

TIPTON COUNTY BOARD OF COMMISSIONERS' MEETING: JANUARY 17, 2023

SPECIAL MEETING

The Tipton County Board of Commissioners met in Executive Session on January 17, 2023, at the hour of 8:40 a.m. (local time) in the first-floor meeting room of the Tipton County Courthouse, at 101 E. Jefferson Street, Tipton, Indiana 46072, for the limited purpose of discussing the initiation of litigation or litigation that is either pending or has been threatened specifically in writing, pursuant to Indiana Code Section 5-14-1.5-6.1(b)(2)(B); discussion regarding the purchase or sale of real estate by the governing body up to the time a contract or option is executed by the parties, pursuant to Indiana Code Section 5-14-1.5-6.1(b)(2)(D); and for discussion regarding the implementation of security systems pursuant to Indiana Code Section 5-14-1.5-6.1(b)(2)(C). This meeting was closed to the public.

The Tipton County Board of Commissioners hereby certify that no subject matter was discussed in the January 10, 2023, Executive Session other than the subject matter specified in the public notice for said Executive Session.

The Executive Session was adjourned.

REGULAR SESSION

The Tipton County Board of Commissioners met in Regular Session on Tuesday, January 17, 2023, at 9:00 a.m. in the 1st Floor Meeting Room, 101 E. Jefferson Street, Tipton, IN.

Present: Dennis Henderson, Nancy Cline, Tracey Powell

Other Present: Melissa Pickering, Brett Morris, Phil Beer II, Matt Tebbe, William Steen, Steve Niblick, Mark Regnier, and members of the public.

The meeting was called to order by Commissioner Henderson who led in the Pledge of Allegiance. Reverend James Snapp, Jr., from Curtisville Christian Church, offered a word of prayer.

IN THE MATTER OR CLAIMS AND REPORTS:

Salary Claims/Payroll Expenses: The Commissioner's Salary/Hourly and Overtime Expense Claims for payment on January 20, 2023, in the amount of \$266,926.13, were submitted by Crystal Worthey and approved as presented on a motion made by Commissioner Powell. The motion was seconded by Commissioner Cline. The motion carried.

Operating Claims: The Commissioner's Early Docket, and Miscellaneous Claims were approved as follows:

Early Docket #1: Vehicle license and registration for the Surveyor's truck in the amount of \$85.00. A motion was made by Commissioner Cline and seconded by Commissioner Powell. The motion carried.

Miscellaneous Claims: Claims in the sum of \$135,554.04, was approved by Commissioner Powell and seconded by Commissioner Cline. The motion carried.

Meeting Minutes: Meeting Minutes from December 19, 2022, were approved on a motion made by Commissioner Cline and seconded by Commissioner Powell. The motion carried.

Meeting Minutes from December 29, 2022, were approved on a motion made by Commissioner Cline and seconded by Commissioner Powell. The motion carried.

Executive Session Meeting Minutes from January 10, 2023 were approved on a motion made by Commissioner Cline and seconded by Commissioner Powell. The motion carried.

Executive Session Meeting Minutes from August 15, 2022, were tabled and need revised.

Tipton County Highway Department:

Tipton County Highway Department, Brett Morris Highway Superintendent discussed a matching grant in the sum of \$335,000. At budget time, this was discussed. He stated that matching this grant would take 44% of his funds from his chip and seal budget. Brett stated that stone prices have increased. He does not yet have price increases on oil.

State Road 28 project total cost is \$950,000 with a county match of \$335,000. The next project is for State Road 28 and 300 South which finish out the project. If Council approves, the project timeline will be approximately 2024. If INDOT awards the approximately \$1 million, the paving could be done this fall. Brett will be at the Council meeting in the evening to discuss this matter.

Brett asked Mark Regnier what fund he should consider taking this project funds from. Mark recommended Brett approach the Council for Additional Appropriations.

Tipton County Highway Engineer:

Highway Engineer, Phil Beer, discussed the project for the Community Crossing bids for March 13th. He requested a motion to set the bid date Co. Rd 560 West, Community Crossing bids for March 6th. The advertising would be for February 17th and February 24th. A motion was made by Commissioner Powell and seconded by Commissioner Cline. The motion carried.

Phil Beer stated that he would be submitting for the project for Old St. Rd. 28 and Co. Rd. 300 West. There will be a letter for the Council to sign off on the funding. Sherri Crawford has already prepared a letter for the Council to sign off on the project matching in the sum of \$330,000.

BOT PROJECT:

Phil stated that the PQ's are due on the 20th and recommendation will be on the 30th. He would like to get with a financial advisor to talk about the county finances to make sure what funds are available once the selection is made as to the BOT Developer. Phil will have "Oscar" at the January 30th meeting.

Phil stated that the Landfill is going well.

Sheriff's Department:

Sheriff Matt Tebbe stated that there was an accident with one of the deputies cars; whereas, the deputy backed into a parked car. Murray's Body Shop has repaired the damage.

Matt referenced an old ordinance of Tipton County which states:

(E) The Board of Commissioners establishes a separate, non-reverting fund for the placement of the funds collected pursuant to the Act to be designated as the "Tipton County Prisoner Reimbursement Fund." The fund may be used for any purposes now or in the future permitted by law, which purposes currently include the operation, construction, repair, remodeling, enlarging and equipment of a county jail or a juvenile detention center. It also states as follows:

(E) The funds collected pursuant to this section shall be deposited into the Tipton County General Fund.

It was discussed that the ordinance is contradictory in nature. Furthermore, the General Funds are used to take care of the building at the Jail. It was decided by the Board of Commissioners that the funds from inmate housing should revert back to the General Fund.

Sheriff Tebbe discussed the mowing contract at the Jail and that the weed control, mowing and fertilizer contractor has closed his business. He would like to know if the Commissioners would like to open bids for the mowing at the Jail as well as the Doctor's Park should be addressed.

Sheriff Tebbe stated that Mike Tarrh is retiring from the Sheriff's Department and the department would be celebrating on February 3rd, with a retirement party and all are welcome. Steve Johnson will be Matt Tebbe's new Major at the Sheriff's Department.

Planning Commission:

Steve Niblick discussed the accident involving the Planning Commission vehicle and the County Insurance Deductible. The estimate may not necessitate filing a claim and rather paying it out of pocket.

Maintenance Director:

Rich Vautaw is working on estimates to get concrete drains put in at the south door. One estimate was \$16,000 and one was \$20,000. Tragesser Concrete recommended that the concrete be ground down so it is no longer a trip hazard. Commissioner Cline made a motion to all Rich Vautaw to have Mud Jackers in the sum of \$600 to stabilize the trip hazard at the east side of the building. The cost will be paid from Courthouse Maintenance.

The cost of the roof repair for the facility at the doctor's park will be paid from the Commissioner's County General Fund per the Commissioners.

Commissioner Cline asked about the old Jail and whether it had been winterized. The old Jail has not been winterized to date.

Rich Vautaw stated that he was a scoutmaster for the troops of Tipton County. He would like to add flags on Madison Street and wanted approval of the County Commissioners. His request was approved.

County Treasurer Report:

The County Treasurer's Report was submitted for the Commissioner's review.

Pork Festival Report:

A Pork Festival Report was submitted to the Board of Commissioners stating that the profits were \$1500.

Tipton Utilities:

Jim Ankrum discussed the Real Estate IMPA Agreement and requested that Commissioner Henderson sign the agreement. He will also ask for the Tipton Mayor, Tom Dolezal to sign as well. Commissioner Henderson asked if they needed a motion for him to sign. Commissioner Powell made a motion to have Commissioner Henderson sign the agreement on behalf of the Board. Commissioner Cline seconded the motion, and the motion carried.

Auditor Comments:

The County Auditor stated that the office has received Ordinance 2022-16 – West Golf Course Road Super – Voluntary Annexation from Bose McKinney & Evans, LLP and copies were distributed as requested.

Steve Niblick commented that he would be making changes in the GIS Software in this regard.

The County Auditor discussed the Certificate Sale to be held on March 26th. Gregg Townsend had recommended that the minimum bid be started at \$25.00. The Commissioners will need to set the amount of the minimum bid of these three properties for Certificate Sale. Commissioner Cline made a motion to set the minimum bid of \$25.00 for the certificate sale. The motion was seconded by Commissioner Cline and the motion carried.

The quote was received by Kevin Stiner to rekey the doors in the Auditor's Office in the sum of \$932.00. The cost to redo the entire courthouse with swipe cards at this time is not in the budget. This purchase will come from courthouse repairs. Commissioner Powell made a motion to approve the quote to rekey the Auditor's Office doors in the sum of \$932 with Agency One Security Corporation. Commissioner Clines seconded the motion, and the motion carried.

The Auditor asked the Commissioners to review the County Handbook for updates. A special meeting to review the handbook was set for 10:30 on January 19th.

Attorney Comments:

Ordinance 2022-6 regarding the non-reverting fund ordinance to swap money for the roads. Mark read the ordinance and asked for a motion to approve the Ordinance on the first reading. Commissioner made a motion to approve the first reading of BOC Ordinance 2022-6. A motion was made by Commissioner Powell and seconded by Commissioner Cline. Mark requested a motion to suspend the rules for the purpose of approving the second reading. A motion was made

by Commissioner Cline to suspend the second reading which was seconded by Commissioner Powell. The motion carried. Commissioner Powell made a motion to approve the second reading of BOC 2022-6, which was seconded by Commissioner Cline. The motion carried. Commissioner Cline made a motion to adopt Ordinance 2022-6 which was seconded by Commissioner Powell. A vote was taken with all in approval. Motion carried on a unanimous vote.

ORDINANCE 2022-13:

Ordinance 2022-13, amending Ordinance 2022-8 regarding Solar Energy was read by Attorney, Mark Regnier. Mark stated that this is the second reading of this ordinance. There was discussion on the ordinance and when the bond would be due for decommissioning. Commissioner Cline made a motion to approve the Ordinance providing the Planning Commission make changes. Steve Niblick advised that a contingent motion not be made based on revisions. Commissioner Cline wanted to ensure there would be a review of this required bond. Have had further discussion, Mark Regnier made the recommendation that the Board of Commissioners take final action before the deadline of the Moratorium. Commissioner Cline made a motion to approve Ordinance 2022-13, which was seconded by Commissioner Powell. The motion carried on a unanimous vote. Mark Regnier asked for the Commissioners to make a motion to request that the Planning Commission make a review and report back to the Commissioners timely. Commissioner Cline made the preceding motion which was seconded by Commissioner Powell. The motion carried.

ORDINANCE NO. 2022 - 13

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF TIPTON COUNTY, INDIANA AMENDING THE TIPTON COUNTY ZONING ORDINANCE 2008-12, AS AMENDED

WHEREAS, IC 36-7-4-602 provides that a Zoning Ordinance may be amended; and

WHEREAS, the Plan Commission did initiate a process to consider amendments to the Zoning Ordinance as it pertains to solar energy conversion system regulations, and

WHEREAS, the Plan Commission did in considering the proposal pay reasonable regard to the comprehensive plan, current conditions and character of structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction and responsible development and growth, and

WHEREAS, the Plan Commission did hold a public hearing on the matter on September 7, 2022, and voted 8-0 on October 6, 2022, to give a favorable recommendation on the amendments, and

WHEREAS, the Plan Commission did certify to the Board of Commissioners on October 19, 2022, the attached amendments with a favorable recommendation,

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tipton County, Indiana, that:

Section One: The Tipton County Zoning Ordinance adopted November 10, 2008, is amended as follows:

Attachment A of this Ordinance makes additions to the text of the Tipton County Zoning Ordinance by adding a new section entitled 523 – Solar Energy Conversion Systems;

Attachment B of this Ordinance makes changes to the text of Section 808 of the Tipton County Zoning Ordinance with parts to be removed in **RED**; and

Attachment C of this Ordinance makes changes to the text of Table A – District Use Standards by adding two new uses.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS THIS ____ DAY OF _____, 2023.

TIPTON COUNTY BOARD OF COMMISSIONERS

Dennis Henderson, President

Tracey Powell, Member

Nancy Cline, member

ATTEST:

Melissa Pickering, Tipton County Auditor
and Secretary to the Board of Commissioners

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Mark R. Regnier.

Prepared by Steve Niblick, Tipton Plan Department Executive Director

Reviewed by Mark Regnier, Attorney for the Tipton County Board of Commissioners

Attachment A

523 - SOLAR ENERGY CONVERSION SYSTEMS

523.01 Scope and Purpose

The scope of this chapter applies to all solar energy systems in Tipton County, Indiana. These regulations are divided into Off-grid / Grid-tied Solar Energy Systems (Section 523.03) and Community-Scale / Large-Scale Solar Energy Systems (Section 523.04).

The purpose of this Chapter is to provide for the implementation of solar energy systems in Tipton County, which convert the power of the sun into the generation of electricity. Tipton County finds that it is in the public interest to regulate the use and development of renewable energy systems. Tipton County supports the use of solar energy collection systems, and the regulations found in this Ordinance are not intended to severely limit the placement of solar energy systems in Tipton County. The regulations in this Ordinance are intended to consider the unique needs of solar energy systems and to provide for the most efficient use of this type of renewable energy system. This Ordinance is also intended to protect the character of residential neighborhoods and commercial corridors, as well as to ensure that solar energy systems are placed and constructed in such a way that is harmonious and beneficial to agricultural property.

523.02 Definitions

Agrivoltaics — A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

Building-integrated Solar Energy Systems — A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awning.

Community-Scale Solar Energy System - A commercial energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system.

Grid-tied Solar Energy System - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground-Mounted - A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mounted systems can be either accessory or principal uses.

Large-Scale Solar Energy System - A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system will have a project size greater than 10 acres. It can include collection and feeder lines, substations, ancillary buildings, solar monitoring stations and accessory equipment or structures thereto, that capture and convert solar energy into electrical energy, primarily for use in locations other than where it is generated.

Off-grid Solar Energy System - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System - A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System - A solar energy system that converts solar energy directly into electricity.

Pollinator-Friendly Solar Energy - A community- or large-scale solar energy system that meets the requirements of the 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard developed by the Purdue University or another pollinator-friendly checklist developed by a third-party as a solar-pollinator standard designed for Midwestern ecosystems, soils, and habitat.

Renewable Energy Easement, Solar Energy Easement - An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Roof-Mounted - A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof, Roof-mounted systems are accessory to the principal use.

Roof Pitch - The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access - Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Carport - A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

Solar Collector - A device, structure or a part of a device or structure for which the primary purpose to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

Solar Daylighting - Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.

Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System - A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

Solar Hot Air System (also referred to as Solar Air Heat or Solar Furnace) - A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space, typically using a vertically mounted collector on a south-facing wall.

Solar Hot Water System (also referred to as Solar Thermal) - A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices - Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Resource - A view of the sun from a specific point on a lot, or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year and can be measured in annual watts per square meter.

Solar-Ready Design - The design and construction of a building that facilitates and makes feasible the installation of rooftop solar.

523.03 DESIGN STANDARDS FOR OFF-GRID AND GRID-TIED SOLAR ENERGY SYSTEMS

Off-Grid Solar Energy Systems and Grid-tied Solar Energy Systems may be a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.

A. **Height**- Off-grid and grid-tied solar energy systems must meet the following height requirements:

1. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
2. Ground or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
3. Solar carports in non-residential districts shall not exceed 20 feet in height.

B. **Setback** — Off-grid and grid-tied solar energy systems must meet the accessory structure setback for the zoning district and principal use associated with the lot on which the system is located, as allowed below.

1. **Roof or Building-mounted Solar Energy Systems**- The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

2. **Ground-mounted Solar Energy Systems**- Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

C. **Visibility**- Off-grid and grid-tied solar energy systems in RR - Rural Residential Districts shall be designed to minimize visual impacts from the public right-of-way, as described in C.1-3 below, to the extent that doing so does not affect the cost or efficacy of the system, consistent with Indiana Code 36-7-2-8.

1. **Building-integrated Photovoltaic Systems**- Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. **Aesthetic restrictions-** Roof-mounted or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley OR if the system meets the following standards.

a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.

b. Roof-mounted systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

c. Ground-mounted systems shall be screened from the right-of-way per section 306.13 – Buffer yards of the zoning code.

3. **Reflectors-** All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

D. **Lot Coverage-** Off-grid and grid-tied ground-mounted systems shall not be subject to the existing lot coverage restrictions for the zoning district.

E. **Historic Buildings** — Off-grid and grid-tied solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the local Historic Preservation Commission, or equivalent consistent with the standards of solar energy systems on historically designated buildings published by the U.S. Department of the Interior.

F. **Approved Solar Components-** All off-grid and grid-tied electric solar energy system components must have an Underwriters Laboratory (UL) or equivalent listing and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.

G. **Compliance with Building Code-** All off-grid and grid-tied solar energy systems shall meet approval of local building code officials, consistent with the State of Indiana Building Code, and solar thermal systems shall comply with HVAC- related requirements of the Energy Code.

H. **Compliance with State Electric Code-** All photovoltaic systems shall comply with the Indiana State Electric Code.

I. **Utility Notification-** Where applicable (buy-back or net metering agreements), it is recommended that the interconnection application be submitted to the utility prior to applying for required permits. Grid-tied solar energy systems shall comply with interconnection agreements of the applicable regional transmission organization. Off-grid systems are exempt from this requirement.

523.04 DESIGN STANDARDS FOR COMMUNITY-SCALE / LARGE-SCALE SOLAR ENERGY SYSTEMS

Tipton County encourages the development of commercial or utility scale solar energy systems where such systems present few land usage conflicts with current and future development patterns.

A. Principal Use General Standard

1. Site Design

a. **Setbacks** - Community and large-scale solar arrays must meet the following setbacks:

1. Property line setback from a non-participating landowner's property line shall be 300 feet.

2. Property line setbacks between separate parcels both of which are participating in the project may be waived upon written agreement of the landowner(s).

3. Property line setbacks between separate parcels of which only one is participating in the project may be waived upon written agreement of the landowners; however, setbacks can be reduced by no more than 50%.

4. Roadway setback of 100 feet from the ROW of all federal, state and local roads.

5. Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.

6. A setback of 2640 feet shall be required from the limits of any municipality or incorporated area.

b. Screening - Community- and large-scale solar energy systems shall be screened or buffered from adjacent existing residential dwellings. A buffering plan shall be approved so long as the buffer meets existing county standards.

i. A landscape plan shall be submitted that identifies the type and extent of proposed buffer and screening. Vegetation or another type of buffer can be proposed. Any vegetation screening such as pine trees or similar plantings shall be four feet high at the time of planting and shall be spaced no more than 8 feet apart.

ii. Screening shall be consistent with Tipton County's screening ~~and~~ ordinance, or standards typically applied for other ~~and~~ uses requiring screening.

c. Height — Large- and community-scale and solar energy systems shall not exceed 20 feet. This height restriction does not apply to any building constructed for maintenance or operations purposes. Installation shall not be located so as to interfere with existing satellite television, cell phone and/or internet service.

d. Ground cover and buffer areas - Community-or largescale ground-mounted solar energy systems are required to adhere to the following standards. Additional site-specific conditions may apply as required by Tipton County.

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

ii. Perennial vegetation ground cover shall be based on a diverse seed mix of native species consistent with guidance specific to the local area provided by the Soil and Water Conservation District office or the Indiana Native Plant Society.

iii. The owner/operator shall demonstrate site maintenance that is intended to remove invasive or noxious species, as listed by the Indiana Invasive Species Council, without harming perennial vegetation.

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

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

vi. Community- or — large-scale ground-mounted solar energy systems that propose to install, establish, and maintain pollinator-friendly vegetative cover are to demonstrate the quality of the habitat by using guides such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard, or other third party solar-pollinator scorecards designed for Midwestern eco-systems, soils and habitats.

vii. Projects certified and maintained as pollinator-friendly compliant may be exempt from landscaping requirements and stormwater management controls (as stated in Section 2. below), subject to any agreement reached, and subject to any special conditions imposed by the county executive, the plan commission, or the board of zoning appeals.

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

e. **Power and communication lines** - Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground adhering to county right-of-way requirements. Exemptions may be granted by Tipton County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator. Power and communication lines between the project and the point of interconnection with the transmission system can be overhead, subject to the approval of the county development plan review committee.

f. **Fencing** - Except for the perimeter of a substation, perimeter fencing for the site shall not include barbed wire. No wood fencing shall be permitted, although wooden poles may be used with wire fencing. Alternative fencing can be used if the site is incorporating agrivoltaics. All such fencing shall be at a minimum height of 6 feet.

g. **Lighting** - Any lights installed anywhere within the project footprint shall not extend lighting more than 50 feet beyond the boundaries of the footprint.

h. **EPA Standards.** Prior to installation of any solar panels, shall provide to the county plan commission proof that the arsenic and lead levels of the panels to be installed comply with current EPA standards.

i. **Safety Training.** All applicants are required to provide, at the applicant's expense, within the first 60 days after installation of solar panels, training for local first responders concerning solar panel hazards and corresponding safety measures, and copies of Material Safety Data sheets, installation of solar panels, training for local first responders concerning solar panel hazards and corresponding safety measures, and copies of Material Safety Data Sheets.

i. **Ingress/Egress** - At a minimum, a 20' wide ingress/egress road must be provided from a public, street, legally established access drive/road or other roadway in the site. This access shall be paved a minimum of 12', and the design accepted by the zoning administrator upon written approval of the local fire chief. Approvals must meet all State and Federal regulations.

2. **Stormwater, NPDES and other codes** — Large- and community-scale solar projects are subject to Tipton County's stormwater management and erosion and sediment control provisions

and Nonpoint Pollution Discharge Elimination System (NPDES) permit requirements. All large- and community-scale solar projects shall comply with all applicable local, state, and federal regulatory codes, including the State of Indiana Uniform Building Code, as amended; and the National Electric Code, as amended.

3. **Site Plan Required** - The applicant shall submit a detailed site plan for both existing and proposed conditions, showing general locations of all solar arrays, other structures, property lines, right-of-way, service roads, floodplains, wetlands, and other protected natural resources, topography, electric equipment, and all other characteristics requested by Tipton County. The site plan should show all zoning districts and overlay districts.

4. **Construction Bond Required** – The applicant shall post a bond in a form acceptable to Tipton County in the sum of One Million Dollars (\$1,000,000) for each contiguous solar energy system project. The purpose of the bond shall be to secure and cover any damage to county infrastructure that may be incurred. Upon completion and approval of the project by Tipton County and after a period of one year, said bond shall be released.

5. **Outdoor Storage** – Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar energy system project shall be allowed and shall be screened from view of adjacent properties.

6. **Aviation Protection** - For large- and community-scale solar projects located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

7. **Maintenance** – Solar energy system owners and/or operators shall repair, maintain, and replace the solar energy system and related solar equipment during the term of the permit in a manner consistent with industry standards to keep the solar energy system in good repair and operating condition.

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

Any physical modification to any solar energy system or a part thereof which materially alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by all appropriate regulatory authorities. Like-kind replacement shall not require re-certification, unless required by a regulatory authority. Prior to making any material physical modification, other than a like-kind modification, the owner or operator of such solar energy system shall confer with the zoning administrator, County Surveyor, County Engineer, and any other appropriate regulatory authority as to whether or not the proposed physical modification requires re-certification of such solar energy system.

8. **Decommissioning** - A decommissioning agreement shall be required to ensure that facilities are properly removed after their useful life. The agreement shall include, but is not limited to, the following terms:

- a. **Decommissioning and Removal.** Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed by the owner. The owner or operator shall physically complete removal of the installation no more than

180 days after the date of discontinued operations, or by a time-frame determined by the Plan Director for extenuating circumstances. Decommissioning shall consist of:

- i. Physical removal of all solar energy system structures and equipment from the site;
- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal disposal regulations; and
- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Plan Director or the county executive may enter into an agreement to allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

b. **Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Plan Commission Director.

c. **Right to remove.** If the owner or operator of the ground-mounted solar energy system fails to remove the installation in accordance with the requirements of this section within 90 days of abandonment or the proposed date of decommissioning, Tipton County or their designee retains the right, after receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned ground-mounted solar energy system. As a condition of issuance of an improvement location permit, the applicant and the landowner agree to allow entry to remove an abandoned, hazardous, or decommissioned installation.

d. **Security fund.** Prior to issuance of any Tipton County approval, the applicant shall establish a cash security fund in the form of a bond, irrevocable letter of credit or other means to secure the payment of removing any abandoned solar energy system, including the solar panels and associated equipment and any buildings that have been determined to be abandoned or found to be in non-compliance with this Ordinance, and to provide Tipton County a fund from which to deduct fines and penalties for non-compliance with this Ordinance or other applicable laws in the lesser of: (a) the amount of 125% of the Removal Cost, which shall be the cost of demolition and removal of the solar energy system based upon a licensed engineer's estimate of the cost of removal and demolition, less salvage value; or (b) the Removal Cost plus One Hundred and Fifty Thousand Dollars (\$150,000.00). Any reduction in the security fund provided, because of fines, penalties, or removal costs, shall be replenished to the total of the required amount within 30 days after notice from Tipton County of the amount deducted and the deficiency created thereby. Within a reasonable period of time, not to exceed three (3) months after the solar energy system is removed, any remaining funds on deposit with Tipton County pursuant to this Ordinance shall be refunded to the appropriate owner who created the security fund.

Unless otherwise agreed to by all parties, every three (3) years a new engineer's estimate of probable cost of decommissioning and restoration, shall be submitted to the zoning administrator of the Tipton County Planning Commission for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial means acceptable to the county shall be adjusted upward or downward as necessary.

The Tipton County Audit Finance Committee may be utilized to review all probable cost of decommissioning and restoration estimates and should consider the salvage value of the solar equipment.

A new estimate will be submitted to the zoning administrator prior to the sale of any portion of the solar energy system and the security fund adjusted appropriately and made part of the sale agreement.

e. **Economic Development Agreement.** For all community-scale / large-scale solar energy systems, the applicant shall submit an Economic Development Agreement approved by the Tipton County Board of Commissioners in consultation with the County Council, Redevelopment Commission and/or Audit Finance Committee. If required by Tipton County during its review of the Economic Development Agreement, the applicant shall pay all outside professional costs associated with the County's review.

f. **Road Use and Services Maintenance Agreement.** For all community-scale / large-scale solar energy systems, the applicant shall submit a Road Use and Services Maintenance Agreement approved by the County Commissioners and the County Highway Superintendent that addresses following:

- i. A compilation of routes that will be used for construction and maintenance purposes, approved by the County Highway Superintendent;
- ii. A documented baseline survey to determine existing road conditions prior to construction. The survey shall include photographs or video, or a combination thereof and a written agreement to document the condition of the public facility;
- iii. A Construction Bond as required in 4 above;
- iv. A plan to address transportation routes and conditions during construction. If the route includes a public road, it shall be approved by the County Highway Superintendent. The affected school system(s) transportation department must also be consulted;
- v. A plan to avoid damage and to address repair to damaged roads;
- vi. A requirement that newly constructed solar energy system access roads will not impede the flow of surface and subsurface water; and
- vii. provisions to address crop, field tile, waterway and other infrastructure damage.

g. **Inactivity.** Decommissioning of the system must occur in the event the project does not produce power for 6 consecutive months. An owner may petition the county executive for an extension of this period upon showing of reasonable circumstances that have cause the delay in the start of decommissioning.

h. **Removal and restoration.** The plan shall include provisions for removal of all structures and foundations to a depth of 48", restoration of soil and vegetation and assurances that financial resources will be available to fully decommission the site. Disposal of structures and for foundations shall meet the provisions of the Tipton County Solid Waste Ordinance. All solar panels are to be disposed of at a site certified for disposal of solar panels.

523.05 DEVELOPMENT PLAN APPROVAL

Large- and community-scale solar energy project locations are regulated in Section 303 Table A District Use Standards and Article 4 – Overlay District Regulations. Additionally, large- and community-scale solar energy projects shall require plan commission approval of a development plan per section 401 of the zoning code. Any such permit shall not be revoked during the life of the project as long as the project remains in compliance with the standards set forth in this ordinance.

523.06 RENEWABLE ENERGY CONDITION FOR PUDs / REZONINGS

A. Condition for Planned Unit Development (PUD) Approval- Tipton County may require on-site renewable energy systems, zero-net-energy (ZNE) or zero net-carbon (ZNC) building designs, solar-synchronized electric vehicle charging or other clean energy systems as a condition for approval of a PUD permit to mitigate for:

1. Impacts on the performance of the electric distribution system,
2. Increased local emissions of greenhouse gases associated with the proposal,
3. Need for electric vehicle charging infrastructure to offset transportation- related emissions for trips generated by the new development, and
4. Other impacts of the proposed development that are inconsistent with the Tipton County Comprehensive Plan.

B. Condition for Rezoning- Tipton County may require on-site renewable energy systems or zero net energy construction as a condition for a rezoning.

Attachment B

808 **CONDITIONAL USE:** Petitions for approval of a conditional use consistent with the provisions set forth herein may be considered provided that any related developmental standards issues are approved separately.

808.01 The Board of Zoning Appeals may approve a Conditional Use only upon a determination in writing that:

A. The zoning ordinance authorizes the conditional use request, and the request conforms to all regulations of this Ordinance;

B. the approval will not be injurious to the public health, safety, morals and general welfare of the community; and

C. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

~~D. the proposed use shall promote the objectives of this ordinance shall be consistent with the comprehensive plan.~~

Attachment C

	<u>AG</u>	<u>RR</u>	<u>B1</u>	<u>B4</u>	<u>AB</u>	<u>I1</u>	<u>I2</u>	<u>Buffer Class</u>	<u>Parking Class</u>
TRANSPORTATION, COMMUNICATIONS, UTILITIES									
1. Airport, Landing Strip and Heliport	S	X	X	X	S	S	S	A	M
2. Bus Station/Service	X	X	S	P	X	X	X	E	Y
3. Taxi Service	X	X	P	P	X	X	X	E	C
4. Radio or TV Station	X	X	X	P	S	S	S	A	B
5. Radio or TV Transmitting Tower	S	X	S	S	S	S	S	A	C
6. Telecommunications Facility (as defined) (see Section 520)	P	X	X	S	S	S	S	E	C
7. Telecommunications Facility when Co-located (as defined) (see Section 520)	P	S	S	P	P	P	P	E	C
8. Telephone Exchange	S	S	S	P	P	P	P	A	B
9. Utility Station - Main Installation	S	S	S	P	P	P	P	E	B
10. Essential Services (as defined)	P	P	P	P	P	P	P	A	C
11. Railroad and Highway Right-of-way	P	P	P	P	P	P	P	A	C
12. Pipeline Pumping Stations	S	S	S	P	P	P	P	A	C
13. Pipelines (Interstate)	P	P	P	P	P	P	P	A	C
14. Electric Generation	S	X	X	S	S	S	S	E	C
15. Bridges	P	P	P	P	P	P	P	A	C
16. Meteorological Tower	P	X	X	X	X	S	S	E	C
17. Commercial WECS	C	X	X	X	X	X	X	E	C
Permitted in WECS Overlay District subject to Development Plan Review.									
18. Micro WECS	P	S	S	S	S	P	P	E	C
19. Non-Commercial WECS	S	X	X	S	S	S	S	E	C
20. Off-Grid / Grid-Tied Solar Energy System	P	P	P	P	P	P	P	B	C
21. Community- Large-Scale Solar Energy System	C	X	X	X	X	X	X	B	C

Mark Regnier asked for a motion to resolve the litigation per prior discussion in an Executive Session. Commissioner Cline made a motion which was seconded by Commissioner Powell and the motion carried.

ENCUMBRANCES:

Auditor Pickering requested approval of the Commissioners to pay early docket, the encumbrances from 2022 in the sum of \$228,430.56, providing the County Council approves the encumbrances at the 6:30 p.m. meeting. This includes the \$900 for the Coroner, which will be encumbered; however, not paid via claim until approved by the Commissioner's. This encumbrance amount also includes two contracts of the County Highway. Commissioner Cline made a motion to approve the early pay of the encumbrances as stated above provided the County Council also approves the encumbrances at the 6:30 pm meeting. Commissioner Powell seconded the motion, and the motion carried.

Commissioner Cline made a motion to close public comment. Commissioner Powell seconded the motion, and the motion carried.

Auditor Pickering stated that Jason Henderson and Bill Steen, stated that the County no longer does County Auction of old surplus furniture. The furniture in the office is greatly used and not in good condition. Mark Regnier stated that it is appropriate to offer items to be utilized in other county departments and then the remaining documented and at the next meeting of the Commissioners it can be declared surplus property.

COMMISSIONERS COMMENT:

Commissioner Powell stated that legislative session has started and Barnes and Thornberg will be getting him information this week.

Planning Commissioner, Steve Niblick is looking for an appointment of the fringe area and must be a registered Democrat. If you have any suggestions, please let him know.

PUBLIC COMMENT:

County Assessor, Shannon Cassons thanked the Commissioners for allowing them a vehicle to do field assessments. She asked what she should do with the light bar that was removed from the vehicle. Adam Dewitt stated that the 911 department would take the light bar for her.

Commissioner Cline made a motion to close public comment. Commissioner Powell seconded the motion, and the motion carried.

Commissioner Cline made the motion to adjourn. Commissioner Powell seconded the motion and there being no further business, the meeting was adjourned.

Approved this 30th day of January, 2023.

Dennis Henderson, President

Nancy Cline, Vice President

Tracey Powell, Commissioner

Attest:

Melissa Pickering, Tipton County Auditor and
Secretary to the Board of Commissioners

Meeting Minutes of January 17, 2023.