

# Board of Commissioners

## Meeting

12-19-2022

Present: Dennis Henderson, Nancy Cline, Tracey Powell

Others Present: Mike Cline, Stephanie Wells, Dick Klein, Adam DeWitt, Steve Brown, Lou Ann Millett, Jim Leffler, Jeremy Bennett, Becky Bechtel

The meeting was opened with prayer by Reverend Steve Brown of Normanda Christian Church and the Pledge of Allegiance.

Motion by Commissioner Powell to amend the agenda to put Ordinance BOC2022-10 after the Sheriff. Commissioner Cline objected, stating that it would not allow Farm Bureau to speak before voting on the Ordinance. Second by Commissioner Henderson. Motion carried, with Commissioner Cline objecting.

### Payroll – Crystal Worthy

Motion by Commissioner Cline to approve payroll, check date December 23, 2022, in the amount of \$221,748.03. Second by Commissioner Powell. Motion carried.

### Claims – Marjie Cornelius

Motion by Commissioner Powell to approve a corrected docket from last meeting, for the Extension Office mileage, that had been miscalculated, in the amount of \$346.40. Second by Commissioner Cline. Motion carried.

Motion by Commissioner Cline to approve Miscellaneous claims, for Docket date December 19, 2022, in the amount of \$422,239.12. Second by Commissioner Powell. Motion carried.

Motion by Commissioner Powell to approve a December 13, 2022 Pre-Run ACH to the State Board of Accounts for exam of records, in the amount of \$1,296.00. Second by Commissioner Cline. Motion carried

Motion by Commissioner Powell to approve an early docket, in the amount of \$2,800.00 for autopsies and rent. Second by Commissioner Powell. Motion carried. Commissioner Powell stated that he and others had met with the coroner and that this docket is for monthly rent and 13 coroner runs at \$100.00 each.

### Highway- Superintendent Bret Morris

Bid Opening for Aggregates, Bituminous, and Culvert Pipe

**Aggregates** – There were three sealed bids opened and read by Commissioner Cline:

Price Per Ton:	#9	#11	#53	Alternate Non-INDOT
Martin Marietta	\$16.85	No Bid	\$15.95	\$13.85
IMI	\$14.10	\$15.60	\$16.70	\$13.40
Kokomo Gravel	\$24.50	\$24.50	\$19.75	

**Bituminous** – There was one sealed bid opened and read by Commissioner Powell:

E & B Paving #5 Base \$61.83 #8 Binder \$62.57 #11 Surface \$75.78

Culvert Pipe - There were four sealed bids opened and read by the Commissioners indicated in parentheses:

16 Gage, per foot	12"	15"	18"
Debco (Henderson)	\$22.00	\$25.94	\$30.46
Metal Culverts (Powell)	\$14.70	\$18.50	\$21.95

16 Gage, per foot	12"	15"	18"
St. Regis (Cline)	\$13.58	\$16.30	\$20.40
Civilcon (Powell)	\$25.35	\$30.42	\$38.03

Motion by Commissioner Cline to accept all bids and allow the Highway Department to choose the best bids. Second by Commissioner Powell. Motion carried.

Highway Superintendent Morris stated that he had gotten one quote for a Ford F550 truck and can't justify the cost. He requested new quotes.

He stated that the back shop floor is cracked and pitched and poses a trip hazard. He received a quote from Tragessor Concrete, in the amount of \$12,650 cut out an area approximately 25' by 20', six inches deep, and reforming the drain. Commissioner Cline asked him to seek additional quotes.

He stated the men's restroom remodeling is complete and looks nice. He thanked the Commissioners. He asked the Commissioners for permission for employees to donate sick days to another employee.

Motion by Commissioner Cline to allow individual employees to donate a specific number of sick days to a specific employee. Second by Commissioner Powell. Motion carried.

### **Engineer – Phil Beer III**

Engineer Beer reported that INDOT had approved a \$1 Million Community Crossings Matching Grant project for Tipton County. It will be used for work on CR 560W and CR550W, with bid letting in March, and construction after June 1. The project will involve stabilization and reconstruction. CR100S and CR500W will remain open.

He stated that the Highway Department would be submitting an application for another CCMG grant in 2023 to resurface Old State Road 28 from CR560W to the city limits.

### **Ordinance BOC2022-15 - Truck Route**

#### **ORDINANCE BOC 2022- 15**

##### **AN ORDINANCE OF THE COMMISSIONERS OF TIPTON COUNTY, INDIANA ESTABLISHING A TRUCK ROUTE AND RESTRICTING TRAVEL OF CERTAIN MOTOR VEHICLES UPON AND OVER COUNTY ROADS LOCATED IN THE UNINCORPORATED AREAS OF TIPTON COUNTY, INDIANA**

**WHEREAS**, Tipton County, Indiana ("the County"), may, pursuant to Indiana Code Section 36-1-3 (Home Rule), enact ordinances for the effective governance of its departments; and

**WHEREAS**, in the fall of 2022, the County took over maintenance from the Indiana Department of Transportation ("INDOT") of a portion of what was formally known as Indiana State Road 28 running through the County, which has now been renamed Old State Road 28, and which runs east and west between County Road 300 West and County Road 560 West; and,

**WHEREAS**, to promote more efficient traffic patterns and prevent unnecessary wear and tear on roads that may not be constructed to handle heavier loads, the County desires to hereafter designate that portion of Division Road that runs east and west between U.S. Highway 31 (hereafter "U.S. 31") and Indiana State Road 19 (hereafter "19"), as a truck route ("Truck Route"); and,

**WHEREAS**, with some exceptions, vehicles with a gross combined weight of twenty-six thousand (26,000) pounds should be prohibited on Old State Road 28, and other unincorporated areas of Tipton County not otherwise designated as a Truck Route; and,

**WHEREAS**, INDOT has or will erect signage on the appropriate roads designating the Truck Route; and,

**NOW THEREFORE**, BE IT ADOPTED AND ORDAINED BY THE TIPTON COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

Definitions:       **Agricultural Vehicles**--- means every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the operation of agricultural business.

**Road** --- means any street, highway, or route within unincorporated areas of Tipton County, which is not otherwise designated a state highway.

**Truck** – means every motor vehicle with a combined gross weight of 26,000 pounds or more, which is designed, used, or maintained primarily for the transportation of property.

**Person** – includes any natural person, agency, company, organization, firm, association, partnership, joint venture, corporation, LLC, trust or an equivalent entity or combination thereof.

1. There is now established a Truck Route in Tipton County, Indiana, on that portion of Division Road, which runs east and west between U.S. Highway 31 and State Road 19 in Tipton County, Indiana.
2. No person shall operate a truck on Old State Road 28 or other roads in any unincorporated areas of the County other than the Truck Route, and any violations thereof shall be subject to penalties set forth in Section 90 of the Tipton County Code, which shall hereafter include the provisions of this Ordinance.
3. Exceptions to this Ordinance shall include trucks making local deliveries, agricultural trucks or farm implements owned, leased or operated by County residents transporting grain or other agricultural products to a grain elevator or other facility within the County, delivery services trucks including USPS, Fed Ex, UPS, or other freight delivery services, fire and other emergency vehicles, state county or private road construction traffic that are making repairs or maintaining roads in the County, garbage or other public or private utility company vehicles while servicing locations within the County, and trucks owned or operated by citizens of the County coming to or from their place of residence or business. However, all such trucks shall use roads to and from their home, business or destination(s) that are closest to the designated Truck Route.
4. The County Highway Department shall erect any signage on County roads necessary to effectuate and implement this Ordinance.
5. All other Ordinance or parts of Ordinances in conflict with any provision(s) of this Ordinance as of the effective date hereof, are repealed to the extent that such conflict, except that no definition contained herein shall in any way modify or repeal any other definition contained in other Ordinances of Tipton County.
6. The County Highway Department Superintendent shall have authority to grant a written permit in special cases that would otherwise be a violation of this Ordinance. Such permits shall provide for a specified routes and not be valid for more than a ten (10) day period. The Superintendent shall charge of fee for said special permits.
7. This Ordinance shall be effective upon adoption by the Board of Commissioners, erection of signage, and after publication.
8. The County Auditor is authorized to add this Ordinance to Section \_\_\_\_ of the Tipton County Code as an addition or amendment thereto.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

Tipton County Board of Commissioners by:

---

Dennis L. Henderson, President

---

Nancy E. Cline, Vice President

---

Tracey Powell, Member

Attest:

---

Gregg A. Townsend  
Tipton County Auditor

Prepared by:

Mark R. Regnier #13757-80

Attorney at Law

120 South West St.

Tipton, Indiana 46072

765-675-2211

[markregnieratty@gmail.com](mailto:markregnieratty@gmail.com)

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number from the documents, unless required by law. Mark R. Regnier County Attorney Regnier introduced Ordinance BOC2022-15. It was tabled for review by the Commissioners. Engineer Beer stated that he hoped that the INDOT PEL study would emphasize the need for an intersection at US31 and Division Road.

#### Old Jail/BOT Projects

Motion by Commissioner Powell to accept the agreement with Conner Sullivan for BOT Attorney, not to exceed \$15,000. Second by Commissioner Cline.

Motion by Commissioner Cline to approve BOT Project #99 in EDIT and to fund the expenses. Second by Commissioner Powell. Motion carried.

Motion to establish a new BOT Committee, consisting of Nancy Cline, Jan Smith, Mark Regnier, Bret Morris, and Phil Beer. Second by Commissioner Powell. Motion carried.

Motion by Commissioner Cline to accept the RFPQ for the BOT Master Plan with advertising on December 30, 2022 and January 16, 2023, with responses due on January 20, 2023. Second by Commissioner Powell. Motion carried.

Engineer Beer will set up a meeting of the stakeholders for the US31 PEL study, at the Tipton County Foundation, in January.

Motion to approve the contract with USI Consultants, Inc, for engineering services, not to exceed \$39,600. Second by Commissioner Cline. Motion carried.

#### **Sheriff Frawley**

Motion by Commissioner Powell to give permission to the Sheriff to wholesale another Ford Explorer, if deemed necessary by the Sheriff. Second by Commissioner Cline.

Motion by Commissioner Cline to give permission to the Sheriff to wholesale the 2018 Chevrolet Tahoe canine vehicle. Second by Commissioner Powell. Motion carried.

The sheriff has ordered a cage for a Ford explorer to make the transition in early 2023. He stated that Ford will not be building Ford Explorers in 2023.

The Sheriff presented a letter of retirement for Bruce Thompson, effective December 31, 2022, and requesting 16 sick days be transferred to two other employees. The Sheriff noted that Bruce had been on-site from groundbreaking of the jail until now.

Motion by Commissioner Cline to accept the letter of retirement and to wish him all the best in his retirement. Second by Commissioner Powell. Motion carried.

**Ordinance BOC2022-13** - Plan Commission – Steve Niblick

## **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 \_\_\_\_\_ 2022.

TIPTON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Dennis Henderson, President

\_\_\_\_\_  
Tracey Powell, Member

\_\_\_\_\_  
Nancy Cline, member

ATTEST:

\_\_\_\_\_  
Gregg A. Townsend, Tipton County Auditor

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 is 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 re-circulating 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 - Bufferyards 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 caused 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>
<b><u>TRANSPORTATION, COMMUNICATIONS, UTILITIES</u></b>									
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

Steve Niblick read Section 523.01 and discussed Sections 523.03 and 523.04.

Commissioner Cline stated that she needed time to review. No action taken.

Mr. Niblick stated that they are notifying residents along Old SR28 of the change of address, from SR28 to Old SR28, which goes into effect mid-February. The Post Office and E911 have been notified.

He stated that all changes to legal descriptions will be the responsibility of the owners. Owners do not need to contact the Post Office with address changes.

### **Ordinance BOC2022-14, Amending BOC 2022-06 Highway Non-Reverting Fund Number 4508**

#### **ORDINANCE BOC 2022- 14**

#### **AN ORDINANCE OF THE COMMISSIONERS OF TIPTON COUNTY, INDIANA AMENDING ORDINANCE BOC 2022-06 ESTABLISHING A NON-REVERTING FUND TO BE USED BY THE TIPTON COUNTY HIGHWAY DEPARTMENT FOR ROAD MAINTENANCE OF OLD STATE ROAD 28 AND TRUCK ROUTE**

**WHEREAS**, Tipton County, Indiana ("the County"), may, pursuant to Indiana Code Section 36-1-3 (Home Rule), enact ordinances for the effective governance of its departments; and

**WHEREAS**, in the fall of 2022, the County took over maintenance (except ice treatment and snow plowing) of a portion of Indiana State Road 28 in Tipton County, Indiana, that runs between County Road 300 West and County Road 560 West, and to upgrade and maintain Division Road that runs between the U.S. 31 and Indiana State Road 19, as a truck route ("Truck Route"), and in return, the Indiana Department of Transportation ("INDOT") shall pay the County, the sum of Four Million Four Hundred Forty-one Thousand One Hundred Twenty-five Dollars (\$4,441,125.00), to offset the County's cost of future maintenance of said roadways; and,

**WHEREAS**, the Board of Commissioners of Tipton County ("Commissioners") desire to establish a non-reverting fund for the deposit of the INDOT relinquishment money and other funds, which shall

be used by the Tipton County Highway Department ("County Highway"), solely for the purpose of maintaining Old State Road 28, the Truck Route; and,

**WHEREAS**, the funds shall be designated as the County Highway Non-Reverting Fund (or the "Fund"); and

**WHEREAS**, deposits in the Fund shall consist of money received from the INDOT relinquishment of State Road 28, permit fees, donations, fines, reimbursement of insurance proceeds from damaged roads and other infrastructure, including but not limited to signs and guardrails, reimbursement from the sale or disposal of surplus County Highway property, and miscellaneous receipts to be held and expended for operations of the County Highway associated only with the maintenance of Old State Road 28 and the Truck Route; and,

**WHEREAS**, money in the Fund shall not revert to the County general fund nor any other fund at the end of each year but shall instead be held over in the Fund from year to year.

**NOW THEREFORE**, BE IT ORDAINED AND ADOPTED BY THE TIPTON COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

9. There is established a non-reverting fund to be utilized by the Tipton County Highway Department ( the "Fund").
10. The County shall deposit into the Fund, monies received from the INDOT relinquishment, and may deposit other funds such as permit fees, donations, fines, reimbursement of insurance proceeds from damage to county machinery and infrastructure, reimbursement from the sale or disposition of surplus County Highway property, and other miscellaneous receipts.
11. The monies in the Fund shall not revert each year to the county general fund nor any other fund but shall instead be kept in the Fund from year to year.
12. The Fund may only be used by the County Highway for maintaining that portion of Division Road which has or will be designated as a Truck Route from U.S. 31 to State Road 19, and that portion of what was formerly known as Indiana State Road 28, now Old State Road 28 which runs from County Road 300 West to County Road 560 West, and which will, hereafter be maintained by Tipton County; and,
13. Claims may be made from the Fund by the County Engineer or the Count Highway Superintendent.
14. Any part of Ordinance BOC 2022-06 inconsistent with this Ordinance shall be null and void.
15. This Ordinance shall become effective upon adoption by the Board of Commissioners.

Passed and adopted this \_\_\_\_\_ day of December, 2022.

Tipton County Board of Commissioners by:

\_\_\_\_\_  
Dennis L. Henderson, President

\_\_\_\_\_  
Nancy E. Cline, Vice President

\_\_\_\_\_  
Tracey Powell, Member

Attest:

\_\_\_\_\_  
Gregg A. Townsend  
Tipton County Auditor

Motion by Commissioner Cline to approve Ordinance BOC2022-14, with edits limiting funds. Second by Commissioner Powell. Motion carried.

Motion by Commissioner Cline to approve first reading of Ordinance BOC2022-14. Second by Commissioner Powell. Motion carried.

Motion by Commissioner Cline to suspend the rules to have the second reading of Ordinance BOC2022-14. Second by Commissioner Powell. Motion carried, unanimously.

Motion by Commissioner Powell to approve second reading by title only. Second by Commissioner Cline. Motion carried.

Ordinance BOC2022-14 was read by County Attorney Mark Regnier by title.

Motion by Commissioner Cline to accept Second reading of Ordinance BOC 2022-14. Second by Commissioner Powell. Motion carried.

Motion by Commissioner Powell to adopt Ordinance BOC2022-14. Second by Commissioner Cline. Motion carried.

**Tipton Pork Festival** – Jim Heard was not available to address the Commissioners.

**Bids for Roof Repair on East Building at Doctor's Park – Rich Vautaw**

County Maintenance Supervisor, Rich Vautaw, presented three quotes for roof repairs to the east building at Doctor's Park:

Altherr Construction \$20,375

Morrow Construction \$16,842

Pickens Roofing, llc \$18,825

Motion to approve the estimate of Pickens Roofing for repairs at Doctor's Park. Second by Commissioner Powell. Motion carried.

Ray Creasy's Hourly Pay

Motion by Commissioner Powell to increase the hourly rate of pay for Ray Creasy by \$1 per hour.

Second by Commissioner Cline. Motion carried.

**Resolution BOC 2022-11 Increase of Threshold for Capital Assets to \$25,000**

Motion by Commissioner Cline to approve Resolution BOC2022-11, A Resolution of the Tipton County Indiana Board of Commissioners raising the County's Capital Asset Threshold from \$5,000 to \$25,000. Second by Commissioner Powell. Motion carried.

**Window Repairs to Courthouse**

Motion by Commissioner Powell to pay for the repairs to Courthouse window out of Cumulative Capital Development. Second by Commissioner Cline. Motion carried.

(Note: There was sufficient appropriation to pay for the repairs out of Courthouse Renovation in EDIT Project #48.)

**Minutes for November 21, 2022**

Motion by Commissioner Cline to approve the minutes for November 21, 2022. Second by Commissioner Powell. Motion carried.

**Minutes for December 5, 2022**

Motion by Commissioner Powell to approve the minutes for December 21, 2022. Second by Commissioner Powell. Motion carried.

**Memorandum Of Executive Session for February 28, 2022**

Motion by Commissioner Powell to approve the Memorandum of Executive Session for February 28, 2022. Second by Commissioner Cline. Motion carried.

**Memorandum Of Executive Session for November 7, 2022**

Motion by Commissioner Cline to approve the Memorandum of Executive Session for February 28, 2022. Second by Commissioner Powell. Motion carried.

**Commissioner Comments**

Commissioner Powell stated that we have approval of a \$3.5 Million grant that is ready to sign a sub-recipient agreement with Tipton Municipal Utilities for the wastewater project.

Commissioner Henderson introduced the new 911 Director, Adam DeWitt.

Commissioner Cline thanked Auditor Gregg Townsend for his 10 years of service to the County.

**Public Comment**

Jim Leffler commented on proceeding with plans to move the Health Department to Doctor's Park, notifications of meetings on the county website, updating the Comprehensive Plan, land rights, and advocating demolition of the old jail.

Terry Connelly expressed his concerns of safety over the new truck route that will utilize Division Road. He mentioned that Division Road is notoriously slick, and will be seeing increased traffic, both private and commercial. He stated that individuals leaving his property are entering traffic with a 55 mile per hour speed limit. He stated that there are a lot of accidents in the winter on Division Road. He also stated that he is reluctant to make improvements to his property, not knowing if eminent domain may be used to acquire land for road modifications. Commissioner Cline also expressed similar concerns.

Commissioner Henderson stated that the new salt barn was built to address the slick road issue. Commissioner Powell asked Engineer Beer to weigh in.

Engineer Beer stated that Division Road was a Federal Aid project and constructed to federal standards. It was built for 55 mile per hour traffic. He stated that it was reconstructed in the late 1990's. He stated that he believes that the road is 24 feet wide with one foot shoulders. He stated that most of the road has drainage along it, and that it is one of the better roads in the county. He stated that the salt building was built to pre-treat the road. He stated that the traffic count at US31 and Division Road was about 3000 vehicles per day, but the count reduced as Division road approaches SR19. He stated that two semi's can meet without difficulty. He also stated that Community Crossing Matching Grant projects can be used to make future improvements.

Motion by Commissioner Powell to close public comment. Second by Commissioner Cline. Motion carried.

Motion by Commissioner Cline to adjourn. Second by Commissioner Powell.

Approved this \_\_\_\_th day of January, 2023

---

Dennis Henderson, President

---

Nancy Cline, Vice President

---

Tracey Powell, Commissioner

Attest:

---

Melissa D. Pickering, Tipton County Auditor

Respectfully submitted, Gregg A. Townsend