

***FULTON COUNTY***  
***AREA PLAN COMMISSION***  
FULTON COUNTY OFFICE BUILDING  
COMMISSIONERS/COUNCIL ROOM  
MONDAY, AUGUST 26, 2024  
7:00 P.M.

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**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:**  
JULY 22, 2024

**PUBLIC COMMENT**  
(Not to pertain to Agenda Items)

**OLD BUSINESS**

**NEW BUSINESS:**  
Solar Discussion

**PLAN DIRECTOR REPORT:**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

FULTON COUNTY AREA PLAN COMMISSION  
JULY 22, 2024

FULTON COUNTY  
AREA PLAN COMMISSION  
MEETING

MONDAY, JULY 22, 2024

7:00 P.M.  
COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

AREA PLAN COMMISSION MINUTES FOR:  
June 24, 2024

PUBLIC COMMENT (Not to pertain to Agenda Items)

OLD BUSINESS

NEW BUSINESS  
Solar Discussion

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**FULTON COUNTY AREA PLAN COMMISSION**  
**JULY 22, 2024**

The Fulton County Area Plan Commission met on Monday the 22<sup>th</sup> of July 2024, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Duane Border called the meeting to order at 7:00 P.M. The following members were present: Crystal Weida, Cathy Miller, Amy Roe, Lori Roberts, Phil Miller, Gloria Carvey, Chayse Thompson, Rick Ranstead, and Duane Border. Also, in attendance were: Plan Director, Heather Redinger, Board Attorney, Andy Perkins and Administrative Secretary, Kim Gard

It is duly noted Seth White and Debbie Barts were absent.

IN RE:           MINUTES

June 24, 2024

Duane Border asked for any additions, deletions or corrections to be made to the June 24, 2024 minutes. Amy Roe moved to approve the June 24, 2024 minutes as written. Rick Ranstead seconded the motion. Motion carried as follows: Crystal Weida, Cathy Miller, Amy Roe, Lori Roberts, Phil Miller, Gloria Carvey, Chayse Thompson, Rick Ranstead, and Duane Border being in favor and no one opposing.

Duane Border asked if there were any comments or questions not pertaining to the agenda items. Being none, he moved on to new business.

IN RE:           NEW BUSINESS

Solar Discussion

Heather stated tonight we are starting our discussion on Commercial Solar Farms. She sent to the board Amy's comments on Kosciusko County solar ordinance. Seth White was unable to attend, you have received his letter with notes.

\*See attached. Heather read Seth's letter.

The board discussed the setbacks from property lines not from the buildings.

Rick asked if Kosciusko County requires cash up front or a bond.

Lynn Studebaker stated it is an escrow.

Duane read the following from Kosciusko County ordinance:

This money shall be secured in the form of a surety equal to 150% of the quote, such as surety bond, letter of credit, or other financial promise,

Duane stated this is a big project, we should break it down into pieces such as, setbacks, noise, vibrations, glair, decommissioning, notifications, development standards.

Heather suggested they follow Kosciusko County ordinance as an outline and she will make any changes the board has.

Duane stated he found something in Henry County that we need to consider. They implemented a cap on how many acres of commercial solar would be allowed in their county. They capped it at 1%. Their county is fairly close in size to ours. Fulton county is 369 square miles. At 1% that would put the cap at 2362 acres in Fulton county. They also have a limitation that is determined by density.

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Gloria spoke of Purdue extension doing a snap shot view of solar farms.

Duane asked Amy in her notes she has minimum site area highlighted did she have questions.

Amy stated she was talking with Matt, Kosciusko County Plan Director, trying to get a visual representation of what a 2000-acre farm would look like in Fulton county. She stated it would roughly be ½ the size of Warsaw.

Duane asked if Matt stated why the minimum site area.

After much discussion, Heather stated our minimum size for a solar farm is 10 panel acres. Heather stated if we do a minimum site area it would have to be 10 acres or more. There would not be enough room for all the equipment on just 10 acres if our requirement is 10 panel acres.

After much discussion the board agreed to a 15-acre site minimum.

Duane stated setbacks he has seen everywhere from under 100' to 200'.

Lynn Studebaker stated Whitely county is 1500' setback. She then stated she has a copy of their amended ordinance that is not on line yet.

Duane stated for reference, city blocks are roughly 400. A 200' setback would be ½ a city block.

Amy asked if the trees would then start at the 200' point?

Phil stated correct you cannot put anything within that 200'.

Amy asked Lynn if she knew why they went with the 1500' setback. Lynn stated because of noise and general nuisance.

Duane stated something else he found in his research was a residence can only be bordered on two sides. Other words a solar farm can only adjoin two side of their property.

The board was clear to state setbacks will be from the property lines.

Duane stated Kosciusko County ordinance states: Each (CSES) array and any associated features shall be set back from any adjoining property lot line, road right-of-way, railroad right-of-way  
He then stated we only have one railroad and it is scrap metal so we need to decide if we are going to do setbacks off of the road right-of-way or the property lines.

Gloria stated it should be both, the right of way and property lines.

Heather stated the way they have it in there is adjoining property lines which would be your side and rear property lines and then the road right of way would be the front. For example, if you live on a corner you have two right of ways and then two side or adjoining.

Heather then explained to the board how we measure the right of way. For example, in the county if the right of way is 34' then we would measure from the center of the road to the edge 17' and then it would be however many feet off.

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Lynn Studebaker emailed Heather an updated ordinance from Whitley County .

Amy presented the board with a property value study of many different solar projects. \* See attached.

Duane stated there are two counties LaPorte and Henry that have the setbacks from the closest solar panel to the property line. One of them reads: setbacks shall be measured from the property line to the nearest piece of above ground solar energy equipment.

Rick spoke in great favor of the Kosciusko County solar ordinance. He stated you could copy Kosciusko County ordinance and sign it and I'd be ok with that. It serves a purpose I want to serve. We could go on for months and pick through it. He stated Kosciusko County ordinance addresses property values also. There are a lot of commissioner friends that are thinking of adopting Kosciusko County ordinance or already have.

Duane stated do you want to adopt the Kosciusko County ordinance.

Amy stated last meeting we had a conversation with Debbie and Rick about this seems to already determined so why not make it easy and just go with Kosciusko County ordinance.

Rick then stated he wants the hear the boards thoughts.

Amy stated a valid concern that was approached last meeting, if there is a farmer who wants to use their land for a solar farm then are we keeping individuals from having the opportunity to use their land as they see fit. However, this does affect other people and I wouldn't what a farm right next to me but I don't want to be told what I can and can't do with my land.

Rick stated we are telling people every day what they can and can't put on their land. This is no different. Zoning is here to shape what you want you community to look like.

Duane brought the board back to the question on setbacks.

The board then agreed on 200' setback from property line.

Duane asked what about bordered on only two sides.

Lori stated even if you are bordered on two sides then it still seems kind of boxed in. Why not just one side?

The board agreed to bordered by one side only.

Duane stated something else on setbacks is where do you want the inverter placed. In some of the other ordinances I have read they had setbacks because of noise. There were also noise restrictions.

Rick asked if Duane found that in the Kosciusko County ordinance. Duane stated he found it in Henry and LaPorte county. One ordinance has a 50-decibel restriction on sound. Henry county ordinance states: No operating of large-scale solar array shall produce noise that exceeds 50 decibels as measured at the property line of any adjoining property with a legal building or current permit for a dwelling except during construction.

Phil that's not 50-decibel at the source it's at the property line.

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Duane stated another ordinance had a setback for the inverter itself.

The public played a recording of a solar farm inverter noise in Michigan.

Duane stated Whitley County ordinance states: any inverter, transformer, or BESS in a CSECS facility shall be separate from certain uses and structures, as follows:

300' to the wall of a dwelling on a non-participating property in existence at the time of Development Plan approval. 200' to the wall of a primary structure of religious institution or educational institution in existence at the time of development.

Duane stated if we go with Kosciusko it's a 200' setback for the whole project.

Phil stated noise would be controlled if we do the 50 decibels at the property line.

The public suggested less than 50.

Gloria asked if there were any studies on wild life?

Mrs. Studebaker stated one of the commissioners that used to hunt around a solar farm said it has driven all the wild life away. Stark County is having a lot of issues with wild life and livestock because of the solar farm there.

Rick asked the public if we move to a 1500' setback it would take care of everything with sound and wildlife?

Phil stated if we are all leaning toward Kosciusko County ordinance and agree then we could go above and beyond that because it is already restrictive.

Amy found information on inverters: Most solar inverters range between 25 and 55 decibels.

Lori asked if there were any solar farms in Kosciusko County using the 200' setback and has it been successful. Have there been any complaints of noise?

Mrs. Studebaker state they have glare problem. In the town of Warsaw there are some solar arrays and neighbors are complaining about glare.

Gloria suggested 1000' setback.

Phil stated he is hearing it doesn't matter the distance because the home owner can negotiate the distance.

Heather state no they would have to file for a development standard variance to have less of a setback.

The board agreed, each array and any associated features shall be set back from any adjoining property lot line or road right of way a minimum of 1000 feet. They agreed to remove railroad right of way.

After much more discussion on noise and the inverter, the board agreed to maximum 50 decibel at the property line and the inverter is central located.

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Amy stated she looked up what 50' decibels would sound like, dishwasher, quiet conversation, low hum of a refrigerator, washer running, clock ticking or moderate rain fall. A moderate level of noise considered safe for humans.

Duane asked about vibrations- Any proposed (CSES) or associated features shall not produce vibrations humanly perceptible beyond the property on which it is located or cause vibration the could be detected in nearby structures or damage underground wells during construction or upon operation.

The board agreed to keep the language as written.

Heather asked for the setbacks - The setback distance for the (CSES) shall be one mile from any platted community of a municipality. Distance shall be measured from the center of the array to the closest Corporate Limit boundary line.

The board agreed to keep the language as written.

Duane asked about glare - Glare - At no time shall a (CSES) create glare on any non-participating landowner's property. For the purpose of this section a non-participating landowner shall be defined as a landowner on which no part of the CSES does not physically sit.

The board agreed to keep the language as written.

Duane then asked about lighting. He stated he found something more specific then Kosciusko had;

A (CSES) shall not be artificially light except to the extent required for safety or plicable federal state or local authority. Such lighting shall be shielded and down cast so not to affect adjacent properties.

The board agreed to remove - Each (CSES) shall be lit in a fashion so no light extends beyond the perimeter of the facilities involved, and replace with, A (CSES) shall not be artificially light except to the extent required for safety or plicable federal state or local authority. Such lighting shall be shielded and down cast so not to affect adjacent properties.

Duane then asked about signs. Signs. A sign no more than 4 square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the entrance of the (CSES) access road. No (CSES) or site shall include an advertising sign.

The board agreed to keep the language as written.

Duane then asked about buffering. The board agreed to evergreen trees and conifer trees minimum 10' tall. Minimum 20' from all property lines must be planted within 20' of each other.

Duane then read from Whitley County in regards to ground cover.

Ground cover. A CSECS shall have ground cover in any combination of the following:

Perennial vegetation

Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover.

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To the maximum extent feasible for site conditions, pollinator-friendly perennial vegetation ground cover shall be based on a diverse seed mix of native species consistent with guidance specific to the local area provided by the Soil and Water Conservation District office or the Indiana Native Plant Society. The quality of the pollinator habitat shall be demonstrated by using guides such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard, or other third party solar-pollinator scorecards designed for Midwestern ecosystems, soils, and habitat. The owner/operator shall demonstrate site maintenance that is intended to remove invasive or noxious Species, as listed by the Indiana Invasive Species Council, without harming perennial vegetation.

No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, or as otherwise may be deemed necessary to protect public health and safety.

Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.

The board agreed to keep the language as written.

Heather clarified you want E. F. G. and H from Whitley County

Amy asked is ground cover under the panels or around.

Duane stated it under and around.

The board agreed to keep the language as written.

The board moved on to talk about decommissioning.

Rick stated let look at Kosciusko County's.

Amy stated in Whitley County it states,

Change in CSECS Operator or Owner. A new operator or owner shall agree to any and all provisions of any and all prior owner requirements and shall furnish a copy of the transfer to the Zoning Administrator before commencing business.

The board agreed to add the language as written.

Gloria reread Seth Whites comment "if bankruptcy occurs could you put it on the owner?" She then stated she doesn't believe the property owner should be responsible. The solar company should be totally liable.

Amy stated that is what the surety bond is for to cover the decommissioning.

Rick asked how does a cash security bond work. Is it cash money sitting in an escrow account?

Gloria stated it's a bond.

Lynn Studebaker stated you can require decommissioning money upfront.

After extensive discussion with Andy in regards to decommissioning money the board agreed to keep Kosciusko County language,

This money shall be secured in the form of a surety equal to 150% of the quote, such as surety bond, letter of credit, or other financial promise, and shall be determined by the Kosciusko County Area Plan Commission. In the instance the developer defaults on the proper decommissioning the County or its



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agent retains the right, after an appropriate court order, to enter the property and remove any abandoned, hazardous, or decommissioned solar energy system with funds from the surety on file.

Heather reread Seth Whites suggestion on abandonment, everything would have to be removed including trees and shrubs there could be an exception on removing the vegetation, but would have to come before the board for approval. She then asked if it does become abandoned and they have to remove everything will that include the trees.

Duane stated we should state the plan commission has the final approval of decommissioning plan then we can direct what can and can't be removed.

Amy stated Kosciusko County states in addition to removing the (CSES), the owner shall restore the site to its condition prior to location of the (CSES) (excluding replanting of original vegetation and trees),

Duane suggested to stop for the evening and reconvene next month.

IN RE: PLAN DIRECTOR REPORT

Heather presented the board with last months report.

IN: RE PUBLIC COMMENT

The public complemented the board on the discussion and research that has been done.

IN RE: ADJOURNMENT

With no further business to come before the Board, Chairperson, Duane Border entertained a motion to adjourn the July 22, 2024 meeting. Crystal Weida moved to adjourn the July 22, 2024 Fulton County Area Plan Commission Board at 9:00 P.M. Amy Roe seconded the motion. Motion carried as follows: Crystal Weida, Cathy Miller, Amy Roe, Lori Roberts, Phil Miller, Gloria Carvey, Chayse Thompson, Rick Ranstead, and Duane Border being in favor and no one opposing.

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Kim Gard, Administrative Secretary

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Good Evening,

I apologize that I am unable to attend tonight's meeting. After reviewing these ordinances of Marshall, Kosciusko, and Whitley Counties, here are my thoughts and concerns. I am also going to be looking at what Amy sent too.

I personally like K County's the best. So using this as our guidelines, lets see what I agree/disagree with Amy, and what other modifications I would suggest.

Setbacks

- A. Minimum site area. I don't think any commercial will try to build anything on just 5 acres. Seems small to me
- B. Setbacks
  - a. Amy has recommended 100'. I like the 200' or possibly more. I don't know if there are any noise or clicking/zapping sounds, but I want to make sure that if there are, nothing is close enough to be heard by a neighbor.
  - b. Amy comments on the barrier fence with evergreen. I agree as this needs to be "must have" for moving forward with a Commercial Solar Farm. I am still "on the fence" of having a wired fence. I am sure that any company doing this will want one to keep people out from damaging property or theft. My concern is the wildlife that somehow finds their way in, but cannot find their way out. Whitley County states a deciduous tree planted within 30' of each other and a coniferous tree being planted within 20'. I personally like the 10' tall or so landscaping trees that are a couple feet in diameter that people plant within a couple feet of each other for wind blocks. I also agree with Whitley County that trees should be planted 10'-30' from the property lines, depending on type of tree. Needs to be planted to where at full growth, branches don't hang over property lines.
  - c. I agree with at least 1 mile minimum
- C. Vibrations- If Battery Generator is used, needs to be put far enough way to not be heard (Setbacks- Section a) or felt

J. Removal

4. I agree with Amy. All material used to build these facilities will need to be removed. Once all is removed, the condition of the ground should be, at a minimum, to where the farmer could go and till the ground with the same result as it was before the facility went in (minus some compaction).

Bonds- I like a combination of K County and Marshall. I would add the reevaluation of the bonds by the Commissioners from the Marshall County Ordinance every 3 years to the K County. On Amy's comment of bankruptcy, it is up to the company to remove everything, but if bankruptcy occurs, could you put it on the owner? This adds skin in the game for owner on their investment, and assures the county that if

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bankruptcy occurs and these become abandoned, they will be removed and not become an eye sore to the county. Also on removal- I believe pictures should be taken before they break ground, and removal should include everything that was built (including fence) as well as all trees, shrubs, etc that was put in for this project. There could be an exception on removing the vegetation, but would have to come in front of the board for approval.

K. Solid Waste- 100% agree, but who is going to monitor it?

N. Drainage etc-

The only thing I would add to this is- All County regulated tile has a 75' right of way on each side of the center of the tile. All open ditches have a 75' right of way from the top of bank of each side of the open ditch. Anything proposed to be built within these right of ways has to be approved by the Fulton County Drainage Board prior to any permits being issued.

Interference-

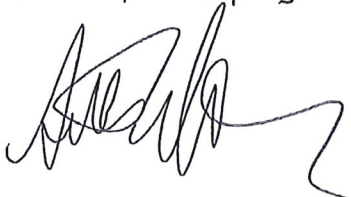
I agree this will be hard to enforce. The only good news is that most of your tv and radios are going to streaming. But having something in writing gives a leg to stand on if some problems occur.

*Need control*

To sum up my thoughts- I like K county's ordinance. There are a couple things I would pull from Marshall county and Whitley County that I mentioned above. As you can see, for the most part I agree with Amy's thoughts and appreciate her putting them out there. There are some things listed in the K County ordinance that may come off as over kill, but I would rather have it that way, then not have things spelled out to where they could be interpreted differently.

If everyone is on the same page, I am not against moving the public hearings up and having our first one in August. This would give Heather more time to complete the rest of the meetings she would have to attend if this ordinance passes to meet our January 1, 2025 effective date.

☆ Setbacks from Property lines, NOT Buildings



**FILED**

JUN 22 2024  
July  
Fulton County  
Plan Commission

Commercial SES Farms shall be permitted in those districts at listed on Table A of the Fulton County Zoning Ordinance or as approved by the Board of Zoning Appeals. An application for an Exception or Location Improvement Permit shall meet the below requirements and be accompanied by at minimum those items listed below.

#### 3.30.5.4.1 GENERAL REQUIREMENTS

- A. Minimum Site Area. The minimum site area for a Commercial Solar Energy System Farms (CSES) at **minimum fifteen (15) acres** and shall be as necessary to meet required setbacks and any other standards of this ordinance.
- B. Setbacks.
  - 1. Each proposed (CSES) shall meet the following applicable setback requirements:
    - a. Each (CSES) array and any associated features shall be set back from any adjoining property lot line, ~~road right-of-way~~, railroad right-of-way a minimum distance of **one thousand (1000') feet. Array cannot exceed 50 decibels from the property line and the inverter must be centrally located.**
    - b. (CSES) occupying multiple parcels may have internal property line setbacks waived by execution of a written document signed by all land owners sharing such a property line. All such documents shall be recorded in the office of the Fulton County Recorder within 45 days of the signing of each solar lease agreement and said document shall be cross referenced to the current recorded deed. The solar developer may not submit a memorandum of lease containing multiple lease contracts to the Fulton County Recorder. Signed solar lease contracts not submitted to the Fulton County Recorder's office within 45 days of signing are null and void in Fulton County.
    - c. The setback distance for the (CSES) shall be one mile from any platted community of a municipality Distance shall be measured from the center of the array to the closest Corporate Limit boundary line.
- C. Maximum Vibrations. Any proposed (CSES) or associated features shall not produce vibrations humanly perceptible beyond the property on which it is located or cause vibration that could be detected in nearby structures or damage underground wells during construction or upon operation.
- D. Electrical Components
  - 1. All electrical components of the (CSES) shall conform to applicable local, state, and national codes, and relevant national and international standards.
  - 2. Electrical Collection Cables - All (CSES) electrical collection cables between each WECS shall be located underground. All transmission lines that are buried should be at a depth of 10 feet until the same reach the property line or a substation adjacent to the property line.
- E. Interference with Reception. Any solar arrays shall be constructed and operated so that they do not interfere with television, microwave, GPS for agricultural use, military defense radar, navigational or radio reception to neighboring areas.
- F. State or Federal Requirements. Any proposed (CSES) shall meet or exceed any additional local, state, or federal standards and regulations.
- G. Aesthetics and Lighting. Any proposed (CSES) shall meet the following requirements:

1. Each (CSES) shall **not be artificially lit except to the extent required for safety of applicable federal state or local authority. Such lighting shall be shielded and down cast as not to affect adjacent or adjoining properties.**
  2. Each (CSES), including all accessory structures, shall to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings.
- H. Signs. A sign no more than 4 square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the entrance of the (CSES) access road. No (CSES) or site shall include an advertising sign.
- I. Not Essential Services. (CSES) shall be regulated and permitted pursuant to this Article of the Zoning Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- J. Removal of Abandoned, discontinued, or Unsafe (CSES)
1. Any (CSES) that is not operated for a continuous period of 6 months shall be considered abandoned.
  2. **Any change in CSES operator or owner, they shall agree to any and all provisions of any and all prior owner requirements and shall furnish a copy of transfer to the Zoning administrator before commencing business.**
  3. Any (CSES) or component found to be unsafe or not in compliance with the special exception conditions related to noise or glare placed upon it by the Board of Zoning Appeals (BZA), shall be found to be in violation of the special exception approval.
  4. The owner of any (CSES) that is abandoned or in violation of the special exception approval shall remove the same within one hundred and fifty (150) days of receipt of notice from the Area Plan Commission of such abandonment or violation.
  5. In addition to removing the (CSES), the owner shall restore the site to its condition prior to location of the (CSES) (excluding replanting of original vegetation and trees), subject to reasonable wear and tear and shall stabilize soils through use of ground cover. All concrete and rebar must be removed from the soil.
  6. Failure to remove an abandoned (CSES) within the one hundred and fifty (150) day period provided in this subsection shall be grounds for the Fulton County Area Plan Commission to pursue the violation as prescribed under section 4.12 of this ordinance.
  7. A decommissioning plan approved by the Fulton County Technical Committee providing for the method and payment of the anticipated cost of removing a (CSES) at the end of its serviceable life or upon it's becoming a discontinued or abandoned use to ensure that the (CSES) is properly decommissioned.
  8. Decommissioning shall include but not be limited to;
    - a. The Physical removal of all solar energy systems, structures and equipment from the site.
    - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
    - c. Stabilization or revegetation of the site as necessary to minimize erosion. The Fulton County Area Plan Commission may allow the owner to leave landscaping or

designated below-grade foundations in order to minimize erosion and disruption to vegetation.

9. A decommissioning plan at a minimum, shall also include the following:
  - a. Written statement detailing the time line for decommissioning, not exceeding 150 days after the date of documented discontinued operations. The owner shall notify the Fulton County Area Plan Commission upon the discontinuation of the operations.
  - b. Assurance - Written assurance that the (CSES) will be properly decommissioned upon the expiration of its serviceable life or in the event of its discontinuance or abandonment.
  - c. Cost estimates for all (CSES) an estimate of the costs of decommissioning and removing the (CSES) upon the expiration of its useful life, or in the event of its discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of CSES, and shall be updated every five (5) years for approval by the Fulton County Area Plan Commission.
  - d. Financial assurance the cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the CSES and to restore the site, the following steps shall be followed:
    1. For each CSES, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost.
    2. The Planning Commission shall require independent verification of the adequacy of this amount.
    3. This money shall be secured in the form of a surety equal to 150% of the quote, such as surety bond, letter of credit, or other financial promise, and shall **be determined and approved by the Fulton County Area Plan Commission**. In the instance the developer defaults on the proper decommissioning the County or its agent retains the right, after an appropriate court order, to enter the property and remove any abandoned, hazardous, or decommissioned solar energy system with funds from the surety on file.
  - e. Abandonment Verification under penalties for perjury, that all easements and/or leases for the CSES contain terms that provide financial assurances to the property owners to ensure that the CSES are properly decommissioned within one (1) year of the expiration of its serviceable life or in the event of its discontinuance or abandonment.
- K. Waste Management - All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All HAZARDOUS WASTE generated by the operation and maintenance of the facility, including but not limited to lubricating materials, cleaning materials, or such shall be handled in a manner consistent with all local, state and federal rules and regulations and shall not be allowed to seep into the ground.

- L. Utility Interconnection The CSES, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to CSES.
- M. Warnings A-reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
- N. Drainage, Flood, and Erosion Control
  - 1. A detailed drainage plan compliant with the requirements of the Fulton County Stormwater Control Ordinance shall be submitted and approved of.
  - 2. In instances where the project is required to comply with IDEM, erosion control regulations proper approvals shall be submitted indicating the plans have been approved. In instances where the project does not require IDEM approval an erosion control plan showing how any disturbance will be controlled on site as required under the Fulton County Stormwater and Erosion Control Ordinance shall be submitted.
  - 3. Any project within a special flood hazard area shall comply with all standards required under the Fulton County Flood Control Ordinance.
  - 4. All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the CSES, must be completely repaired to near Original condition, and so as not to impede the natural flow of water. All repairs must be completed within a reasonable amount of time agreed upon by the Fulton County Surveyor.
- O. USE OF ROADS- An Applicant, Owner, or Operator proposing to use any county road(s), for the purpose of transporting CSES or Substation parts and/or equipment for construction, operation, or maintenance of the CSES(s) or Substation(s), shall prior to construction:
  - a. Identify all such public roads and services Roads
  - b. Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Fulton County Highway Superintendent. The Superintendent shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
  - c. Any road damage caused by the construction of the CSES project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the Fulton 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.
  - d. Newly constructed CSES access roads may not impede the flow of water.
  - e. All repairs must be completed in the time period agreed upon by the Fulton County Highway Superintendent.
  - f. Throughout the life of the project as repairs to CSES are made, road repairs will be completed each time the company's equipment traverses Fulton County roads if the

Fulton County Highway Superintendent deems repairs be necessary, at the solar developer's expense.

- g. The location of all CSES access roads must be approved by the Fulton County Plan Director and may not be located closer than 2,000 feet from any residence as measured from the center of the access road to the corner of the residence.
  - h. Dust Control - Reasonable dust control measures will be required by the County during construction of the CSES.
- P. Sewer and Water
- 1. Any facility shall comply with existing septic and well regulation as required by the Fulton County Health Department and the State of Indiana Department of Public Health.
  - 2. Wells within one mile of each site shall be inspected by a licensed certified Indiana well installed prior to and following construction. All expenses associated with the inspections shall be at the expense of the developer. Any damage/pollution caused by the operations of CSES or their construction shall be repaired at the expense of the developer and construction companies and these companies are required to provide commercial water tanks and water to affected homes until an investigation is complete and problems, if caused by CSES construction or operation, are mitigated.
- Q. Fire Prevention and Emergency Response Plan and Requirements.
- 1. Description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
  - 2. Designation of the specific agencies that would respond to potential fire or other emergencies.
  - 3. Description of all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training
- R. The site plan and other documents shall illustrate and describe mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands, avian and wildlife (migratory bird patterns and bat population effects), other fragile ecosystems, historical/cultural sites and antiquities.
- S. Glare - At no time shall a (CSES) create glare on any non-participating landowner's property. For the purpose of this section a non-participating landowner shall be defined as a landowner on which no part of the CSES does not physically sit.
- T. Property Value Guarantee will be offered by the solar developer to all residents and landowners within two miles of a CSES. Fair market value will be established by, at minimum, two reputable appraisers of the Fulton County Plan Commission's choice to establish baseline data for property values at the solar developer's expense. If the property value of a home decreases and a home or landowner is unable to sell his property after the CSES is erected, the developer will pay that landowner the difference or buy the property at the baseline fair market value determined prior to construction of the solar project.
- U. Prior to meeting with landowners in Fulton County to secure leases and holding private meetings with residents, the solar developer must notify every household and landowner within five miles of a planned solar project of their intentions to develop a CSES in the area via certified letter. The solar developer must also contact the Fulton County Plan Director and inform the Fulton County Planning Commission of their intent to develop a CSES in Fulton County prior to



notice being sent to residents and landowners and prior to meeting with landowners to secure solar lease contracts in Fulton County.

- V. Screening & Buffering -Proper screening and buffering shall be installed to reduce the visual impact on adjacent properties as deemed necessary by the Fulton County Board of Zoning Appeals.
  - a. Trees must be evergreen of conifer and a minimum of 10' tall
  - b. All trees must be planted a minimum of 20' off of all property lines
  - c. All trees must be planted within 20' of each other
  - d. Trees must be properly maintained and be replaced if the tree dies, is diseased, or is damaged.
  - e. The developer or owner of the CSECS facility is responsible for installing the buffer yard.
  - f. The adjacent property owner shall not have to participate in installing the buffer yard.
- W. Ground cover. A CSECS shall have ground cover in any combination of the following:
  - a. Perennial vegetation
  - b. Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover.
  - c. To the maximum extent feasible for site conditions, pollinator-friendly perennial vegetation ground cover shall be based on a diverse seed mix of native species consistent with guidance specific to the local area provided by the Soil and Water Conservation District office or the Indiana Native Plant Society. The quality of the pollinator habitat shall be demonstrated by using guides such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard, or other third party solar-pollinator scorecards designed for Midwestern eco-systems, soils, and habitat.
  - d. The owner/operator shall demonstrate site maintenance that is intended to remove invasive or noxious species, as listed by the Indiana Invasive Species Council, without harming perennial vegetation.
  - e. No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, or as otherwise may be deemed necessary to protect public health and safety.
  - f. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
  - g. Agriculture Agri voltaic CSECS projects shall establish agricultural ground cover (e.g. crops, pasture, etc.) as may be necessary for the adequate colocation of productive agriculture and electricity generation.
  - h. the use of agriculture may modify buffering requirements specified as determined during Development Plan review.

#### 3.30.5.4.2 SPECIAL EXCEPTION APPROVAL REQUIRED

- A. All CSES shall be subject to special exception approval and all requirements for special exception uses in Article 5, section 5.4. In addition to the general standards of approval for special

exception, all special exceptions regulated under this Article shall comply with the following standards of approval:

1. The use shall meet all general requirements listed above in Section 3.30.5.1
2. All decommissioning money paid to Fulton County to be placed in an interest accruing account controlled by Fulton County prior to the approval of any permits. In order to ensure the proper removal as required under section 3.30.5.4.4 of any abandoned or dangerous CSES.
3. The special exception, if granted by the BZA, for a proposed project shall be valid for a period of one (1) year in which to apply for an Improvement Location Permit, after which, approval shall terminate and be of no further force or effect if construction in earnest of the approved tower/s has not commenced. The Applicant shall be granted a one (1) year extension to result in a total of two (2) years from the date of the BZA approval if the Applicant presents a request for an extension to the BZA and provides a report to the BZA which shows the progress made on the project. Thereafter, an additional extension shall be at the BZA's discretion.

#### APPLICATION REQUIREMENTS

- A. Prior to the construction of a CSES, the Applicant shall obtain approval for the following: (1) an Application for an Exception Use from the Fulton County Board of Zoning Appeals ("BZA") to permit a CSES in any zone list under table A, (2) Request for Variance for any variances anticipated on the CSES Project, and (3) Drainage approval as required under the Fulton County Stormwater and Erosion Control Ordinance when deemed necessary, (4) an Improvement Location Permit from the Fulton County Area Plan Commission.
  1. The Application for Exception Use shall be filed with the Fulton County Area Plan Commission and include the following items:
    - a. A CSES Project summary, including, to the extent available: Each array's point location, including its name plate generating capacity; the make and model of the CSES that will be installed; the maximum height of the SES Array(s) measured from the base to the tip of the panel when at max height position and (2) a description of the Applicant, Owner, and Operator, including their respective business structures.
    - b. The name(s), address (es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) with CSES or associated utility lines on their properties. All leases for properties with CSES must be filed in the Fulton County Recorder's Office within 45 days of the contract being signed agreeing to a solar lease or said contract is null and void in Fulton County.
    - c. A topographic map of the project site and the surrounding area which shall encompass an area at least a quarter mile radius from the proposed project site with contours of not more than five foot intervals.
    - d. A site plan at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower site not greater than 1 inch equals 20 feet): the proposed location of the Solar Energy System (including planned locations of each CSES array, access roads; Substations; electrical cabling; and ancillary equipment). In addition, the site plan shall show: Primary

Structures within one mile of any CSES; property lines, including identification of adjoining properties; setback lines; public roads; recognized historic or heritage sites as noted by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources; delineated special flood hazard areas, and any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines.

- e. Location of all existing underground utility lines associated with the CSES site.
  - f. All required hearing filing fees as prescribed by this ordinance.
2. The Application for Improvement Location Permit
- a. The Applicant shall apply to the Area Plan Commission for an Improvement Location Permit. In addition to the information required on the Improvement Location Permit Application and those documents required under section 3.30.5, the Applicant shall provide the following information to the Area Plan Commission prior to the issuance of an Improvement Location Permit:
    - b. Location of all underground utility lines associated with the CSES site.
    - c. Dimensional representation of the structural components of the array construction including the base and footings as well as all associated accessory structures.
    - d. Schematic of electrical systems associated with the CSES including all existing and proposed electrical connections.
    - e. Manufacturer's specifications and installation and operation instructions and an un-redacted operations safety manual for the model of CSES that will be installed.
    - f. All components of the CSES shall be new equipment commercially available. Used, experimental or proto-type equipment still in testing shall be approved by the BZA as per the normal special exception process.
    - g. Necessary recorded access easements and necessary recorded utility easements, copies of which shall be submitted to the Fulton County Plan Commission.
    - h. A transportation plan showing how vehicles would access the site and describing the impacts of the proposed energy project on the local and regional road system during construction and operation.
    - i. A revegetation plan for restoring areas temporarily disturbed during construction.
    - j. A fire protection plan for construction and operation of the Facility (See Fire Prevention and Emergency Response Plan and Requirements).
    - k. Any other item reasonably requested by the BZA.
    - l. A drainage plan for construction and operation must be developed under the standards of the Fulton County Stormwater and Erosion Control Ordinance.

- m. An erosion control plan must be developed and provided in compliance with the Fulton County Stormwater and Erosion Control Ordinance and all other local, state, and federal regulations.
- n. Each CSES require an Improvement Location Permit. The fee for each improvement Location Permit shall be subject to the fee schedule established under section 4.11 of the Fulton County Zoning Ordinance.

### 3.30.5.3 OPERATION

#### A. Interference

If, after construction of the CSES, the Plan Commission receives a written complaint related to interference with local broadcast residential television, telecommunication, communication or microwave transmissions, the Owner or operators shall be notified in writing and the Owner or Operator shall take reasonable steps to respond to minimize the complaint. Applicant, owner and/or operator shall take such actions as may be required to mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, GPS for agricultural use, military defense radar or television signals caused by any CSES. In addition, the applicant, owner and/or operator shall comply with the following:

- a. Failure to remedy a complaint - If the Plan Commission Director determines that an owner or operator has unreasonably failed to remedy verified interference with the broadcast of residential television, telecommunication, communication or microwave transmissions within ninety (90) days after owner or operator received a written complaint related thereto, the Plan Commission Director may take appropriate action to rescind the permit or approval associated to the CSES in question:- This does not apply to interference with private telecommunications systems.

#### B. Coordination with Local Fire Department

- 1. The CSES applicant, owner or operator shall submit to all providers of emergency services serving the CSES Project area a copy of the as-built site map in digital format, if requested.
- 2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
- 3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

#### C. Materials Handling, Storage and Disposal

- 1. All solid wastes related to the construction, operation and maintenance of the CSES shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
- 2. All hazardous materials or waste related to the construction, operation and maintenance of the CSES shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

D. An ongoing log of maintenance activities performed on all CSES shall be submitted to Fulton County Plan Director on an annual basis.

#### 3.30.5.5 LIABILITY INSURANCE

The Owner or Operator of the CSES(s) shall maintain a current general liability policy covering bodily injury and property damage and name Fulton County as an additional insured with limits of at least \$2 million per occurrence property and \$5 million in the aggregate with a deductible of no more than \$5 thousand.

3.30.6 All SES must strictly comply and be installed to meet all other local, state, and federal regulations.

3.30.7 All SES must strictly comply with section 3.26 of the Fulton County Zoning Ordinance regarding performance standards.

#### 3.30.8 Abandonment and Decommissioning Requirements

1. Any micro, small, medium, large scale, and Commercial ground mounted SES which has reached the end of its useful life or has been abandoned shall be removed by the owner. The owner shall physically remove the installation no more than 150 days after the date of documented discontinued operations. The owner shall notify the Fulton County Area Plan Commission upon the discontinuation of the operations.
2. Decommissioning shall consist of;
  - a. Physical removal of all solar energy systems, structures and equipment from the site.
  - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - c. Stabilization or revegetation of the site as necessary to minimize erosion. The Fulton County Area Plan Commission may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3.30.9 Not Essential Services - SES shall be regulated and permitted pursuant to this Article of the Zoning Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.



# Fee Summary Paid Totals

07/01/2024 - 07/31/2024

Fee Name	Fee Description	Account Number	Total Amount	Total Fees
<b>Group: 1001.20301.000.0036</b>				
A. County, Akron, & Town of Fulton Residential - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$1,601.80	16
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$337.00	16
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$40.00	1
			<b>\$1,978.80</b>	<b>33</b>

**Group Total: 3**

**Group: 1001.20302.000.0036**

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$327.50	14
B-1. City of Rochester Residential-Inspection Fee	Enter Number of Inspections	1001.20302.000.0036	\$485.00	14
B-2. CITY OF ROCHESTER ELECTRICAL PERMIT		1001.20302.000.0036	\$40.00	2
			<b>\$852.50</b>	<b>30</b>

**Group Total: 3**

**Group: 1001.20303.000.0036**

BZA. Development Standard Varaince		1001.20303.000.0036	\$1,500.00	6
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BZA. Special Exception		1001.20303.000.0036	\$250.00	1
ZO. LIP		1001.20303.000.0036	\$1,350.00	27
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$153.00	2
			<b>\$3,253.00</b>	<b>36</b>

**Group Total: 4**

			<b>\$6,084.30</b>	<b>99</b>
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**Total Records: 10**

**8/19/2024**

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