

Proposed Text Amendment to the Rush County Zoning Ordinance
Concerning the Prohibition of Commercial WECS

Section 6.4 of the Rush County Zoning Ordinance shall be repealed and replaced in its entirety with the following:

6.4. Wind Energy Conversion Systems Siting Regulations

6.4.1. Purpose: The purposes of this Chapter are to:

6.4.1.1. Assure that any development and production of wind-generated electricity in Rush County is safe and effective.

6.4.2. Intent: It is the intent of the Wind Energy Conversion Systems (WECS) siting regulations to provide a regulatory scheme for the construction and operation of WECS in the county and to preserve the health and safety of the public.

6.4.3. Applicability and Notice: The provisions of this Chapter are applicable to all WECS and all analogous wind energy to electrical energy conversion system throughout the Rush County Zoning Ordinance, regardless of specific nomenclature. A reasonable attempt shall be made to notify all property owners within the defined area of the WECS project prior to making application for a WECS permit. Notification may be done by media, separate mailings, 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. In accord with the rules of the Board of Zoning Appeals, adjoining property owners shall be notified by Certified Mail.

6.4.4. Prohibition: No applicant shall construct, operate, or locate a wind energy conversion system (WECS) or Wind Farm within Rush County without having fully complied with the provisions of this Chapter.

6.4.5. Conflict with Other Regulations: Nothing in this Chapter is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration (“FAA”) rules and regulations and shall comply with the notification requirements of the FAA. Nor are they intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute or other provision of law. In the event

that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provisions that are more restrictive or that imposes higher standards shall govern.

6.4.6. Definitions: The following definitions shall apply throughout the Rush County Zoning Ordinance in the context of “WECS” or any analogous wind energy to electrical energy conversion system, regardless of nomenclature, and regardless of whether or not the terms are located in this section:

1. APPLICANT: means the entity or person who submits to the Executive Director an application for the siting of any WECS or Substation or thereafter operates or owns a WECS.
2. FINANCIAL ASSURANCE: means reasonable assurance from a creditworthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit or combinations thereof.
3. OPERATOR: means the entity responsible for the day-to-day operation or maintenance of the WECS, including any third party subcontractors.
4. OWNER: means the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from who the land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) within one year of such event.
5. PROFESSIONAL ENGINEER: means a qualified individual who is licensed as a professional engineer in any state in the United States.
6. PRIMARY STRUCTURE: means, for each property, the structure that one (1) or more persons occupy the majority of the time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
7. SUBSTATION: means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility’s transmission lines.
8. SWITCHING STATION: shall be an apparatus/structure in the system similar to a substation but not necessarily increasing voltage into the grid.

9. WECS PROJECT: means the collection of WECSs and Substations as specified in the siting approval application.
10. WECS TOWER: means the support structure to which the nacelle and rotor are attached, free standing or guyed structure that supports a wind turbine generator.
11. WECS TOWER HEIGHT: means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
12. WIND ENERGY CONVERSION SYSTEM (“WECS”): means all necessary devices that together convert wind energy into electricity and deliver that electricity to a utility’s transmission lines, including but not limited to the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, electrical cabling for the WECS Tower to the Substation(s), switching stations, meteorological towers, communications facilities, and other required facilities and equipment, as related to the WECS project.
 - a. “Commercial WECS” are defined for the purposes of the Rush County Zoning Ordinance to mean any WECS or any analogous wind energy to electrical energy conversion system, regardless of specific nomenclature, with one or more wind turbines with a nameplate rating of greater than 50 kW.
 - b. Non-Commercial WECS is defined as a wind energy conversion system that is generally smaller than a commercial WECS, with a nameplate rating of not more than 50kW per turbine, and the purpose of which are to collect wind energy for purpose of supplying energy to the owners, such as a business, school, or factory (allowing for incidental grid interconnectivity for net metering).
 - c. Micro-WECS is defined as a small wind energy collection system whose purpose is to provide energy to a residential or small business user such as a farmer or homeowners (allowing for incidental grid interconnectivity for net metering) and with a nameplate rating of not more than 50kW per turbine.
 - d. Meteorological Towers – WECS are defined as Towers to gather wind energy data to determine project feasibility.

6.4.7. District Regulation

6.4.7.1. Location: In accord with the Official Schedule of Uses (Appendix E) all WECS, including any analogous wind energy to electrical energy conversion system, regardless of nomenclature, shall require a Special Exception from the Board of Zoning Appeals.

6.4.7.2. Height and Generation Capacity:

6.4.7.2.1. Height: Any Non-Commercial WECS or meteorological tower greater than two hundred (200) feet in height shall require a special exception use permit in addition to any other special exception required hereunder (i.e. a project may require more than one special exception permit if it exceeds this height restriction).

6.4.7.2.2. Generation Capacity: Any turbine or any WECS incorporating any turbine with a nameplate rating of greater than 50 kW, i.e. “Commercial WECS” as defined herein, or any analogous wind energy to electrical energy conversion system with any turbine with a nameplate rating of 50kW or greater, are expressly prohibited in all zoning districts. This provision shall supersede any and all provisions to the contrary that allow Commercial WECS or any analogous wind energy to electrical energy conversion system, regardless of nomenclature, as a special exception or otherwise in any section of the Rush County Zoning Ordinance or in any zoning district hereunder. In the event of a conflict with any other section of the Rush County Zoning Ordinance, this section shall control and such WECS, turbines, and/or turbine systems shall be prohibited.

6.4.7.3. Horizontal extension: The furthest horizontal extension of a WECS (including guy wires) shall not extend into a required setback by the zoning district or be closer than twelve (12) feet to any primary structure, or right-of-way easement for any above-ground telephone, electrical transmission or distribution lines.

6.4.7.4. Setback Requirements

6.4.7.4.1. This Section Intentionally Omitted

6.4.7.4.2. Minimum setback distances for Non-Commercial WECS and Micro-WECS

Distance from a...	Minimum Setback Distance
Property line, measured from the center of the WECS to the property line	1.1 times the total height (where the blade tip is at its highest point), provided that the distance is no less than the required yard

	setback prescribed for that district
Residential dwellings, measured from the center of the WECS to the nearest corner of the structure	1.1 times the total height (where the blade tip is at its highest point)
Road right-of-way, measured from the center of the WECS to the edge of the right-of-way	1.1 times the total height (where the blade tip is at its highest point), provided that the distance is no less the required yard setback prescribed for that district ¹
Other rights-of-way, such as railroads and utility easements, measured from the center of the WECS to the edge of the right-of-way	1.1 times the total height (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Public conservation lands, measured from the center of the WECS to the nearest point of the public conservation land in question	Seven hundred and fifty (750) feet
Wetlands, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS to the nearest point of the wetland in question	As determined by a permit obtained from the Army Corps of Engineers

6.4.7.4.3. Minimum setback distances for Meteorological Towers

Distance from a...	Minimum Setback Distance
Property line, measured from the center of the WECS to the property line	1.1 times the total height, provided that the distance is no less than the required yard setback
Residential dwellings, measured from the center of the WECS to the nearest corner of the structure	1.1 times the total height
Road right-of-way, measured from the center of the WECS to the edge of the right-of-way	1.1 times the total height, provided that the distance is

¹ The setback shall be measured from the future rights-of-way required by the Rush County Subdivision Control Ordinance as specified on the General Highway and Transportation Map for Rush County with is located in the Subdivision Control Ordinance.

	no less than the required yard setback ²
Other rights-of-way, such as railroads and utility easements, measured from the center of the WECS to the edge of the right-of-way	1.1 times the total height, provided that the distance is no less than the required yard setback

6.4.7.5. Safety Design and Installation Standards

6.4.7.5.1. Equipment Type

A. Turbines: All turbines shall be constructed of commercially available equipment.

B. Meteorological towers: Meteorological towers may be guyed.

C. Experimental, or proto-type equipment: Experimental or proto-type equipment still in testing which does not fully comply with industry standards, may be approved by the Board of Zoning Appeals per the variance process established by this Ordinance.

6.4.7.5.2. Industry Standards and other Regulations: All WECS shall conform to applicable industry standards, as well as all local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanishcher Lloyd Wind Energie, or an equivalent third party.

6.4.7.5.3. Controls and Brakes

A. Braking system: All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection.

B. Operation mode: All Mechanical brakes shall be operated in a fail-safe mode.

6.4.7.5.4. Electrical Components

A. Standards: All electrical components of all WECS shall conform to applicable local, state and national codes, and any relevant national and international standards.

² The setback shall be measured from the future rights-of-way required by the Rush County Subdivision Control Ordinance as specified on the General Highway and Transportation Map for Rush County which is located in the Subdivision Control Ordinance.

B. Collection cables: All electrical collection cables between each WECS shall be located underground wherever possible.

C. Transmission lines: All transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards or as negotiated with the land owner or the land owner's designee until the same reach the property line or a substation adjacent to the property line.

6.4.7.5.5. Color and Finish

In addition to all applicable FAA requirements, the following shall also apply:

A. Wind turbines and towers: All wind turbines and towers that are part of WECS shall be white, grey, or another non-obtrusive color.

B. Blades: All blades shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing.

C. Finishes: Finishes shall be matte or non-reflective.

D. Variances: Variances may be granted by the Board of Zoning Appeals for meteorological towers, where concerns exist relative to aerial spray applicators.

6.4.7.5.6. Warnings/Markers

A. This Section Intentionally Omitted

B. Guy Wires and Anchor Points: For all guyed towers, one of the following warning mechanisms shall be used for each anchor point:

1. Visible or reflective objects: Visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape placed on the anchor points of guy wires and along the innermost guy wires up to eight (8) feet above the ground.

2. Visible Fencing: Visible fencing not less than four (4) feet in height installed around anchor points of guy wires.

C. Non-commercial WECS and Micro-WECS: The following notices shall be clearly visible on all Non-commercial WECS, and Micro-WECS towers and accessory facilities:

1. "No Trespassing" signs shall be attached to any perimeter fence.

2. "Danger" signs shall be posted at the height of five (5) feet on WECS towers and accessory structures.

3. A sign shall be posted on the tower showing an emergency telephone number.

4. The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.

D. Meteorological Towers – WECS: Consideration shall be given to paint aviation warning on all meteorological towers.

6.4.7.5.7. This Section Intentionally Omitted

6.4.7.5.8. Blade Clearance: The minimum distance between the ground and any protruding blade(s) utilized on Non-Commercial WECS and Micro-WECS shall be a minimum of fifteen (15) feet, as measured at the lowest point of the arc of the blades, provided the rotor blade does not exceed 20 feet in diameter. In either instance, the minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

6.4.7.5.9. Lighting

A. Intensity and Frequency: All lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations.

B. Shielding: Except with respect to lighting required by the FAA, lighting may require shielding so that no glare extends substantially beyond any WECS structure.

6.4.7.5.10. Materials Handling, Storage and Disposal

A. Solid wastes: All solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment related to the construction, operation and/or maintenance of any WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

B. Hazardous Materials: All hazardous materials or waste related to the construction, operation and/or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

6.4.8. Other Applicable Standards

6.4.8.1. Guyed Wire Anchors: No guyed wire anchors shall be allowed within any required road right-of-way setback.

6.4.8.2. Sewer and water: All WECS facilities shall comply with the existing septic and well regulations as required by the Rush County Health Department and/or the State of Indiana Department of Public Health.

6.4.8.3. Noise and Vibration: The noise level of Non-Commercial WECS shall be no greater than sixty (60) decibels measured from the nearest residence. This level may only be exceeded during short-term events such as utility outages

and/or severe wind storms. All other noise and vibration levels shall be in compliance with all county, state and federal regulations.

6.4.8.4. Utility Interconnection: The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, as amended from time to time.

6.4.8.5. Signage: In addition to complying with Sign Standards of the Zone District, the following signage regulations and standards shall also apply. In the event that one of the following regulations or standards conflicts with another sign regulation or standard prescribed by this ordinance, the most restrictive regulation or standard shall apply.

A. Surface area: No sign shall exceed sixteen (16) square feet in surface area.

B. Height: No sign shall exceed eight (8) feet in height.

C. Manufacturer's or owner's company name and/or logo: The manufacturers or owner's company name and/or logo may be placed upon the compartment containing the electrical equipment.

D. Development signs: An identification sign relating to the wind farm development may be located on each side of the total project area, provided that there are no more than four (4) signs located on any one project site.

E. Other signs and logos: No other advertising signs or logos shall be placed or painted on any WECS.

6.4.8.6. Feeder lines: With the exception of minimum setback distances, feeder lines installed as part of any WECS shall not be considered an essential service. To wit, all communications and feeder lines installed as part of any WECS shall be buried underground wherever possible.

6.4.8.7. Other Appurtenances: No appurtenances other than those associated with the wind turbine operations shall be connected to any wind tower except with express, written permission by the Board of Zoning Appeals.

6.4.9. Operation and Maintenance

6.4.9.1. Physical Modifications: In general, any physical modification to any WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Therefore, prior to making any physical modification, the owner or operator shall confer with the Executive Director and Board of Zoning Appeals to determine whether the physical modification requires re-certification.

6.4.9.2. Interference: Prior to construction, a communications study to minimize interference with public or public serving utility microwave transmissions shall be completed. If necessary, the applicant, owner and/or operator shall mitigate interference with electromagnetic communications, such as radio, telephone,

microwaves, or television signals caused by any WECS. In addition, the applicant, owner, and/or operator shall comply with the following:

A. Pre-construction: The applicant shall complete a communications study prior to construction so as to minimize interference with any public or public serving utility microwave transmissions.

B. Post-construction: If, after construction of the WECS, the Executive Director, the owner or operator receives a written complaint related to interference with the broadcast of residential television, telecommunication, communication or microwave transmissions, the owner or operator shall take reasonable steps to mitigate said interference. Interference with private telecommunications systems such as GPS shall be between the company and the complainant.

C. Failure to remedy a complaint: If an agreement to remedy a known interference is not reached within ninety (90) days, appropriate action will be taken by the Executive Director, which may result in requiring the WECS to become inactive. This does not apply to interference with private telecommunications systems.

6.4.9.3. Declaration of Public Nuisance: Any WECS thereof declared to be unsafe by the Rush County Executive Director by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, 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.

6.4.9.4. Decommissioning Plan: Prior to receiving an Improvement Location Permit or Building Permit, or siting approval under this Ordinance, the Board of Zoning Appeals and the applicant, owner and/or operator shall formulate a decommissioning plan outlining the anticipated means and cost of removing a WECS at the end of their serviceable life or upon becoming a discontinued or abandoned use to ensure that the WECS is properly decommissioned.

6.4.9.4.1. Content: A decommissioning plan shall include, at a minimum, language to the following:

A. Assurance: Written assurance that the facilities will be properly decommissioned upon the project life or in the event that the facility is abandoned.

B. Cost estimates: The applicant shall provide a contractor cost estimate for demolition and removal of the WECS facility which cost estimate shall include any offsetting affects of salvage value. 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.

C. Financial assurance: Applicant will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of cash bond payable to the Rush County Board

of County Commissioners, Carthage Town Board of Trustees or Glenwood Town Board of Trustees, as applicable for the cost of decommissioning each tower and related improvements constructed under the permit. Said security will be released when each tower is properly decommissioned as determined by the Executive Director.

6.4.9.4.2. Discontinuation and Abandonment

A. Discontinuation: All WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Executive Director outlining the steps and schedule for returning the WECS to service.

B. Abandonment by the owner or operator: In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Executive Director representing that all easements for wind turbines 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.

6.4.9.4.3. Removal: An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level within three hundred sixty-five (365) days of the discontinuation or abandonment of the facility, and restoration of the project area to as near as practicable the condition of the site immediately before construction of such improvements by the owner, (unless otherwise agreed to by the property owner) or by Rush County at the owner's expense.

6.4.9.4.4. Written Notices: Prior to implementation of the existing procedures for the resolution of such default(s), the Executive Director shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).

6.4.9.4.5. Costs Incurred by the County: If the County removes a tower and appurtenant facilities, it may sell the salvage to defray the costs of removal. By approval, the permittee or grantor grants a license to Rush County to enter the property to remove a tower pursuant to the terms of an approved decommissioning plan.

6.4.10. Liability Insurance: The owner or operator of any WECS shall maintain a current general liability policy covering bodily injury and property damage and shall be required to name Rush County as an additional insured with, \$2 Million for Non-Commercial WECS, \$1 Million for Micro-WECS and Meteorological Tower-WECS. Proof of liability insurance shall be sent to the Executive Director annually; failure to maintain said insurance shall result in cancellation of the Improvement Location Permit by the Executive Director.

6.4.11. Application Procedures: In accord with Appendix E, application shall be made to the Board of Zoning Appeals for a Special Exception. Permits and variances shall be applied for and reviewed under the procedures established by this Ordinance applications WECS Improvement Location Permit shall also include the following information:

6.4.11.1. Applications for All Wind Energy Conversion Systems: An application for All WECS shall include the following information:

A. Contact information of project applicant: The name(s), address(es), and phone number(s) of the applicant(s), as well as a description of the applicant's business structure and overall role in the proposed project.

B. Contact information of current project owner: The name(s), address(es), and phone number(s) of the owner(s), as well as a description of the owner's business structure and overall role in the proposed project, and including documentation of land ownership or legal control of the property on which the WECS is proposed to be located. The Executive Director shall be informed of any changes in ownership.

C. Contact information of project operator: The name(s), address(es), and phone number(s) of the operator(s), as well as a description of the operator's business structure and overall role in the proposed project.

D. Legal description: The legal description, address, and general location of the project.

E. Project description: A WECS Project Description, including to the extent possible, information on each wind turbine proposed, including:

1. Number of turbines;
2. Type;
3. Name plate generating capacity;
4. Tower height;
5. Rotor diameter;
6. Total height;
7. Anchor base;
8. The means of interconnecting with the electrical grid;
9. The potential equipment manufacturer(s); and
10. All related accessory structures.

F. A Site Layout Plan: A site plan, drawn to scale³, including distances and certified by a registered land surveyor.

³ All drawings shall be at a scale not smaller than one inch equals fifty feet (1"=50') with a scale of one inch equals thirty feet ("1=30') being preferred. Any other scale must be approved by the

G. Engineering Certification: For all WECS, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the building permit application that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings.

H. Proof of Correspondence and Cooperation with Wildlife Agencies: For the purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act, the applicant shall provide written documentation that he or she is in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources. I. Plan Release from Fire Prevention and Building Safety The applicant for an WECS shall submit the application documents to the Indiana Fire Prevention and Building Safety Commission for certification that the WECS complies with the Uniform Building Code.

6.4.11.2. Applications for Non-Commercial Wind Energy Conversion Systems: In addition to the application requirements listed in 6.4.11.1, Applications for all Wind Energy Conversion Systems, applications for Non-Commercial WECS shall also include the following information:

A. Demonstration of Energy Need: The primary purpose of the production of energy from a Non-Commercial WECS shall be to serve the energy needs of that tract. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of the WECS fulfills this need. Net-metering may be allowed, but shall not be the primary intent of the WECS.

B. Statement of FAA Compliance: A statement of compliance with all applicable FAA rules and regulations, including any necessary approvals for installations within close proximity to an airport.

C. Utility Notification: No Non-Commercial WECS shall be installed until evidence has been given that the local utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

D. 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. This information is frequently supplied by the manufacturer.

6.4.11.3. This Section Intentionally Omitted

Executive Director. No individual sheet or drawing shall exceed twenty-four inches by thirty-six inches (24" x 36").

6.4.11.4. Aggregated Project Applications: Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, and reviews and as appropriate, approvals.

6.4.12. Fees

A. Non-Commercial WECS, Micro-WECS, and Meteorological Towers Special Exception Fees

Non-Commercial WECS \$200

Micro WECS \$50

Meteorological Towers \$200

The fee for the application for special exception shall be payable at the time of submission of the application of which 50% shall be applied towards fees of Improvement Location Permits. In the event that the Improvement Location Permit fees are less than 50% of the application fee for special exception, the County shall retain the unused Improvement Location Permit fees. The application fees shall be used to defray the costs associated with the application of a special exception, including professional fees and expenses.

B. Aggregated projects

Applications will be assessed fees for each construction phase within a single project, as prescribed in Section 12 of this Ordinance: Fee Schedule.

6.4.13. Permits

A. Non-Commercial WECS, Micro-WECS, and Meteorological Towers: As prescribed by Section 8, Administration, of this Ordinance.

B. Aggregated projects: Permits for aggregated projects will be issued by construction phases and recorded separately, as prescribed by Section 8. Administration and Enforcement, of this Ordinance.

6.4.14. Pre-Construction Requirements: Prior to the issuance of any Improvement Location Permit, the following shall be submitted to and reviewed by the Executive Director, who shall certify that the following are in compliance with all applicable regulations:

6.4.14.1. FAA permit application

6.4.14.2. Decommissioning Plan: A Decommissioning Plan as prescribed in 6.4.9.4 of this Chapter.

6.4.14.3. Economic Development, Drainage, and Road Use and Maintenance Agreements: An Economic Development Agreement, a Drainage Agreement, and a Road Use and Maintenance Agreement approved by the County Commissioners. The agreement shall be developed in conjunction with the Rush County Economic Development office. This agreement must be signed before any Improvement Location Permit is issued. The Drainage Agreement must prescribe or reference provisions to address crop and field tile damages in accord with the Rush County Drainage Board.

- 6.4.14.4. Erosion Control Plan: An erosion control plan developed in consultation with the Natural Resources Conservation Services (NRCS), and any storm water quality management plan adopted by the applicable jurisdiction.
- 6.4.14.5. Utility Plan: A utility plan drawn to the same scale as the site plan illustrating the location of all underground utility lines associated with the total WECS project shall be submitted to Executive Director. No individual sheet or drawing shall exceed twenty-four inches by thirty-six inches (24" x 36").
- 6.4.14.6. Final Site Layout Plan: Provide a copy of the Final Site Layout Plan illustrating the final location of all that is required in the preliminary site layout plan, as approved by the landowner.
- 6.4.14.7. This Section Intentionally Omitted.
- 6.4.15. Construction Requirements: During construction, the applicant shall demonstrate that the following requirements are being met:
 - 6.4.15.1. This Section Intentionally Omitted
 - 6.4.15.2. Drainage: Reasonable storm water best management practices as required by the approved Drainage Plan/Agreement on file with the Rush County Surveyor.
- 6.4.16. Post-Construction Requirements: Post-construction, the applicant shall comply with the following provisions:
 - 6.4.16.1. Road Repairs: Any road damage caused by the construction of project equipment, the installation of the same, or the removal of the same, shall be repaired to the satisfaction of the Rush County Highway Superintendent. The superintendent may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a professional engineer may be required by the superintendent to insure the county that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant.
 - 6.4.16.2. As-Built Plans Requirement: Where upon completion of all development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as-built plans), as amended, to the Executive Director with the exact measurements thereon shown. The Executive Director, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s), shall approve, date and sign said Construction Plans for the project, which the applicant, owner, or operator shall then record.
 - 6.4.16.3. Change in Ownership: It is the responsibility of the owner or operator listed in the application to inform the Executive Director of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or operation.

Section 5.1.52 shall be repealed and replaced with the following:

5.1.52 Wind Energy Conversion System – Shall have the meaning set forth in 6.4.6 #12