ST. LEON

REVIEW VERSION OF THE DRAFT SOLAR ORDINANCE

This review version of the draft Solar Ordinance has been prepared in a simplified format to make the written ordinance easier for citizens to read, understand, and review. The intent is to allow members of the public to more easily follow the proposed requirements and provide informed comments during the review process.

Please note: This simplified review format will not be the format of the official ordinance once it is approved and adopted. The final ordinance will be presented in St. Leon's standard ordinance format.

Definition of "Draft Ordinance"—Proposed legislative document prepared for review, discussion, public comment, and potential revision prior to formal consideration and adoption by the governing body. **A draft ordinance does not constitute an adopted or enforceable law and may be amended or substantially revised before final approval.**

SECTION 1900 – PURPOSE AND INTENT

The purpose of this Article is to regulate the placement, construction, modification, operation and maintenance of Solar Energy Systems and Battery Energy Storage Systems related to solar (this does not include stand-alone BESS) within St. Leon. The standards contained herein shall apply to all solar energy projects and battery energy storage systems, regardless of the size or type of development, as specified within this Article. These regulations are established to provide reasonable and objective standards for such facilities in order to protect the public health, safety, and welfare of St. Leon residents and to provide a consistent framework for the review and regulation of such uses. The provisions of this Article are intended to ensure that, should such facilities be proposed, constructed, commissioned, operated, modified, or decommissioned within St. Leon, they are developed in a manner that is compatible with surrounding land uses and minimizes adverse impacts. The provisions of this Article shall:

1. Establish a reasonable and protective process for the application, review, approval, construction, operation, modification and decommissioning of these systems, while providing clear procedures and standards for applicants and reviewing authorities.
2. Establish development standards and requirements for such facilities based upon the zoning district in which they are proposed and the characteristics of adjacent and nearby properties.
3. Establish minimum performance, operational and maintenance standards for such facilities to ensure their safe and efficient operation.
4. Establish standards, regulations and compliance monitoring governing emergency response, public safety, commissioning, decommissioning, repair, restoration, and site reclamation associated with such facilities.

SECTION 1902 – DEFINITIONS

Agrivoltaics (Dual Use): The simultaneous use of the same parcel of land for both agricultural production and solar photovoltaic energy generation. Agrivoltaic systems are designed and managed to allow continued agricultural activities beneath and/or adjacent to solar installations, include but not limited to crop production, specialty crops, livestock grazing, beehives/bee keeping, pollinator habitats, or other agricultural products, services or practices.

Battery Energy Storage System with Solar Energy Systems (BESS-SES): One or more rechargeable battery systems, together with associated equipment, facilities, and infrastructure, designed to store electrical energy for later use. A Battery Energy Storage System includes batteries, battery management systems, inverters, transformers, switchgear, thermal management equipment, fire suppression systems, enclosures, monitoring and control equipment, and all other components necessary for the safe operation of the energy storage facility. A BESS-SES may be operated in conjunction with a Solar Energy System electrical generation source for the purposes of storing, managing, and dispatching electrical energy to the electric grid or on-site loads. For the purposes of this Article, a BESS-SES or BESS shall be permitted only as an accessory component of an approved Solar Energy System. Stand-alone BESS are prohibited and shall not be permitted under the provisions of this Article.

Building-Integrated Solar Energy System: A solar energy system in which photovoltaic materials or solar thermal components, panels, solar shingles, solar glazing or other solar energy-producing materials are integrated into the design, construction, or structural elements of a principal or accessory building and serve as both a building component and an energy-generating system. Building-Integrated Solar Energy Systems may be incorporated into roofs, walls, facades, skylights, windows, awnings, canopies, or other architectural features while generating electricity or thermal energy.

Community Solar Projects (SES-C): SES designed and installed to provide renewable energy primarily for the use and benefit of a neighborhood, residential/commercial/industrial multi-lot subdivision, Government Center buildings/facilities, parks, etc. Such systems may be ground mounted, roof mounted or building integrated SES and are intended to serve the needs of the development. A Community Solar Project may interconnect with a public utility but shall be designed and operated solely to provide electricity for the participating properties, community, neighborhood, or development served by the system. The system shall not be designed or operated to generate electricity for sale to the electrical grid, wholesale market, or other off-site purchaser, and excess electricity shall not be intentionally exported to the grid for commercial compensation. Any project that does not meet this strict definition of a Community Solar Project shall be regulated as a Utility Scale Solar Energy System/Fields.

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Ground Mounted Solar Energy System: SES consisting of solar photovoltaic panels, modules, or other solar energy collection devices that are installed on a support structure affixed directly to the ground rather than mounted on a building or other structure

Large-Scale Individual Solar Projects (SES-L): SES designed and installed to provide renewable energy primarily for the use and benefit of a single commercial or industrial business. Such systems may be ground mounted, roof mounted, solar canopy, or building integrated SES and are intended to serve the needs of the business located on the property. A Large-Scale Individual Solar Project may operate independently of the electrical grid or may be interconnected with a public utility. Electricity generated by the system shall be used solely for the benefit of the property, development, business, or other authorized use served by the Large-Scale Individual Solar Project. The system shall not be designed or operated for the purpose of selling or supplying electricity to the electrical grid, wholesale market, or other off-site purchaser. Any electricity generated by the system in excess of the electrical needs of the property or development shall not be intentionally exported to the electrical grid for sale or other commercial compensation. A Large-Scale Individual Solar Project shall not be developed or operated as a commercial power generation facility. Any project that does not meet this strict definition shall be regulated as a Utility-Scale Solar Project.

Participating Property Owner: A property owner who has entered into a written lease, option to lease, purchase agreement, or other legally binding agreement with the applicant or operator, granting the applicant or operator the right to use all or a portion of the property for the siting, construction, operation, maintenance, or decommissioning of a Utility Scale Solar Energy System. A Participating Property Owner also includes an applicant or operator that holds direct ownership of property included within the Utility Scale Solar Energy System project.

A property owner who has granted only an easement for underground utility work intended to connect the Utility Scale Solar Energy System to an electrical grid or other utility infrastructure, but who has not otherwise granted rights for the development or operation of the project, shall not be considered a Participating Property Owner solely by reason of that easement.

Additionally, any property owner who receives compensation from the applicant or operator, outside of compensation provided through a Property Value Protection Program established under this Article, shall be considered a Participating Property Owner, regardless of whether a lease, easement, or other property-use agreement exists.

Project Site Size: The total area of land within the lease area or other area of land legally secured for the proposed Solar Energy System project, as identified by the applicable lease agreements, property boundaries, and legal descriptions of the parcel or parcels comprising the project site. Project Site Size shall include all contiguous or noncontiguous areas of land included within the project site and shall be based on the total acreage within the applicable lease area or legally secured project area, rather than the total acreage of the underlying parcel or parcels. Project Site

Size shall not be limited to the area occupied by solar panels, structures, equipment, access roads, or other project improvements.

Non-Participating Property Owner: A property owner who has not entered into a written lease, easement, option to lease, purchase agreement, or other legally binding agreement with the applicant or operator of a Utility Scale Solar Energy System granting the right to use all or a portion of their property for the siting, construction, operation, maintenance, or decommissioning of the Utility Scale Solar Energy System or its associated facilities. An easement granted solely for underground utility work intended to connect the Utility Scale Solar Energy System to an electrical grid or other utility infrastructure shall not, by itself, disqualify a property owner from being considered a Non-Participating Property Owner.

A property owner who receives compensation from the applicant or operator outside of compensation provided through a Property Value Protection Program established under this Article shall be considered a Participating Property Owner, regardless of whether a property-use agreement exists.

Rooftop Solar Energy System: An SES (Solar Energy System) installed on the roof of a building or structure, including mounted or building-integrated solar components, for the purpose of generating electricity or capturing solar energy for on-site use or utility interconnection.

Solar Canopy: A freestanding or attached structure that supports solar photovoltaic panels above an existing or proposed use area, including but not limited to parking lots, drive aisles, sidewalks, patios, or other outdoor hard surface spaces. A solar canopy is designed to provide share, weather protection, or other functional benefits while generating electricity. The supporting structure is not considered a principal building but shall be regulated as a solar energy system and accessory structure, as applicable under this Ordinance.

Solar Energy System (SES): A device, array, facility, or structural design feature that converts sunlight into electrical energy, thermal energy, or another usable form of energy through the use of photovoltaic, solar thermal, or related technologies. A Solar Energy System includes all associated equipment, components, and appurtenances necessary for the collection, conversion, storage, monitoring, transmission, and distribution of solar energy, including but not limited to solar panels, modules, mounting systems, inverters, batteries, transformers, wiring, and related infrastructure.

Solar Inverter, Community-Scale: A medium-to-high capacity, three-phase electrical conversion device or networked string configuration designed explicitly for mid-scale localized energy networks (typically 100 kW to 5 MW). These units convert direct current (DC) power from shared solar arrays into three-phase alternating current (AC) power (typically 480V) for direct integration into localized utility distribution lines. This type of inverter is strictly used for Community Solar Projects.

DRAFT

Solar Inverter, Microinverter: A small, panel-level electrical device installed directly on the racking or underside of an individual solar module. It converts DC electricity to AC electricity independently at each panel, operating at low voltages and enabling localized single-phase power integration. This type of inverter is strictly used for Small-Scale Individual Solar Projects.

Solar Inverter, Multi-String Commercial Cluster: A coordinated system of multiple commercial or industrial three-phase string inverters networked together on a common commercial or industrial site. They share centralized communication hardware to balance high-capacity commercial and industrial building loads across three-phase distribution panels without requiring utility-scale central pads. This type of inverter is strictly used for Large-Scale Individual Solar Projects.

Solar Inverter, Utility-Grade String: A high-capacity string inverter configured exclusively for utility-scale deployment. Unlike residential or standard commercial units, these run at a full 1,500 Volts DC and are networked by the hundreds across vast acreage, feeding their aggregated AC output directly into localized medium-voltage collection transformers rather than a building's service panel. This type of inverter is strictly used for Utility-Scale Solar Projects.

Small-Scale Individual Solar Projects (SES-S): SES designed and installed to provide renewable energy primarily for the use and benefit of a single property owner residential, occupant, non-commercial / residential / homestead /personal farm operation, or principal use located on the same parcel. Such systems may be ground mounted, roof mounted, or building integrated SES and are intended to serve residential and agricultural needs of the property on which the system is located. A Small-Scale Individual Solar Energy System may operate independently of the electrical grid or be interconnected with a public utility and may participate in net metering, power purchase, or other utility partnership programs, provided the primary purpose of the system remains to offset the energy consumption of the property on which it is located and is not developed as a principal commercial power generation facility.

Utility-Scale Solar Projects (SES-U): SES designed and installed to provide renewable energy directly to the electrical grid rather than a specific customer or user.

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SECTION 1904 – SOLAR ENERGY SYSTEMS (SES) NOT REQUIRING A ZONING PERMIT

Certain small-scale solar energy systems are exempt from zoning permit requirements when they are accessory to a permitted principal use and do not create a separate or independent land use. This exemption applies to roof-mounted solar energy systems and building-integrated solar energy systems. Exempt systems shall comply with all applicable building, electrical, fire, safety, and other applicable Town, State, and Federal requirements. The exemption from a zoning permit does not exempt the system from any required building or electrical permits or other applicable regulations. Solar energy systems that exceed the established size, height, location, or other standards for exempt systems, or that are intended to serve a separate property, utility-scale operation, or commercial energy generation purpose, shall be subject to the applicable zoning permit and review requirements of this Ordinance.

1. Rooftop may be established on existing structures without a Zoning Permit, but must obtain a Building Permit. Rooftop mounted solar, shall not be included in the maximum allowed building height in any district. The rooftop mounted systems shall not exceed the perimeter of the building roof.
2. SES portable or plug-and-pay generators used for temporary usage and do not connect to a main electrical panel or back feed into the utility grid.
3. Building-Integrated Solar where the panels are incorporated into the roof, façade, awning, porch canopy, or other building components.

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SECTION 1906 – GENERAL REQUIREMENTS, DESIGNS AND CONSTRUCTION FOR ALL SOLAR ENERGY SYSTEMS (SES)

The design and construction of all Solar Energy Systems (SES), regardless of size, type, or method of installation, shall comply with the following general standards:

1. **Compliance with Applicable Laws and Regulations:** All applicants shall construct, operate, maintain, repair, provide for removal of, modify or restore the system in strict compliance with all current applicable technical, safety, building codes, electrical codes, fire codes, safety-related codes, environmental and all other applicable standards adopted by St. Leon, Dearborn County Building Department, the State of Indiana, or the United States. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. Where applicable, the system shall be designed, installed, and maintained in accordance with the requirements of the National Electrical Code (NEC), International Building Code (IBC), International Residential Code (IRC), and other applicable standards adopted by the State of Indiana and the Federal Government. Where permitted by applicable law, the more restrictive requirement shall apply;

2. **Permits and Approvals:** All applicants/owners shall obtain, at their own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by St. Leon or any other governmental entity or agency having jurisdiction over the applicant. No SES shall be constructed, installed, expanded, modified, relocated, or placed into operations of such structures or appurtenant facilities and associated improvements, except those listed in Section 1904, without all applicable zoning, building, structural, electrical and/or other required permits and approvals through St. Leon, Dearborn County Building Department, the State of Indiana or the Federal Government;

3. **Other Renewable Industry Standards:** All Solar Energy System (SES) shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a solar certification program recognized by the American Council on Renewable energy (ACORE) or the Solar Energy Industries Association (SEIA). All SES that are over twenty (20) feet in height, when oriented at maximum tilt, must be designed by a professional engineer. The engineer must certify that the structures that are intended to be built for the Solar Energy System is within acceptable code and industry standards—given local soil and climate conditions.

4. **Additional Requirements and Standards:** St. Leon has established additional requirements for specific types or scales of SES, including but not limited to those defined in the definitions of this Article. These additional standards include, but not necessarily limited

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to setbacks, glare and reflection, electrical and safety requirements, maintenance and appearance, access and emergency response, signage, noise, stormwater and drainage, utility interconnection, abandonment, decommissioning, bonds, emergency management plan, and economic development agreement. Where specific requirements conflict with a general requirement, the more restrictive requirement shall apply.

5. **Floodplain, floodways, and wetlands:** No solar energy system shall be permitted within a designated floodplain, floodway or wetland area as identified by St. Leon, Indiana Department of Natural Resources (IDNR), Indiana Department of Environmental Management (IDEM), Federal Emergency Management Agency (FEMA) or any other applicable federal, state, or local regulatory agency, unless otherwise authorized by applicable law and all required permits or approvals have been obtained.

6. **Construction Noise and Work Hours:** All Solar Energy System (SES) projects shall limit construction activities to Monday through Saturday, between the hours of 7:00 a.m. and 7:00 p.m. Construction activities shall not be permitted on Sundays or outside the designated construction hours, except as specifically authorized by the Planning and Zoning Department for emergency conditions or other circumstances determined to warrant an exception.

   During permitted construction hours, construction noise shall not be subject to the nighttime noise limitation established below.

   During non-construction hours, including evening, nighttime, Sundays, and other periods when construction activities are not permitted, noise generated by the SES project shall not exceed 55 dBA, as measured at the applicable property line or other measurement location established by this Article.

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SECTION 1910 – PERMITTING REQUIREMENTS AND STANDARDS FOR SMALL SCALE INDIVIDUAL SOLAR PROJECTS

This section applies to Small-Scale Individual Solar Projects, as defined in this Article, that are located within the Agriculture (A) and Residential (R-1, R-2 and R-3) zoning districts. This section shall also apply to Small-Scale Individual Solar Projects located within any other zoning district where the property is determined to be a lawful pre-existing, nonconforming agriculture or residential use.

A. **Permit Requirements:** An Improvement Location Permit, as provided in Article 17 of this Ordinance, shall be obtained prior to the construction, erection, placement, modification, or alteration of a Small-Scale Individual Solar Project, unless except pursuant to Section 1904 of this Article. A Building Permit shall also be obtained when required by the applicable building codes, Building Department, or other provisions of this Ordinance.

B. **Development Standards:** All Small-Scale Individual Solar Project shall comply with the development standards as set forth in this Section. Any deviation from the standards established herein shall require approval of a Development Standard Variance by the Board of Zoning Appeals in accordance with the procedures set forth in Article 3 of this Ordinance prior to the issuance of any required permits.

1) **Accessory Use**—A Small-Scale Individual Solar Project shall be considered an accessory use to a principal permitted residential or agricultural use on the property. The system shall be designed primarily to offset the electrical demand of the property on which it is located and shall not be established as a principal commercial power generation facility.
2) **Location and Solar Panel Setbacks**— Ground Mounted SES shall meet the minimum primary structure setback required by the underlying zoning district and height limitations. The systems shall not be located within any public right-of-way, recorded public or private easement, or panhandle or access strip portion of a lot, or required landscape buffer yard, unless authorized in writing by the easement holder.
3) **Maximum Height**—Ground-mounted systems shall not exceed fifteen (15) feet in height, measured from the existing finished grade to the highest point of the system at maximum tilt. The maximum height limitation can be increased for systems located within the Agriculture (A) zoning district when the proposed installation is designed and utilized for a verified dual-use agricultural purpose (agrivoltaics), allowing for the continued agricultural use of the property beneath or between the solar arrays. Any request for an increased height shall be subject to review and approval by the Technical Review Committee. The applicant must submit documentation demonstrating: 1) The specific agricultural use proposed in conjunction with the solar installation; 2) The necessity of the requested height increase to accommodate the proposed agrivoltaic operation; and 3) Evidence that the proposed system design is compatible with and intended to support the identified agricultural activity.

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4) **Glare**—Solar panels shall be designed and installed to minimize glare affecting adjacent properties, public-road-ways, airports, and public safety facilities. Solar panels shall utilize commercially available photovoltaic panels designed with anti-reflective glass or an anti-reflective coating intended to minimize reflected sunlight and glare.
5) **Battery Storage**—Any battery storage related to the solar system shall be located within a permitted primary structure or accessory structure. Outdoor placement of battery storage equipment, including but not limited to battery containers, shall only be permitted if specifically authorized and approved through the Technical Review Committee.
6) **Abandonment/Disconnected**—Any Small-Scale Individual Solar Project that has not produced electricity or has been inoperable for a continuous period of twelve (12) months shall be considered inactive and shall be disconnected from any electrical utility or electrical service. If the system is deemed to be abandoned by the Planning and Zoning Department, the system shall be removed by the property owner or responsible party. Removal shall include all solar panels, mounting structures, underground foundations, electrical equipment, wiring, batteries, and other associated components that are no longer in use. The site shall be restored to a condition that is consistent with the surrounding property and zoning requirements. Failure to remove an abandoned solar system within ninety (90) days following notification by St. Leon, this shall constitute a violation of this Ordinance and may be subject to applicable enforcement and Unsafe Building provisions.
7) **Compliance**—The installation shall comply with all applicable federal, state, and local laws, regulations, building codes, electrical codes, fire codes, and utility interconnection requirements.

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SECTION 1915—PERMITTING REQUIREMENTS AND STANDARDS FOR LARGE-SCALE INDIVIDUAL SOLAR PROJECTS

This section applies to Large-Scale Individual Solar Projects, as defined in this Article, located within the Business and Highway Interchange Zoning Districts (B-1, B-2 and H-1) and the Industrial Zoning Districts (I-1 and I-2). This section shall also apply to Large-Scale Individual Solar Projects located within any other zoning district where the property/use is determined to be a lawful pre-existing, nonconforming commercial or industrial use. Any Large-Scale Individual Solar Project proposed within the Agriculture (A) or Residential (R-1, R-2, and R-3) Zoning Districts shall require Conditional Use Approval, regardless of whether the underlying use is otherwise permitted within the applicable zoning district.

A. **Permit Requirements:** A Major Site Plan permit, as provided in Article 23 of this Ordinance, shall be obtained prior to the construction, erection, placement, modification, or alteration of a Large-Scale Individual Solar Project, unless excepted pursuant to Section 1904 of this Article. A Building Permit shall also be obtained when required by the applicable building codes, Building Department, or other provisions of this Ordinance.

   A Major Site Plan Permit shall be required for all Large-Scale Individual Solar Projects, regardless of whether the primary structure or associated commercial or industrial use is existing, proposed, or under development. The Major Site Plan Permit shall be required for the construction, installation, expansion, modification, or operation of the Large-Scale Individual Solar Project and shall be reviewed in accordance with the applicable standards and procedures established by this Article and Article 23 of this Ordinance.

   Where a Large-Scale Individual Solar Project is proposed in conjunction with the construction of a new primary structure or other development that independently requires a Major Site Plan Permit under Article 23, the solar energy system shall be reviewed as part of the same Major Site Plan Permit application, when practicable. All applicable requirements, procedures, development standards, and review criteria for Major Site Plan Permits set forth in Article 23 shall apply.

B. **Development Standards:** All Large-Scale Individual Solar Project shall comply with the development standards as set forth in this Section and those as set forth in Article 23, for the corresponding minor and major site plan permits. Any deviation from the standards established herein shall require approval of a Development Standard Variance by the Board of Zoning Appeals in accordance with the procedures set forth in Article 3 of this Ordinance prior to the issuance of any required permits.
   1. **Accessory Use**—A Large-Scale Individual Solar Project shall be considered an accessory use to a principal permitted commercial or industrial use on the property. The system shall be designed primarily to offset the electrical demand of the property on

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which it is located and shall not be established as a principal commercial power generation facility.

2. **Location and Solar Panel Setbacks**—Ground Mounted SES shall meet the yard setbacks of a primary structure as required by the underlying zoning district. The systems shall not be located within any public right-of-way, recorded public or private easement, or panhandle or access strip portion of a lot, or required landscape buffer yard, unless authorized in writing by the easement holder. Any Large-Scale Individual Solar Project equipment shall maintain a minimum setback of fifty (50) feet from the following: 1.) Base Flood Elevation of any floodplain or floodway; 2.) The embankment of any river, creek or stream (as mapped by the Dearborn County GIS, FEMA, IDNR, U.S. Army Corp of Engineers, and blue line streams); 3.) The edge of water, dam, and toe of slope of any lake, pond, or required stormwater detention/retention facility.
3. **Maximum Solar Acreage**— The total area occupied by ground mounted SES equipment usage, including solar arrays, racking, and structural components within a Commercial or Industrial land use shall not exceed twenty (20) acres. This area shall not include other portions of the property used for permitted Commercial or Industrial purposes, parking areas with solar canopy or rooftop SES.
4. **Maximum Height**—Ground-mounted systems shall not exceed fifteen (15) feet in height, measured from the existing finished grade to the highest point of the system at maximum tilt. Any request to exceed the maximum permitted height shall require approval of a Development Standard Variance by the Board of Zoning Appeals, except when the requested height increase is solely for a solar energy system installed over an off-street parking area, such as a solar canopy. In such cases, the requested height increase shall be reviewed and approved by the Technical Review Committee. The applicant shall submit documentation demonstrating the necessity of the requested height increase and, where applicable, that the proposed design is required to accommodate the intended use of the parking area while maintaining compliance with all other applicable provisions of this Ordinance.
5. **Glare**—Solar panels shall be designed and installed to minimize glare affecting adjacent properties, public-road-ways, airports, and public safety facilities. Solar panels shall utilize commercially available photovoltaic panels designed with anti-reflective glass or an anti-reflective coating intended to minimize reflected sunlight and glare.
6. **Battery Storage**—Any battery storage related to the solar system shall be located within a permitted primary structure or accessory structure. Outdoor placement of battery storage equipment, including but not limited to battery containers or similar enclosures, may be permitted if the solar system abuts any commercial or industrial use or zoning district. Outdoor placement of battery storage equipment, including but not limited to battery containers or similar enclosures, shall be prohibited if the property abuts any residential or agriculture zoning district.
7. **Landscaping**— Large-Scale Individual Solar Project with ground mounted SES shall follow the landscape requirements as set forth in Article 22.

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8. **Signage**—Only signs required by law, utility providers, manufacturers, or emergency responders shall be permitted. Advertising signs shall be prohibited.
9. **Drainage**—All Large-Scale Individual Solar Projects shall comply with the applicable provisions of the St. Leon Subdivision Control Ordinance governing stormwater management, drainage, erosion control, and sediment control. Stormwater design, calculations, and supporting documentation shall be prepared in accordance with the current edition of the St. Leon Subdivision Control Ordinance. Any land disturbance of one (1) acre or more shall comply with all applicable requirements for a Construction Stormwater Pollution Prevention Plan (SWPPP), as required by the most current version of the Indiana Construction Stormwater General Permit (CSGP) and applicable State Requirements. Copies of all required permits, or evidence that permit applications have been submitted, shall be provided as part of the Major Site Plan Review process.
10. **Abandonment/Disconnect**— Any Large-Scale Individual Solar Project that has not produced electricity or has been inoperable for a continuous period of twelve (12) months shall be considered inactive and shall be disconnected from any electrical utility or electrical service. If the system is deemed to be abandoned by the Planning and Zoning Department, the system shall be removed by the property owner or responsible party. Removal shall include all solar panels, mounting structures, underground foundations, electrical equipment, wiring, batteries, and other associated components that are no longer in use. The site shall be restored to a condition that is consistent with the surrounding property and zoning requirements. Failure to remove an abandoned solar system within ninety (90) days following notification by St. Leon, this shall constitute a violation of this Ordinance and may be subject to applicable enforcement and Unsafe Building provisions.
11. **Compliance**—The installation shall comply with all applicable federal, state, and local laws, regulations, building codes, electrical codes, fire codes, and utility interconnection requirements.

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SECTION 1920—COMMUNITY AND UTILITY-SCALE SOLAR PROJECTS REQUIRING A CONDITIONAL USE APPROVAL

This section shall apply to all Utility-Scale Solar Projects that are not permitted by right within the Agriculture (A), or Neighborhood and Community Business (B-1 and B-2) Zoning Districts. This section shall also apply to all Community Solar Projects that are not permitted by right within the Agriculture (A) and Residential (R-1, R-2, and R-3) Zoning Districts.

For any Community Solar Project or Utility-Scale Solar Project that is not permitted by right within the applicable zoning district, a Conditional Use approval shall be obtained prior to initiating any permitting process with any governmental department or agency.

1. **Pre-Application Meeting:** Prior to the submittal of a Conditional Use application that involves a Solar Energy System, the applicant is required to contact St. Leon and its designated representatives to schedule a pre-application meeting. The purpose of this meeting is to address potential issues, which will help refine the review of the application. The pre-application process shall also include a site visit. It shall also be determined at the pre-application meeting, the number of copies necessary for the applicant to submit a completed application. The pre-application meeting shall also include the assistance of the expert retained by St. Leon. The applicant shall pay any and all costs that are associated with the preparation and attendance of the pre-application meeting and all other reasonable consultant and expert review costs authorized under the ordinance.

2. **Community Meeting Requirement:**

   a. Following completion of the pre-application meeting with the Dearborn County Planning and Zoning Department, the Applicant shall conduct a community meeting before submitting a Conditional Use application for a Utility-Scale Solar Project. The purpose of the meeting is to inform the public about the proposed project, provide an opportunity for questions and comments, and identify community concerns that may be addressed during project planning and application review. The Applicant shall provide the proposed date, time, and location of the community meeting to the Dearborn County Planning and Zoning Department within ten (10) days of the pre-application meeting. The community meeting shall be scheduled to occur within forty-five (45) days of the pre-application meeting.

   b. Public Notice. The Applicant shall provide reasonable advance notice of the community meeting to property owners within five hundred (500) feet of any boundary of the proposed project and to the general public through appropriate public notice methods, such as legal advertisement in the local newspaper, flyers, and provide notice to the County to be placed on the County's website. The notice shall identify the proposed project location, meeting date, time, location, and method for obtaining additional project information.

c. Meeting Information. The Applicant shall provide a presentation describing the proposed project's general location, anticipated size and generating capacity, preliminary site layout, proposed access routes, construction schedule, anticipated environmental and land-use impacts, decommissioning plans, and other relevant project information. The Applicant shall provide attendees a reasonable opportunity to ask questions and submit comments.

d. Documentation. The Applicant shall maintain a record of the community meeting, including the meeting notice, proof of distribution or publication, attendance information, including attendees name and contact information, when voluntarily provided, presentation materials, questions and comments received, and written responses, if any. This documentation and contact information shall be submitted with the Conditional Use application. The attendees contact information submitted with the application shall be used by the Planning and Zoning Department to provide additional notice of the pending request and subsequent public hearing or proceedings related to the application. Such notice shall be supplemental to, and shall not replace or modify, any required certified mail notification or other legally required public notice.

e. Effect on Application Review. The community meeting is intended to facilitate public awareness and early communication and does not replace any required public hearing, notice, or other procedure established by this Ordinance or applicable law. Holding the meeting does not constitute approval or endorsement of the proposed project by the County or the public.

3. **Conditional Use Application Requirements:** An application for a Conditional Use for a Solar Energy System shall be submitted in accordance with the application procedures established by this Ordinance and shall include all information and materials required by the Planning and Zoning Department and the Board of Zoning Appeals to evaluate the proposed use.
   In addition to the requirements as outline in Article 3 of this ordinance, at a minimum, the application shall also include:

   a. Standard notification requirements applicable to a Conditional Use shall be expanded for any Solar Energy System application to include notification of all property owners located within five hundred (500) feet of any boundary of the proposed project. If an application abuts or includes a county line, notice shall be provided to all owners of real property located within the adjacent county to a depth of two (2) ownerships or six hundred sixty (660) feet, whichever is less. Such property owners shall be considered interested parties and shall be entitled to receive official notice of the public hearing in accordance with Indiana Code § 36-7-4-604. These enhanced notification requirements shall also apply to any variance requested in connection with the same Solar Energy System project;
   b. A description of the proposed Solar Energy System, including the type, project size, capacity, and intended uses;

c. The location and dimensions of all proposed solar equipment, structures, access roads, fencing, utility infrastructure, and associated facilities;
d. The location of all existing structure, property lines, public right-of-ways, private easements, utility infrastructure, water features, wetlands and other significant site features;
e. Noise anticipation, lighting plan, and glare prevention;
f. Location of access and roadway improvements;
g. Stormwater management and environmental protection plan;
h. Construction activities and timelines;
i. Landscaping and visual mitigation;
j. Any studies, reports, plans, or other documentation required by the Planning and Zoning Department and/or the Board of Zoning Appeals to evaluate potential impacts of the proposed use;
k. Within ten (10) days after the pre-application meeting, the Director may require the Applicant to submit additional information required by this Ordinance or reasonably necessary to determine compliance with the applicable requirements and standards.

4. **County Consultant and Expert Review; Escrow Account:** St. Leon may retain any consultant or expert deemed necessary to assist St. Leon in reviewing and evaluating a Solar Energy System application, including applications involving new construction or significant modification of the project site.

   Applicants for a Solar Energy System application shall deposit with St. Leon sufficient funds to reimburse St. Leon for all reasonable costs incurred for consultant and expert review, evaluation, consultation, inspection, and other services performed in connection with the review of the application, including any new construction or significant modification of the project site. The initial escrow deposit shall be Eight Thousand, Five Hundred Dollars ($8,500.00) and shall be deposited with St. Leon prior to the pre-application meeting.

   St. Leon will maintain a separate escrow account for all funds deposited pursuant to this Section. St. Leon's consultants and experts shall invoice St. Leon for services performed in reviewing and evaluating the Application, including new construction or significant modification of the site. St. Leon shall pay such invoices from the escrow account.

   If, at any time during the review or permitting process, the balance of the escrow account falls below Two Thousand, Five Hundred Dollars ($2,500.00), the Applicant shall, upon notification by St. Leon, immediately replenish the escrow account to a balance of not less than Five Thousand Dollars ($5,000.00). Any required additional escrow deposits shall be made before St. Leon takes any further action on or gives further consideration to the Application.

   Escrow funds deposited pursuant to this Section shall be used solely to reimburse St. Leon for reasonable costs, associated with consultant and expert review, evaluation, consultation, inspection, and related services as authorized under this Section. No funds from the escrow account shall be used to pay, satisfy, or otherwise offset any application,

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submittal, permitting, inspection, or other fees required by the Ordinance or any other applicable law, ordinance, or regulation.

Upon completion of St. Leon's review and any related construction or site modification review and Board of Zoning Appeals process, any remaining escrow balance in excess of the actual costs incurred by St. Leon shall be promptly refunded to the Applicant.

The total amount of funds required for consulting and expert review may vary based on the scope and complexity of the project, the completeness of the Application, and any additional information, review, analysis, inspection, or other services necessary to complete St. Leon's evaluation of the proposed Solar Energy System.

5. **Solar Criteria:** For any Solar Energy System applications that requires approval for a Conditional Use, the Board of Zoning Appeals shall consider whether the application meets following criteria, in addition to the criteria set forth in Article 3, Section 315 of this Ordinance:
   a. The proposed Solar Energy System will not conflict with applicable safety and safety-related codes, standards, or requirements;
   b. The proposed Solar Energy System is appropriately located and designed in consideration of surrounding property uses, existing development, zoning classifications, and the character of the surrounding area.
   c. The proposed Solar Energy System demonstrates that the proposed construction and operation of the project will not create unreasonable demands on existing public infrastructure or that appropriate measures have been identified to address anticipated impacts.
6. **Preferred Considerations:** In addition to the Solar Criteria established in this Article and set forth in Article 3, Section 315, the Board of Zoning Appeals may consider the following factors when evaluating a Conditional Use application for Utility Scale SES located within an Agriculture (A) or Agriculture Homestead (AH) districts:
   a. Proximity to existing electrical substations, transmission lines, and established electrical grid infrastructure;
   b. Preservation of existing natural features, including woodlands, mature trees, waterways, wetlands, and other environmentally sensitive areas, and the extent to which the proposed project minimizes impacts to these features;
   c. Provisions for protecting, maintaining, and improving soil quality and conditions within the project area to preserve the property's potential for future agricultural use following the end of life of the project;
   d. Preservation of existing agriculture parcel configurations and the minimization of unnecessary fragmentation of agricultural land.

   The preferred considerations are intended to assist the Board of Zoning Appeals in evaluating the suitability of a proposed Utility Scale Solar Energy System within agricultural zoning districts. The Board may consider the relevance and weight of each factor based on the specific characteristics of the property and evidence presented during the public

hearing. Failure to satisfy any individual preferred consideration shall not, by itself, constitute grounds for denial of a Conditional Use application.

7. **Modification of an Approved Conditional Use:** Any substantial modification to an approved Solar Energy System or to the conditions of an approved Conditional Use shall require review and approval in accordance with the procedures established by this Ordinance for a Conditional Use application. Substantially modifications include but not limited to nature, size, location, or intensity of the approved use.
8. **Approval Duration and Expiration:** Approval of a Conditional Use for a Utility-Scale Solar Project shall remain valid for a period of two (2) years from the date of approval by the Board of Zoning Appeals. Within the two-year approval period, the Applicant shall submit all required permit applications, including any required Major Site Plan application, Improvement Location Permit, and other permits required by this Ordinance, County, State and Federal requirements.

   If the required permit applications are not submitted within the two-year approval period, the Conditional Use approval shall expire and become null and void unless an extension has been granted by the Board of Zoning Appeals prior to the expiration date. The Applicant may request one (1) extension of the Conditional Use approval for good cause shown. Any request for an extension shall be submitted in writing prior to the expiration of the original approval period. No more than one (1) extension shall be granted. Upon expiration of the Conditional Use approval, any future development of the proposed Utility-Scale Solar Project shall require a new Conditional Use application and approval. The expiration of Conditional Use approval shall be governed by the provisions of Section 1945 of this Article.

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SECTION 1925—PERMITTING REQUIREMENTS AND STANDARDS FOR COMMUNITY SOLAR PROJECTS

This section applies to Community Solar Projects, as defined in this Article, located within all zoning districts in St. Leon.

A. **Permit and Approval Requirements:**

Government Uses—Community Solar Projects that are owned or operated by a governmental entity and are located on or primarily serve government buildings, campuses, facilities, parks, or transportation garages shall be exempt from the requirement to obtain approval from the Board of Zoning Appeals, regardless of the zoning district. Such projects shall remain subject to all other applicable provisions of this Ordinance, including, but not limited to, applicable Major Site Plan review, Building Permit requirements, and development standards, unless otherwise specifically exempted by this Ordinance or applicable law.

Residential Uses—Community Solar Projects proposed to serve a defined neighborhood, residential subdivision, or residential development located within a Residential Zoning District (R-1, R-2, or R-3) or Agriculture (A) Zoning Districts shall obtain Conditional Use approval from the Board of Zoning Appeals in accordance with the procedures set forth in Article 3 of this Ordinance and in accordance with the Conditional Use procedures set forth in Section 1930.

Such projects shall also comply with all applicable subdivision review and approval procedures contained in the St. Leon Subdivision Control Ordinance. Residential developments containing a Community Solar Project shall establish and maintain a Homeowners Association (HOA) that shall serve as the responsible party for the Community Solar Project. The HOA shall be responsible for the operation, maintenance, repair, and continued compliance of the Community Solar Project with the requirements of this Article. The HOA shall remain responsible for the project for as long as the Community Solar Project remains in operation.

The approval of a Zone Map Amendment to establish the appropriate residential zoning district shall not eliminate or satisfy the requirement to obtain Conditional Use approval for the Community Solar Project. Conditional Use approval shall be required in addition to any required rezoning, subdivision approval, or other applicable permits.

Commercial or Industrial Multi-Lot Developments—Community Solar Projects proposed to serve a defined commercial or industrial multi-lot subdivisions located within a Neighborhood and Community Business Zoning District (B-1 and B-2) shall require a Conditional Use approval from the Board of Zoning Appeals in accordance with the procedures set forth in Article 3 of this Ordinance and in accordance with the Conditional Use procedures set forth in Section 1930. Community Solar Projects proposed to serve a defined commercial or industrial multi-lot

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subdivisions located within an Industrial (I-1, I-2, and I-3) and Highway Interchange (H-1) Zoning Districts shall be a permitted use and shall be subject to the applicable Major Site Plan review process as outlined in Article 23 of this Ordinance.

All Community Solar Projects shall obtain required permits and approvals prior to the construction, erection, placement, modification, or alteration of a Community Solar Project, unless excepted pursuant to Section 1904 of this Article. A Building Permit shall also be obtained when required by the applicable building codes, Building Department, or other provisions of this Ordinance.

All Community Solar Projects shall have a clearly defined utility service territory or other geographically defined area identifying the authorized users, subscribers, or customers to be served by the project. The authorized users, subscribers, or customers shall be limited to the intended users of the properties or other eligible users located within the designated service territory or geographic area authorized under applicable law, utility requirements, or program regulations. The project shall not be used to establish a general commercial energy-generation facility serving customers outside of the designated service territory or authorized geographic area.

Commercial or industrial developments containing a Community Solar Project shall designate and maintain a responsible entity or organization that shall serve as the responsible party for the Community Solar Project. The designated responsible party shall be responsible for the operation, maintenance, repair, and continued compliance of the Community Solar Project with the requirements of this Article. The designated responsible party shall remain responsible for the project for as long as the Community Solar Project remains in operation.

B. **Development Standards:** All Community Solar Projects shall comply with the development standards as set forth in this Section and those as set forth in Article 23 of this Ordinance or Article 3 of the St. Leon Subdivision Control Ordinance, for the corresponding minor, major site plan permits, or subdivision plan approval process. Any deviation from the standards established herein shall require approval of a Development Standard Variance by the Board of Zoning Appeals in accordance with the procedures set forth in Article 3 of this Ordinance prior to the issuance of any required permits.

1. **Accessory Use**—A Community Solar Project shall be considered an accessory use to a principal permitted governmental, community, residential, commercial or industrial use or subdivision on the parent parcel. The system shall be designed primarily to offset the electrical demand of the group of uses/properties within the development on which the solar energy system is located and shall not be established as a principal commercial power generation facility.

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2. **Location and Solar Panel Setbacks**— Ground Mounted SES shall meet the minimum yard setback as a primary structure required by the underlying zoning district and landscape requirements as set forth in Article 22.
   Solar Canopy systems shall be located only within parking lots, drive aisles, sidewalks, patios, or other outdoor hard surface spaces, and shall have side and rear setback yard restriction of 10 feet from any property line. The setback in the front yard shall be restricted to 10 feet from any right-of-way.
   Neither Ground Mounted SES or solar canopy systems shall not be located within any public right-of-way, recorded public or private easement, or panhandle or access strip portion of a lot, or required landscape buffer yard unless authorized in writing by the easement holder. If the right-of-way cannot be determined, it shall be a right-of-way distance as required in the Subdivision Control Ordinance for the specific roadway classification or as determined by the County Highway Engineer.
   Any Community Solar Project equipment shall maintain a minimum setback of fifty (50) feet from the following: 1.) Base Flood Elevation of any floodplain or floodway; 2.) The embankment of any river, creek or stream (as mapped by the Dearborn County GIS, FEMA, IDNR, U.S. Army Corp of Engineers, and blue line streams); 3.) The edge of water, dam, and toe of slope of any lake, pond, or required stormwater detention/retention facility.
3. **Maximum Solar Acreage**—The maximum area permitted for a solar system installation within a Community Solar Project shall be limited to twenty (20) acres or twenty-five percent (25%) of the total acreage of the overall development, whichever is less.
4. **Maximum Height**—Ground-mounted systems shall not exceed Fifteen (15) feet in height, measured from the existing finished grade to the highest point of the system at maximum tilt. Any request to exceed the maximum permitted height shall require approval of a Development Standard Variance by the Board of Zoning Appeals, except when the requested height increase is solely for a solar energy system installed over an off-street parking area, such as a solar canopy. In such cases, the requested height increase shall be reviewed and approved by the Board of Zoning Appeals through a Development Standard Variance request. The applicant shall submit documentation demonstrating the necessity of the requested height increase and, where applicable, that the proposed design is required to accommodate the intended use of the parking area while maintaining compliance with all other applicable provisions of this Ordinance.
5. **Glare**—Solar panels shall be designed and installed to minimize glare affecting adjacent properties, public-road-ways, airports, and public safety facilities. Solar panels shall utilize commercially available photovoltaic panels designed with anti-reflective glass or an anti-reflective coating intended to minimize reflected sunlight and glare.
6. **Battery Storage**—Any battery storage related to the solar system shall be located within a permitted primary structure or accessory structure. Outdoor placement of battery storage equipment, including but not limited to battery containers or similar enclosures, may be permitted if the solar system abuts any commercial or industrial use or zoning district. Outdoor placement of battery storage equipment, including but not limited to battery

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containers or similar enclosures, shall be prohibited if the property abuts any residential or agriculture use or agriculture homestead zoning district.

7. **Landscaping**— Ground Mounted SES along a public road right-of-way shall follow the landscaping requirements as set forth in Article 22, Section 2240. All other solar systems located in the rear and side yards, shall follow the landscape requirements as set forth in Article 22 according to adjoining land use.
8. **Signage**—Only signs required by law, utility providers, manufacturers, or emergency responders shall be permitted. Advertising signs for solar equipment shall be prohibited. Monument Signs for the business or community shall be permitted and shall be governed by the provisions of Article 20 of this Ordinance.
9. **Drainage**—All Community Solar Projects shall comply with the applicable provisions of the St. Leon Subdivision Control Ordinance governing stormwater management, drainage, erosion control, and sediment control. Stormwater design, calculations, and supporting documentation shall be prepared in accordance with the current edition of the St. Leon Subdivision Control Ordinance.

   Any land disturbance of one (1) acre or more shall comply with all applicable requirements for a Construction Stormwater Pollution Prevention Plan (SWPPP), as required by the most current version of the Indiana Construction Stormwater General Permit (CSGP) and applicable State Requirements. Copies of all required permits, or evidence that permit applications have been submitted, shall be provided as part of the Major Site Plan Review process.
10. **Maintenance**—The owner/owners shall maintain the solar system in safe operating condition, including the repair or replacement of damaged panels, supports, fencing, and electrical equipment. A Community Solar Project shall include a maintenance agreement that is a recorded document within the Dearborn County Recorder's Office. All users which benefit from the solar system shall be included as responsible parties of the solar system.

11. **Disconnection, Abandonment, and Decommissioning**—Any Community Solar Project that ceases to produce electricity for a continuous period of twelve (12) months shall be considered abandoned unless the property owner or project operator demonstrates to the County that the project is temporarily inactive due to maintenance, repair, replacement, or other circumstances beyond the owner's or operator's control. Upon abandonment, the project shall be disconnected from any electrical utility or electrical service, and all solar panels, inverters, electrical equipment, mounting systems, and other associated equipment. If the project is determined to be permanently inactive, abandoned, or no longer intended to resume operation, the project shall be considered decommissioned and shall be removed by the property owner or responsible party. Removal shall include all solar panels, mounting structures, underground foundations, electrical equipment, wiring, batteries, and other associated components that are no longer in use. The site shall be restored to a condition that is consistent with the surrounding property and zoning requirements. Failure

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to remove an abandoned solar system within ninety (90) days following notification by the County, this shall constitute a violation of this Ordinance and may be subject to applicable enforcement and Unsafe Building provisions.

12. **Compliance**—The installation shall comply with all applicable federal, state, and local laws, regulations, building codes, electrical codes, fire codes, and utility interconnection requirements.

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SECTION 1930—PERMITTING REQUIREMENTS AND STANDARDS FOR UTILITY - SCALE SOLAR PROJECTS

This section applies to all Utility-Scale Solar Projects, as defined in this Article, located within the Highway Interchange Zoning District (H-1) and the Industrial Zoning Districts (I-1, I-2 and I-3). A Utility-Scale Solar Projects shall be principal permitted within these zoning districts and shall not be required to follow a Conditional Use process.

Utility-Scale Solar Projects proposed within Agriculture (A) and Neighborhood and Community Business (B-1 and B-2) Zoning Districts shall require approval of a Conditional Use by the Board of Zoning Appeals in accordance with the procedures set forth in Article 3 of this Ordinance. In additional to complying with the requirements of Article 3, all Utility-Scale Solar Projects requiring a Conditional Use approval shall comply with the procedures and development standards as set forth in Section 1930 and Section 1935.

Utility-Scale Solar Projects are prohibited within all Residential Zoning Districts.

A. **Principal Permitted Utility-Scale Solar Projects Permit and Approval Requirements:**
Utility-Scale Solar Projects proposed to be located within any Highway Interchange Zoning District (H-1) and any Industrial Zoning Districts (I-1, I-2, and I-3) shall be a permitted use and shall be subject to the applicable Major Site Plan review process and development standards as outlined in Article 23 of this Ordinance. In additional to complying with the requirements of Article 23 of this Ordinance, all Utility-Scale Solar Projects shall comply with the development standards as outline in this Article.

All Utility-Scale Solar Projects shall obtain required permits and approvals prior to the construction, erection, placement, modification, or alteration of a Utility-Scale Solar Project, unless excepted pursuant to Section 1904 of this Article. A Building Permit shall also be obtained when required by the applicable building codes, Building Department, or other provisions of this Ordinance.

B. **Development Standards for Utility-Scale Solar Projects**

1. **Project Size and Separation Standards:**
    a. Maximum Project Site Size: A Utility-Scale Solar Project shall not exceed a maximum acreage of four hundred (400) acres in total project area. Parcels comprising the project site are required to be contiguous with each parcel included within the same approved Utility-Scale Solar Project. The total area of the site size must be determined at the time of the application and cannot be changed through the process.

2. **Setbacks:** The minimum required horizontal distance between a specified reference point or feature, including but not limited to a property line, public or private right-of-way, structure, dwelling, residential water well, or other protected feature identified in this Article, and the nearest solar panel or associated equipment of a Solar Energy System. Unless otherwise specified in this Article, setbacks shall be measured as the shortest horizontal distance from the reference point or feature to the nearest edge of the solar panel or associated equipment. All setback shall exclude perimeter fencing, electric poles, and wire necessary to connect the facility to an electric utility, access roads, required landscape buffers, stormwater management facilities, signs, agrivoltaics features, and other minor site improvements not necessarily related to solar mechanics or above ground components.
    a. Minimum Setback of any Utility-Scale Solar panel from the centerline of public roadways shall be five hundred (500) feet. Where a project is located on both sides of a road, the required setback shall apply separately to each side of the road. Each portion of the project shall maintain the required setback from the road right-of-way on the respective side.
    b. Minimum Setback from Adjacent Non-Participating Property lines: Any Utility-Scale Solar Projects panel shall maintain a minimum setback of three hundred (300) feet from adjacent, non-participating property line. This setback may be reduced upon written consent from the adjacent, non-participating property owner, provided such consent is notarized and submitted as part of the application materials. When a reduction in the required setback is requested, written consent shall be required from everyone non-participating property owner whose property is located within one hundred (100) feet of the Utility-Scale Solar Project's property line along the affected boundary. Each affected property owner shall provide a separate notarized written consent. Regardless of any waiver or written consent provided by a non-participating property owner, no Utility-Scale Solar panel shall be located closer than one hundred (100) feet from an adjacent, non-participating property line.
    c. Minimum Setback from Non-Participating Permitted Residential Dwelling: Any Utility-Scale Solar Projects panels shall maintain a minimum setback of four hundred (400) feet from adjacent, non-participating residential dwelling. This setback may be reduced upon written consent from the adjacent, non-participating residential dwelling owner, provided such consent is notarized and submitted as part of the application materials. Regardless of any waiver or written consent provided by a non-participating residential dwelling, no Utility-Scale Solar panel shall be located closer than one hundred (100) feet from an adjacent, non-participating residential dwelling.
    d. Minimum Setback for Inverters and BESS-SES: All inverters and BESS-SES associated with a Utility-Scale Solar Project shall maintain a minimum setback of five hundred (500) feet from the centerline of any public roadway, and three hundred (300) feet from any property line, adjacent non-participating residential dwelling, and residential water well.

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e. Minimum Setback from Residential Water Wells: All Utility-Scale Solar Project panels shall maintain a minimum setback of two hundred (200) feet from any residential water well.
f. Minimum Setback from Floodplain or Waterways (as herein defined): All Utility-Scale Solar Project equipment, excluding underground wiring, shall maintain a minimum setback of fifty (50) feet from the following: 1.) Base Flood Elevation of any floodplain or floodway; 2.) The embankment of any river, creek or stream (as mapped by the Dearborn County GIS, FEMA, IDNR, Corp of Engineers, and blue line streams); 3.) The edge of water, dam, and toe of slope of any lake, pond, or required stormwater detention/retention facility.
g. Minimum Setback for Accessory Structures used for storage only: Any accessory structure that is located on property with a Utility-Scale Solar Project, and is only being used for the storage of materials or non-electrified equipment shall have a minimum setback of thirty (30) feet from any adjacent property line along the side and rear property lines and a minimum setback of one hundred (100) feet from the centerline of any public roadway. The accessory structures cannot be buildings that are used for the storage of BESS-SES.
h. Minimum Setback for fencing: Any fencing within the front yard, shall be setback one hundred (100) feet from the centerline of any public roadway. There is no required setback for fencing within the side or rear yard of a property involved with a Utility-Scale Solar Project.
i. Minimum Setback for Solar Arrays between two contiguous participating parcels: Where two or more contiguous parcels are participating in the same Utility-Scale Solar Project, solar panel arrays located on each participating parcel shall maintain a minimum setback of ten (10) feet from the common property line between the participating parcels. The ten (10) foot setback shall be measured from the common property line to the nearest edge of the solar panel array. This provision shall apply independently to each participating parcel.

3. Design Features:

a. Height Limits: The maximum height of any Utility-Scale Solar Project panels shall be limited to fifteen (15) feet, as measured from the natural grade below each panel to the top of each panel at its maximum tilt in the vertical direction. The maximum height may be increased if animal grazing or vegetable production for human consumption agrivoltaics will be used on the property. Both the agrivoltaics and height increase request must be approved by the Board of Zoning Appeals. An Agrivoltaics Management Plan shall be submitted with the application, only if height is granted approval for increase. (All required plans are defined and described in Section 1935 (A)). Failure to maintain active agricultural production in accordance with the approved Agrivoltaics Management Plan for more than twelve (12) consecutive months, unless caused by weather, disease, natural disaster, or other

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circumstances beyond the operator's control, shall constitute a violation of this Article and may result in enforcement action, including revocation of the applicable approval. Upon notification of a violation, the operator shall have twelve (12) months to correct the violation and restore agricultural production in accordance with the approved Agrivoltaics Management Plan. If the violation is not corrected within twelve (12) months after written notice of the violation, St. Leon may take additional enforcement action, including revocation of the applicable approval, as authorized by this Ordinance.

b. Glare: Solar panels shall be designed and installed to minimize glare affecting adjacent properties, public-road-ways, airports, and public safety facilities. Solar panels shall utilize commercially available photovoltaic panels designed with anti-reflective glass or an anti-reflective coating intended to minimize reflected sunlight and glare.
c. Fencing: All Utility-Scale Solar Projects and their appurtenant structures and improvements shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Exempted from this secured area would be the required landscaping and buffer areas. The site must be completely fenced perimeter. The fencing shall be a minimum of 7 feet in height and designed and installed to allow the movement of small and medium-sized wildlife while maintaining the security and operational requirements of the solar facility. Fencing shall meet the following minimum standards:
    i. The bottom of the fence shall maintain a minimum clearance of six (6) inches above finished grade to provide passage for small wildlife.
    ii. The fence shall not include solid panels, woven materials, or other continuous barriers that prevent wildlife movement through the fence.
    iii. The fence shall consist of one of the following styles: grid-style mesh fencing with graduated spacing, welded wire panels, or similar open fencing material that permits visibility and wildlife passage; or high-tensile fencing with horizontal smooth wires stretched tightly under high mechanical tension.
    iv. The fence shall not include barbed wire, razor wire, or other sharp materials along the bottom or top portion of the fence where such materials could impede or injure wildlife.
    v. The fence shall follow the existing grade to the extent practicable and shall not include continuous solid foundations or other barriers beneath the fence that would prevent wildlife from passing underneath.
    vi. Gates and other access points shall be constructed and maintained in a manner consistent with these wildlife-friendly fencing requirements.

    At least two emergency-access gates shall be provided unless the Fire Department determines that fewer gates are adequate of an entrance with a locking gate access that is a minimum of 20 feet wide. Access to these locked gates shall be outlined in

DRAFT

the required Fire Safety and Emergency Response Plan as outlined in Section 1935 of this Article.

d. Access locations from County Road and State and Federal Highways: All access locations serving a Utility-Scale Solar Project shall be designed, located, and constructed to provide safe and efficient access for construction, operation, maintenance, inspection, and emergency response activities. Access locations shall comply with all applicable requirements of Article 24 of this Ordinance, the Indiana Department of Transportation (INDOT), the Federal Highway Administration (FHWA), and any other applicable roadway authority having jurisdiction over the roadway.

   Construction drawings and site plans shall identify all proposed access points, including temporary construction entrances and permanent operational access locations. The submittal shall include the location of all access drives, classification of the public roadway served, sight distance evaluations, traffic control measures, proposed access widths, and any required roadway improvements.

   The Applicant shall obtain all required permits and approvals from INDOT for any access points located along State-maintained roadways and shall comply with all applicable INDOT access standards, design requirements, and permitting conditions. Documentation of all required roadway access approvals shall be submitted to the St. Leon Planning and Zoning Department prior to issuance of applicable construction permits.

   For purposes of determining and complying with the sight distance and spacing requirements established in Article 24 of this Ordinance, any project access point connecting a Solar Energy System to a public roadway shall be considered a Commercial Driveway**,** regardless of the underlying zoning district or use of the property.

e. Minimum Public Roadway Width for Access: No access entrance serving a Utility-Scale Solar Project shall be permitted from a Town-maintained roadway having a pavement width of sixteen (16) feet or less at the proposed point of access. If access from a Town-maintained roadway having a pavement width of sixteen (16) feet or less is proposed, the Applicant shall enter into an Economic Development Agreement, approved by the St. Leon Town Council, providing for the improvement of St. Leon roadway to correct all existing width deficiencies from the project access point to the nearest town roadway classified as a Collector. Such improvements shall be designed and constructed in accordance with the standards of the St. Leon Highway Department and any other applicable roadway authority.
f. Internal Access Roads: Utility-Scale Solar Projects shall provide internal access roads or emergency access lanes to allow for safe operation, maintenance, inspection, and emergency response activities. There shall be a continuous loop through the project with no dead ends. No continuous solar panel array shall extend

more than seven hundred (700) feet without an internal access road, fire access lane, or other approved emergency access route.

Internal access roads shall meet the following minimum standards:

i. Road Width: Internal access roads shall have a minimum improved width of twenty (20) feet;

ii. Turning Radius: All internal access roads and drive aisles shall provide a minimum outside turning radius of forty-six (46) feet and a minimum inside turning radius of twenty-eight (28) feet to accommodate emergency response vehicles;

iii. Road Construction: Internal access roads shall be designed and constructed to support emergency vehicles under all-weather conditions and shall consist of the following minimum section:

1. Compacted and stabilized subgrade capable of supporting emergency vehicles;
2. A minimum total aggregate depth of twelve (12) inches, compacted;
3. A minimum surface course of six (6) inches of compacted crushed stone or gravel.
4. Geotextile fabric or other stabilization measures shall be incorporated when recommended by a qualified engineer based on soil conditions or site-specific factors.

iv. Drainage and Slope: Internal access roads shall be designed to provide adequate drainage. The finished cross slope of access roads shall be between two percent (2%) and five percent (5%).

v. Maximum Grade: The maximum grade of any access road shall not exceed eight percent (8%).

vi. Unless greater standards are specifically required and approved by the applicable Fire Department based on site conditions and emergency access considerations, the above standards are the minimum.

g. Landscaping Buffers: All Utility-Scale Solar Projects shall have the following landscape requirements:

i. Along public roadways (front yard setback): The required landscaping buffer yard shall have a minimum width of one hundred and twenty (120) feet, measured from the established right-of-way or the right-of-way width as determined by the County Highway Engineer. No improvements or structures shall be permitted within the landscaping buffer yard, with the exception of vegetation. The required landscaping within the buffer yard shall consist exclusively of Plant Types A, B or D, as identified in Article 22 of this Ordinance. Plantings shall be arranged in two (2) continuous, staggered double rows of trees, with individual trees spaced twenty-five (25) feet on center.

ii. Along rear and side yard setbacks: The required landscaping buffer yard shall have a minimum width of fifty (50) feet, measured from the property line. No

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improvements or structures shall be permitted within the landscaping buffer yard, with the exception of vegetation. The required landscaping within the buffer yard shall consist exclusively of Plant Types A, B or D, as identified in Article 22 of this Ordinance. Plantings shall be arranged in a continuous, staggered double row of trees, with individual trees spaced forty (40) feet on center. The required number of new trees may be reduced where existing mature trees provide equivalent or greater visual screening. Existing mature trees proposed to satisfy all or a portion of this requirement shall be identified on the submitted Landscape Plan and shall be protected and preserved throughout the life of the project and any construction. Any reduction in the required number of new plantings shall be based on the extent to which the existing mature trees provide equivalent screening, as determined by the Plan Commission or its designee. If any existing mature trees used to satisfy this requirement are removed, die, or otherwise fail to provide the required screening, replacement plantings shall be installed within the next appropriate planting season to restore compliance with the approved Landscape Plan. The landscape planting requirement may be waived upon written consent from the adjacent, non-participating property owner, provided such consent is notarized and submitted as part of the application materials. When a reduction in the required landscape is requested, written consent shall be required from everyone non-participating property owner whose property is located within fifty feet (50) feet of the Utility-Scale Solar Project's property line along the affected boundary.

h. Ground Cover and Vegetative Coverage: All Utility-Scale Solar Projects shall have the following ground cover and vegetative coverage requirements.
    i. Ground Cover: All areas beneath and surrounding ground-mounted Utility-Scale Solar Projects shall be established and maintained with perennial, pollinator-friendly seed mixes consisting primarily of native grasses, wildflowers, and flowering plants beneficial to pollinators.
    An alternative vegetation plan may be approved where an Agrivoltaics Management Plan has been submitted and approved in accordance with this Article. Under an approved Agrivoltaics Management Plan, vegetation beneath and between solar panels may consist of forage grasses or other vegetation necessary for livestock grazing, or areas may be cultivated for the commercial production of vegetables or other agricultural crops intended for human consumption.
    Notwithstanding the approved alternative vegetation plan, all areas located between the internal access drives and the perimeter security fencing shall be established and maintained with perennial, pollinator-friendly seed mixes consisting primarily of native grasses, wildflowers, and flowering plants.

ii. The owner/operator shall implement an ongoing vegetation management program to prevent the establishment and spread of invasive and noxious plant species, including but not limited to Johnson grass (*Sorghum halepense*), Canada thistle (*Cirsium arvense*), musk thistle (*Carduus nutans*), and other state-designated invasive weeds. Regular inspections shall be conducted during the growing season, and any wild germination, volunteer growth, or infestation of invasive weeds shall be promptly controlled through mechanical, cultural, or selective herbicide treatments as appropriate. Vegetative cover shall be maintained in a healthy condition to minimize bare soil and discourage invasive species establishment throughout the operational life of the solar facility.

i. Topsoil Retention: Topsoil may be moved, stockpiled, and redistributed within a parcel specific of the Project Site as necessary for construction and operation of the Solar Energy System. However, topsoil shall not be removed from the specific parcel. All topsoil shall be retained for use in restoring disturbed areas during decommissioning and site reclamation.

j. Woodland Preservation and Wildlife Corridors: The removal of existing trees and woodland for the development of a Utility-Scale Solar Project shall be limited to the minimum extent reasonably necessary to accommodate the approved development. A minimum of twenty percent (20%) of the existing woodland area located within the project site shall be preserved and maintained in its natural condition. Preserved woodland shall, to the greatest extent practicable, consist of contiguous areas rather than isolated or fragmented tree stands and shall be located to preserve, maintain, or enhance existing wildlife corridors, habitat connections, stream corridors, riparian areas, and other areas of ecological significance.

   The applicant shall identify all existing woodland areas proposed for removal and preservation on the required site plans. The applicant shall also identify existing or potential wildlife corridors that cross or adjoin the project site and shall demonstrate how the proposed development has been designed to maintain reasonable connections between preserved woodland areas and adjacent off-site habitat. Clearing of woodland that would sever an existing significant wildlife corridor shall be avoided unless the applicant demonstrates that no reasonable alternative exists.

   Woodland Area is defined as a continuous, contiguous tract of land at least one (1) acre in size and 120 feet in width, featuring a tree canopy coverage of 10% or greater containing native timber-producing trees of any size, or which has had such canopy cover in the past or in the future and is naturally or artificially regenerating. This definition excludes active agricultural orchards, nurseries, or land subject to non-forest uses that prevent normal tree regeneration (such as regularly mowed grass fields).

k. Lighting: Exterior lighting for a Utility-Scale Solar Project shall be limited to that necessary for safety, security, emergency response, and operational purposes. The use of decorative or architectural lighting is prohibited.

   Where exterior lighting is proposed or required, the applicant shall submit a detailed Lighting Plan demonstrating compliance with all applicable County, State, and Federal regulations. The Lighting Plan shall identify the location, height, type of fixture, mounting details, lumen output, shielding, direction of illumination, hours of operation, and photometric information for all proposed lighting.

   All exterior lighting shall be fully shielded and directed downward to minimize off-site light trespass and glare onto adjacent properties and public roadways. Lighting shall be the minimum intensity necessary to ensure safe operation of the facility and shall utilize motion sensors, timers, or other controls where practical to reduce unnecessary illumination.

l. Noise: The Applicant shall submit a Noise Evaluation Report prepared by a qualified acoustical professional for each Utility-Scale Solar Project. The report shall evaluate all project components capable of generating noise, including, but not limited to, inverters, transformers, substations, Battery Energy Storage Systems (BESS), HVAC or cooling equipment, backup generators, and any other mechanical or electrical equipment associated with the project. Under normal, continuous equivalent level operating conditions, the Utility-Scale Solar Project shall not produce sound levels exceeding hourly average of fifty (50) A-weighted decibels (dBA), measured at the property line nearest the principal residential dwelling on an adjoining non-participating property, unless a higher level is specifically authorized by this Ordinance or applicable law. St. Leon may require post-construction sound testing by a qualified acoustical professional to verify compliance with the approved Noise Evaluation Report and the requirements of this Article. If testing demonstrates noncompliance, the owner or operator shall implement corrective measures and achieve compliance within a timeframe established by St. Leon. See Section 1935 (J) for standards and requirements of a Noise Evaluation Report.
m. Fire Protection—Fire Hydrant Locations: Along all public roadway frontage of a Utility-Scale Solar Project, fire hydrants shall be installed and maintained at intervals of no more than five hundred (500) feet. In addition, the site shall be designed so that all portions of the Utility-Scale Solar Project, including solar arrays, inverter stations, battery energy storage systems, substations, access roads, operations buildings, and other associated equipment, are located within five hundred (500) feet of an approved fire hydrant, as measured by accessible travel routes approved for emergency response purposes. The location, number, design, and accessibility of all fire hydrants shall be subject to review and approval by the local fire department in coordination with the County Emergency Management Agency (EMA) Director.

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This requirement may be modified or waived when the servicing water utility and the applicable fire department determine and confirm in writing that fire hydrants are not necessary, that a different spacing is appropriate, or that the existing water system does not have sufficient water supply or pressure to support fire hydrants. Any such written determination shall be submitted with the project application and shall identify the available water pressure and water supply capacity and the basis for the determination regarding hydrant installation or spacing. Any waiver, modification, or alternative fire protection approach shall also be reviewed and approved by the County EMA Director and local fire department and the Board of Zoning Appeals during the Conditional Use process.

n. Signage: All Utility-Scale Solar Projects and associated appurtenant structures shall include a permanent metal identification sign not exceeding four (4) square feet in area. The sign shall be installed at the primary site access and shall be clearly visible from the entrance to the facility. The sign shall be located outside the public right-of-way and outside the required sight triangles for intersecting roadways.

   At a minimum, the identification sign shall display:
   1. The name of the facility;
   2. The name of the owner and operator;
   3. A twenty-four (24) hour emergency contact telephone number;
   4. The physical address of the site; and
   5. Any additional emergency information required by St. Leon or emergency response agencies.

   The identification sign shall not be illuminated unless required by applicable federal, state, or local law or regulation.

   A warning sign identifying the presence of high voltage shall be installed in a conspicuous location on or immediately adjacent to all pad-mounted transformers, substations, Battery Energy Storage Systems (BESS), and other electrical equipment where required by applicable codes or industry standards.

   No other signs shall be permitted on the site, except for signs required by this Article, applicable law, utility requirements, or emergency response agencies. Advertising signs, banners, flags, logos, or other promotional signage are prohibited.

4. **Environment, Soil and Water Quality Testing Plan:** The Applicant shall submit a Soil and Water Quality Testing Plan prepared by a qualified professional for review and approval prior to construction. The plan shall establish procedures for documenting baseline soil and water quality conditions and conducting testing before, during, and after construction, as applicable, to identify and address potential impacts to soil and water quality. Specific testing requirements, monitoring procedures, and reporting standards shall be established in this Article.

DRAFT

5. **Drainage:** All Utility-Scale Solar Projects shall comply with the applicable provisions of the St. Leon Subdivision Control Ordinance governing stormwater management, drainage, erosion control, and sediment control. Stormwater design, calculations, and supporting documentation shall be prepared in accordance with the current edition of the St. Leon Subdivision Control Ordinance.

   Any land disturbance of one (1) acre or more shall comply with all applicable requirements for a Construction Stormwater Pollution Prevention Plan (SWPPP), as required by the most current version of the Indiana Construction Stormwater General Permit (CSGP) and applicable State Requirements. Copies of all required permits, or evidence that permit applications have been submitted, shall be provided as part of the Major Site Plan review process.

   Stormwater calculations, drainage studies, and supporting engineering documentation are not required as part of the Conditional Use application. Such information shall be submitted during the Major Site Plan review process and shall be approved prior to the issuance of any Improvement Location Permit or commencement of site development.

6. **Wetland Delineation Study:** A document submitted as part of a Utility-Scale Solar Project permit application that identifies all jurisdictional wetlands, streams, floodplains, floodways, and other regulated environmental features located on or adjacent to the project site. The plan shall include a wetland delineation prepared by a qualified professional, identify all applicable permits and approvals required by the Indiana Department of Natural Resources (IDNR), the Indiana Department of Environmental Management (IDEM), the U.S. Army Corps of Engineers, and any other applicable local, state, or federal agency, and demonstrate how the project will avoid, minimize, and mitigate impacts to regulated environmental resources. The Wetland Delineation and Environmental Compliance Plan shall comply with the requirements of this Article and all applicable laws, regulations, and permitting requirements. See Section 1935 (H) for standards and requirements of this study.
7. **Landscape Management Plan:** A document submitted as part of a Utility-Scale Solar Project permit application that identifies the proposed landscaping, screening, buffering, pollinator habitat, vegetation establishment, maintenance, replacement, irrigation (if applicable), invasive species control, and long-term management of all landscaped areas within the project site. The Landscape Management Plan shall demonstrate compliance with the landscaping and screening requirements of this Article and shall include a schedule for installation, maintenance, inspection, and replacement of plant materials throughout the operational life of the project. See Section 1935 (E) for standards and requirements of this plan.
8. **Road Use and Maintenance Agreement and Management Plan:** A document submitted as part of a Utility-Scale Solar Project application that identifies the Applicant's responsibilities for the use, maintenance, repair, and restoration of public roads, bridges, and related infrastructure affected by the construction, operation, maintenance, or

DRAFT

decommissioning of the Solar Energy System. The Road Use and Maintenance Agreement shall comply with the requirements of this Article. See Section 1935 (F) for standards and requirements of this plan and agreement.

9. **Fire Safety, Signage and Emergency Response Plan:** A document submitted as part of a Utility-Scale Solar Project permit application that identifies the measures, procedures, and equipment necessary to provide for fire prevention, emergency response, site access, emergency communications, required signage, hazard identification, emergency shutoff procedures, and coordination with local emergency service providers. The Fire Safety, Signage, and Emergency Response Plan shall comply with the requirements of this Article and all applicable local, state, and federal laws, regulations, and adopted fire codes. See Section 1935 (B) for standards and requirements of this plan.
10. **Solar Emergency Response Fund:** A fund that is a dedicated financial account established by the solar facility owner or operator to provide St. Leon with readily available funds to address emergency service needs, equipment, training, or unforeseen costs associated with being prepared for an emergency with a solar energy facility. The fund shall be maintained throughout the operational life of the facility in an amount established by St. Leon and shall be separate from any decommissioning financial assurance required by this Ordinance. Use of the fund by St. Leon shall not relieve the owner or operator of its responsibility for the facility or its obligation to reimburse St. Leon for costs incurred in responding to an emergency. See Section 1935 (C) for requirements of this fund.
11. **Property Value Protection Program:** A document submitted as part of a Utility-Scale Solar Project application that describes the Applicant's proposed program, financial assurance, and procedures for addressing qualifying claims of diminished fair market value for non-participating properties that are attributable to the construction or operation of the Solar Energy System. The Property Value Protection Program shall comply with the requirements of this Article. All eligible non-participating, owner-occupied property owners shall be labeled on the plan submittal for the Conditional Use application and number of participating property owner shall be confirmed by the Planning and Zoning Department. See Section 1935 (G) for standards and requirements of this program.
12. **Economic Development Agreement:** A document submitted as part of a Utility-Scale Solar Project permit application that identifies the Applicant's commitments to economic development benefits associated with the project, including, where applicable, local investment, employment opportunities, infrastructure improvements, workforce development, community contributions, emergency response agencies, and other negotiated public benefits. The Economic Development Agreement shall identify the parties to the agreement, the duration of the commitments, implementation schedules, reporting requirements, and any financial obligations, and shall comply with the requirements of this Article. See Section 1935 (I) for standards and requirements of this agreement.
13. **Decommissioning Plan:** A required document with any Utility-Scale Solar Project submitted with an application describing the proposed decommissioning, removal, site

DRAFT

restoration, and reclamation of the solar energy system in accordance with the requirements of this Article. See Section 1935 (D) for standards and requirements of this plan.

14. **Licensing and Insurance; Indemnification:**
    a. **Licensing and Insurance:** The Applicant, Project Owner, Developer, Operator, and/or any and all Contractors responsible for the construction and/or operation of a Solar Energy System shall maintain all licenses, registrations, certifications, and/or permits required by all applicable Federal, State, and/or local laws, rules, statutes, ordinances, regulations, permits and/or other requirements. Prior to the issuance of any required zoning and/or construction approval, the applicant shall provide the County with satisfactory documentation demonstrating that all required licenses and/or authorizations are current and valid.

    The Applicant, Project Owner, Developer, Operator, and/or any and all Contractors shall maintain insurance coverage appropriate to the proposed project and in accordance with all applicable Federal, State, and/or local laws, rules, statutes, ordinances, regulations, permits and/or other requirements. Such insurance shall include, at a minimum, general liability coverage and workers' compensation coverage as required by any and all Federal, State, and/or local laws, rules, statutes, ordinances, and/or regulations. Dearborn County shall be named as an additional insured on the project's general liability insurance policy. The Applicant, Project Owner, Developer, Operator, and/or any and all Contractors shall provide the County with a current certificate of insurance and, upon request, documentation verifying the required coverage and additional insured status.

    Required licensing and insurance shall be maintained throughout the construction, operation, and decommissioning of the project. Any lapse in required licensing or insurance shall constitute a violation of this Ordinance, and proof of current licensing and insurance shall be provided to the County annually.

    b. **Indemnification:** As a condition of approval of any Utility-Scale Solar Energy System, the Applicant, Project Owner, Developer Operator, and/or any and all Contractors, jointly and severally, shall defend, indemnify, and hold harmless Dearborn County, its elected and appointed officials, board members, officers, employees, agents, attorneys, consultants, and representatives (each individually an "Indemnified Party" and collectively the "Indemnified Parties") from and against any and all third-party claims, demands, suits, causes of action, damages, judgments, liabilities, losses, penalties, costs, and expenses, including reasonable attorneys' fees, expert witness fees, and consultant fees, arising out of or resulting from the development, construction, installation, operation, maintenance, repair, modification, replacement, and/or decommissioning of the Utility-Scale Solar Energy System and/or any related equipment, except to the extent such claim or liability is adjudicated to have been caused by the sole active negligence or sole willful misconduct of an Indemnified Party individually or the Indemnified Parties collectively.

The indemnification obligation shall apply to the acts and omissions of the Applicant, Project Owner, Developer, Operator, and/or any and all Contractors, subcontractors, agents, employees, and/or other persons acting on behalf of or in connection with the Utility-Scale Solar Energy System. The indemnification obligation shall remain in effect for the duration of the project and shall survive the expiration, termination, abandonment, and/or decommissioning of the Utility-Scale Solar Energy System with respect to claims arising from activities occurring during the period of the Applicant's, Project Owner's, Developer's, Operator's, and/or any and all Contractors' responsibility for the project.

Nothing in this Section shall be construed to relieve the Applicant, Project Owner, Developer, Operator, and/or any Contractor of any obligation to comply with applicable Federal, State, and/or local laws, rules, statutes, ordinances, regulations, permits, or other requirements, and/or to limit any other remedy or right available to Dearborn County under this Ordinance and/or any other applicable laws, rules, statutes, ordinances, regulations, permits, and/or other requirements.

DRAFT

SECTION 1935—UTILITY-SCALE SOLAR PROJECTS REQUIRED PLANS AND MANAGEMENT DOCUMENTS

This Section shall apply to all management plans, operational plans, emergency response plans, studies, protection plans, and other supporting documents required for the development, construction, operation, maintenance, or decommissioning of a Utility-Scale Solar Project. The applicant shall be responsible for identifying and submitting all plans, studies, reports, and other documentation required by the applicable Development Standards, this Ordinance, and the conditions or requirements established by the Board of Zoning Appeals. The Board of Zoning Appeals may require additional plans, studies, or documentation when reasonably necessary to demonstrate compliance with this Ordinance, address site-specific conditions, protect public health, safety, and welfare, or ensure the proper construction, operation, maintenance, and decommissioning of the Utility-Scale Solar Project. The detailed plans identified below are not required to be submitted as part of the Conditional Use process. However, approval of Major Site Plan Permit shall not be granted until all plans required by the Board of Zoning Appeals as part of its Conditional Use approval have been submitted and approved by the appropriate reviewing agency. As applicable to the subject plan, review and approval may be required by the Planning and Zoning Department, the EMA Director, Highway Engineer, Fire Department, and St. Leon Council. Not every plan shall require review or approval by every agency listed above.

A. Agrivoltaics Management Plan

An Agrivoltaics Management Plan shall be submitted with the application for any Solar Energy System proposing dual-use agricultural operations. The plan shall be prepared by the property owner, operator, or qualified agricultural professional and shall demonstrate that agricultural production will remain an active and integral use of the property throughout the life of the Solar Energy System. At a minimum, the plan shall include the following:

1. Description of Agricultural Operation
    - Identification of the proposed agricultural activity, including livestock grazing, crop production, specialty crops, orchards, vineyards, apiaries, or other approved agricultural uses.
    - Identification of the agricultural operator, if different from the property owner.
2. Site Plan
    - Delineation of the acreage dedicated to agrivoltaic operations.
    - Location of solar arrays, fencing, gates, access roads, water sources, utility infrastructure, and agricultural activity areas.
    - Areas reserved exclusively for agricultural production.
3. Animal Grazing Plan (if applicable)
    - Species and breed of livestock.
    - Estimated number of animals.
    - Grazing density and stocking rates.

DRAFT

- Rotational grazing schedule.
- Fencing and livestock containment methods.
- Water supply locations and watering systems.
- Supplemental feeding practices, if any.
- Animal health and biosecurity practices.
- Seasonal grazing schedule.

4. Crop Production Plan (if applicable)
   - Crops proposed for cultivation.
   - Estimated acreage devoted to each crop.
   - Planting and harvest schedule.
   - Irrigation methods.
   - Soil fertility management.
   - Weed and pest management practices.
   - Expected annual yields.
   - Equipment used for cultivation and harvesting.
5. Soil and Vegetation Management
   - Soil conservation practices.
   - Erosion control measures.
   - Vegetation maintenance beneath and around solar panels.
   - Pollinator habitat or cover crop management, if proposed.
6. Compatibility with Solar Facility
   - Description of how agricultural activities will coexist with the solar infrastructure.
   - Minimum panel clearance necessary for agricultural operations.
   - Access routes for agricultural equipment.
   - Measures to prevent damage to solar equipment from agricultural operations.
7. Agricultural Performance Standards
   - Expected level of agricultural production.
   - Annual documentation demonstrating continued agricultural use.
   - Procedures for replacing failed crops or livestock operations.
8. Annual Reporting: The operator shall submit an annual report to St. Leon documenting continued agricultural production, including:
   - Agricultural activities conducted during the previous calendar year.
   - Acreage actively utilized.
   - Crop yields or livestock inventory.
   - Photographs documenting agricultural operations.
   - Any significant changes to the Agrivoltaics Management Plan.
9. Annual Inspection: The operator shall allow St. Leon to conduct periodic inspections to verify compliance with the approved Agrivoltaics Management Plan.

B. <u>Fire Safety, Signage and Emergency Response Plan</u>

To protect the safety of first responders, property owners, and surrounding communities, all Utility-Scale Solar Projects shall incorporate appropriate fire prevention, fire protection,

DRAFT

suppression, detection, monitoring, and emergency response measures consistent with nationally recognized best practices and coordinated with the applicable local fire and emergency response agencies. All fire safety plans, systems, equipment, and infrastructure shall comply with or exceed the applicable requirements of the National Fire Protection Association (NFPA), including NFPA 855, *Standard for the Installation of Stationary Energy Storage Systems*, as amended, where Battery Energy Storage Systems are included as part of the Utility-Scale Solar Project, and all applicable Indiana Fire Codes and other applicable State and local fire safety requirements. Where applicable standards conflict, the more stringent requirement shall apply, unless otherwise prohibited by law.

A Fire Safety, Signage and Emergency Response Plan shall be submitted with any Utility-Scale Solar Project. The Plan shall be prepared by a qualified professional with appropriate experience in fire protection, emergency response, electrical systems, or solar energy facilities, as applicable, and shall be developed in coordination with the local fire department and other applicable emergency response agencies. The Plan shall be updated whenever there is a material change to the facility, including changes to the site layout, electrical equipment, Battery Energy Storage Systems, access roads, ownership, emergency contacts, or emergency response procedures.

1. Fire Prevention and Protection—The plan shall identify measures to minimize the potential for fire and shall address, at a minimum:
    a. Identification of potential fire hazards associated with photovoltaic panels, electrical conductors, transformers, inverters, substations, switchgear, BESS, and other facility components;
    b. Fire prevention practices to be followed during construction, operation, maintenance, vegetation management and decommissioning;
    c. Procedures for responding to electrical fires, vegetation fires, equipment fires, transformer fires, BESS incidents, and other reasonably foreseeable emergencies;
    d. Identification of fire protection equipment, fire suppression systems, detection and monitoring systems, and other protective measures required by applicable codes and standards;
    e. Procedures for shutting down, isolating, or disconnecting electrical equipment during an emergency;
    f. Identification of locations where energized equipment may remain energized following an emergency shutdown;
    g. Procedures for addressing damaged, overheated, burning, or otherwise compromised photovoltaic equipment and electrical components;
    h. Provisions for controlling combustible vegetation and maintaining required vegetation-management areas;
    i. Procedures for reporting fires, hazardous conditions, equipment failures, and other emergencies to the appropriate emergency response agencies; and

DRAFT

    j. Training and emergency-response information necessary for local emergency personnel to safety respond to incident at the facility.
2. Emergency Access—The Utility-Scale Solar Project shall provide and maintain emergency access routes sufficient to allow fire apparatus and other emergency vehicles to safety access all portions of the facility requiring emergency response. The plan shall identify all emergency access roads, fire lanes, gates, access points, turnaround areas, bridges, fire protection water supply ponds, and other features necessary for emergency response. Emergency access routes shall remain unobstructed and shall be maintained throughout the life of the facility. The operator of a Utility-Scale Solar Project must provide an emergency (knox) box with keys to the site and equipment lockers on site at the main entrance or an alternative emergency access solution to the site approved by the EMA Director.
3. Emergency Contact Information—The plan shall provide current emergency contact information for the facility owner, operator, responsible facility manager, and other persons capable of providing immediate assistance to emergency responders. At least one responsible contact shall be available on a twenty-four (24) hour basis. Contact information shall be updated whenever there is a change in ownerships, operation, or responsible personnel.
4. Site Identification and Signage as listed in the development standards.
5. Emergency Site Plan—A current emergency site plan shall be provided to the local fire department and other applicable emergency response agencies and shall be maintained at the facility. The emergency site plan shall identify, at a minimum:
    a. Property boundaries and surrounding roads;
    b. All facility access points and emergency access routes;
    c. Gates, locks, and emergency access provisions;
    d. Solar panel arrays and equipment locations;
    e. Inverters, transformers, substations, switchgear, and other electrical equipment;
    f. BESS, where applicable;
    g. Fire hydrants, water sources, fire suppression equipment, and other available fire protection resources.;
    h. Emergency disconnects and shutdown locations;
    i. Areas containing hazardous materials or other significant hazards;
    j. Other information determined necessary by the local fire department or emergency response agency.
6. Emergency Response Coordination and Trailing—Prior to commencement of operation, the applicant or facility operator shall coordinate with the local fire department and applicable emergency response agencies regarding site access, facility hazards, emergency shutdown procedures, electrical hazards, BESDS, and other site-specific emergency response considerations. The owner or operator shall provide reasonable opportunities for emergency responders to become familiar with the facility and shall provide updated information when

DRAFT

material changes are made to the facility. This training shall be offered annual for all first responders and paid for by the applicant.

7. Inspection and Maintenance—Fire protection equipment, emergency access routes, emergency signage, gates, locks, monitoring systems, detection systems, and other emergency response infrastructure shall be inspected and maintained in accordance with applicable codes, manufacturer requirements, and the approved Plan. Deficiencies that could impair emergency response shall be corrected promptly.
8. Standards—All fire prevention, protection, detection, suppression, electrical safety, emergency response, and signage requirements shall comply with applicable Indiana Fire Codes, applicable Indiana Building and Electrical Codes, applicable NFPA standards, and other requirements established by the authority having jurisdiction. Where Battery Energy Storage Systems are included, the applicable requirements of NFPA 855, as amended, shall be incorporated into the design and emergency response procedures. Nothing in this Section shall be construed to limit the authority of the local fire department, State Fire Marshal, or other authority having jurisdiction to require additional fire protection or emergency response measures as authorized by law.
9. Availability of Plan—A current copy of the approved Fire Safety, Signage, and Emergency Response Plan shall be maintained by the facility owner or operator and shall be made available to St. Leon, local fire department, emergency response agencies, and other applicable authorities upon request.

C. **Solar Emergency Response Fund**

The applicant shall provide direct financial support to local first responders as follows:

St. Leon Council shall create a dedicated "Solar Emergency Response Fund" to support local emergency services. The Applicant shall be required to make an initial deposit of one hundred thousand dollars ($100,000) into this fund prior to the issuance of the Major Site Plan Permit. This initial deposit is required to provide the equipment and materials necessary for local departments to combat the unique fire and safety requirements associated with the solar project.

For the life of the project, the Applicant shall make annual payments of fifty thousand dollars ($50,000), which shall be indexed at an annual increase of three percent (3%) after the first year of the project. Each payment shall be provided, each year, on or before February 1st of each year. All funds deposited into this account shall be distributed among emergency response agencies at the joint discretion of St. Leon Council and EMA Director to address equipment, training, and operational needs related to the project.

Rules and Restrictions for Distributing the funds

1. The fund remains restricted to fire, EMS, EMA and emergency-response purposes.

DRAFT

2. Money is distributed based on the location of the project and the agencies responsible for responding to the location.
3. If multiple agencies have jurisdiction, funds may be divided according to a written interagency agreement.
4. A portion can be reserved for capital equipment and training, rather than distributing the entirety of the deposit each year.
5. Unused funds remain in the fund and roll over to the following year.
6. The fund cannot be used for general County expenditures unrelated to emergency response.
7. The applicant cannot direct how the funds are spent.
8. St. Leon Council and the EMA Director authority maintain control of expenditures.
9. Expenditures should be documented and auditable.
10. The funding obligation shall continue for the operational life of the solar facility, not terminate after construction.
11. Upon completion of the decommissioning of the project and satisfaction of all applicable decommissioning obligations, any remaining funds in the escrow account shall be distributed as one final payment to the primary fire and EMS department serving the jurisdiction in which the project is located.

D. Decommissioning Plan

The purpose of the Decommissioning Plan is to ensure that a Utility-Scale Solar Project is properly removed and the property restored when the facility has reached the end of its useful life, is no longer actively operating, or is otherwise required to be decommissioned pursuant to this Ordinance. The Decommissioning Plan shall provide for the safe, orderly, and complete removal of the solar energy facility and restoration of the site in a manner that protects public health, safety, property, and the environment.

1. Required Plan: A Decommissioning Plan shall be submitted with the application for a Utility-Scale Solar Project and shall be approved prior to issuance of the Major Site Plan Permit. The Plan shall be prepared by a qualified professional and shall be sufficiently detailed to demonstrate the manner in which the facility will be decommissioned and the property restored. The approved Decommissioning Plan shall remain applicable throughout the operational life of the facility and shall be updated when significant changes are made to the facility.
2. Decommissioning Triggers: Decommissioning shall be required when any of the following occurs:
    a. The Utility-Scale Solar Project ceases operation for a continuous period of twelve (12) months, unless the Owner or Operator demonstrates to the satisfaction of the Director of Planning or designee that the facility is being repaired, replaced, or otherwise actively restored to operation;

b. The Owner or Operator provides written notice that the facility will no longer be operated. This notice shall be provided to the Planning and Zoning Department ninety (90) days prior to the commencement of the decommissioning;
c. The Conditional Use, Major Site Plan Permit, or other applicable approval is revoked or expires and the facility is no longer authorized to remain in operation;
d. The facility has reached the end of its life and the Owner or Operator elects not to repower or replace the facility; or
e. Decommissioning is otherwise required by this Ordinance or an approved agreement.

3. Decommissioning Scheduled: The Owner or Operator shall notify the Planning and Zoning Department in writing within ninety (90) days of determining that a decommissioning trigger has occurred. Decommissioning activities shall commence within one hundred twenty (120) days of the applicable trigger and shall be completed within twelve (12) months, unless a different timeframe is approved by the Director of Planning or designee due to weather, environmental conditions, availability of equipment, permitting requirements, or other circumstances beyond the reasonable control of the Owner or Operator.
4. Road Use and maintenance Agreement and Management Plan: The Road Use and Maintenance Agreement and Management Plan shall be provided for both the construction and decommissioning phases of the project. The decommissioning phase shall follow the procedures and requirements as governed in Section 1935(F) of this Article.
5. Required Removal: Decommissioning shall include the removal of all above-ground and all below-ground equipment (regardless of the depth), structures, and improvements associated with the Solar Field, including, but not limited to:
    a. Photovoltaic modules and mounting systems;
    b. Racking, trackers, underground foundations associated with the arrays, piles, and support structures;
    c. Inverters, transformers, substations, switchgear, and other electrical equipment;
    d. BESS and associated equipment, where applicable;
    e. Underground and above ground electrical wiring and conduit;
    f. Signage, lighting, and security equipment;
    g. Meteorological equipment and communication equipment;
    h. Underground and above ground utility infrastructure dedicated solely to the solar project; and
    i. Any other equipment or improvements specifically identified for removal in the approved Decommissioning Plan.
6. Optional Removal: Certain improvements may be permitted to remain on the property following decommissioning, subject to the written approval of the property owner and the Planning and Zoning Department. Such improvements may be identified in the approved Decommissioning Plan; however, the property owner may request a change to the improvements proposed to remain at the time decommissioning is performed. Any improvement permitted to remain on the property shall be limited to those improvements determined by the Planning and Zoning Department to be acceptable for continued use or

DRAFT

retention on the property. All improvements that remain, shall be the responsibility of the property owner as the commencement of the decommissioning. All other improvements associated with the Solar Energy System shall be removed in accordance with the approved Decommissioning Plan.

a. Access roads and driveways — particularly where the road provides useful continued access to the property.
b. Gravel or aggregate areas — such as existing parking, equipment staging, or access areas that can serve another legitimate property use.
c. Culverts and drainage crossings — where they remain necessary and functional for the property.
d. Drainage improvements — swales, ditches, detention/retention facilities, or other stormwater improvements that continue to serve the property.
e. Fencing — potentially useful where the property owner intends to continue agricultural, livestock, forestry, or other uses requiring fencing.
f. Gates — particularly gates associated with retained access roads or fencing.
g. Landscaping and screening — including established trees, shrubs, buffers, and other vegetation installed as part of the project.
h. Pollinator habitat or established vegetation areas — where the property owner intends to maintain them.
i. Fire protection improvements — such as a fire-protection pond, hydrants, or associated infrastructure, if still necessary or useful.
j. Wells or water supply improvements — if useful for the property's continued use.
k. Underground drainage or utility infrastructure — where it is necessary for another lawful use of the property.
l. Permanent erosion-control improvements — where they provide an ongoing benefit to the property.
m. Grading improvements — where the grading is compatible with the property's future use and does not create drainage or erosion problems.
n. Permanent foundations or concrete pads — which can be useful to the property owner in building other structures after decommissioning.
o. Accessory Structures—that were used for the storage of materials
p. Agricultural improvements — such as farm lanes, livestock fencing, water facilities, or other improvements that existed before the solar project or were specifically approved for continued agricultural use.

7. Recycling and Disposal: Decommissioned equipment and materials shall be reused, recycle, or disposed of in accordance with applicable Federal, State and local laws. Solar panels, batteries, electrical equipment, metals, and other materials shall be transported to appropriately recycling, recovery, or disposal facilities. Hazardous materials shall be handled and disposed of in accordance with applicable environmental requirements. The project owner or operator shall provide the Planning and Zoning Department with documentation demonstrating the proper recycling, recovery, reuse, or disposal of decommissioned equipment and materials upon completion of decommissioning. Such documentation may include receipts, weight tickets, recycling certificates, disposal

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manifests, facility acceptance records, or other documentation sufficient to verify the destination and disposition of the materials.

8. Land Disturbance: All Utility-Scale Solar Projects shall comply with all applicable provisions of the Dearborn County Code of Ordinances governing stormwater management, drainage, erosion control, and sediment control within the Decommissioning Plan. Supporting documentation shall be prepared in accordance with the current edition of the Dearborn County Stormwater Technical Standards Manual.

   Any land disturbance of one (1) acre or more shall comply with all applicable requirements for a Construction Stormwater Pollution Prevention Plan (SWPPP), as required by the most current version of the Indiana Construction Stormwater General Permit (CSGP) and applicable State requirements. Copies of all required permits, or evidence that required permit applications have been submitted, shall be provided as part of the Decommissioning Plan.
9. Site Restoration: Following removal of the Solar Field, the property shall be restored to a condition reasonably compatible with the property's permitted or approved land use. Restoration shall include, as applicable:
   a. Removal of foundations, equipment pads, roads, fencing, and other improvements required to be removed;
   b. Removal of debris and construction materials;
   c. Regarding areas disturbed by decommissioning;
   d. Restoration of drainage patterns and stormwater management features;
   e. Replacement of topsoil or other soil amendments necessary to restore productive agricultural or vegetation with appropriate native or approved vegetation;
   f. Stabilization of disturbed areas to prevent erosion and sedimentation;
   g. Reseeding or revegetation with appropriate native or approved vegetation;
   h. Restoration of agricultural areas to a condition suitable for agricultural production, where applicable and acceptable to the property owner; and
   i. Repair or restoration of public or private roads, drainage facilities, fencing, or other property damaged as a result of decommissioning activities.
10. Decommissioning Financial Assurance: Prior to commencement of construction, the Owner or Operator shall establish and maintain financial assurance sufficient to cover St. Leon's reasonably anticipated cost of decommissioning the Utility-Scale Solar Project and restoring the property. The financial assurance shall be in a form a surety bond or other financial instrument approved by St. Leon. The financial assurance shall name or otherwise secure the interests of St. Leon and shall remain in effect for the operational life of the facility until St. Leon determines that decommissioning and site restoration have been satisfactorily completed.
11. Financial Assurance Review: The amount of required financial assurance shall be reviewed and updated at least every five (5) years and may be adjusted to reflect changes in the cost of labor, equipment, transportation, disposal, recycling, inflation, or other factors affecting

the estimated cost of decommissioning. The financial assurance shall be maintained in an amount equal to one hundred twenty percent (120%) of the then-current estimated cost of decommissioning the Utility-Scale Solar Project and restoring the property**.** The decommissioning cost estimate shall be prepared or certified by a qualified professional and shall be submitted to the Planning and Zoning Department for review and approval. The financial assurance shall be calculated without consideration of the anticipated salvage value of solar panels, equipment, or other materials. If the updated cost estimate results in an increase in the required financial assurance, the Owner or Operator shall increase the financial assurance to the required amount within ninety (90) days of written notice from St. Leon.

12. St. Leon Access and Enforcement: St. Leon shall have the right to inspect the property, upon reasonable notice and as otherwise authorized by law, to determine compliance with the approved Decommissioning Plan. If the Owner or Operator fails to timely commence or complete required decommissioning, St. Leon may pursue any enforcement remedy available under this Ordinance or applicable law, including utilization of the required financial assurance to complete decommissioning and restoration.
13. Change of Ownership: The Owner or Operator shall notify the Planning and Zoning Department in writing of any transfer of ownership or operational control of the Solar Field. Any successor owner or operator shall assume all obligations associated with the approved Decommissioning Plan and required financial assurance. St. Leon may require an updated Decommissioning Plan or financial assurance documentation following a transfer of ownership.
14. Final Decommissioning Inspection and Release of Financial Assurance: Upon completion of all decommissioning activities and required site restoration, the Owner or Operator shall submit a written request to the Planning and Zoning Department for a final decommissioning inspection. St. Leon shall conduct an inspection of the property to verify that all required solar equipment, structures, foundations, electrical infrastructure, fencing, access improvements, debris, and other facility-related materials have been removed in accordance with the approved Decommissioning Plan and that the site has been properly restored, stabilized, and revegetated as required. The Owner or Operator shall provide any documentation reasonably requested by St. Leon to demonstrate completion of the required work, including photographs, disposal or recycling receipts, restoration documentation, and certification by a qualified professional when required.

    The financial assurance shall not be released until the Director of Planning or designee determines, in writing, that all applicable decommissioning and site restoration requirements have been satisfactorily completed. If deficiencies are identified during the final inspection, the Owner or Operator shall correct such deficiencies within the timeframe established by the Director of Planning or designee. St. Leon may retain all or a portion of the financial assurance until the deficiencies have been corrected and the required final inspection has been successfully completed. Upon written approval of final

DRAFT

decommissioning, St. Leon shall authorize the release or termination of the financial assurance in accordance with the terms of the applicable financial instrument.

E. Landscape Management Plan

Prior to approval of a Major Site Plan for a Utility-Scale Solar Project, the Applicant shall submit a Landscape Management Plan prepared in accordance with the requirements of this Article. The purpose of the Landscape Management Plan is to ensure the installation, establishment, maintenance, and long-term management of required landscaping, screening, buffering, and vegetation areas throughout the operational life of the Solar Energy System.

The Landscape Management Plan shall include, at a minimum, the following:

1. Landscape Plan: A detailed site plan identifying all required landscape areas, including perimeter buffers, screening areas, earthen berms, pollinator habitat areas, vegetative ground cover areas, areas designated for agrivoltaics, and any other required plantings.
2. Planting Specifications: A list of all proposed plant materials, including common and scientific names, quantities, sizes at installation, spacing, planting methods, and maintenance requirements. All required trees, shrubs, and vegetation shall comply with the standards established within this Article.
3. Screening and Buffering: Identification of all required visual screening areas, including evergreen plantings, existing vegetation to be preserved, earthen berms, and other approved screening methods.
4. Pollinator Habitat and Vegetation Management: Identification of areas requiring perennial pollinator-friendly seed mixes, native plants, grasses, or other approved vegetation. Where an Agrivoltaics Management Plan is approved, the Landscape Management Plan shall identify areas used for agricultural production, grazing, or other vegetation management practices.
5. Installation Schedule: A schedule for installation of all landscaping, including the timing of planting, seeding, stabilization, and establishment of vegetation.
6. Maintenance Program: A description of ongoing maintenance practices, including watering, mowing, weed control, invasive species management, replacement of dead or diseased plant materials, reseeding, and corrective actions necessary to maintain compliance with approved landscaping requirements.
7. Woodland Preservation Areas: Required Woodland Preservation Areas shall be clearly identified on the plan. The plan shall distinguish between existing woodland areas proposed for removal and existing woodland areas required to remain and be preserved. The boundaries and acreage of each area shall be identified on the plan.
8. Inspection and Reporting: The Owner or Operator shall establish and maintain a schedule for periodic inspections of the Utility-Scale Solar Project to verify continued compliance with the approved Landscape Management Plan. Inspections shall be conducted annually and shall be documented and retained, and a consolidated report shall be submitted every two (2) years. Each report shall document the condition and maintenance of required landscaping, screening, vegetation, pollinator areas, wildlife

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corridors, and other landscape improvements required by the approved Plan, and shall identify any areas requiring corrective action. Any deficiencies identified through the inspection shall be corrected within the timeframe established by the Director of Planning or designee. The Owner or Operator shall maintain records of all inspections, maintenance activities, corrective actions, and landscape replacements and shall make such records available to St. Leon upon request.

F. Environmental, Soil and Water Quality Testing Plan:

1. Plan Requirement: The Applicant for any Utility-Scale Solar Project shall submit an Environmental, Soil, and Water Quality Testing Plan for review and approval by the Dearborn County Planning and Zoning Department prior to the commencement of construction. The plan shall establish procedures for baseline testing, periodic monitoring, damage-related testing, reporting, and corrective action to identify and address potential adverse impacts to soil, surface water, groundwater, and other applicable environmental resources resulting from the construction, operation, maintenance, or decommissioning of the Solar Energy System.
2. Initial Geotechnical Report and Baseline Testing: Prior to the commencement of construction, the Applicant shall provide a geotechnical report prepared by a qualified professional documenting the existing soil conditions throughout the Project Site. The report shall establish baseline conditions, including soil composition, characteristics, stability, and other applicable geotechnical conditions necessary to evaluate potential changes resulting from the construction and operation of the Solar Energy System.

   In addition to the geotechnical report, baseline soil and water quality testing shall be conducted by a qualified professional prior to the commencement of construction. Soil samples shall be collected at a depth of twelve (12) to eighteen (18) inches below the existing ground surface. Testing shall document existing environmental conditions within the Project Site and at other representative sampling locations identified in the approved plan.

   The geotechnical report and baseline environmental testing results shall be submitted to the Dearborn County Planning and Zoning Department and retained as the established baseline for comparison with all subsequent testing results throughout the operational life of the project.
3. Periodic Testing: Soil and water quality testing shall be conducted upon completion of the Utility-Scale Solar Project and at least once every five (5) years thereafter for the duration of the project's operation. Spil samples shall be collected at a depth of twelve (12) to eighteen (18) inches below the ground surface. Testing shall utilize methods and sampling locations reasonably sufficient to evaluate changes in environmental conditions and shall be consistent with the approved plan. The testing schedule shall continue regardless of changes in project ownership or operator.

4. Damage-Related Testing and Monitoring: In the vent that any portion of the Utility-Scale Solar Project sustains damage that could result in the release, leakage, or discharge of hazardous materials, chemicals, metals, or other potentially harmful substances into the soil, surface water, or groundwater, additional testing shall be required.

   Such events shall include, but are not limited to, fire, severe weather, flooding, structural failure, physical damage to solar panels, battery storage systems, inverters, transformers, electrical equipment, or other components. The Planning and Zoning Department shall be notified and the following requirements shall apply:

   a. Initial Damage Assessment and Testing: The Applicant or current project owner shall arrange for an inspection and environmental testing of the affected area as soon as reasonably possible following the damage event, once the area is safe to access. Testing shall identify any potential release of contamination resulting from the damaged equipment or materials.
   b. Affected Area Sampling: Soil and water quality testing shall be conducted within the area directly affected by the damage, including areas where broken panels, damaged equipment, leaked fluids, debris, or other project materials may have contacted the ground or entered drainage features. Soil samples shall be collected at a depth of twelve (12) to eighteen (18) inches below the ground surface, unless the qualified professional determines that additional sampling depths are necessary to evaluate the extent of potential contamination.
   c. Follow-up Testing: Following the initial damage-related testing, the affected area shall be retested at intervals of one (1) year until three (3) consecutive testing events demonstrate that soil and water quality have returned to baseline conditions or meet applicable federal and state environmental standards, whichever is more protective. The three (3) consecutive satisfactory testing results shall be documented and submitted to the Planning and Zoning Department. Upon the last testing, the periodic testing of five (5) years will resume, following the last damage-related, clean test date.
   d. Corrective Action During Monitoring: If any testing identifies contamination, an exceedance of applicable environmental standards, or a significant adverse change from established baseline conditions attributable to the Solar Energy System, the Applicant or current project owner shall implement the corrective action requirements of this Section. Follow-up testing shall continue until the required three (3) consecutive satisfactory testing results have been achieved.
   e. Documentation: All damage-related inspections, sampling, laboratory results, remediation activities, and follow-up testing shall be documented and submitted to the Planning and Zoning Department.

5. Testing Parameters and Procedures: The plan shall identify the environmental conditions and quality parameters to be evaluated, sampling locations, testing methods, laboratory requirements, and procedures for comparing results to baseline conditions and applicable federal and state environmental standards. Testing parameters shall be appropriate to the

site conditions, project materials, construction activities, and potential environmental risks associated with the Solar Energy System. Testing shall include, as applicable, heavy metals, including lead, cadmium, chromium, and other metals associated with solar panels and electrical equipment; hazardous chemicals; petroleum-based substances; and other contaminants reasonably associated with the project components. The testing plan shall specifically address the potential release of hazardous constituents from damaged, deteriorated, or broken solar panels, battery storage systems, inverters, transformers, and other associated equipment.

Toxicity Characteristic Leaching Procedure (TCLP): Testing shall include the Toxicity Characteristic Leaching Procedure (TCLP), EPA Method 1311, when evaluating damaged or broken solar panels, battery storage components, electrical equipment, or other project materials that may release hazardous constituents into the environment. TCLP testing shall be conducted by a qualified laboratory using applicable EPA-approved methods to determine whether materials or representative samples exhibit hazardous characteristics due to the leaching of regulated constituents. TCLP testing shall be required following damage events involving broken, burned, or otherwise compromised project components where the potential for hazardous constituent release exists. Testing shall also be required when directed by the Planning and Zoning Department or an applicable regulatory agency based on observed site conditions or identified environmental concerns. Results shall be evaluated against applicable federal and state environmental standards, including the toxicity characteristic regulatory limits established under 40 CFR 261.24, as applicable.

6. Required Testing Locations: Soil and water quality testing shall include representative sampling locations throughout the Project Site, including the interior and perimeter of each property included within the Project Site. Sampling locations shall include, at a minimum:

    a. Interior Locations: Representative sampling points within the central portions of each property included in the Project Site.
    b. Perimeter Locations: Representative sampling points along the edges and boundaries of each property included in the Project Site, including locations adjacent to neighboring properties, public rights-of-way, drainage features, and surface water resources, where applicable.
    c. Additional Locations: Any areas identified by the qualified professional or the Dearborn County Planning and Zoning Department as necessary to evaluate potential environmental impacts, including areas where construction activities, drainage patterns, or project operations may affect soil or water quality.
    d. Damage-Related Locations: Following any damage event requiring additional testing, sampling locations shall include the directly affected area and any surrounding areas reasonably likely to have been impacted by the release or movement of potentially hazardous materials.

7. Reporting Requirements: All testing results shall be documented in a written report prepared by a qualified professional and submitted to the Planning and Zoning Department

within sixty (60) days following completion of each testing event, unless another timeframe is approved by the Department. Reports shall include sampling locations, testing methods, laboratory results, comparison with baseline results and applicable standards, identification of significant changes or exceedances, and recommendations for corrective action when warranted. Reports involving damage-related testing shall additionally identify the damage event, affected project components, the extent of the affected area, potential contaminants identified, and any cleanup or remediation activities performed or recommended.

8. Corrective Action: If testing identifies contamination, a significant adverse change in soil or water quality attributable to the Solar Energy System, or an exceedance of an applicable environmental standard, the Applicant or current project owner shall notify the appropriate regulatory authorities and the Planning and Zoning Department. The Applicant or current project owner shall submit and implement a corrective action plan, subject to applicable regulatory requirements and Department review, to investigate and address the identified condition. The corrective plan shall identify the source and extent of contamination, proposed remediation methods, responsible parties, and a schedule for corrective action and follow-up testing. Any required remediation shall be conducted in accordance with applicable federal and state laws and regulations. The responsible party shall bear all costs associated with investigation, testing, cleanup, remediation, and follow-up monitoring resulting from the Solar Energy System.
9. Record Retention and Responsibility: The project owner or operator shall be responsible for maintaining testing records, submitting required reports, and ensuring compliance with this Section throughout the operational life of the Utility-Scale Solar Project. All testing reports and corrective action records shall be made available to the Planning and Zoning Department upon request.

G. Road Use and Maintenance Agreement and Management Plan

Prior to the issuance of any Improvement Location Permit for a Utility-Scale Solar Project, the Applicant shall submit a Road Use and Maintenance Agreement and Management Plan for review and approval by the St. Leon Highway Department, St. Leon Planning and Zoning Department, and the St. Leon Town Council. The purpose of the Agreement and Management Plan is to identify designated construction traffic routes, establish roadway use requirements, document existing roadway conditions, minimize impacts to the traveling public, and ensure the repair or restoration of public infrastructure damaged as a result of project-related activities.

The Road Use and Maintenance Agreement and Management Plan, including all applicable roadway inspection, documentation, financial assurance, repair, restoration, and maintenance requirements established therein, shall apply to both the construction and decommissioning of the Utility-Scale Solar Project**.** Prior to commencement of decommissioning activities, the Applicant or project owner shall comply with the approved Road Use and Maintenance Agreement and Management Plan and shall provide any updated roadway condition survey, traffic routes, financial assurance, or other documentation required by St. Leon to address anticipated decommissioning-related traffic and activities.

The Applicant or project owner shall be responsible for the repair or restoration of any public roadway, bridge, culvert, drainage structure, shoulder, signage, or other public infrastructure determined by St. Leon to have been damaged as a result of construction, decommissioning, or other project-related activities. The plan shall include the following:

1. Designated Haul Routes: Identification of all proposed construction haul routes, traffic routes, oversize or overweight vehicle routes, delivery routes, and emergency access routes to and from the project site. The following should be included with the haul routes:
    a. Identification of state and local roads to be used;
    b. Proposed phasing schedule and projected daily truck trips;
    c. Weight restrictions and avoidance of bridges due to weight restrictions;
    d. Temporary road closures or detour request;
    e. Traffic safety controls including flaggers, signage, dust suppression;
    f. Notification procedures to local law enforcement, Fire/EMS, schools, post offices, and INDOT
2. Pre-Construction Roadway Survey and Inventory: A professional engineering assessment of the condition of all County roads, bridges, culverts, intersections, shoulders, drainage facilities, signs, and other public infrastructure located along designated haul routes prior to construction. The survey shall include written documentation, photographs, videos, and GIS mapping where required by St. Leon. The Applicant shall be responsible for all costs and expenses incurred in conducting the pre-construction roadway survey, including the cost of any qualified engineer, consultant, inspection, documentation, or other professional services required by St. Leon.
3. Roadway Protection Measures: Proposed methods to minimize damage to public roads and infrastructure, including vehicle weight restrictions, dust control, mud tracking prevention, roadway sweeping, erosion control, and protection of drainage facilities.
4. Roadway Improvements: Identification of any temporary or permanent roadway improvements required to safely accommodate construction traffic, including roadway widening, turn lanes, culvert replacements, shoulder improvements, intersection modifications, signage, or pavement improvements.
5. Maintenance Responsibilities: Identification of the Applicant's responsibility for maintaining designated haul routes during construction, including roadway cleaning, debris removal, drainage maintenance, snow removal where applicable, and maintaining safe travel conditions.
6. Construction Staging and Truck Deliveries: The Road Use and Management Plan shall identify designated areas for the staging, queuing, loading, and unloading of construction vehicles and equipment associated with the Solar Energy System project. The applicant shall provide an off-site staging area of sufficient size to accommodate semi-trucks and other large delivery vehicles awaiting access to the project site. The Plan shall also identify

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an on-site truck pull-off or staging area sufficient to allow delivery vehicles to enter and wait on the project site without obstructing the public roadway.

Construction deliveries shall be scheduled and managed to minimize the number of delivery vehicles arriving at the project site at the same time. Semi-trucks and other construction vehicles shall not queue, stage, park, load, or unload on a public roadway or within the public right-of-way while waiting for access to the project site. The applicant shall be responsible for coordinating deliveries so that vehicles can be received and accommodated within the designated staging and pull-off areas. The Road Use and Management Plan shall include procedures for managing delivery schedules and vehicle queuing during periods of peak construction activity.

7. Financial Assurance: Prior to commencement of construction, the Applicant shall provide a road assurance bond, cash escrow, or other form of financial security acceptable to St. Leon, payable to St. Leon, to assure the repair and restoration of public roads, bridges, culverts, drainage structures, shoulders, signage, and other public infrastructure that may be damaged as a result of project-related construction traffic.

   The amount of the road assurance security shall be established by St. Leon based upon a written cost estimate prepared by a professional engineer licensed in the State of Indiana and approved by the St. Leon Highway Department. The estimate shall consider, at a minimum, the length and type of public roads to be utilized by project-related construction traffic, existing roadway conditions, anticipated construction traffic and heavy-haul vehicles, bridges and culverts, drainage structures, shoulders, intersections, and other public infrastructure reasonably expected to be affected by construction activities.

   The required financial security shall be established at one hundred twenty percent (120%) of the engineer's estimated cost of potential roadway and public infrastructure restoration. The additional twenty percent (20%) shall serve as a contingency for unforeseen restoration requirements, changes in construction costs, engineering and inspection expenses, traffic control, mobilization, and other reasonable costs associated with restoring affected public infrastructure.

   The required amount shall be established prior to issuance of any zoning permit or commencement of construction, as applicable, and shall remain in effect until St. Leon determines that the post-construction inspection has been completed and all project-related damage has been satisfactorily repaired or restored.

   The existence of the road assurance security shall not limit the Applicant's obligation to repair or replace public infrastructure damaged by project-related activities. If the cost of required repairs exceeds the amount of the posted security, the Applicant shall remain responsible for all additional costs.

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8. Post-Construction Inspection: Upon completion of construction, the Applicant shall participate in a post-construction inspection conducted by the professional engineering consultant who performed the pre-construction roadway and infrastructure survey, in coordination with the St. Leon Highway Department. The purpose of the post-construction inspection shall be to compare the condition of public roadways and infrastructure with the conditions documented in the pre-construction survey.

   Any damage, deterioration, or impairment to public roads, bridges, culverts, drainage structures, shoulders, signage, or other public infrastructure determined by St. Leon to have resulted from or been caused by project-related construction traffic or activities shall be repaired, restored, or replaced by the Applicant at no cost to St. Leon. All repairs or replacement work shall be completed in accordance with applicable County standards and to the satisfaction of the St. Leon Highway Department. The Applicant shall be responsible for all reasonable costs associated with the inspection, documentation, repair, restoration, or replacement of affected public infrastructure.

H. Property Value Protection Program

1. Applicable Mandatory Coverage Non-participating Owners: The Applicant for a Utility-Scale Solar Project shall provide a Property Value Protection Program for all eligible non-participating property owners. Eligibility shall be limited to properties within five hundred (500) feet of the project lease boundary lines to the property owners that existed as of the date the Conditional Use application for the Utility-Scale Solar Project was approved by the Board of Zoning Appeals.
2. Applicable Volunteer Participation Non-Participating Owners: Property owners whose properties are located at least five hundred (500) feet from the Project Lease Boundary and within two thousand, six-hundred and forty (2,640) feet of the Project Lease Boundary shall be eligible to voluntarily participate in the Property Value Protection Program. Participation shall be voluntary and subject to an agreement between the property owner and the Applicant.

   Eligible property owners who elect to participate shall be responsible for obtaining and paying for their own property appraisal and shall negotiate a participation agreement directly with the Applicant. The terms of any agreement shall be determined by mutual agreement between the property owner and the Applicant.

   The inability of an eligible property owner and the Applicant to reach a mutually acceptable agreement shall not, by itself, constitute grounds for denial of a Major Site Plan Permit.

The Applicant shall be responsible for offering participation in the Property Value Protection Program to all eligible property owners meeting the requirements of this Section.

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3. Notification of Mandatory and Volunteer Participation: Within thirty (30) days of the granting of the Conditional Use, the applicant shall provide each eligible mandatory and volunteer owner with written notice by certified mail to the owner's address of record as set forth in the property tax records of Dearborn County describing the terms of the guarantee. To qualify for the guarantee each property owner must notify the Utility-Scale Solar Project applicant within ninety (90) days of the mailing notice of his or her intent to participate. Copies of all notices and acceptances shall be provided to the Planning and Zoning Department.
4. Appraisals: The applicant shall thereafter obtain and submit to the property owner an Indiana licensed appraiser's report containing the appraised fair market value (as of January 1st of the year it is being produced) of the owner's property within sixty (60) days following the date of the applicant's receipt of the property owner's notice. In determining the fair market value of the property, the appraisal shall exclude any diminution or other effect on property value attributable to any known, proposed, or pending Solar Energy System project. Property owner may accept the value of the property based on the appraisal or may obtain his or her own appraisal prepared by an Indiana licensed appraiser at the expense of the property owner. If the owner's appraisal is less than or within 5% above the applicant's appraisal, the guaranteed value shall be the average of the two appraisals. If the owner's appraisal is more than 5% above the applicant's appraisal and the owner is not willing to accept the applicant's appraisal, the two appraisers shall agree upon a third Indiana licensed appraiser, to be paid for 50% by applicant and 50% by the property owner, who shall appraise the property and whose appraised value shall be the guaranteed value for that property.
5. Period of Guarantee: The period of the guarantee shall be for a period of ten (10) years following the issuance of the final certificate of occupancy or use for the operation of the Utility-Scale Solar Project. The guarantee shall extend only to the owners of record as of the date of the approval of the Conditional Use and not to the assignees or subsequent owners or purchasers.
6. Qualifying Conditions for Compensation: In the event any property covered by this guarantee is listed for sale by a licensed real estate broker for a period of not less than twelve (12) months and during such period, the property owner either does not receive an offer or receives an offer below the guaranteed value, the property owner, subject to the restrictions below, shall notify the applicant of the intent to exercise property owner's right under this guarantee program. Within thirty (30) days of the receipt of this notice the applicant shall do one of the following:
    a. Authorize property owner to accept the pending bona fide offer and to pay the property owner at closing of the sale the difference between the purchase price set forth in the offer and the guaranteed value upon receipt of a copy of the written offer and reasonable documentation demonstrating the purchaser's ability to complete the proposed transaction. The property owner shall be responsible for the entire realtor fee.
    b. Immediately take steps to purchase the property from the property owner at the guaranteed value with such purchase to be completed within sixty (60) days of receipt by the applicant of notice by the property owner of the property owner's

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failure to receive a bona fide offer for the guaranteed value after having the listed the property for a period of twelve months with a licensed real estate broker. Reasonable extensions are permitted based all parties' availability. The property owner shall be responsible for the entire realtor fee.

In any case in which there is a purchase offer pending for which the property owner expects to make a claim under this guarantee, the property owner shall provide a copy of such offer to the applicant. In the event the applicant is required to purchase the property owner's property, the property owner shall convey fee simple title to the property, free and clear of all liens and encumbrances by delivery of a Warranty Deed. At the closing, the applicant shall pay for preparation of the warranty deed, vendor's affidavit, all title insurance fees, and closing fees. The property owner shall be responsible for the entire realtor fee.

A bona fide offer shall be defined for this program as a written, good-faith offer to purchase an eligible property for a specific purchase price and subject to commercially reasonable terms and conditions. The offer must be supported by evidence of the purchaser's ability and intent to complete the transaction and must not be contingent upon the approval, construction, expansion, or operation of a Utility-Scale Solar Project, or upon receipt of compensation through the Property Value Protection Program.

Property Value Protection Program shall not apply to any commercial properties, industrial property or any property owned by a participating landowner. The Property Value Protection Program shall not cover property that subdivided for any reason through the period of the guarantee. The program shall be contingent upon the claimed loss in property value not being caused, in whole or in part, by acts of God, natural disasters, weather-related events, market conditions, changes made by the property owner, lack of property maintenance, casualty losses, changes in the number of structures on the property, or any other factor unrelated to the construction or operation of the Utility-Scale Solar Project.

7. County Responsibility and Enforcement of Private Agreements: Following the issuance of a Major Site Plan Permit, Dearborn County shall not be responsible for negotiating, enforcing, interpreting, or resolving disputes concerning any agreement between the Applicant and an eligible property owner under this Property Value Protection Program, whether such agreement has been finalized, remains pending, or has not been reached. Any dispute regarding the negotiation, execution, performance, or alleged violation of a private agreement shall be a civil matter between the property owner and the Applicant. The parties shall be responsible for obtaining their own legal counsel and pursuing any available civil remedies to address alleged violations of the agreement or this Article, as applicable. Dearborn County shall not be responsible for the costs, legal fees, or outcomes associated with such disputes.

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I. Wetland Delineation Study and Environmental Compliance

A Wetland Delineation Study shall be submitted as part of the Utility-Scale Solar Project permit application when wetlands, streams, waterways, floodways, or other regulated environmental resources may be present on or adjacent to the project site. The study shall be prepared by a qualified professional in accordance with applicable federal, state, and local requirements and shall identify the location, extent, classification, and jurisdictional status of all regulated environmental features within the project area.

The Wetland Delineation Study shall, at a minimum, include the following:

1. Wetland Identification and Delineation: A field investigation identifying all potential wetlands, waters of the United States, streams, waterways, and other regulated aquatic resources located within the project boundary and areas potentially impacted by construction or operation of the Utility-Scale Solar Project.
2. Delineation Methodology: Documentation of the methodology utilized for the delineation, including applicable federal wetland delineation procedures, field data collection methods, vegetation, soil, and hydrologic evaluations, and supporting documentation necessary to establish wetland boundaries.
3. Wetland Mapping: A detailed map identifying the location and boundaries of all identified wetlands, streams, waterways, drainage features, floodplains, floodways, and other regulated environmental resources. Mapping shall include project boundaries, proposed improvements, access roads, solar arrays, equipment areas, and any proposed impacts.
4. Agency Coordination and Permitting: Documentation of coordination with applicable regulatory agencies, including, but not limited to, the Indiana Department of Natural Resources (IDNR), Indiana Department of Environmental Management (IDEM), U.S. Army Corps of Engineers, and any other applicable local, state, or federal agencies.
5. Avoidance, Minimization, and Mitigation: Identification of measures taken to avoid and minimize impacts to wetlands and other regulated resources. Where impacts cannot be avoided, the Applicant shall provide documentation of all required permits, approvals, mitigation plans, or compensatory mitigation requirements established by applicable regulatory agencies.
6. Regulatory Compliance: The Applicant shall obtain all required permits, approvals, and authorizations from applicable agencies prior to construction activities that may impact regulated wetlands, waterways, or other protected environmental resources. Copies of issued permits, approvals, or agency correspondence shall be submitted to the St. Leon Planning and Zoning Department as part of the Major Site Plan review process.

The Wetland Delineation Study shall comply with all applicable requirements of the U.S. Army Corps of Engineers, the Indiana Department of Environmental Management (IDEM), the Indiana Department of Natural Resources (IDNR), and any other applicable federal, state, or local regulatory authority. Approval of a Utility-Scale Solar Project by St. Leon shall not relieve the Applicant from obtaining any required environmental permits or approvals from applicable regulatory agencies.

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J. Economic Development Agreement

As a condition of approval for a Utility-Scale Solar Project, the Applicant may be required to enter into an Economic Development Agreement with St. Leon. The purpose of the Economic Development Agreement is to identify and secure financial commitments, guarantees, community benefits, and other obligations associated with the construction, operation, maintenance, and decommissioning of the Utility-Scale Solar Project.

The Economic Development Agreement shall not be established for the purpose of providing tax abatements, tax exemptions, or reductions in assessed property taxes. The intent of the Agreement is to provide financial assurances and commitments from the Applicant to St. Leon related to the potential impacts, costs, and public service demands associated with the Utility-Scale Solar Project.

The Board of Zoning Appeals may require the Applicant to submit an Economic Development Agreement as part of the Conditional Use approval process; however, final review, approval, acceptance, and execution of the Economic Development Agreement shall be subject to approval by the St. Leon Town Council.

The Economic Development Agreement may address, but is not limited to, the following:

2. Financial guarantees, fees, reimbursements, or other monetary commitments intended to offset impacts associated with the Utility-Scale Solar Project.
3. Commitments related to public infrastructure, including roads, bridges, drainage systems, emergency services, and other County facilities impacted by the project.
4. Community benefit commitments, including support for public safety, conservation initiatives, parks and recreation, or other public programs.
5. Financial assurances related to compliance with approved plans, conditions of approval, restoration obligations, or other requirements established by this Article.
6. A schedule for implementation of all commitments, responsible parties, and performance requirements.
7. Reporting requirements to demonstrate compliance with the approved Agreement.
8. Provisions ensuring that all obligations remain binding upon any successor owner, operator, or entity assuming ownership or operational responsibility for the Utility-Scale Solar Project.
9. Enforcement provisions, including notice of noncompliance, opportunity to cure deficiencies, and other remedies available under the Agreement or applicable law.

No Economic Development Agreement shall become effective unless approved and executed by the St. Leon Town Council. Approval of a Conditional Use by the Board of Zoning Appeals shall not be interpreted as approval of the Economic Development Agreement unless and until the Agreement has been approved and executed by the St. Leon Town Council.

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K. Noise Evaluation and Acoustical Report and Requirements

All Utility-Scale Solar Projects shall be subject to the noise and acoustical requirements of this Section. The purpose of these requirements is to establish existing ambient noise conditions, evaluate the anticipated noise generated by the proposed SES, establish a project-specific operational noise standard, and provide a method for verifying continued compliance following construction and during operation.

1. Conditional Use Approval and Procedural Timeline: The Board of Zoning Appeals shall consider the potential noise impacts of a proposed Utility-Scale Solar Project as part of the Conditional Use application. Approval of a Conditional Use shall not establish the maximum allowable operational noise level for the project.

    a. The applicant shall complete and submit a comprehensive pre-construction Noise Evaluation Report, which shall include a certified Ambient Noise Baseline Study and a Pre-Construction Project Noise Study, following Conditional Use approval and prior to the issuance of a Major Site Plan Permit.
    b. All noise studies required under this Section shall be performed at the sole expense of the applicant, project owner, or operator.
    c. No Major Site Plan Permit shall be issued until the required noise studies have been completed and the maximum allowable operational noise level has been established by the Board of Zoning Appeals.

2. Pre-Construction Noise Evaluation Report Requirements: At a minimum, the Noise Evaluation Report submitted prior to a Major Site Plan Permit approval shall be prepared, signed, and certified by a qualified acoustical professional with demonstrated experience in environmental noise assessment and sound modeling. The report must contain the following component studies and elements:

    a. Certified Ambient Noise Baseline Study—A baseline study establishing the existing ambient noise conditions within and surrounding the proposed project area.
        i. Environmental Timing Constraint—Field measurements shall be conducted on a sunny winter day, when deciduous vegetation is absent or has minimal foliage, to minimize the influence of seasonal vegetation on sound measurements.
        ii. Measurement Parameters—The baseline study shall include representative noise measurements during both daytime and nighttime conditions. Measurements shall include both A-weighted (dBA) and C-weighted (dBC) sound levels, capturing both L*eq* and L*max* metrics.
        iii. Sampling and Metadata—The study shall include sufficient sampling during each period to reasonably characterize existing ambient noise conditions. It must explicitly identify the measurement methodology intervals, and applicable acoustical standards used. It shall document the date, time, duration, weather and environmental conditions (including wind speed and direction,

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temperature, humidity, and precipitation), measurement locations, instrumentation, and procedures used.

iv. Receptor Locations—Measurements shall be taken at representative locations based upon the approved Conditional Use, proposed project layout, and specifically at the property line nearest the principal dwelling on each adjoining, non-participating property, public rights-of-way, and other potentially sensitive receptors identified by the Board of Zoning Appeals.

v. Background Isolation—The study shall distinguish, to the extent reasonably practicable, existing background or ambient noise from identifiable temporary or unusual sources to establish the true baseline against which subsequent operational measurements may be evaluated.

b. Pre-Construction Project Noise Study (Operational Modeling)—An acoustical study evaluating the anticipated noise generated by the proposed Utility-Scale Solar Project based upon the final project design and proposed equipment.

i. Maximum Operational Modeling—The noise analysis shall model the Utility-Scale Solar Project under reasonably foreseeable maximum operational conditions, simulating the simultaneous operation of all noise-producing components, including inverters, transformers, substations, cooling systems, tracking equipment, BESS-SES, and any other proposed noise-generating machinery.

ii. Equipment Specifications—The study shall include the manufacturer's technical specifications and published sound power or sound pressure level data for all proposed major noise-generating equipment used in the analysis.

iii. Impact Evaluation—The study shall identify the predicted sound levels (L*eq* and L*max* in both dBA and dBC) attributable to the SES at each applicable receptor or measurement location, explicitly detailing the tracking assumptions and propagation methodology used.

iv. Specialized Acoustic Metrics—The study shall evaluate and project the maximum levels of infrasonic sound, ultrasonic sound, impulsive noise, and prominent discrete tones at the property line nearest the principal dwelling on each adjoining non-participating property.

v. Detail Level—The study shall be sufficiently detailed to allow the Board of Zoning Appeals to establish a project-specific maximum allowable operational noise level.

c. Required Noise Evaluation Map—A comprehensive map identifying:

a. The project boundary;

b. The study area;

c. Sound monitoring and baseline sampling locations;

d. All planned noise-generating equipment locations; and

e. The location of the nearest occupied dwellings on non-participating properties and other sensitive receptors.

d. Mitigation Measures—Identifications of any proposed noise mitigation measures, including low-noise equipment selection, sound barriers, acoustic enclosure

DRAFT

designs, increased buffer setbacks, or other engineering methods necessary to reduce operational noise to compliant levels.

3. BZA Determination of Maximum Noise Level: Following receipt and review of the certified Noise Evaluation Report, the documentation shall be submitted to the Board of Zoning Appeals for consideration and determination of the project-specific maximum allowable operational noise level.
    a. Site-Specific Standard—The Board of Zoning Appeals shall establish a project-specific maximum allowable operational noise level based upon the existing ambient noise conditions, the predicted noise from the proposed system, the approved design, the proximity of surrounding residences, and other site-specific factors. This standard shall be incorporated into the Conditional Use approval or an amendment thereto.
    b. Absolute Broadband Ceilings—Under no circumstances shall the maximum allowable operation noise level established for a Utility-Scale Solar Project exceed fifty (5) dBA during daytime operation and forty (4) dBA during nighttime operation, measured at the nearest applicable non-participating property line, regardless of the results of any noise study.
    c. No Guaranteed Level—The broadband limits established by this Section shall be absolute maximum ceilings and shall not be interpreted as a guaranteed allowable noise level. The Board of Zoning Appeals may establish a lower maximum allowable noise level when warranted by baseline conditions or surrounding land uses.
    d. High-Frequency Switching Limit—To account for the unique sensitivity of human hearing to high-frequency inverter switching, unweighted sound pressure levels within the 4,000 Hz and 8,000 Hz octave bands shall not exceed 32 dB at the nearest applicable non-participating property line.
    e. Automatic Tonal Penalty—A 5dB “tonal penalty” reduction shall be automatically applied to the permissible broadband limit if any one-third (1/3) octave band exceeds its adjacent bands by 5 dB or more.
    f. Methodology Specification—The final project-specific noise standard shall explicitly identify the applicable measurement methodology, including A-weighted and C-weighted parameters, unweighted octave bands, one-third (1/3) octave bands, measurement duration, location criteria, and required operating conditions necessary to verify compliance.

4. Post-Construction Noise Evaluation: Within ninety (90) days following commencement of commercial operation of the Utility-Scale Solar Project, the project owner or operator shall complete and submit a post-construction Noise Evaluation Report.
    a. Investigation of Violations—Following commencement of operation, the Director of Planning and Zoning or designee may investigate a potential violation of the noise standard upon a documented complaint, field observation, or equipment change.

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b. Independent Enforcement Studies—If a potential violation is identified and the operator does not voluntarily provide an acceptable resolving study; the Board of Zoning Appeals may require an independent noise study. The project owner or operator shall be responsible for the reasonable and documented cost of an independent noise study conducted by a qualified acoustical professional selected by the County.
c. Corrective Action—If any post-construction or independent study demonstrates that the system exceeds the applicable project-specific noise standard, the high-frequency limits, or triggers an unmitigated tonal penalty, the project owner or operator shall immediately take corrective action as required by the Director of Planning and Zoning or designee and shall be subject to the enforcement provisions within this Ordinance.
d. Modifications to Approved Project—Any physical or equipment modification to an approved project that may reasonably increase operational noise (including equipment swaps, capacity upgrades, layout changes, or BESS-SES additions) shall be subject to review by the Director of Planning and Zoning. The Director may require an updated pre-construction acoustical analysis and may refer the matter to the Board of Zoning Appeals to determine if the established maximum allowable noise level needs to be lowered.

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SECTION 1940—LARGE, COMMUNITY AND UTILITY-SCALE SOLAR PROJECTS POST CONSTRUCTION

Following completion of construction, all Large-Scale Individual Solar Projects, Community Solar Projects, and Utility-Scale Solar Projects shall be subject to additional post-construction requirements to verify that the project has been constructed and is being operated in accordance with the approved plans and this Article. These requirements shall include, but are not limited to the following:

A. As-Built Plans and Project Modification: Upon completion of construction and prior to final project approval or operation, the Applicant shall submit final As-Built Construction Plans to the St. Leon Planning and Zoning Department. The As-Built Plans shall accurately depict the final location and configuration of all improvements, including, but not limited to, solar arrays, utilities, fencing, structures, inverters, transformers, Battery Energy Storage Systems (where applicable), substations, landscaping, earthen berms, stormwater management facilities, access roads, and other associated site improvements.

   The As-Built Plans shall be prepared, signed, and certified by a professional engineer licensed in the State of Indiana and shall be submitted to the St. Leon Planning and Zoning Department in both paper and electronic formats. Electronic submissions shall include GIS-compatible shapefiles or other digital formats approved by the Planning Director.

   Any deviation from the approved Major Site Plan shall be clearly identified on the As-Built Plans and shall be subject to review by the Planning Director or the Planning Director's designee. Modifications determined to be substantial or inconsistent with the approved plans may require amendment of the Major Site Plan, additional approvals, or a modification hearing before the Board of Zoning Appeals.

B. Ownership and Operator Changes: The Applicant, owner, operator, or successor in interest shall notify the St. Leon Planning and Zoning Department in writing of any change in ownership, controlling interest, or operational responsibility for the Utility-Scale Solar Project throughout the life of the project. Written notice shall be provided within thirty (30) days of the effective date of the change.

   Any change in ownership or operational responsibility may require the submission of an updated Decommissioning Agreement, financial assurance, Property Value Protection Program, or other documentation required by this Article, subject to review and approval by St. Leon.

   All conditions of approval, agreements, financial assurances, permits, and obligations associated with the Utility-Scale Solar Project shall be binding upon and automatically transferred to any successor owner, operator, or entity assuming ownership or operational responsibility for the project.

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C. Post Construction Inspections: Upon completion of construction and prior to final project acceptance or commencement of electrical operation, the applicant shall notify the St. Leon Planning and Zoning Department that construction is completed and request a final post-construction inspection. St. Leon may conduct one or more inspections, to verify compliance with all approved plans, permits, conditions of approval, and the requirements of this Article. These inspections include, but are not limited to all permitting departments of St. Leon, local EMS Director, local Fire Departments, and any State or Federal agencies that required permits through the process.

At a minimum, the post-construction inspections shall include the following:

1. Verification that the Utility-Scale Solar Project has been constructed in accordance with the approved Major Site Plan, approved construction drawings, conditions of approval, and all applicable permits.
2. Review of the certified As-Built Construction Plans prepared by a professional engineer licensed in the State of Indiana.
3. Verification of the location of all solar arrays, inverters, transformers, substations, BESS-SES, fencing, gates, landscaping, earthen berms, stormwater facilities, access roads, utilities, and other site improvements.
4. Verification that all required setbacks, landscaping, buffering, and screening have been installed in accordance with approve plans.
5. Verification of stormwater and drainage as-builts and locations.
6. Verification of public roadways, haul routes, and traffic route conditions.
7. Verification of safety and operational requirements and security measures have been installed. Confirmation that all required emergency response information has been provided to local emergency service providers.
8. Submittal of a Compliance Certification: The applicant shall submit written certification from the appropriate design professionals stating that all improvements have been constructed ins substantial compliance with the approved plans and applicable engineering standards. If St. Leon determines that the Utility-Scale Solar Project has not been constructed in compliance with the approved plans, permits, or conditions of approval, the applicant shall correct all deficiencies identified by St. Leon prior to the final project acceptance or within a timeframe established by the Planning Director or designee. St. Leon may withhold final acceptance, certificates, permits, or the release of financial assurances until all deficiencies have been satisfactorily corrected.

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SECTION 1945—CONDITIONAL USE AND ZONING PERMIT EXPIRATION AND REVOCATION

A. Conditional Use Expiration: Failure to obtain an approval of a Zoning Permit within two (2) years of the date of the Conditional Use approval by the Board of Zoning Appeals, shall cause the Conditional Use approval to expire, unless a one-time extension has been approved by the Board of Zoning Appeals prior to the expiration date. Any extension granted by the Board shall be for a period determined by the Board and shall not exceed one (1) additional year.

B. Zoning Permit Expiration: Failure to commence construction within one (1) year from the date of approval of the Major Site Plan Permit, shall cause the Major Site Plan to expire. Upon expiration of the Major Site Plan Permit, all associated approvals and permits that are dependent upon the Major Site Plan Permit, may also expire, unless authorized by the Director of Planning or designee. The Director of Planning and Zoning or designee may approve a written extension of one (1) year when the applicant demonstrates that the delay is caused by circumstances of other State or Federal requirements or permits. Any extension requested two (2) years after the approval of the Major Site Plan Permit, shall be determined by the Board of Zoning Appeals.

C. Construction Halted: If construction authorized by a Major Site Plan Permit has commenced and is subsequently discontinued or halted for a continuous period of thirty (30) days or more, the permit holder shall stabilize all exposed soil and disturbed areas in accordance with the approved erosion and sediment control plan and any applicable Town, County, State or Federal requirements. At a minimum, exposed soil shall be properly stabilized, seeded, and covered with straw or other approved erosion-control material.

   Construction shall not remain halted for a continuous period exceeding one (1) year from the date construction was discontinued or halted. If construction has not resumed within one (1) year, the Director of Planning and Zoning or designee shall provide written notice to the applicant that the approved development is considered abandoned and that decommissioning procedures must commence within thirty (30) days of the date of such notice.

   If the applicant fails to commence decommissioning within the required thirty (30)-day period, the Town may initiate enforcement proceedings and exercise its rights under the applicable decommissioning security or bond to complete the required decommissioning and restoration of the property in accordance with this Ordinance.

   The Director of Planning and Zoning or designee may approve a written extension of the one (1)-year construction period when the applicant demonstrates that the delay is caused by circumstances beyond the applicant's reasonable control and that the applicant continues to make reasonable progress toward completion of the approved development.

D. All requests for extensions not specifically authorized or addressed within this Article, including but not limited to extensions related to Conditional Use Approval, Major Site Plan approval, construction schedules, permit deadlines, project completion timelines, or any other delay or

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circumstance affecting compliance with this Article, shall be subject to review and approval by the Board of Zoning Appeals. No such extension shall be granted unless approved by the Board of Zoning Appeals at a duly noticed public meeting or hearing.

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