, ~~or~~ SES or BESS within Pulaski County without having fully complied with the provisions of this Ordinance to the satisfaction of the plan administrator.
7.1.G.1. Conflict With Other Regulations- Nothing in this section...In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule regulation, statute, or provision of law,...	7.1.G. 1. Conflict With Other Regulations- Nothing in this section...In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule regulation, statute, ~~or~~ provision of law or other sections of the Pulaski County UDO,...
7.1.H. Definitions. 1. All definitions for WECS and SES are located within Section 8, 'Definitions'.	7.1.H. Definitions. 1. All definitions for WECS, ~~and~~ CSES, and BESS are located within Section 8, 'Definitions'.
7.2 General Regulations A. Location. 1. Non-commercial and micro-WECS and SES will be permitted, or not permitted, in various districts as prescribed in Section 4, Use Standards, specifically as detailed in Tables 4.1 and 4.2. 2. No WECS may be located within the front yard of a property upon which a primary-use structure sits (i.e., they may not be constructed between a principal building and any street fronting the lot.) Additionally, roof-mounted SES should be installed on the rear-facing side of the roof, or on the back half of rooves that run perpendicular to the fronting street, but the administrator may waive, partially or fully, this roof-placement restriction when solar tiles are used in place of roofing or other construction materials.	7.2 General Regulations A. Location. 1. Non-commercial SES and BESS and micro-WECS will be permitted, or not permitted, in various districts as prescribed in Section 4, Use Standards, specifically as detailed in Tables 4.1 and 4.2. 2. No WECS and BESS may be located within the front yard of a property upon which a primary-use structure sits (i.e., they may not be constructed between a principal building and any street fronting the lot.) Additionally, roof-mounted SES should be installed on the rear-facing side of the roof, or on the back half of roofs that run perpendicular to the fronting street, but the administrator may waive, partially or fully, this roof-placement restriction when solar tiles are used in place of roofing or other construction materials.
7.2.B.3. General Regulations Height	7.2.B. General Regulations Height 3. No Component of a battery, cell, racking system, container or dedicated-use-building shall exceed 20 feet
7.2.C.1. Horizontal Extension The furthest horizontal extension of a WECS (including guy wires) or SES shall not extend into a required setback in the zoning district or a setback stipulated by this chapter or be closer than twelve (12) feet to any primary structure, or right-of-way easement for any	7.2.C.1. Horizontal Extension The furthest horizontal extension of a WECS (including guy wires) ~~or~~ SES or BESS shall not extend into a required setback in the zoning district or a setback stipulated by this chapter or be closer than twelve (12) feet to any primary structure, or right-of-way easement for

above-ground telephone, electrical transmission or distribution lines.	any above-ground telephone, electrical transmission or distribution lines.
7.3 Liability A. The owner or operator of any WECS or CSES shall maintain a current general liability policy covering bodily injury and property damage and may be required to name Pulaski County as an additional insured with dollar amount limits per occurrence, in the aggregate, and a deductible, as follows: 1. Owners that have electrical generating equipment of 10kw or less on their property are required to carry \$100,000.00 of liability insurance. 2. Owners of any electrical equipment generating over 10kw that is directly connected to the electrical grid are require to carry liability insurance with limits of a minimum of \$2,000,000.00 per occurrence and \$5,000,000.00 in the aggregate, with a deductible of not more than \$100,000.00 B. The applicant, owner, and/or operator of a WECS or an SES shall defend, indemnify, and hold harmless Pulaski County and its officials from and against any and all claims, demands, losses, suits, cause of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the WECS or SES.	7.3 Liability A. The owner or operator of any WECS, ~~or~~ CSES or BESS shall maintain a current general liability policy covering bodily injury and property damage and ~~may~~ shall be required to name Pulaski County as an additional insured with dollar amount limits per occurrence, in the aggregate, and a deductible, as follows: 1. Owners that have electrical generating equipment of 10kw or less on their property are required to carry \$100,000.00 of liability insurance. 2. <i>Owners of any electrical equipment generating over 10kw that is directly connected to the electrical grid are required to carry liability insurance with limits of a minimum of \$2,000,000.00 per occurrence and \$5,000,000.00 in the aggregate, with a deductible of not more than \$100,000.00</i> B. The applicant, owner, and/or operator of a WECS ~~or an SES~~ or BESS shall defend, indemnify, and hold harmless Pulaski County and its officials and agents from and against any and all claims, demands, losses, suits, cause of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the ~~or CSES or~~ BESS.
7.4.A. Decommissioning Plan-Plan outline Any WECS or CSES declared to be unsafe by the Pulaski County Plan Administrator by reason of inadequate maintenance, dilapidation, obsolescence, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the approved Decommissioning Plan.	7.4.A. Decommissioning Plan-Plan outline Any WECS, CSES or BESS declared to be unsafe by the Pulaski County ~~Plan Administrator~~ Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the approved Decommissioning Plan.
7.4.B.1. Decommissioning Plan- Effective Date A signed and executed decommissioning plan must be submitted to the plan administrator	7.4.B.1. Decommissioning Plan- Effective Date A signed and executed decommissioning plan must be submitted to the plan administrator at

prior to the beginning of construction of the CSES or the project's building permit will be revoked by the building inspector.	application submission prior to the beginning of construction of the CSES or the project's building permit will be revoked by the building inspector.
7.4.C.1. Content b. The owner/operator/applicant shall provide a contractor cost estimate for demolition and removal of the WECS or CSES facility. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning WECS or CSES, as applicable. c. Financial assurance in an amount at least equal to the cost estimate of demolition and removal of the WECS or CSES facility, less the estimated value of the equipment and materials utilized by the facility at the time of decommissioning, through the use of a bond, escrow deposit, or other security acceptable to the County. 1) Said security will be released when each tower or solar array and improvements are properly decommissioned as determined by the Pulaski County building inspector.	7.4.C.1. Content b. The owner/operator/applicant shall provide a contractor cost estimate for demolition and removal of the WECS ~~or~~ CSES or BESS facility. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning WECS ~~or~~ CSES or BESS, as applicable. c. Financial assurance in an amount at least equal to the cost estimate of demolition and removal of the WECS ~~or~~ CSES or BESS facility, less the estimated value of the equipment and materials utilized by the facility at the time of decommissioning, through the use of a bond, escrow deposit, or other security acceptable to the County. 1) Said security will be released when each tower ~~or~~ solar array or battery storage facility and improvements are properly decommissioned as determined by the Pulaski County building inspector.
7.4.D. Discontinuation and Abandonment. 1. All WECS and CSES shall be considered a discontinued use after one (1) year without energy production, after the project has been completed and is operable, unless a plan is developed and submitted to the Pulaski County Building Department outlining the steps and schedule for returning the WECS or CSES to service. Said plan must be approved by the Pulaski County Building Department and reduced to a contract. If such a plan/contract for renewal of operations is not made to the satisfaction of the Pulaski County Building Department, then the decommissioning must be initiated within one (1) year of the cessation of operations. 2. In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Pulaski County Building Department	7.4.D. Discontinuation and Abandonment. 1. All WECS, ~~and~~ CSES and BESS shall be considered discontinued use after one (1) year without energy production or energy storage, after the project has been completed and is operable, unless a plan is developed and submitted to the Pulaski County Building Department outlining the steps and schedule for returning the WECS or CSES to service. Said plan must be approved by the Pulaski County Building Department and reduced to a contract. If such a plan/contract for renewal of operations is not made to the satisfaction of the Pulaski County Building Department, then the decommissioning must be initiated within one (1) year of the cessation of operations. 2. In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Pulaski County Building Department

representing that all easements for wind turbines or solar arrays shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within one (1) year of expiration or earlier termination of the project.	representing that all easements for wind turbines, or solar arrays or battery storage facilities shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within one (1) year of expiration or earlier termination of the project.
7.5 Application Procedures A. Permits and variances shall be applied for and reviewed under the procedures established by this UDO and the application procedures application for a WECS or SES Permit. 1. See section 2.3.Q, 'Applications for Micro/Non-commercial Energy Conversion Systems (WECS)', for application procedures. 2. See section 2.3.R, 'Permit Applications for All Solar Energy Systems (SES)', for application procedures	7.5 Application Procedures A. Permits, and variances and special exceptions shall be applied for and reviewed under the procedures established by this UDO and the application procedures for a WECS, or SES or BESS Permit or special exception. 1. See section 2.3.Q, 'Applications for Micro/Non-commercial Energy Conversion Systems (WECS)', for application procedures. 2. See section 2.3.R, 'Permit Applications for All Solar Energy Systems (SES)', for application procedures 3. See Section 2.3.S. 'Permit Applications for All Battery Energy Storage Systems (BESS)'
7.13 Regulations on Accessory-Use SES	7.13 Regulations on Accessory-Use SES 3. Nothing in this Ordinance is intended to preempt other applicable State and Federal laws and regulations.
7.14.B.1. Perimeter buffer-...Alternate fencing can be used if the site is incorporating agrivoltaics and said fencing is approved by the plan administrator.	7.14.B.1. Perimeter buffer-...Alternate fencing can be used if the site is incorporating agrivoltaics and said fencing is approved by the plan administrator.
7.14.B.3.b. Perimeter buffer- The plan administrator will provide an online grievance form for the public to report concerns...	7.14.B.3.b. Perimeter buffer- The plan administrator will provide an online grievance form for the public to report concerns... Qualified third party, etc. To make determinations together with Building Inspector and paid for by the owner/developer
7.14.H.3. Planting within the 75' setback to any ditch (150' for property line ditches)...	7.14.H.3. Planting within the 75' 150' setback to any ditch (150' for property line ditches)...
7.15.B.1. Feeder lines and utility interconnections ...The plan administrator will take into consideration prohibitive cost, site limitation, and industry standards in making his or her determination.	7.15.B.1. Feeder lines and utility interconnections ...The plan administrator will take into consideration prohibitive cost, site limitation, and industry standards in making his or her determination. ??? Or, add with a 3rd party engineer? at developers cost

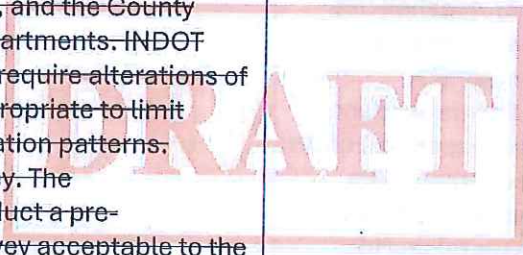
7.17 Commercial SES Setbacks Table 7.3 Minimum Setbacks Distance from any CSES Distance from... Any CSES component, including all CSES site fencing, to either side of an internal ditch 75' Any CSES component, including all CSES site fencing, to a non-participating/non-included property line or any right-of-way 150'	7.17 Commercial SES Setbacks Table 7.3 Minimum Setbacks Distance from any CSES Distance from... ~~Any CSES component, including all CSES site fencing, to either side of an internal ditch 75'~~ Any CSES component, including all CSES site fencing, to either side of any ditch, a non-participating/non-included property line or any right-of-way 150'
7.18 Commercial SES Pre-Construction Requirements 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. If any discrepancies are found between the UDO and the EDA, DA or RUMA, then whichever regulation/discrepancies protect the County's best interests the most shall be adhered to: 1. A decommissioning plan as prescribed in Section 7.4 of this Ordinance; 2. An Economic Development Agreement (EDA), a Drain 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, 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 without building permit	Established residential driveways?? Move to section 2.3.R.3. Applications for Commercial SES (CSES). b. Culvert study. 90 days prior to the start of ground movement/construction, the owner/operator shall conduct a culvert study to include photographs, video, or a combination thereof and a written agreement to document the condition. The Highway Superintendent shall have 20 business days to respond to the study. 4. Any stormwater quality management plan as required by IDEM and as outlined by the Pulaski County Drainage Board. Plan shall be reviewed and approved by Drainage Board prior to permit issuance.

payment and any payment guaranteed by the EDA until the Pulaski County Council has noticed and conducted a public hearing pertaining to tax-abatement incentive and adopted the resolutions required awarding such incentives:

-b. The DA must contain provisions to address well, crop, field tile, County-maintenance-ditches/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, right-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.

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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 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 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 potential future damage. The survey shall include photographs, video, or a combination thereof and a written agreement to document the condition of the public facility. The Highway Superintendent shall have 10 business days to respond to the base line survey. 4. Any stormwater quality management plan as required by IDEM and as outlined by the Putaski County Drainage Board.	
2.3.R.3. Applications for Commercial SES (CSES) Application for Commercial SES (CSES). In addition to the application requirements listed in Section 2.3.R.1., and notwithstanding any provision herein to the contrary, a permit application for a CSES shall include the following information:	2.3.R.3. Applications for Commercial SES (CSES) Application for Commercial SES (CSES). In addition to the application requirements listed in Section 2.3.R.1., and notwithstanding any provision herein to the contrary, a permit application for a CSES shall include the following information:

a. A site layout plan drawn to a scale that allows the plan administrator to reasonably ascertain the size and scope of the project in relation to the surrounding area. The plan should include the following information: 1. General location, acreage, and state parcel identification number(s) of the subject property/ies 2. Location/key with north arrow 3. Approximate location of any substation 4. Existing and proposed onsite and adjacent buildings and solar panels with the required setbacks 5. Adjacent roadways 6. Any existing wetlands and floodplains 7. Proposed landscaping and signage 8. Existing and proposed site ingress and egress 9. Delineation of all requested variant development standards (if applicable) 10. Map scale 11. Any other information or item reasonably requested by the plan administrator to allow sufficient understanding of the size, scope, and location of the proposed project 12. Dated signatures of applicant/CSES operator and property owner(s). Property owner(s) signatures may be submitted in the form of a signed addendum to the application or the dated signature page of landowner contract with the applicant /CSES operator/ CSES developer. 4. Aggregated project may jointly submit a single application	a. A site layout plan drawn to a scale that allows the plan administrator to reasonably ascertain the size and scope of the project in relation to the surrounding area. The plan should include the following information: 1. General location, acreage, and state parcel identification number(s) of the subject property/ies 2. Location/key with north arrow 3. Approximate location of any substation 4. Existing and proposed onsite and adjacent buildings and solar panels with the required setbacks 5. Adjacent roadways 6. Any existing wetlands and floodplains 7. Proposed landscaping and signage 8. Existing and proposed site ingress and egress on a gate site plan 9. Delineation of all requested variant development standards (if applicable) 10. Map scale 11. Any other information or item reasonably requested by the plan administrator to allow sufficient understanding of the size, scope, and location of the proposed project 12. Dated signatures of applicant/CSES operator and property owner(s). Property owner(s) signatures may be submitted in the form of a signed addendum to the application or the dated signature page of landowner contract with the applicant /CSES operator/ CSES developer. 4. Stormwater quality management plan as required by IDEM and as outlined by the Pulaski County Drainage Board. Plan shall be reviewed and approved by Drainage Board prior to permit issuance. (move from section 7.18) 5. Aggregated project may jointly submit a single application
7.19 Commercial SES Construction Requirements	7.19 Commercial SES Construction Requirements

A. During construction, the applicant/owner/operator shall demonstrate that the following requirements are being met. 1. Reasonable dust-, noise-, and lighting-control measures shall be required by the County Building Department during construction of a CSES.	A. During construction, the applicant/owner/operator shall demonstrate that the following requirements are being met and assessed weekly with a maintenance report submitted to Building Inspector and compliance monitoring firm. 1. Reasonable dust-, noise-, and lighting-control measures shall be required by the County Building Department during construction of a CSES.
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Pulaski County Development Fee Schedule
Section D. Battery Energy Storage Systems

1. Accessory-Use Battery Energy Storage System

2. Commercial Battery Energy Storage System

\$ Application Fee

\$1,000 \$5,000

601 kW-1.99 MW \$5,000

2MW and above \$5,000 + \$500/1,000 per each MW over 2.01 MW

Plus costs in monitoring compliance with all applicable building codes and laws during pre-permitting, pre-construction, construction and post construction. The cost for any third party consultant hired by the Building Department or Pulaski County will be assessed at ten (10%) percent surcharge on the total cost of services when invoiced to the project owner/operator payable to the Building Department within forty-five (45) days of invoice. Late payment fee to be 10% of the total cost of the original bill with surcharge.

Special Exception fee: \$500 commercial use, plus applicable SE expenses

\$ Per acre

minimum 5 acres

5 acres \$

5.01 acres-10 acres \$

10.01-15 acres \$

15.01-20 acres \$

Maximum

Data Center

As read Section 7 of Pulaski County UDO
Detailed information TBD with continued discussions

Additional thoughts

Special Exception Process for BESS?
Special Exception Process for Data Centers?
Property Value guarantee option?
Cap on acres used for Solar?
Cap on acres used Battery Storage?
Cap on acres used for data centers?

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APC NEW BESS TEXT TO PULASKI COUNTY UDO

V2 OCTOBER 8, 2025

2.3.S. Applications for All Battery Energy Storage Systems

A CBESS application shall require a special exception use permit through the Pulaski County Board of Zoning Appeals (BZA)

1. Notwithstanding any provision herein to the contrary, a permit application for any BESS shall include the following information:

- a. Contact information. Names, addresses, and phone numbers of applicants.
- b. Contact information for the project developer, if different from the applicants.
- c. Description of the land involved sufficient to reasonably describe boundaries of the BESS project to the satisfaction of the plan administrator. Description shall include the estimated acreage, the legal description(s) of the included properties and the State parcel identification number.

2. Applications for Accessory Use BESS.

In addition to the application requirements listed in Section 2.3 S., any requirements pertaining to accessory uses found elsewhere in this ordinance, and any additional requirements as may be set forth by the Building Department, and notwithstanding any provision herein to the contrary, a permit application for an accessory-use BESS shall include the following information:

a. Compliance with National Electrical Code. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

b. Site layout plan that should include the following information:

- 1) address, general location, acreage, and parcel number(s) of subject property
- 2) name of subdivision in which property exists (if applicable)
- 3) location/key with north arrow
- 4) existing and proposed structures, with required setbacks
- 5) any existing wetlands and floodplains
- 6) existing and proposed building setbacks and separation
- 7) delineation of all requested variant development standards (if applicable)
- 8) approximate locations of neighboring uses and structures
- 9) map scale
- 10) dated signature of applicant and owner

3. Applications for Commercial Battery Energy Storage System (CBESS).

In addition to the application requirements listed in Section 2.3.S., and notwithstanding any provision herein to the contrary, a permit application for a CBESS shall include the following information:

a. Site layout plan that shall include the following information:

- 1) Location, acreage, and state parcel identification number(s) of the subject properties
- 2) Location/key with north arrow
- 3) Location of any substations
- 4) Existing and proposed on-site and adjacent buildings, batteries, storage containers and equipment, with required setbacks
- 5) Adjacent roadways
- 6) All existing wetlands and floodplains
- 7) Proposed landscaping, lighting, and signage
- 8) Existing and proposed site ingress/egress shown on a gate site plan
- 9) Delineation of all requested variant development standards (if applicable)
- 10) Map scale
- 11) Electrical diagram detailing layout, components and electrical interconnection methods with all NEC compliant disconnects and other current devices
- 12) Stormwater quality management plan approved by the Drainage Board

b. Approximate total power capacity, energy capacity and discharge duration of the BESS

c. Types of batteries used and their potential manufacturer

d. Construction timeline

e. Dated signatures of applicant/CBESS operator and property owner(s). Property owner's signatures may be submitted in the form of a signed addendum to the application or the dated signature page of landowner contract with the applicant/operator/developer.

f. County Agreements as prescribed in Section 7.35 Pre-Construction Requirements

- 1) Decommissioning Plan
- 2) Economic Development Agreement (EDA)
- 3) Road Use Agreement (RUMA)
- 4) Drainage Agreement (DA)

g. Proof of a recorded memorandum of lease for each party contracted with a CBESS developer to be recorded at the Pulaski County Courthouse within 45 days of date of execution and submitted to the Building Inspector.

h. An emergency response plan as prescribed in Section 7.31.B.

i. Any other information or item reasonably requested by the Building Inspector to allow sufficient understanding of the size, scope, and location of the proposed project and as prescribed in section

4. Aggregated projects may jointly submit a single application.

5. Retrofits to an existing WES or CSES project must satisfy the same application requirements and regulation standards as a CBESS.

7.21 Battery Energy Storage Facility

Commercial Energy Storage Systems (CBESS); an energy storage system that is capable of storing and releasing more than one (1) megawatt of electrical energy for a minimum of one (1) hour using an AC inverter and DC storage, and subject to regulations under IC 22-14-8, as amended from time to time, and required to follow the National Fire Protection Association (NFPA) 855 Standard. CBESS developers must provide a permit issued by Homeland Security, along with all other plans, submissions or documents required by all applicable portions of section 2 and section 7 of this UDO. Battery Energy Storage Systems (BESS) which collect, store and distribute for residential or business use only are exempt from this section and are to abide by accessory use guidelines as prescribed elsewhere in this UDO and section 2.3.S.

7.22 CBESS Location, Size and Coverage

A. As prescribed in section 7.2.A.; also:

B. CBESS improvements are prohibited in a regulated floodway, flood fringe, regulated wetland or designated conservation or wildlife area without approval from the Pulaski County Floodplain Administrator, and as required, Department of Natural Resources (DNR). If located within one-half (½) mile of a one hundred (100) year flood plain, as determined by the most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, all the systems equipment must be located at least two (2) feet above the one hundred (100) year frequency flood elevation.

C. No one CBESS shall cover not less than 5/10 acres and no more than XXX acres, as designated by the USDA Soil Data Access (SDA).

D. To preserve farmland, Pulaski County has limited the total number of acres that can be devoted to CBESS coverage to xxxx acres. DO THIS FOR SOLAR??

7.23 Safety, Design & Installations Standards for CBESS

A. Equipment Type and Industry Standards

1. All CBESS shall be constructed of new commercially available equipment that conforms to applicable industry standards as date of application and must submit a certificate of design from the Underwriters Laboratories (UL) or equivalent third party with application submission.

7.24. Perimeter Fencing

A. All CBESS electrical control equipment shall be surrounded by a security fence, maintained by the owner/developer, no shorter than six (6) feet, unless state and federal guidelines require otherwise. A CBESS that is enclosed within the project area of CSSES shall not require additional fencing.

B. Fencing shall not include barbed wire, electric fencing or razor wire, except where required by NEC standards.

C. Entrances shall be locked with a lockbox and include a sign showing names and phone numbers of electric utility provider, site operator and emergency contact, as well as the facility's 911 address and GPS coordinates.

D. All gates must be clearly labeled on the site plan and shown on a separate gate site plan and approved by the Building Inspector and Highway Superintendent prior to gate and driveway installations. Gates shall be addressed as approved by Pulaski County 911 dispatch coordinator together with the Building Inspector.

7.25. Wind Resistance & Snow Loads

A. All CBESS shall be built to resist wind speeds of 112 miles per hour.

B. All CBESS structures to be built to withstand snow load as determined by the American Society of Civil Engineers (ASCE) standard 7 and Homeland Security.

7.26. Signage

A. All signs, other than manufacturers or installers' identification, appropriate warning signs, or owner identification on CBESS components, buildings or other structures in and of the CBESS, shall be prohibited, except as permitted below.

B. No sign shall exceed sixteen (16) square feet in surface area or eight (8) feet in height.

C. Signs on electrical equipment compartments not to exceed two (2) square feet in surface area.

D. A sign may be located on each side of the total project area, provided there are no more than four (4) such signs located on any one contiguous project site.

E. As required by the National Electric Code (NEC) and this UDO, emergency shut off and disconnect information shall be clearly displayed on a light reflective surface.

F. "No Trespassing" signs shall be visibility attached to perimeter fence.

G. "Danger" and "High Voltage" signs shall be posted five (5) feet at entrances and every 600 feet along fencing or as industry standards require.

7.27. Landscaping and Screening

A. CBESS property shall be cleared of all combustible vegetation and other combustible growth.

B. CBESS shall be surrounded by a vegetative screening along the outside of the perimeter of the fence at a suitable height and density to minimize the view of the systems.

1. Screening shall, at a minimum, be the height of the required fencing within two (2) years of start of energy collection.

2. There shall be a minimum of two (2) rows of planting, no more than twenty-five (25) feet apart and plantings shall be separated by no less than six (6) feet and no more than twenty (20) feet.
3. Screening to include trees, shrubs, berms or related landscaping designed to create a natural-looking, semi-opaque area that prevents direct visual line of sight between the developed area and neighboring properties and/or public areas and roadways.
4. All property owners subject to the benefits of this section retain the right to waive planting requirements, unless such planting is designed to provide screening between the CBESS and a public roadway. Such waiver shall be recorded at the Pulaski County Courthouse within forty-five (45) days of execution.
5. Landscaping buffering shall be maintained and/or replaced by developer/owner/operator to maintain the natural, healthy appearance of the buffer/screened area.

7.28 Height

- A. No Component of a battery, cell, racking system, container or dedicated-use-building shall exceed **20 feet** above ground level

7.29. Electrical Components

- A. All electrical components of the CBESS shall conform to all applicable local, state and national codes, and relevant national and international standards (ANSI, NEC and IEC).

B. Feeder lines and utility interconnections

1. To the extent practical and consistent with industry standards, all AC feeder lines or AC collection cabling for CBESS shall be installed underground, except for transformers, inverters, switchyards/substations, and controls.

- C. All cables between CBESS units and associated renewable energy development, electrical substations and operations & maintenance (O&M) buildings shall be buried underground at a depth of at least **thirty-six (36) inches below grade**. The Owner/operator, for any alterations to depth, shall submit a written request of approval to the Building Inspector who may review with a qualified third-party professional and the Highway Superintendent at expenses paid for by the owner/operator/developer.

D. Poles and Underground wiring

1. Overhead carrying wiring and underground wiring connecting racks and components of a solar facility or CBESS to a substation for connection to or other direct connection to a utility's electric transmission line; there are no setback requirements from property lines of adjoining landowners, as long as the poles and underground wiring are located within a recorded easement for such purpose.

E. Inverters shall be a minimum of five hundred (500) feet from any non-participating property line or ROW and shall be concealed by vegetation.

7.30. Setbacks

A. Non-participating property owners: A minimum of five hundred (500) feet from the nearest edge of any component of the CBESS, to the property line.

B. Public Right-of-way (ROW): Must be five hundred (500) feet from the nearest edge of any component of the CBESS to the nearest edge of the public ROW.

C. These setbacks may be waived in writing by property owners adjacent to the CBESS. Such waivers shall be recorded at the Pulaski County Courthouse within forty-five (45) days of execution.

7.31. Fire Safety & Emergency Response Plan

A. Fire Safety

1. Applicant/owner/operator, at its expense, shall provide annual training to emergency personnel, to include, but not limited to, information and training regarding installation and operation of the CBESS reasonably necessary to allow emergency personnel to safely and effectively respond to fire and/or discharge of environmental contaminants.

B. Emergency Response Plan

An Emergency Response plan shall be submitted to emergency responders and shall include:

1. Applicant/Owner/Operators compliance plan with NFPA Standard 855, including, but not limited to, fire suppression design and equipment, fire and explosion testing, hazard mitigation analysis, emergency training and planning, NFPA Standard 1, NFPA 70, and all applicable Indiana and local building, fire, safety and construction rules, orders, ordinance and regulations.
2. Description of potential fire and emergency scenarios that may require a response from Emergency Service Personnel.
3. Emergency procedures to follow in case of fire, explosion, or other potentially dangerous conditions.
4. Site plan to include public and private water sources and fire hydrants on site which can be accessed for fire suppression.
5. Description of site access for fire emergency responders
6. Description of hazardous material signage plan
7. Twenty-four (24) hour contact information for owner/operator and at least 3 CBESS representatives.

Submit to emergency responders 90 days prior to start of ground movement, along with site plan, approved road use maps and standard operation guidelines.

7.32. Operations and Maintenance

A. Physical modifications

1. Any material change in layout of major equipment that is part of the CBESS and any parcel swap, addition or trade shall require reapplication. Like-kind replacements or other ordinary repair and maintenance shall not require re-application.

B. Lighting

Exterior lighting shall be shown on site plans. Lighting shall be limited to the maximum intensity reasonably required for safety, inspection, repair, maintenance and operational purposes. Lighting shall be set to prevent direct or indirect lighting on any non-participating parcels. and shall not exceed one-half (.5) foot candles at the property line of an adjoining residential parcel.

C. Noise

1. Noise generated from the CBESS, components and associated ancillary equipment shall not exceed fifty (50) dBA as measured from the nearest non-participating property line.
2. The Pulaski County Building Inspector may hire an appropriate company, at the owner/operator expense, to determine if noise levels have been exceeded.

D. Outdoor storage

1. Only materials, vehicles and equipment that directly support the operation of a CBESS shall be allowed to be stored outdoors on the site, inside fenced area.

E. Material Handling, Storage and Disposal

1. Solid waste, whether generated from supplies, equipment, energy storage, parts, packaging, operation, or maintenance of the facility, including old parts and equipment related to the construction, operation and/or maintenance of any CBESS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
2. Hazardous materials or waste related to any CBESS that is not properly contained, as determined by the Indiana Department of Environmental Management (IDEM), shall be removed and disposed of as directed by IDEM.

F. Annual Report.

1. The applicant/owner/operator will submit an operation and maintenance report to the Building Inspector each year on or about the anniversary of project start of operations. Failure to comply will be considered a violation of this Ordinance.

The report shall contain:

- a.) General description of any physical repairs, replacements or modifications to the CBESS and/or its infrastructure
- b.) Complaints received pertaining to setbacks, noise, appearance, safety, lighting and use of any public roads
- c.) Resolution of each complaint
- d.) Calls for emergency services

- e.) Current liability insurance
- f.) General summary of services calls to the CBESS facility
- g.) Certified electrical storage for the year.

7.33 Safety Certification

BEES shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).

A. Equipment Certification

1. All batteries integrated within the CBESS shall be listed in accordance with UL 9540, from the manufacturer of by field evaluation.

B. Design, layout, Site Certification

Certification that layout, design, and installation conform and comply with all applicable industry standards, such as the National Electrical Code (NEC) (NFPA-70), the American National Standards Institute (ANSI), the Underwriter's Laboratories (UL), the American Society for Testing and Materials (ASTM), the Institute of Electric and Electronic Engineers (IEEE), the Solar Rating and Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), and other similar certifying organizations, the Federal Aviation Administration (FAA), the Indiana Building Code (IBC), and any other standards applicable to solar energy systems and battery energy storage systems.

7.34 Interference.

A. Operation of a CBESS shall minimize interference with public or public-serving utility microwave transmissions. If necessary, the applicant/owner/operator shall mitigate material interference with electromagnetic communications, such as internet, radio, telephone, microwaves, television, GPS, agricultural GPS, navigation or military defense systems signals caused by any CSES. Operation under generally accepted design and operation practices will be deemed compliance with the foregoing.

7.35 Pre-Construction Requirements

Prior to the start of construction ground movement, and the issuance of any building permit, the following shall be submitted to and reviewed by the Building Inspector 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. If any discrepancies are found between the UDO and the EDA, DA, or RUMA, then whichever regulations/discrepancies protect the County's best interests the most shall be adhered to.

A. Decommissioning Plan to include:

1. Written assurance guaranteeing the facilities will be properly decommissioned upon the project life or in the event that the facility is abandoned; detailing how funds will be distributed; ensuring that Pulaski County and/or its contracted agents shall be granted access to the site, pursuant to reasonable notice, to effect or to complete decommissioning; granting the County the right to injunctive relief to effect or to complete decommissioning and the right to seek reimbursement from

the owner/operator/applicant or the applicant's successor(s) for decommissioning costs in excess of the amount deposited, bonded, or otherwise insured or to file a lien against any real estate owned by the owner/operator/ applicant or the applicant's successor(s), or in which they may have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

2. The owner/operator/applicant shall provide a contractor cost estimate for demolition and removal of the WECS or CSES facility. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning WECS or CSES, as applicable.
3. Financial assurance in an amount at least equal to the cost estimate of demolition and removal of the WECS or CSES facility, less the estimated value of the equipment and materials utilized by the facility at the time of decommissioning, through the use of a bond, escrow deposit, or other security acceptable to the County.
 - a) Said security will be released when each tower or solar array and improvements are properly decommissioned as determined by the Pulaski County building inspector.
 - b) The owner/operator/applicant or applicant's successor(s) will update the decommissioning plan every five (5) years to the satisfaction of the Pulaski County Building Inspector.
4. Detailed description of the anticipated means by which decommissioning/demolition will occur and estimated timeline for such work.
5. Plan must be signed and executed by the Pulaski County Board of Commissioners
6. The terms of the decommissioning plan shall be binding upon the owner/operator and any of their successors, assignees, or heirs.

A. Economic Development Agreement (EDA)

1. 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.
2. EDA must be signed and executed by the Pulaski County Board of Commissioners

A. Drainage Agreement (DA) to include:

1. 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.

2. DA must be signed and executed by the Pulaski County Board of Commissioners

B. Road Use Agreement (RUA) to include:

1. Assurance to Pulaski County that a CBESS 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.
2. Identification of Roads and Services. The CBESS 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. A timeline Developer shall 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.

Road use maps shall be approved by the Pulaski County Highway Superintendent and may change location from time to time, but not without prior approval from the Highway Superintendent.

7.36 Declaration of Public Nuisance.

- A. Any CBESS or portion thereof declared to be unsafe by the Pulaski County Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, damage, or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved decommissioning plan.

B. Discontinuation and Abandonment.

1. All CBESS shall be considered a discontinued use after one (1) year without energy collection, after the project has been completed and is operable, unless a plan is developed and submitted to the Pulaski County Building Department outlining the steps and schedule for returning the CBESS to service. Said plan must be approved by the Pulaski County Building Department and reduced to a contract. If such a plan/contract for renewal of operations is not made to the satisfaction of the Pulaski County Building Department, then the decommissioning must be initiated within one (1) year of the cessation of operations.

2. In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Pulaski County Building Department representing that all easements for wind turbines or solar arrays shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within one (1) year of expiration or earlier termination of the project.

3. Prior to implementation of the existing or agreed up procedures for the resolution of an owner/operator default under the decommissioning plan, the Pulaski County Building Department shall first provide written notice to the owner/operator, setting forth the alleged default(s). Such written notice shall provide the owner/operator a reasonable time period, not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).

4. If the County removes any project improvements pursuant to its rights, it may sell the salvage to defray the costs of removal. The decommissioning plan shall provide a license to Pulaski County to enter the property to enforce any of its rights under the decommissioning plan.

5. Removal

a. An owner/operator obligation shall include removal of all physical material pertaining to the project improvements. Said removal must begin within one (1) year of the discontinuation or abandonment of the facility with removal completion to original condition of property within 12 months of

Ground water monitoring
Annual soil certification
Construction Requirements
Post-Construction Requirements

A final inspection by the Building Inspector together with building inspector designee/engineer, paid for at the owner/operator/developer expense shall be completed prior to energy collection start of project. (If)

8.4 Definitions

American National Standards Institute (ANSI):

Battery Energy Storage BESS: One of more devices, assembled, capable of collecting and storing energy to supply electrical energy at a future time. The term includes, but is not limited to, electrochemical, thermal, and electromechanical technologies.

Battery(ies): A single cell or group of cells connected electrically in a series, in a parallel, or a combination of both, which can collect, charge, discharge, and/or store energy electrochemically., For the purpose of this ordinance, batteries utilized in consumer products are excluded from these requirements.

Cell: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, collect, store and deliver electrical energy.

Dedicated-Use Building: A building that its primary use is for the intention of housing battery energy storage equipment

Emergency Service Personnel: Emergency services personnel are trained and designated paid or volunteer individuals who respond to a variety of emergencies, including medical crises, fires, hazardous material incidents, and natural disasters, to protect life and property. This category includes firefighters, law enforcement officers, paramedics, and emergency medical technicians (EMTs) who provide crucial medical care and support in critical situations.

International Electric Commission (IEC):

NEC: National Electric Code

NFPA: National Fire Protection Association

IDHS: Indiana Department of Homeland Security

NFPA Standard 1 Fire Code

NFPA 70: Electric code

Participating Property: Real property that is the subject of a written agreement between a wind, solar or BESS developer and the owner of the real property that provides the developer with an easement, option, lease or license to use the real property for the purpose of constructing a solar, wind or BESS facility. Participating property also includes real property that is owned by a developer for the purpose of construction a wind, solar or BESS commercial facility.

Underwriters Laboratories (UL)