

Grant County Plan Commission Recommendation to the Board of Commissioners

Amendment to the Area Wide Zoning Ordinance
For the County of Grant

State of Indiana

1/6/25

**AN ORDINANCE OF THE GRANT COUNTY BOARD OF COMMISSIONERS
AMENDING SOLAR ENERGY STANDARDS IN GRANT COUNTY AND
REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN
CONFLICT THEREWITH**

WHEREAS, the Grant County Board of Commissioners (hereinafter "Commissioners") has adopted, pursuant to IC. §36-7-4-602, a Zoning Ordinance (hereinafter "Zoning Ordinance"), which specifies the intent, permitted uses, special uses, development standards, and other information concerning various land use districts in Grant County; and,

WHEREAS, on July 5, 2022, the Commissioners adopted Ordinance 2022-7, which established solar energy standards in Grant County; and,

WHEREAS, since the adoption of Ordinance 2022-7, Grant County, has been presented with substantial information concerning the implementation of solar energy systems in the County. The wealth of information has been garnered through solar energy related public hearings conducted by the Area Plan Commission and Board of Zoning Appeals; and,

WHEREAS, based on the information received, the APC deemed it necessary to recommend to the commissioners to update Grant County's Solar Energy Standards by repealing Ordinance 2022-7 and adopting an Ordinance which incorporates the above mentioned information, which promotes and encourages the use of solar energy systems, while also preserving and protecting the health, safety and welfare of Grant County citizens; and,

WHEREAS, the Commissioners do hereby find that, based on the above-described information, that the provisions of this Ordinance contain reasonable restrictions on solar use which restrictions do not significantly increase the cost of solar energy systems or significantly decrease their efficiency, or in the alternative, the restrictions enumerated herein allow for an alternative system of comparable cost and efficiency; and,

WHEREAS, the Area Plan Commission, on _____, conducted a duly noticed public hearing to receive public input on this ordinance, which resulted in the Area Plan Commission issuing a favorable / neutral / unfavorable recommendation to the Board of Commissioners.

NOW THEREFORE BE IT ORDAINED by the Grant County Board of Commissioners that Ordinance 2022-7 is hereby repealed in its entirety, and the following is hereby established as Grant County's Solar Energy Standards.

§ 153.700: SOLAR ENERGY CONVERSION SYSTEMS

§ 153.701: PURPOSE: This Zoning Code is adopted for the following purposes:

1. To assure that any development and production of solar-generated electricity in Grant County is safe and effective without additional costs incurred by Grant County taxpayers.
2. Meet the goals of the community as expressed in the Grant County Comprehensive Plan under revision for completion in 2025, including specifically: (1) protecting farmland to preserve its agricultural use; (2) maintain aesthetics for the preservation of the rural character in the unincorporated areas and protect the associated agricultural heritage; and, (3) support the growth of agriculture as a vital element of economic development.
3. Encourage use of solar on industrial rooftops and non-productive land including brownfields and to protect prime farmland. Prime farmland is of major importance in meeting the nations' short and long term needs for food and fiber.
4. To facilitate economic opportunities for Grant County and its residents.
5. To develop standards for solar-generated energy, utilize natural resources and ecologically sound energy resources, support Indiana's renewable energy source potential and other economic development tools; and,
6. To provide a regulatory scheme for the construction and operation of Solar Energy Facilities in Grant County, subject to reasonable restrictions, to preserve the public health, safety, and general welfare.

§ 153.702: INTENT

It is the intent of this ordinance to provide guidance for the development, construction and operation of Solar Energy Systems (SESs) in Grant County, Indiana through reasonable guidelines and restrictions on the development, construction, operation, rehabilitation, decommissioning and land restoration of SES, and to preserve the health, safety and general welfare of Grant County residents and public. The ordinance embraces the spirit of the following statement from the American Planning Association:

"Solar facilities can be appropriately located in areas where they are difficult to detect, the prior use of the land has been marginal, and there is no designated future use specified (i.e., not in growth areas, not on prime farmland, and not near recreation- or historic areas). A solar facility located by itself in a rural area, close to major transmission lines, not prominently visible from public rights-of-way or adjacent properties, and not located in growth areas, on prime farmland, or near cultural, historic, or recreational sites may be an acceptable land use with a beneficial impact on the community."

As intended in this ordinance, SES consists of the following: Solar Energy System - the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, buffer, and landscaping. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

§ 153.703: DEFINITIONS

5A surety bond: Refers to a surety bond issued by a company that has been rated as "A" by a recognized credit rating agency, with the "5" indicating the highest level of financial strength within that "A" category, signifying a very high level of financial stability and reliability to fulfill their obligations under the bond.

Adjacent: Lying near, close; contiguous; adjoining; neighboring.

Adjoining: Being in contact at some point or line; contiguous; bordering.

Accessory Use: A use customarily incidental and subordinate to the primary use or building and located on the same lot therewith. A use which dominates the primary use or building in area, extent, or purpose shall not be considered an accessory use.

Applicant: The owner, owners, or legal representative of real estate who makes application to Grant County affecting the real estate owned thereby.

Battery Back-Up: A battery system that stores electrical energy from a solar PV system, making the electricity available for future use. Battery Back-Up systems are common in Off-Grid Systems and Hybrid Systems.

Building Integrated Photovoltaic System: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semi-transparent skylight systems, roofing materials, and shading over windows.

Concentrated Solar Thermal Power (CST): Solar Energy Systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit. Although several concentrating solar thermal

technologies exist, the most developed types are the solar trough, parabolic dish, and solar power tower.

Electric and Magnetic Fields (EMF):

According to the National Institute of Environmental Health Sciences, electric and magnetic fields (EMFs) are invisible areas of energy, often referred to as radiation, that are associated with the use of electrical power and various forms of natural and man-made lighting. EMFs are typically grouped into one of two categories by their frequency (below). It should be noted that Solar Panels are classified as Ionizing.

- Non-ionizing: low-level radiation which is generally perceived as harmless to humans.
- Ionizing: high-level radiation which has the potential for cellular and DNA damage.

Electricity Generation (also known as production, output): The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt- hours (MWh).

Electrical Equipment: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

Financial Assurance/Commitment: The sources of private or public funds or combinations thereof that have been identified which will be sufficient to finance public facilities or private development necessary to support development and that there is reasonable assurance that such funds will be timely put to that end. Examples include a surety bond, cash escrow, irremovable lever of credit or combinations thereof.

Ground-Mount System: A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home, building or utility. Ground-mount systems may be applicable when insufficient space, structural and shading issues or other restrictions prohibit rooftop solar.

High-Impact Zone: (HI) A heavy industrial zone specifically set aside for utilities where the prior use of the land has been marginal, and there is no designated future use specified. High Impact zones cannot be on prime farmland, and not near growth areas, neighborhoods, recreation areas, or historic areas.

Hybrid Solar Photovoltaic Systems (aka grid-tied PV with battery back-up): Solar photovoltaic electricity generation systems designed to serve the electrical needs of the building to which it is connected, thus offsetting a home or business's electricity usage, while also utilizing a battery back-up in the event of a power outage. This is the only system that provides the ability to have power when the utility grid is down. Typical system components include PV panels, inverter(s) and required electrical safety gear, battery bank, and a charge controller.

International Residential Code (IRC): Part of the International Building Code (IBC), the IRC sets building standards for residential structures.

Inverter: A device that converts the direct current (DC) electricity produced by a solar photovoltaic system to usable alternating current (AC).

Megawatt (MW): Equal to 1000 Kilowatts; a measure of the use of electrical power.

Megawatt AC (MW/ac): One Megawatt alternating current (the capacity of the inverters and the max that can be output onto the grid.

Megawatt DC (MW/dc): One Megawatt direct current (the total capacity of the panels)

Megawatt-hour (MW/h): A unit of energy equivalent to one Megawatt (1 MW) of power expended for one hour of time.

National Electric Code (NEC): Sets standards and best practices for wiring and electrical systems.

Net Metering: A billing arrangement that allows customers with grid-connected solar electricity systems to receive credit for any excess electricity generated on-site and provided to the utility grid.

Off-Grid Solar Photovoltaic Systems with battery back-up: Solar photovoltaic electricity systems designed to operate independently from the local utility grid and provide electricity to a home, building, boat, RV (or remote agricultural pumps, gates, traffic signs, etc.). These systems typically require a battery bank to store the solar electricity for use during nighttime or cloudy weather (and/or other back-up generation). Typical system components include PV panels, battery bank, a charge controller, inverter(s), required disconnects, and associated electrical safety gear.

Opacity: The state or quality of being opaque; the degree to which something is opaque.

Opaque: Not transparent or translucent; impenetrable to light; not allowing light to pass through. As applied to this ordinance, it refers to completely excluding visual contact (100% opacity) with solar panels and equipment.

Operator: The entity responsible for the day-to-day operation and maintenance of the SES, including any third-party contractors.

Owner: The entity or entities with an equity interest in the SES(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the SES (unless the property owner has an equity interest in the SES or (ii) any person holding a security interest in the SES 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 SES within one year of such event.

Passive Solar: Techniques, design, and materials designed to take advantage of the sun's position throughout the year (and the local climate) to heat, cool, and light a building with the sun. Passive solar incorporates the following elements strategically to maximize the solar potential of any home or building (namely, maximizing solar heat gain in winter months and minimizing solar heat gain in summer months to reduce heating/cooling demand and maximizing the use of daylight to reduce demand for electricity for lighting): strategic design and architecture, building materials, east west and building lot orientation, windows, landscaping, awnings, and ventilation.

Photovoltaic (PV) System: A solar energy system that produces electricity using semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof-mounted, ground-mounted, or pole-mounted.

Prime Farmland: Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops with proper management, including water management and acceptable farming methods are applied. See Appendix B

Engineer: A qualified individual who is licensed as a professional engineer in any state in the United States.

PY-Direct Systems: The simplest of solar photovoltaic electric systems with the fewest components (no battery back-up and not interconnected with the utility) designed to only provide electricity when the sun is shining. Typical system components include PV panels, required electrical safety gear, and wiring.

Racking: Solar energy systems are attached securely and anchored to structural sections of the roof-mounted or pole-mounted systems. Specially designed metal plates called flashings prevent leaks and are placed under shingles and over bolts to create a water-tight seal.

Roof-Mount System (aka roof-mounted, building-mounted): A solar energy system consisting of solar panels are installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, and/or shed. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.

Setbacks: Setback is the required distance from the property line or roadway from which any structure must be located, including proposed

thoroughfare plan ROW's where applicable.

Solar Access: The ability of one property to continue to receive sunlight across property lines without obstruction from another's property that contains buildings, foliage, or another impediment.

Solar Array: Multiple solar panels combined to create one system.

Solar Collector: A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation of electricity or for the transfer of stored heat.

Solar Easement: An easement recorded pursuant to IC 32-23-4, obtained for the purpose of ensuring exposure of a solar energy device or a passive solar energy system to the direct rays of the sun. Solar easements are to follow the State requirements of Recording (IC 32-23-2-5).

Solar Energy System (SES): The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, buffer yard, and landscaping. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

Solar Glare: The potential for solar panels to reflect sunlight, with intensity sufficient to cause annoyance, discomfort, or loss in a visual performance and visibility.

Solar photovoltaic (Solar PV) System: Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity in the form of direct current (DC) when they are exposed to sunlight. A typical PV system consists of PV panels (or modules) that combine to form an array. Other system components may include racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.

Solar Panel (or module): A device for the direct conversion of sunlight into usable solar energy (including electricity or heat).

Solar Thermal System (aka Solar Hot Water or Solar Heating Systems): A solar energy system that directly heats water or other liquid using sunlight. Consists of a series of tubes that concentrate light to heat either water or a heat-transfer fluid (such as food-grade propylene glycol, a non-toxic substance) in one of two types of collectors (flat-plate collectors and evacuated tube collectors). The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Substation: The apparatus that connects the electrical collection system of the SES and increases the voltage with connection with the utility's transmission lines.

Waiver Agreement: An agreement to modify a standard required in this ordinance which is entered into by and between the landowner burdened

by lessening the standard required by this Ordinance and the applicant requesting the modification of the standard required by this Ordinance. An agreement to modify a standard required by this Ordinance, or a "waiver agreement", is permissible only when a waiver of such standard is specifically authorized by this Ordinance. In order to be valid, a "waiver agreement" must: (1) Be in writing; (2) Specifically state that the document is a waiver agreement; (3) Briefly describe the standard or requirement which is being modified; (4) Briefly describe the standard agreed upon by the parties to the waiver agreement; (5) Be executed in a manner free from coercion or duress; (6) Be executed by both parties to the waiver agreement; (7) Any waiver agreement for setbacks must be for no more than half of the standard required by this ordinance; (8) Be subject to the approval of the BZA; and (9) Filed with the Area Planning Department.

Watts (W): A measure of the use of electrical power; [power (Watts)= voltage (volts) x current (Amps) or by the formula $W=VA$].

§ 153.704: APPLICABILITY

This Ordinance governs the siting, development, operation, rehabilitation, decommissioning, recycling and restoration of land for Solar Energy Systems (SES), which generate electricity to be sold in the wholesale market or retail market, or which are used to generate electricity for private use, commercial use, and public use. This ordinance applies to all unincorporated areas of the County, and the member towns and city.

1. When any part of the development, construction, rehabilitation, operation, decommissioning, recycling or land restoration of a SES requires action, recommendations, hearing and/or decision pursuant to the provisions of the Area Wide Zoning Ordinance of Grant County, Indiana (Zoning Ordinance), notice shall be given pursuant to the Zoning Ordinance of the Area Plan Commission of Grant County, Indiana (GCAPC) and the Rules & Procedures of the Board of Zoning Appeals of Grant County, Indiana (BZA).

2. Provisions of this Ordinance or other parts of the Zoning Ordinance which are specifically made applicable to a specific type of SES such as Noncommercial (NC-SES), Small- Scale Commercial (CS-SES), or Medium- or Large-Scale Commercial (CM/CL-SES), shall apply to that type of SES. Provisions without reference to a specific type of SES, shall apply to all SESs unless determined otherwise by the BZA.

§ 153.705: Systems governed by this ordinance fit into one of four system types:

- Noncommercial (NC-SES) (5 acres or less and/or less than 1 MW/ac)
- Commercial small scale (includes commercial building solar) (CS-SES) (5 acres maximum and less than 1 MW/ac unless the building is larger than 5 acres in which case the commercial scale operation can exceed 5 acres and be subject to any limitation that may be cited as conditional to approval by the Grant County Board of Zoning Appeals.

- Commercial - medium scale (CM-SES) (6 to 75 acres including required buffers and/or more than 1 MW/ac and less than 15MW/ac); and,
- Commercial - large scale (CL-SES) (76 to 400 acres including required buffers and/or greater than 15 MW/ac)

§ 153.706: Creation of the High Impact Zoning Classification

The zoning classification of High Impact zone is hereby established. The High Impact Zone shall be a heavy industrial zone specifically set aside for utilities where the prior use of the land has been marginal, and there is no designated future use specified. High Impact zones cannot be on prime farmland, and not near growth areas, neighborhoods, recreation areas, or historic areas.

§ 153.707: Land Use Table Amended

The Land Use table § 153.186 shall be amended to include a new land use category called Solar Energy Conversion Systems (SES). This shall be placed in the land use table by the normal sortation method. The requirements for each category are as follows:

- 1) Non-Commercial < 5 acres
Permitted use in all zoning classifications
- 2) Commercial < 5 acres
Permitted use in all zoning classifications with a special exception
- 3) Commercial 6 to 75 acres 1 to 15 MW/ac
Permitted use only in HI zoning classification with a special use exception from the BZA
- 4) Commercial 76 to 400 acres >16 MW/ac
Permitted use only in HI zoning classification with a special use exception from the BZA

§ 153.708: Conditions of Solar Development:

No unique SES project, either singly or as a combination of contiguous parcels, shall exceed 400 acres including required buffers. (Note, the average farm in Grant County is approximately 385 acres per the National Agricultural Statistical Service.) A three-mile neutral zone is required between unique SES projects.

The maximum duration of a special use will be 30 years and after the end of the special use permit, the permit will expire and the decommissioning, recycling and land restoration plan shall begin and be completed within one year.

Prior to meeting with landowners in Grant County to secure leases and holding private meetings with said landowners, the solar developer must notify every household and landowner within five miles of a planned solar project of their intentions to develop a CM-SES or CL-SES in the area via certified letter. The solar developer must also contact the Grant County Plan Director and inform

the Grant County Area Planning Commission of their intent to develop a CM-SES or CL-SES in Grant County prior to notice being sent to residents and landowners and prior to meeting with landowners to secure solar lease contracts in Grant County. All leases, memorandums or options to lease agreements signed after the effective date of this ordinance shall be recorded within 45 days of signing the lease agreement in the Grant County Recorder's office in the Miscellaneous Record according to state code IC 32-31-2-1. If these leases, memorandums or options to lease in Grant County are not filed within 45 days of signing, the said contract will be null and void.

All leases, memorandums or options to lease agreements signed before the effective date of this ordinance shall be recorded within 45 days of the date of this ordinance in the Grant County Recorder's office in the Miscellaneous Record according to state code. IC 32-31-2-1. If these leases, memorandums or options to lease in Grant County are not filed within 45 days of signing of the ordinance the said contract will be null and void in Grant County.

§ 153.709: EXEMPTIONS

1. A roof-mounted NC-SES or any stand-alone systems (e.g., a flagpole light, single solar lights, etc.) with an aggregate collection and/or focusing area of 25 square feet or less are exempt from this ordinance.
2. SES constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing SES, whether or not it was built before the effective date must be approved by a variance from the BZA. Routine maintenance or like-kind replacements do not require a permit.

§ 153.710: PROHIBITION

No applicant or entity shall construct, operate, or locate within the unincorporated areas of Grant County a Solar Energy System without having fully complied with the provisions of this Ordinance.

§ 153.711: CONFLICT WITH OTHER REGULATIONS

Nothing in this Ordinance is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration 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 impose higher standards shall govern.

§ 153.712: PETITIONS AND APPLICATIONS

Small commercial SES, and Medium-scale commercial projects (CM-SES), must be approved at a public hearing for a special use by the Board of Zoning Appeals prior to issuing a building permit. Large-scale commercial projects (CL-SES) projects must be on property zoned "High Impact District" and forwarded to the Board of Zoning Appeals for a special use petition to be heard at a public hearing. Any project except for a noncommercial (NC-SES) requires a pre-project meeting with the Executive Director and a representative of the Grant County BZA. Specific filing requirements will be provided at that time.

Prior to the issuance of an improvement location permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjacent or other property or the growth of any trees or vegetation on such property, or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

This disclaimer is subordinate to any solar easements entered into with adjacent landowners and subject to the terms agreed to therein.

§ 153.713: TECHNICAL REQUIREMENTS

- A. Noncommercial (NC-SES)/Commercial Small (CS-SES)**
- B. Safety Design and Installation Standards for Noncommercial and Commercial Small Solar Energy Systems (NC-SES) (CS-SES) and Fees**

1. Interference:

When selecting a site for solar panels, all applicants shall take into consideration the potential maximum allowable structure height and possible landscaping of the adjacent properties to avoid interference and potential loss of efficiency from the sun to the solar panel surface.

C. Roof-mounted and Building-mounted NC-SES and CS-SES are a permitted accessory use in all zoning districts under the following requirements:

A roof-mounted or building-mounted NC-SES and CS-SES may be located on a principal or accessory building.

Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within three (3) feet of any peak, eave, or valley of the roof to maintain pathways of accessibility.

Building-mounted NC-SES and CS-SES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts. Roof-mounted and wall-mounted NC-SES and CS-SES may be installed on legal nonconforming buildings if the installation of the SES does not increase the nonconformity.

Parcels with a residential use in a commercial or industrial zone district (PB, NC, LB, CC, GB, I1, I2, I3, HI) shall conform to the developmental standards of the residential zone districts (RS, R1, R2, R3, R4, R5, MH) as determined by the Executive Director to be the current use on the property.

Roof-mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjoining street unless the applicant demonstrates to the BZA through a petition for a variance that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

For roof and building-mounted systems, the applicant shall provide evidence that the roof or wall can hold the load imposed on the structure. Roof and building-mounted NC-SES and CS-SES shall be in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, and provide for smoke ventilation opportunities. Roof and building-mounted NC-SES and CS-SES shall be in accordance with the Indiana Fire Code.

1. Ground-Mounted NC-SES

Location Requirements

- a. The minimum yard setbacks from front, side, and rear property lines shall be equivalent to the building setback in the zoning district.
- b. Ground-mounted NC-SES and CS-SES shall only be permitted in the rear and side yard.
- c. No part of an NC-SES and CS-SES shall be located in front of the Primary Structure.
- d. Ground-mounted NC-SES and CS-SES shall not exceed 6 feet in height above the ground elevation surrounding the systems. In residential zone districts the maximum height of a ground-mounted NC-SES shall be 6 feet.
- e. Safety/warning signage as required by applicable law concerning voltage shall be placed at ground-mounted electrical devices, equipment, and structures.
- f. Ground-mounted NC-SES and CS-SES shall not be placed within any legal easement or right-of-way location or placed within any storm water conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed storm water conveyance system except by permission granted in writing by the County Drainage Board.
- g. Parcels with a residential use in a commercial or industrial zone district (PB, NC, LB, CC, GB, I1, I2, I3, HI) shall conform to the developmental standards of the residential zone districts (RS, R1, R2, R3, R4, R5, MH) as determined by the Executive Director to be the current use on the property.

2. Electrical Components

a. Standards

Electrical components shall conform to applicable local, state, and national safety codes for similar systems.

All on-site utility, transmission lines, and plumbing shall be placed underground in compliance with all laws and applicable regulations.

The applicant, operator, and/or Owner shall certify that the solar panels were manufactured without the use of slave labor or forced labor in the country of manufacture. Panels found to be manufactured using slave or forced labor must be removed at the developer's expense,

b. Utility Interconnection

NC-SES and CS-SES, if interconnected to a utility system, shall meet the requirements for interconnection and operate as required by applicable law.

§ 153.714: CLSES Escrow Account

The Applicant shall pay to the County a non-refundable Application Fee. The County Commissioners and/or County Area Planning Board reserve the right to obtain engineering, environmental impact, or other professional services to aid it in the review of any submitted CM-SES, CL-SES application. These costs (and other expenses incurred by the County) are reimbursable only from the Escrow Account, not the Application Fee.

The Applicant shall reimburse the County for all oversight expenses incurred relating to the SES, from application through decommissioning. These SES related oversight expenses include (but are not limited to) amounts required for e.g., administration, engineering, expert health and wildlife evaluations, handling complaints, legal, etc. "Legal" includes reasonable attorney fees for the County if the County has to sue the Applicant. Any Escrow Account interest shall stay with the account and be considered new principle. This Escrow Account will be setup by the Applicant at the time of the CM-SES, CL-SES permit Application. This Escrow Account will be at a financial institution approved by the County, solely in the name of the County, to be managed by the County Treasurer with oversight from the Auditor. The Applicant will make an initial deposit of \$100,000. A SES Permit Application will not be processed until the Applicant has provided proof of deposit. A CM-SES, CLSES Permit Application determination will not be made until all costs incurred by the County to date, have been reimbursed by the Applicant. If the CM-SES, CLSES Application is denied, all Escrow Account funds will be returned to the Applicant, less related expenses incurred by the County. The money will be returned, along with a statement as to these costs, within 90 days of the Application being formally denied, or receipt of a Letter of Withdrawal. Permit Fees are non-refundable. This Escrow Account will be funded during the life of the SES by the Applicant/Owner/Operator. The Applicant/Owner/Operator will replenish any Escrow funds used by the County within 14 days of being sent written notification (and explanation) of said withdrawals. Failure to maintain the Escrow Account at \$100,000 (within 30 days of being given notice) shall be cause for revocation of the CM-SES, CL-SES Permit. Once the Owner believes that they have satisfactorily complied with the decommissioning recycling and restoration plan specified herein, they will send the County written notification. The County then has three years to verify to their satisfaction that the decommissioning recycling, restoration plans have been complied with. If there is material non-compliance, the County will so notify the

owner and the process starts over. Otherwise, the County will return all Escrow Account funds to the Owner, less related expenses incurred by the County, along with an explanatory statement.

§ 153.715: Permit Fees - Small Residential and Commercial

Before issuing any permits, the applicant must pay the required fees as set forth in the official fee schedule approved by the Area Plan Commission per IC 36-7-7-411

b. Roof-mounted and wall-mounted Solar Improvement Location Permit

- Noncommercial - \$225.00
- Commercial Small - \$450.00

c. Ground-mounted Solar Improvement Location Permit

- Noncommercial - \$250.00
- Commercial - \$475.00

§ 153.716: Signage

a. No portion of the NC-SES and CS-SES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the NC-SES and CS-SES provided they comply with the Sign Ordinance of the Area Wide Zoning Ordinance. Appropriate Warning signs will be allowed.

b. Notification signs shall be erected on all leased parcels within 45 days of signing a lease or an option to lease agreement and 6 months before submission of an application. The signs must be on all roads adjacent to the leased parcels. The signs shall name the owner of the property and if a trust the name of the trustee, and their complete address, the developer's name and business address, and the total project acreage. The notification sign must be erected beyond the ROW on two posts and a minimum size of 32 square feet. Grant County Area Plan Office will approve the sign plan and issue a sign permit.

§ 153.717: Solar Easements

a. Where a subdivision or land development proposes a NC-SES and CS- SES, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements prescribed in IC 32-23-2-5 or subsequent amendment(s).

b. Any such solar easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating a solar easement shall meet the requirements of IC 32-23-4-4 and 4-5 and include but not be limited to the following:

A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees at which the solar easement extends over the real property that is subject to the solar easement, and a description of the real property to which the solar easement is appurtenant

Restriction on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement

Terms and conditions, if any, under which the easement may be revised or terminated

An explanation of the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement

§ 153.718: Commercial Solar Energy Systems (APPLIES TO CM-SES AND CL-SES)

§ 153.719: Prime Farmland

No more than 10% of a CM- or CL-SES may be located on Prime Farmland as designated on the Soil Data Access (SDA) Prime and other Important Farmlands report for Grant County in the "Farm Class" column as "All areas are prime farmland" or "Farmland of statewide importance", and as indicated "Prime Farmland" (in light green) on the map in Appendix B. A letter from the Grant County Natural Resources Conservation Service (NRCS) or another qualified source stating that no more than 10% of the proposed project is on Prime Farmland shall be included with the Improvement Location Permit and project application. Grant County reserves the right to use its own Geographic Information System mapping to verify the stated percentage.

§ 153.720: Property Value Guarantee Agreements

1. Property Value Guarantee will be offered by the solar developer to all non-participating residents and landowners within three miles of a CM and CL-SES. Fair market value will be established by, at a minimum, two licensed appraisers acceptable to both the developer and the non-participating resident: If the property value of a home decreases and a home or landowner is unable to sell his property after the CM or CLSES 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 SES.
2. No permit for construction shall be given by any department until all property value guarantee agreements have been filed with the Grant County Area Planning Department. The solar developer will provide a "5A" surety bond in the amount of three percent of the assessed value of all properties within three miles of any part of the solar facility for the life of the project. The surety bond shall be used to pay for decreases in value of affected homes, buyouts, and other uses to achieve the goals of this section.

§ 153.721: Safety, Design, and Installation Standards for C-SESs

a. The CM-SES and the CL-SES are only permitted in the High Impact Zoning Classification. The CM-SES and CL-SES require a Special Use Exception from the Board of Zoning Appeals. See Appendix A.

b. Minimum setbacks are identified and measured from the center line of the road right-of-way (ROW) or the property line where there is no ROW present.

c. Setbacks are as follows:

1. NC-SES and CS-SES - same as the zoning district
2. CM-SES and CL-SES - 500' from any adjoining road or from the property line of a non-participating homeowner to the beginning of the project. 750' from the second side of the non-participating property line. No SES shall enclose more than two sides of a non-participating residential property.
3. Setbacks apply to the entire SES including solar panels, racking, fencing, screening, access roads/lanes, ingress/egress roads, and other power equipment.
4. Setbacks from a subsurface and surface drains are 150' on each side 300' total (regulated and non-regulated)
5. Municipal setback of three (3) miles from the corporate limit for cities and towns.
6. Setback from Church, School, Business, or Public Building are 300' measured from the edge of the power equipment to the property line.
7. Setbacks from Nature Preserve, Park, and/or Recreational Use are 300' measured from the edge of the equipment to the property line.
8. Setback from any inverter shall be encapsulated with sound deadening insulation and be located a minimum of seven hundred fifty (750) feet from the property line of any non-participation homeowner.
9. Increased setbacks (i.e., greater than those for the zoning district) only apply to non-participating homeowners in the vicinity of a proposed solar project and do not apply to parcels of vacant farmland. Such vacant farmland shall follow the Typical Setbacks of their Zoning District. Adjacent land/homeowners may waive the setback requirements by execution of a Waiver Agreement. No Waiver Agreement shall reduce the setback by more than one half the required setback.

d. Substation Setbacks

The substation setbacks shall be the same as those of the SES. An adjacent landowner may waive this setback requirement by execution of a waiver agreement. No Waiver Agreement shall reduce the setback by more than one half the required setback.

e. Underground Wiring

For underground wiring connecting the racks and components of a SES and/or to connect a SES 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 so long as the underground wiring are located within a recorded easement for such purpose.

f. Easements

Ground-mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, regulated drain easement, special flood hazard area, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system except by written permissions granted by the Grant County Drainage Board, and owner of the land and/or right-of-way and/or easement. This would include but not be limited to state, county, and/or privately owned waterways, ditches, drainage tiles, retention areas and designated swales. Easements will be required for access to surface or subsurface drains for non-participant landowners, based on a watershed study by the Grant County Surveyor's Office.

g. Inverters

Any inverter shall be encapsulated with sound deadening insulation and be located a minimum of seven hundred fifty (750) feet from any dwelling.

h. Roads and Drives

Driveway cuts for ingress/egress roads into a SES shall be no closer than 300 feet from the property line of an adjoining landowner.

i. Horizontal Extension of SES

The furthest horizontal extension of a SES, excepting the SES collection system, SES transmission lines, ingress/egress road and SES access roads/lanes, shall not extend into a setback which is otherwise required for the zoning district in which the SES is located or into a required buffer yard or into a setback required for an adjacent zoning district or be less than fifteen (15') feet from any structure or public right-of-way easement for any above-ground telephone line, electrical transmission line, electrical distribution line or other above ground communication or transmission line.

j. Enclosure Guarantee

No SES shall enclose more than two sides of a non-participating residential property.

§ 153.722: Equipment type

All SES shall be constructed of commercially available equipment and conform to applicable industry standards, as well as all local state and federal regulations. All panel brands and models used must have a full Toxicity Characteristic Leaching Procedure (TCLP) test showing that the proposed model of panels will not be considered hazardous waste at the end of life of the panel. Panels must not include Gen-X chemicals, P-FAS compounds, or heavy metals that are exposed to precipitation.

3. Electrical components

Standards

Electrical components of all SES shall conform to applicable local, state, and national safety codes for similar SES.

4. Cables and lines

All cables and lines on site, except transmission cables and lines, shall be buried no less than thirty-six (36") inches underground. Transmission cables and lines shall be buried no less than sixty (60") inches underground with a warning mesh located at thirty-six inches (36") deep.

No plow type installations are permitted, only open trenching or boring installations. All underground cabling will be marked at road crossings, creeks, riverbeds and property lines with a metal or fiberglass post at least five (5) feet in height.

5. No Battery Storage will be allowed at any commercial solar location.

6. Foundations

A qualified engineer shall certify, prior to application for building permits, that the foundation and design of the solar panel racking, and support is within accepted professional standards, given local soil and climate conditions.

7. Color, finish, and glare

- a. In addition to any applicable Federal Aviation Administration (FAA) requirements that now exist and the same are amended from time to time, the following shall also apply:
- b. The SES shall remain painted or finished in the color or finish that was originally applied by the manufacturer provided the exterior surface of any visible components are non-reflective, a neutral color like white, gray or another non-obtrusive color. Finishes shall be matte or non-reflective.
- c. To the extent reasonably possible, solar energy panels, regardless of how they are mounted, shall be oriented and/or screened year-round so that glare is directed away from adjacent properties, structures, and roadways.
- d. The applicant has the burden of proving that any color, finish, or glare produced does not have significant adverse impact on adjacent uses either through siting or mitigation. The determination of the Board of Zoning Appeals shall be conclusive relative to the property owner's compliance with this standard.

§ 153.723: Materials handling, storage, and disposal

All solid wastes whether generated from construction, supplies, equipment, parts, packaging, operation, maintenance, rehabilitation, decommissioning, recycling, restoration of the land, or otherwise, including, but not limited to, old parts and equipment related to the maintenance, rehabilitation, recycling, decommissioning, or restoration of the land, shall be removed from the site promptly and disposed of in accordance with all federal, state, and local regulations, laws, and ordinances. The SES owner, SES operator and property owner shall have the same responsibility for compliance hereof.

1. Hazardous Materials

All hazardous materials or hazardous waste related to the construction, operation, maintenance, rehabilitation, decommissioning, recycling or restoration of the land of any SES or otherwise generated by the facility shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal regulations and laws. The SES owner, the SES operator and property owner shall have the same responsibility for compliance hereof.

2. Sewer and Water

All SES facilities shall comply with the septic system and well regulations as currently required or as hereinafter amended, of the Grant County Health Department and the State of Indiana Department of Public Health.

§ 153.724: Utility interconnection

A SES, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the interconnection agreement with the electrical utility, as any applicable federal and state regulations now exist and as the same are from time to time amended.

§ 153.725: Signage

- a. Signs shall comply with the Sign Standards provided in the Grant County Area Wide Zoning Ordinances.
- b. An identification sign relating to a SES may be located on each side of the fenced facility area provided that there shall be no more than one (1) sign located on any side of the SES fenced facility area unless additional identification signs are required to provide reasonable notice to the general public.
- c. A sign shall be securely posted on each gate entry point clearly displaying an emergency telephone number(s) and other contact information.
- d. All ingress/egress roads to a SES shall have posted in a conspicuous location a 911 address road sign, indicating the assigned address for that location.
- e. Warning signs shall comply with applicable laws.
- f. No portion of the SES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the SES provided they comply with the prevailing sign

regulations.

- g. All signage required or permitted by this Ordinance shall be made of materials and constructed in a manner to be durable and long lasting. The same shall be painted or made of material with a distinct, high contrast background and be weatherproof paint or other weatherproof material to promote safety and protect the public from hazards and/or potential hazards.

§ 153.726: Collection Cable/Lines

Collection cables, collection lines, and communication lines installed as part of any SES shall not be considered essential services.

§ 153.727: Other Appurtenances

No appurtenances other than those associated with the SES construction operations, maintenance, repair, replacement, rehabilitation, decommissioning, restoration, removal, and permit requirements shall be connected to the SES area except after notice of hearing and the hearing before the BZA pursuant to the applicable Ordinance(s) of this Ordinance.

§ 153.728: Maximum Height of Solar Panels

Ground-mounted SES arrays shall not exceed six (6) feet in height when oriented at maximum tilt.

§ 153.729: Fence and Grounds Maintenance

- a. For security, all ground-mounted SES shall be completely enclosed by a minimum six (6) foot high fence with a locking gate accessed by a keypad or Knox box with key.
- b. Signage will be permitted as specified in this ordinance.
- c. The fence should be located between the interior perimeter road/access maintenance lane and the required landscaping in the buffer yard unless otherwise approved by a subsection of this ordinance.
- d. A site maintenance plan shall be provided that specifies the replacement of dead trees and evergreen hedge in the buffer screening and scheduled maintenance of the property (trimming of vegetation, routine maintenance of equipment, etc.).
- e. The maintenance plan shall be supported by a commercial landscape service which will mow and trim the facility a minimum of 14 times per season and trim the hedge during the month of June each year. The plan will be guaranteed by a "5A" surety bond for the life of the facility equal to a one-year contract for the landscape service.

§ 153.730: Buffer Area

The SES shall have a twenty-five feet (25') wide buffer of which part shall be consisting

of a compact evergreen hedge and an additional row of evergreen trees behind the hedge, which shall be along the road frontage and the complete perimeter of the solar installation. Installation of the required buffer screen prior to completion or a bond established for installation of the buffer in order to plant in an appropriate season. The buffer will require irrigation from test wells on the property to maintain the hedge and trees. The fence will be located behind the buffer.

§ 153.731: Noise

No C-SES shall produce noise or vibration that is humanly perceptible beyond the property on which it is located or cause noise or vibrations that can be detected in nearby structures during construction or operation.

Hours of construction shall be limited to be between 7:00 AM and 5:00 PM Monday through Friday and 8:00 AM to Noon Saturday. A variance could be applied for additional hours in a public hearing before the BZA.

§ 153.732: Ingress/Egress and Perimeter Access

1. At a minimum, a twenty-foot wide ingress/egress road must be provided from a public street, legally established access drive/road or another roadway into the site. This access shall be paved a minimum of twelve (12) feet, and the design accepted by the Executive Director upon written approval of the local Fire Department with primary jurisdiction. Approvals must meet all state and federal regulations.

2. At a minimum, a fifteen (15) feet wide perimeter access road/lane shall be provided around the perimeter of the SES between the solar arrays and required fence to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Part of this access may be a well-maintained grass lane. The design of the perimeter access road/lane shall be accepted by the Executive Director upon written approval from the local Fire Department with primary jurisdiction. Approvals must meet all state and federal regulations.

§ 153.733: Environment, Lighting, Underground Requirements

The ground-mounted SES shall not be artificially lit except to the extent required for safety or applicable federal, state, or local authority. Such lighting shall be shielded and downcast so as not to affect adjacent properties.

1. Power and communication lines

Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. A variance may be granted by the BZA in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines. Power and communication lines between the project and the point of interconnection with the transmission system shall be underground unless granted a variance after a public hearing and approval of the BZA.

2. Wildlife and Environmental Impact Mitigation

The petitioner shall provide an analysis with the application submitted for the SES conducted by a qualified third-party professional to identify and assess any potential impacts on wildlife and impacts on the natural environment and provide recommendations to be incorporated in the project design. The level of detail in the analysis will be determined prior to the application during the application meeting between the developer and the Executive Director and will be based on the perceived level of potential impacts in the area proposed for the SES. The Director will develop a recommendation for wildlife corridors for approval with the development plan to be approved by the APC.

3. Electro-magnetic Frequency

Electro-magnetic Frequency has the potential to create health issues for people with pacemakers and similar devices. Signage should be placed on site alerting potential visitors to the possibility of harm. All property owners living adjacent to any commercial solar field shall be notified of the possibility of health issues associated with the presence of the SES.

§ 153.734: Sub-Surface and Surface Drains (regulated and non-regulated)

Damages, including but not limited to damming, cutting, removing, and blocking, to surface, sub-surface drains, or any other drainage infrastructure, by any cause connected with the project during construction, post construction, while in operation, or before the decommissioning is complete, must be restored by the SES owner to a condition that is equal to or better than the pre-existing conditions within three (3) months after receipt of notice of such damage, unless such repair is rendered impractical by weather or other natural force. The SES owner shall be responsible for all expenses related to repairs, relocations, reconfigurations, and replacements of drainage infrastructure and systems that are damaged.

The SES owner shall post a "5A" surety bond in an amount determined by the Drainage Board, payable to the Drainage Board to address any need for drainage tile repair, replacement or re-routing caused by construction activities, installation and decommissioning of the project, such bond to be posted no later than 30 days prior to commencement of the construction of the SES and SES facilities. The bond is to remain in effect for the life of the solar installation and until the completion of the decommissioning, recycling, and restoration plan, after the first day the SES is in operation. The Drainage Board shall determine and adjudicate whether claims brought by an adjacent property owner for damage was and is a direct result from the project based on substantial evidence. The SES owner and operator of the SES shall fully comply with Indiana Code requirements regarding regulated drains except as otherwise approved by the Drainage Board.

The owner, operator, and/or petitioner shall enter into an agreement with the Drainage Board and County Surveyor to retain an appropriate inspector, at the owner/operator's sole expense. The inspector will ensure that all drainage infrastructures were installed according to specifications of the drainage plan and any additional written requirements from the Drainage Board and County Surveyor.

1. Buffer from Water Sources

No solar facility shall be sited within three miles of any FEMA/DNR floodplain, major named creek, and the Mississinewa River, and any natural flowing spring well.

§ 153.735: Operation and Maintenance

3. Repair

The SES owner and/or operator shall repair, maintain, and replace the SES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the SES in good repair and operating condition.

4. Operation and Maintenance Plan

The applicant shall submit a plan for the operation and maintenance of the SES, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.

5. Physical Modifications

Any physical modification to any SES or a part thereof which materially alters the mechanical load, mechanical load path, or major electrical components shall require recertification by all appropriate regulatory authorities. Like-kind replacements shall not require recertification, unless required by a regulatory authority. Prior to making any material physical modification, other than a like kind modification, the owner or operator of such SES shall confer with the Executive Director, County Surveyor, and any other appropriate regulatory authority as to whether the proposed physical modification requires recertification of such SES. Their recommendation shall be forwarded to the BZA for approval of a variance and to the APC for recertification of the development plan

§ 153.736: Groundwater Monitoring

Prior to construction, the owner/operator shall engage at the owner/operators' expense an independent third party engineer or geologist to develop and implement a groundwater monitoring program within the fence line of the SES, which shall include but not be limited to Sr, Li, Ni, Ba, Se, nitrates, and perfluoroalkyl substances but not be limited to, the establishment of baseline levels of ground water and for monitoring to continue annually for the life of the project and restoration of the ground to its previous fertility condition or better, with the final monitoring taking place three years (3) after the completion of decommissioning.

The results of the monitoring program are to be submitted directly to the Grant County Health Department by the third-party independent lab and forwarded to the owner/operator and area residents within a one-mile radius within thirty (30) days. Each monitoring test will be scheduled every year during the month of September or in the event of breakage of panels through storms or accidents an additional test may be at the request of the Executive Director or Area Plan Commission.

§ 153.737: Declaration of Public Nuisance

Any SES declared unsafe by the Area Plan Commission by being in breach of, or out of compliance with its SES permit(s) may seek to be rehabilitated and declared safe by appropriate repair(s) and other essential steps necessary to eliminate the breach(es). An SES declared a nuisance by the Area Plan Commission by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, abandonment or as provided herein to be determined unsafe, is hereby declared to be a public nuisance.

A Rehabilitation Plan shall be submitted to the Area Plan Commission within 60 days. This plan shall provide procedures to rehabilitate the SES in a time not to exceed three hundred sixty-five (365) days except in the event of force majeure, including but not limited to unavailability of components or parts, strikes, and moratoriums which said majeure extends said time to 18 months total or a reasonable extension agreed to by the Area Plan Commission. In the absence of an approved Rehabilitation Plan or meeting the agreed to time schedule(s), or failure to execute the required repair(s), in the time determined reasonable by the Area Plan Commission, such SES shall be demolished and removed in accordance with the Decommissioning-Restoration-Recycling Plan and Agreement.

1. Public Nuisance Waiver

In the instance that an unavoidable Act of God inhibits, damages, or destroys part of, or the majority of, the SES, the three hundred sixty-five (365) day public nuisance removal timeline will be waived so long as the SES owner and/or SES operator provides a Rehabilitation Plan to remedy the damage and said plan is submitted to, and approved by, the Area Plan Commission. Said plan will outline the necessary protocol and time schedule for returning the SES to energy production and must be submitted to the County within sixty (60) days of the date the damage was incurred, or a time determined reasonable by the Area Plan Commission.

2. Adverse Effects

To the extent possible the SES owner and/or operator shall minimize and/or mitigate all adverse effects created by the development of a SES.

a. Failure to Remedy a Complaint: Penalty

If the planning commission receives a complaint about the SES operation, the Executive Director shall make an appropriate investigation and report to the Area Plan Commission if the complaint is meritorious. The APC will instruct the Director to follow the county enforcement process.

3. Inspections

The County Building Inspector, Executive Director, and/or licensed third party professionals retained by the County for the specific purpose of conducting inspections of the SES shall have the right, at any reasonable time and with sufficient prior notice, to inspect the SES project to require that repairs or alterations be made. The owner or operator shall have the right to accompany the inspector(s). The owner and/or operator of a SES may retain a licensed professional engineer familiar with SES systems to prepare and submit to the County Building Inspector or Executive Director which addresses the repairs or alterations requested and which suggest alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary, within thirty (30) days after receiving notice that repairs or alterations are requested, or within a longer period of time mutually acceptable to both parties. The County Building Inspector or Executive Director will consider any such written report and determine whether the repairs or alterations should be made as originally requested or as suggested in the written report. In the event of a dispute between the County Building Inspector or Executive Director and the owner and/or operator, or a third party professional engineer retained by them, as to the repairs or alterations which are required, the decision of the County Building Inspector or Executive Director shall be final, subject to any rights of appeal under IC 36-7-4-918.1, as may be amended. Any fees for inspections made by a third-party professional inspector and/or engineer retained by the county shall be paid by the owner and/or operator

§ 153.738: Liability Insurance

Prior to the initiation of construction and/or any operation, the owner and operator of an SES shall maintain a commercial general liability policy covering death, bodily injury and property damage, which may be combined with umbrella coverage, and shall be required to name Grant County, Indiana, as an additional insured solely to the extent of liabilities arising under this Ordinance, and said policy shall include a minimum dollar amount of ten million dollars per occurrence or a greater amount satisfactory to the County Commissioners and with agreed upon dollar amount limits per occurrence, aggregate coverage, and deductible amounts, deductible amounts to be paid by the owner/operator, all of which shall be agreed upon by the owner and operator and said County Commissioners and provided in the Decommissioning, Restoration and Recycling Plan and Agreement or other appropriate plan or agreement between the County Commissioners and SES owner and SES operator.

§ 153.739: Application Requirements for a Commercial SES

Applications for SESs shall include the following information and be completed on a Grant County Solar Application Packet of Forms being used at the time of the application are to be submitted to the Plan

Commission office. Additional information may be added as the application packet is developed.

1. Contact Information of SES Applicant

The name(s), address(es), telephone number(s) and e-mail address(es) of the applicant(s), together with a description of the applicant's business structure and overall role in the proposed project. Corporate background information will be required with the application.

2. Contact Information of SES Owner

The name(s), address(es), telephone number(s) and e-mail address(es) of the SES owner(s), together with a description of the owner's business structure and overall role in the proposed SES, and documentation of real estate ownership of any real property upon which any part of the proposed SES is to be located must be provided. The SES owner shall inform the Executive Director of any proposed change of SES ownership, in whole or part, and shall furnish the required information regarding such owner. Corporate background information will be required with the application. Refer to section § 153.745 Change of ownership

3. Contact Information of SES Operator

The name(s), address(es), telephone number(s) and e-mail address(es) of the operator(s), as well as a description of the operator's business structure and overall role in the proposed project must be provided. The SES operator shall inform the Executive Director of any change regarding the SES operator and furnish the required information regarding such operator. Corporate background information will be required with the application.

4. Legal Description

The legal description and the 911 Emergency Address of the real property upon which the SES is to be located.

5. SES Description

The SES description and information shall include, but not limited to the following:

- a. Type of solar technology (e.g. solar panels, solar shingles, etc.)
- b. Solar panel mounting technique (e.g. ground-mount, roof-mount, etc.);
- c. Solar panel installation height;
- d. Nameplate generating capacity;
- e. The means of interconnecting with the electrical grid;
- f. The potential equipment manufacturer(s); including MSDS information sheets and installation manuals; A complete list of materials and chemicals
- g. Accessory structures and other appurtenances; and,
- h. Other information as recommended by the Executive Director to

6. Preliminary Site Plan

The preliminary site plan shall illustrate the following:

1. A site plan, drawn to scale, including distances pertaining to all applicable setback and buffer requirements shall be provided
2. All drawings shall be at a scale of one (1") inch equals thirty (30') feet. Any other scale must be submitted to the Executive Director and approved by the BZA. No individual sheet or drawing shall exceed twenty-four (24") inches by thirty-six (36") inches. Any other drawing size must be submitted to the Executive Director and approved by the BZA.
3. Property lines upon tract(s) subject to the application, together with property lines and with the names of owners or record of each adjacent tract(s)
4. Location and name/number of public roads surrounding, abutting, and/or traversing the SES and any SES ingress/egress road
5. Substations: location
6. Location of electrical underground cabling outside of fenced areas
7. Ancillary equipment
8. Proposed solar arrays, connecting lines, and all affiliated installations and structures
9. Proposed access points, interior drives, security features, and fencing
10. Surface water drainage patterns
11. Woodlands, grasslands, and farmland identification
12. Soil types
13. Area designated Prime Farmland on each participating parcel
14. Any structure within one quarter (1/4) mile of the proposed SES boundary
15. The location of any airport within one (1) mile of the proposed SES boundary
16. Setback lines: Distances from the SES to each setback requirement listed
17. The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources, within one (1) mile of a proposed SES

18. The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within one (1) mile of a proposed SES
19. Location of any Special Flood Hazard Area as determined by the Federal Emergency Management Agency (FEMA) and by the Indiana Department of Natural Resources (IDNR), whichever is more stringent
20. Location and height of fencing, access roads, and landscaping associated with any buffer zone

7. Topographic Map

A United States Geological Survey (USGS) topographical map, or map with similar data, of the property and the surrounding area, with contours of not more than two-foot intervals shall be submitted.

8. Wetland Delineation

A Wetland delineation and report shall be submitted on properties proposed for use as a CM-SES or a CL-SES.

9. Landowner Agreements Requirements:

- a. Fully executed leases signed by the landowner for every parcel under contract (financial information can be redacted) of any description signed by participating landowners authorizing the placement of the identified SES on landowner's property shall be submitted.
- b. Fully executed Setback Waiver Agreements, if applicable, signed by adjacent landowners.
- c. An executed copy of any other waiver agreement signed by adjacent landowner(s).
- d. A copy of any recorded Solar Easements from adjacent landowners.

10. Engineering Certification

For all SES and SES facilities, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the Improvement Location Permit Application, that all structural aspects of the SES design are within accepted professional standards, and the structure or substrate the solar technology will be affixed to, will tolerate the installed weight of said technology (e.g. roof structure, soils, etc.).

11. Proof of Correspondence and Cooperation with Wildlife Agencies

For the purposes of demonstrating compliance with required permits, the applicant shall provide written documentation that the applicant is in direct correspondence, cooperation and in compliance and shall remain in compliance with all applicable regulations and requirements of the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources. The application shall include the documentation of the wildlife and environmental analysis conducted and submitted to the Area

Plan Executive Director.

12. Solar Easement

A Solar Easement may be entered into between affected parties as described in this ordinance and must be submitted with the SES application.

13. Waivers

All waiver agreements shall be in writing and follow the requirements specified in Ordinance (definitions). Copies of all waivers are required as part of the SES application.

14. CM-SES and CL-SES Permit Fees

Before issuing any permits, the applicant must pay the required fees as set forth in the official fee schedule approved by the Area Plan Commission per IC 36-7-4-411 to enable the county to defray the administrative and review costs in processing the special use application and related materials, including the hiring of an engineering firm or other professionals.

- **CM-SES**

- Applications shall be assessed a non-refundable application fee of \$20,000
- Applications shall be assessed a non-refundable change of ownership Application fee of \$10,000
- An ILP base fee of \$5,000 and \$2,000 per MW of rated maximum capacity
- A change of ownership fee of \$1,000 per MW of maximum rated capacity

- **CL-SES Improvement Location Permit**

- Applications shall be assessed a non-refundable application fee of \$100,000
- Applications shall be assessed a non-refundable change of ownership Application fee of \$50,000
- An ILP base fee of \$10,000 and \$2,000 per MW of maximum rated capacity
- A change of ownership fee of \$1,000 per MW of maximum rated capacity

15. Community Meeting

Prior to submission of an application for an improvement location permit for a CL or CM-SES, a community information meeting, open and advertised to the public, shall be hosted by the project developer. The purpose of the meeting is outreach, with the intent of providing complete information to the community in an informal setting. The meeting shall not be construed to be a local

government meeting or formal public hearing. A summary and report regarding the community meeting shall be submitted to the Area Planning Office at the time of the application for the Special Use Permit. The report shall include a list of the landowners who were invited, a record of attendees, and copies of all written comments received.

16. Emergency Services Plan

Prior to issuance of a building permit, the SES owner or operator shall provide a plan including but not limited to the project summary, electrical schematic, and site plan to the appropriate local safety officials including the Grant County Emergency Management, Sheriff Department, the responding Fire Department, and Grant County Building Inspector. Upon request the owner or operator shall cooperate with local safety officials in developing an emergency response plan. Any specialized training necessary will be provided at the operator's expense. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation and during decommissioning, recycling and land restoration.

17. Operation and Maintenance Plan

The applicant shall submit a plan for the operation and maintenance of the SES which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the facility. Maintenance of vegetation within the buffer strip and underneath the ground-mounted solar arrays shall be included in the plan and consistent with the requirements in this section. The plan will include annual inspections of the facility by a qualified electrical engineer with the Area Plan Director and Fire Marshall.

18. Emergency Response

The owner/operator of the SES shall conduct, at the expense of the owner/operator, training drills with local emergency responders every two years after the first-year training drill.

§ 153.740: Decommissioning-Recycling-Restoration Land Plan and Agreement

(for CM-SES and CL-SES)

Prior to receiving an Improvement Location Permit (ILP), under this Ordinance, the applicant, owner and operator shall submit and shall enter into a Decommissioning- Recycling-Land Restoration Plan and Agreement with the Area Plan Commission outlining the anticipated means, costs and method of payment of all costs in carrying out such Decommissioning-Recycling-Land Restoration Plan and Agreement at the end of the SES life or the life of any part of a SES, upon becoming an abandoned use, or being declared a public nuisance.

1. Discontinuation and Abandonment

Owner operator shall give written notice of intent to abandon use of an SES

facility 60 days prior to the discontinuation of electrical production to the County Commissioners and Area Plan Commission. The Owner operator shall submit an annual statement of activity on the first Monday of February to the Area Plan Office to insure the facility is still producing electricity at full capacity.

An SES or portion of an SES shall be considered an abandoned use after one (1) year without energy production unless a Rehabilitation Plan developed by the SES owner and SES operator is submitted to, and approved by, the Area Plan Commission outlining the necessary procedures and time schedule for commencing or returning the SES to energy production as provided in this ordinance. Failure by the SES owner and/or operator to commence energy production at such SES or return such SES to energy production within the time schedule which has been approved by the Area Plan Commission, said SES or portion of SES shall be considered an abandoned use and/or a public nuisance.

2. Removal, Recycling and Land Restoration

The SES owner and/or the SES operator is required to remove all physical material pertaining to the SES above ground level and all improvements of said SES below ground level for all SES's declared irreparably damaged, and/or an abandoned use and/or a public nuisance. All panels broken or at the end of life must be recycled. Any agreements with participating landowners that differ from these requirements must be submitted to the Area Planning Director, and the Area Planning Director shall require a variance to be heard by the BZA. All materials shall be removed, recycled and the SES site restored within three hundred sixty-five (365) days of the discontinuation of energy production. An SES which is irreparably damaged, abandoned or declared to be a public nuisance shall within said time limit (365 days) require the SES owner and/or SES operator to have completed restoration of the SES site to the original or better condition of the SES site prior to the development of such SES. If the property has been timbered or trees removed within two (2) years prior to the initial landowner agreements, the original condition means replanted with trees of similar species as originally removed, unless otherwise agreed to by the landowner. If any portion of the SES is found to be hazardous in nature by county, state or federal regulatory agency(ies) or required to be removed and replaced, the SES owner and/or SES operator is required to remove in a manner as prescribed by law.

Owner/operator must remediate all land to its original state and fertility based on soil tests at pre-construction paid for by developer and chosen by the county.

3. Identification and Removal of Hazardous Materials

During any construction, removal, recycling, or restoration effort, the SES owner/operator shall identify all hazardous materials as regulated by state and federal regulatory agencies, such as the EPA and IDEM, as well as non-hazardous materials and indicate the appropriate handling, storage, and transport during disposal.

4. Performance Guarantee

Prior to issuance of an ILP, the applicant must provide the County with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the County Commissioners in the amount of 150% of the estimated decommissioning, recycling and land restoration including complete return of the land to pre-construction condition or better. The estimated cost is to allow for the anticipated increase in future costs to decommission. This calculation shall not take into account any estimated salvage costs. Estimates shall be determined by a licensed engineer.

Unless otherwise agreed to by all parties, every five (5) years, or upon request of the Grant County Area Plan Commission, a new engineer's estimate of probable cost of Decommissioning, Recycling and Land Restoration, shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the county shall be adjusted upward or downward as necessary. A new estimate will be submitted to the Commissioners prior to the sale of any portion of the SES and the Performance Guarantee adjusted appropriately and made part of the sales agreement.

All expenses involved in such removal, recycling and land restoration shall be paid by the SES owner and SES operator, or removal, recycling and restoration will be completed by Grant County at the SES owner's expense and SES operator's expense as specifically provided by the Decommissioning, Recycling and Land Restoration Plan Agreement. Any costs not paid shall be assessed as a lien upon the real estate where the SES is located.

If the owner/operator defaults on decommissioning, the county retains the right, after appropriate court order, to enter the property and remove any parts of the SES with funds from the "5A" surety on file. Any costs not paid shall be assessed as a lien upon the real estate where the SES is located.

5. Written Notices

Prior to implementation of any procedures or remedy for the resolution of any SES owner's and/or operator's failure to decommission the SES pursuant to the Decommissioning, Recycling, Land Restoration Plan and Agreement, and/or Rehabilitation Plan of the Ordinance, the County Commissioners 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, except upon such longer time to which all said parties agree, for good faith negotiations between the SES owner and/or operator and the County Commissioners or its duly appointed representative, to resolve the default(s). In the event the negotiations fail to resolve the default issue(s), either party may pursue any and all remedies available by the terms of the Ordinance and/or Decommissioning-Recycling-Land Restoration Plan Agreement and/or Rehabilitation Plan.

6. Costs Incurred by Grant County

In the event, after written notice, the owner and/or operator fails to enter into a Rehabilitation Agreement or Decommission the SES in accordance with the Zoning Ordinance and the Decommissioning-Recycling-Land Restoration Plan and Agreement, the owner and/or operator shall pay all costs, including reasonable attorney fees, incurred by the County to remove the SES. Any costs not paid shall be assessed as a lien upon the real estate where the SES is located.

§ 153.741: Drainage Agreement, and Road Use and Maintenance Agreements

Prior to issuing an Improvement Location Permit, the applicant must provide a Drainage Agreement and a Road Use and Maintenance Agreement approved by the County Commissioners or their designees. The Drainage Agreement must prescribe or reference provisions to address field tile damages and repairs thereof for any field tile owned by Grant County. The Road Use Agreement should specify provisions to remedy any road damage caused by the SES.

For repair of drainage infrastructure or systems damaged by any cause connected with the Project, Petitioner shall restore the drainage infrastructure or system to pre-existing conditions or better within a period of three (3) months after receipt

of notice of such damage unless such repair is rendered impractical by weather or other natural force. Petitioners shall be responsible for all expenses related to repairs, relocations, reconfigurations, and replacements of drainage infrastructure and systems that are damaged as a direct result of the project. Petitioner shall post a "5A" surety bond in an amount to be determined by the Grant County Drainage Board ("Drainage Board"), payable to the Drainage Board to address any need for drainage tile repair, replacement or re-routing caused by construction activities or installation of the project, such bond to be posted prior to commencement of project construction operations and to remain in effect for a period of nine (9) months after completion of the Decommissioning-Recycling-Land Restoration Plan. The Drainage Board shall determine and adjudicate whether claims brought by an adjacent property owner for damage to drainage tile directly resulting from the project based on substantial evidence.

Petitioner shall fully comply with Indiana Code requirements regarding legal drains except as otherwise approved by the Drainage Board and any other necessary bodies. Petitioner shall repair documented damages to County roads damaged during construction or operations to the pre-construction condition pursuant to the direction of the Grant County Highway Superintendent. Petitioner shall post a "5A" surety bond for the life of the project in an amount to be determined by the Grant County Board of Commissioners and shall be adjusted every five (5) years to address said repairs after construction and after the Decommissioning-Recycling-Land Restoration Plan.

Petitioner shall comply with the direction of the Surveyor regarding (a) retention at Petitioner's sole expense of an appropriate inspector including a "not to exceed" budget; (b) notification to the Surveyor when all drainage improvements within the public right-of-way have been completed and inspected by the inspector; and (c) timeline and process for repair of any damage caused by the SES project.

§ 153.742: Erosion Control Plan

An erosion control plan shall be developed in accordance with protocol of the Natural Resources Conservation Services (NRCS), and any storm water quality management plan adopted by the applicable jurisdiction(s).

Grading and removing of topsoil during construction is strictly prohibited. A variance could be requested of the Board of Zoning Appeals to do excavation for a retention pond needed for a storm water management plan.

The area beneath the ground-mounted SES is considered pervious cover. However, use of impervious construction materials within the SES would cause areas to be subject to the impervious surface's limitations for the applicable Zoning District. Natural (pervious) ground covers are required beneath the solar arrays.

§ 153.743: Pre-Construction Requirements for an SES

In addition to complying with the approved Road Use and Maintenance Agreement, an applicant, owner, and/or operator proposing to use any county road(s), for the purposes of transporting any component of an SES, substation and/or any other equipment for the construction, operation or maintenance of an SES shall comply with the following pre- construction requirements. All roads and services that will be used for transportation of construction materials, construction of the SES, and/or maintenance of the SES shall be identified. If the route includes a public road, such route shall be approved by the Grant County Highway Department. To the extent possible, state or federal Highways shall be utilized for the purposes of transporting any component of an SES, substation and/or any other equipment for the construction, operation, or maintenance of an SES.

The applicant, owner, and/or operator shall conduct a pre-construction baseline survey in coordination with, and acceptable to, the Grant County Highway Department. This survey shall be a part of the Road Use and Maintenance Agreement to determine existing road conditions for assessing current needed improvements and potential future damage. The survey shall include, but not be limited to, photographs, and/or video, or a combination thereof, and a written agreement to document the condition of the public facility as the same exists on the date of the baseline survey.

Any material change of location of the SES fenced boundary and any material change in the location of SES facilities outside of the SES fenced boundary prior to construction shall be furnished to the Executive Director, County Surveyor and any other person(s) designated and authorized by the County Commissioner shall be the duty and responsibility of the applicant, owner and/or operator to obtain-any variance required by such change and to comply with any other requirement necessitated by such change. Any variance required by this Section shall be obtained from the BZA prior to construction or implementation of such change.

1. Construction Requirements

During construction, the applicant shall demonstrate and document to the satisfaction of the County Highway Superintendent, County Surveyor, Executive Director and any other person(s) designated and authorized by the County Commissioners, that the following requirements are being met:

All required dust control measures are followed to the satisfaction of the County Commissioners during construction of the SES together with any additional steps or adjustments for dust control which may from time to time be required by the County Commissioners.

Storm water best management practices are adhered to as required by the approved Drainage Plan/Agreement.

Near a residence or public use, noise shall be kept within the property lines of the solar installation. No pounding of posts causing vibrations and possible

damage to existing wells and drain tiles will be permitted.

§ 153.744: Post-Construction Requirement for an SES

Post-construction, the applicant shall comply with the following provisions:

1. Road Repairs

Any road damage caused by the transport of any matter or material utilized in any way regarding the SES, in the construction of the SES, the installation of the same, and/or the removal and decommissioning of the same, shall be repaired to the satisfaction of the Grant County Highway Department (as per the Road Use and Maintenance Agreement). The County Highway Superintendent may choose to require remediation of road(s) upon completion of the SES. Further, a surety bond or letter of credit in an amount to be determined by the County Highway Superintendent shall be required by the County to ensure that future repairs are completed to the satisfaction of the County Commissioners. The cost of such bond or letter of credit shall be paid by the SES owner and said bond shall remain in full force and effect until the decommissioning and land restoration is fully completed as prescribed by this Zoning Ordinance and the Decommissioning-Recycling-Land Restoration Plan and Agreement.

2. As-Built Plans Requirement

Where upon completion of all development, the exact measurements of the location of utilities, structures and components erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, and/or operator shall submit a copy of the final as built survey to the Executive Director with the locations of the SES facilities shown thereon. Said Director, after being satisfied that the locations of the SES facilities are substantially similar to the locations on the originally approved final plan(s) or as the same were from time to time amended, shall approve, date and sign said as-built survey for the SES, which the applicant, owner, and/or operator shall then record and provide Area Plan Commission a copy of said recorded Plans.

§ 153.745: Change in Ownership

It is the duty and responsibility of the SES applicant, SES owner and/or SES operator and any subsequent SES owner and SES operator, in addition to the notice requirements of any SES plan(s) and SES agreement(s) to notify 90 days prior by written notice and to complete a new application agreement including application fees to the Area Plan Director, which will be forwarded to the County Commissioners of any proposed change in the ownership of the SES or any part of the ownership thereof (not counting the sale of shares on a public exchange) and through the time that the final Decommissioning-Recycling-Land Restoration Plan and Agreement are concluded and all applicable acceptances, releases and performance standards of any description have been met and concluded and accepted by the appropriate local, state, federal or private authority, department, agency, and person(s) and all financial payments or other financial obligations are fully satisfied and all appropriate parties are in receipt thereof. Any such transfer shall not eliminate the liability of any entity for any act occurring during its ownership or status as permittee.

§ 153.746: Miscellaneous Provisions

1. Indemnification

The applicant, owner and/or operator of the SES project shall defend, indemnify, and hold harmless the County and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liability whatsoever, including attorney fees without limitation, arising out of acts or omissions of the applicant, owner and/or operator associated with the construction and/or operations and/or design of the SES project.

2. SES Complaints

The County shall set up a procedure for filing and handling SES complaints. The SES owner shall initially be given a reasonable opportunity to resolve all complaints. The cost of such resolution shall be borne by the SES owner. If resolution is not made in a reasonable time (as determined by the County), the County may utilize its Escrow Account to attempt to resolve any SES issues. The County may establish a monitoring committee to oversee resolution of complaints regarding SESs.

3. Release of Confidentiality Clause

a. The County directs that the SES owner release any and all SES landowners from any confidentiality clause that impedes the County from knowing what encumbrances are on taxable lands in their jurisdiction.

4. Enforcement Penalties and Remedies for Violations

The County Commissioners and/or Planning Board shall appoint such County staff or outside consultants as it sees fit to enforce and implement this Local Law. Any person owning, controlling or managing any building, structure or land related to a SES, shall be legally and financially responsible for any and all violations of this Local Law. Such violations would include noncompliance with the terms and conditions of the permit herein, or any order of the enforcement officer. Any person who is responsible for so doing, shall be guilty of an offense and subject to a fine of not more than \$1000 per incident, and/or any other penalties provided by local, state, or federal law. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The County may institute a civil proceeding to collect civil penalties in the amount of \$1000 for each violation, and each week said violation continues shall be deemed a separate violation.

In case of any violation (or threatened violation) of any of the provisions of this Local Law, including the terms and conditions imposed by any permit issued pursuant to this Local Law, in addition to other remedies and penalties herein provided, the County may institute any appropriate legal action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, operation, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

5. Fiscal Responsibility

The Board of Zoning Appeals may, at its discretion, request the most recent annual audited financial report of the permittee prepared by a duly licensed Certified Public Accountant, during the review process. If such report does not exist, the BZA may, in its sole discretion, require a suitable alternative to demonstrate the financial responsibility of the Applicant and its ability to comply with the requirements of this Local Law.

6. Applicability

The requirements of this Local Law shall apply to all SESs proposed, operated, modified or constructed after the effective date of this Local Law.

7. Severability

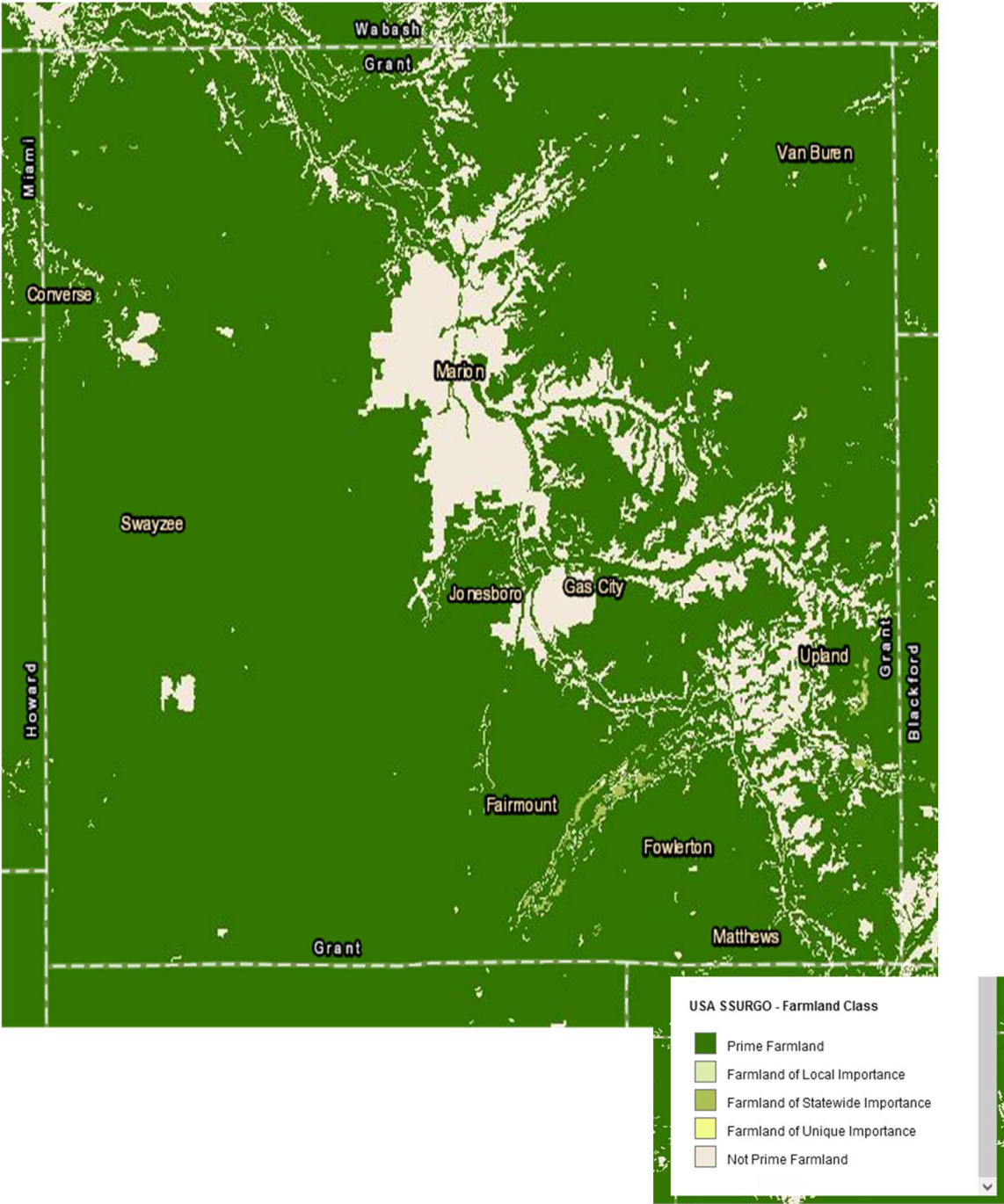
If any provision of this ordinance, or application thereof against any party whatsoever, is held invalid by any court or administrative agency, the remainder of the ordinance, and the application of such provision to other parties, shall not be affected thereby. The provisions of this ordinance are declared to be severable.

APPENDIX A: ZONE TABLE

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Land Use	Landscape Category ('153.500)	A G	R S	R1	R2	R3	R4	R5	P B	N C	LB	C C	G B	I1	I2	I3	M H	HI
Solar Energy Conversion Systems: Noncommercial < 5 Acres		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Solar Energy Conversion Systems: Commercial < 5 Acres, CS- SES <1 MW/AC		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Solar Energy Conversion Systems: Commercial <6 to 75 Acres, CM-SES 1 to 15 MW/AC																		S
Solar Energy Conversion Systems: Commercial 76 to 400 Acres, CL-SES > 16 MW/AC																		S

APPENDIX B: GRANT COUNTY PRIME FARMLAND MAP



BE IT FURTHER ORDAINED that in addition to the repeal of Ordinance 2022-7, all portions of other Ordinances in conflict with this Ordinance are hereby repealed.

SO ORDAINED this _____ day of _____, 2025

GRANT COUNTY BOARD OF COMMISSIONERS

Shane Middlesworth

Chuck Poling

Ron Stewart

ATTEST:

Angie Jarvis, Grant County Auditor