DISCLAIMER: THESE ORDINANCES ARE BEING PREPARED FOR USE BY FOUNTAIN COUNTY. THESE ORDINANCES HAVE NOT BEEN COMPLETELY REVIEWED, APPROVED BY THE APC, GONE THROUGH PUBLIC REVIEW & COMMENT PERIOD, OR RATIFIED INTO ORDINANCES BY THE COMMISSIONERS OF FOUNTAIN COUNTY.

Solar Farms and Facilities Proposed Ordinance 2025

1.0 Purpose

The regulation of Commercial Solar Energy Systems (CSES) is allowed under Indiana law, and is based on the interests in protecting the public health, safety and welfare and in the interests articulated in the Fountain County Comprehensive Plan, including but not limited to the preservation of farm land.

2.0 Commercial Solar Energy Systems



3.0 Permitted Districts

CSES are allowed only in the Agriculture Overlay District and Industrial Zoning Districts. If a rezone application is made relating to a CSES, the petitioner must submit with the petition the following information:

- A. Detailed design of the project;
- B. Road plan;
- C. Decommissioning Plan;
- D. Fire Control Plan;
- E. Hazardous Materials Handling Plan;
- F. Drainage Plan which complies with County ordinances;
- G. Lighting Plan;
- H. Heat Island Effect Study;
- I. Traffic Management Plan;
- Noxious Weed and Invasive Species Control Plan;
- K. Fencing and Landscaping Plan;
- L. Natural Disaster Response and Remediation Plan; and
- M. Wildlife Byway Plan
- N. Maximum Noise Levels Plan
- O. Legal Drains

In order to carry out the purposes of this section, the Agriculture Overlay District is created as

an overlay zoning district. CSES are permitted in this district. If land is rezoned to the Agriculture Overlay District, all uses in the Agriculture District are also allowed on the portions of the land not used for CSES. An owner who wishes to located a CSES in an Agriculture District must rezone the property to the Agriculture Overlay District because such systems are not permitted in Agriculture Districts. Any application for a rezone to the Agriculture Overlay District will be considered by the Plan Commission, for a recommendation, and the Board of Commissioners.

3.1 Conceptual Plan & Design Plans

A conceptual site plan shall be submitted for review by the County Engineer, prior to the submittal of a permit application. The conceptual plan is a preliminary submittal that shall have enough details to identify location of the proposed CSES, size of the CSES, Fountain and County and INDOT roads along which the CSES will be constructed, and identified participating and non-participating parcels in the project footprint.

3.1.1 Detailed Design

Once the Conceptual Site Plan has been reviewed by the County Engineer, the rezoning process to Agricultural Overlay District may commence. Upon approval of rezoning, a permit application can be submitted along with a design submittal to include general and site-specific design elements and details. The design submittal shall be delivered in three (3) hard copies and one (1) electronic copy.

A fully detailed Civil Engineering Plans set should be provided to the County for review. The plan set should be signed and stamped by a licensed professional engineer, licensed in the State of Indiana. The plan set shall include, but is not limited to, (1) a title sheet and index; (2) existing conditions detailing the location of legal drains, creeks, waterways, roads, and structures; (3) a demolition plan for any structures slated for removal; (4) Site Plan; (5) Details for access off roadways (entrances to the solar fields); (6) drainage plans including basins and sub-basin details, construction details for culverts, storm network, ponds, ditches; (7) utilities plan detailing existing and new utilities within rights-of-way and the project footprint as well as existing and new recorded access, utilities, and drainage easements; (8) complete grading plan for the project, showing areas of cut/fill with existing and proposed contours; (9) Erosion Control plans that meet the requirements of IDEM's Construction Stormwater General Permit (CSGP); (10) full construction details for all aspects of the project; (11) and other pertinent reports such as the HydroCAD modeling of the watersheds and basins/sub-basins, and the Operations & Maintenance Manuals for aspects of maintenance for the project. Civil Engineering design shall be completed in the latest version of AutoCAD Civil 3D, or similar software; and shall be submitted electronically for review of setbacks, locations, and grading design.

A fully detailed Environmental Plans set should be provided to the County for review. The plan set should be signed and stamped by a licensed professional engineer, licensed in the State of Indiana. The plan set shall include, but is not limited to, (1) a title sheet and index; (2) existing conditions detailing the location of legal drains, creeks, waterways, roads, and structures; (3) a

Threatened and Endangered Species (T&ES) study completed by a competent environmental engineer or scientist; identifying any T&ES within the footprint of the project and with a 3-mile radius from the outside perimeter of the project location.; (4) a Wetland Investigation and Delineation Report will be required. The wetlands report will be developed by a registered soils scientist in the State of Indiana or a State of Indiana professional engineer. The U.S. Army Corps of Engineers and the Indiana Department of Environmental Management are responsible for administering the wetland regulation (404/401 Respectively). Areas of identified Hydric Soils should be investigated. Identify small wetlands, perennial streams, intermittent streams, and ephemeral streams. Submit the Wetlands Investigation Report to USACE/IDEM for review and approval. If the agencies will not issue approvals of the report (due to ongoing rule changes), a letter of recognition of receipt and review would be required. Any jurisdictional waterways that will be crossed will have to be permitted by USACE and DNR. Provide documented proof of any and all secured environmental permits.

3.2 Road Use Plan

The applicant will be allowed to use County roads to transport equipment, materials and supplies to the location for construction. Prior to the issuance of a permit, the applicant must provide to the County Engineer and the County Highway Department Superintendent a road use This plan must be approved by the County Engineer and the County Highway plan. Superintendent. The applicant will be responsible for any road and ditch damage caused by the applicant during construction and operations. In order to ensure the applicant's financial responsibility, the applicant must provide to the County a bond, letter of credit or other surety in an amount determined by the County Engineer to be sufficient to cover the expense of remediation of damages. The amount of the bond, letter of credit or other surety required must be the County Engineer's estimate of road damages caused during the construction of solar projects. If the applicant disagrees with the determination by the County Engineer of the amount of the bond, letter of credit or other surety, the applicant may appeal this determination to the Board of Zoning Appeals. This bond, letter of credit or surety must be in an amount and in a form acceptable to the County Engineer and the County Highway Superintendent. After construction of the project, the County Engineer will inspect the roads and ditches contained in the road use plan and determine whether damage has resulted because of the applicant's project. If the County Engineer finds that such damage has occurred, the Engineer will provide written notice to the applicant of the estimated cost of the remediation. The County will cause the remediation to occur, and the Engineer will certify to the applicant the expense of the remediation. The applicant will pay to the County the certified amount within sixty (60) days of receipt of the notice of the certified amount. If the applicant fails to timely pay the remediation expense, the County will be entitled to file a claim with the bond company or holder of the letter of credit or other surety and be paid from the bond, letter of credit or other surety.

Prior to construction of the CSES, a road use plan shall be submitted by the applicant to the Fountain County Engineer. The road use plan shall be developed upon completion of the following pre-construction testing/surveys of roads and ditches to be assessed in the road use plan:

- Location of all existing bridges and culverts and visual assessments.
- Pavement coring to verify existing sections.
- Digital Video logging of haul routes.
- Pavement Condition Survey (PCS) and Pavement Condition Index (PCI) rating to document severity and extent of distresses observed on a pavement surface.
- Determination of Equivalent Single Axle Loadings (ESALs) to measure effects of axle loads on pavement.
- Determination of sections for recommendation of pre-construction improvements.

The Pre-Construction testing/surveys shall occur just prior to construction to give the most accurate ratings and results.

Post-Construction Testing/Surveys: After construction of the CSES, the Fountain County Engineer and the Fountain County Highway Superintendent shall inspect the roads and ditches contained in the road use plan to determine whether damage has resulted solely and directly because of the developer's project work. In the event that the Fountain County Engineer finds that such damage has occurred, written notice shall be provided to the developer to include the alleged damage and estimated cost of the proposed damage remediation. As such, the following weekly and post-construction testing/surveys of roads and ditches contained in the road use plan shall be conducted during the construction of the CSES:

- Visual assessment of all existing bridges and culverts.
- Digital Video logging of haul routes (to compare pre-, during-, and post-construction conditions).
- PCS and PCI ratings (to compare pre- and post-construction conditions).
- Determination of damage to the pavements during and post-construction.
- Recommendations for additional repairs to the pavements to correct for strength, loss of PCI, or rideability post-construction.

3.3 Decommissioning Plan

A detailed decommissioning plan shall be provided to the Fountain County Engineer and the Fountain County Legal Counsel for review and approval. The Decommissioning Plan shall include, but is not limited to:

- The anticipated Service Life of the project, including in details when the end-of-service expectancy occurs and what triggers end-of service for a project.
- A detailed step-by-step decommissioning process for the project. Decommissioning includes removing the solar array equipment to a depth of four (4) feet. Access roads and drainage structures will be removed unless requested to remain in place by the landowner. Standard decommissioning practices would be utilized, including dismantling and repurposing, salvaging/recycling, or disposing of the solar energy improvements. Access roads and other compacted areas would be de-compacted and topsoil replaced. Final restoration may include re-vegetation as pasture, returning the site to agricultural use, or

returning the site as close as possible to its pre-construction condition. Details of the decommissioning plan shall include:

- o When is the commencement of decommissioning initiated
- o What detailed steps are taken during the decommissioning process
- How long will the decommissioning process take
- What are the site restoration steps that will be taken to return the land to its original condition prior to the construction of the CSES
- Details of the removal of CSES-related equipment and CSES infrastructure, including provisions for removal of solar modules, solar trackers, tracker foundation piles, inverters, transformers, overhead and underground cables, equipment pads and foundations, equipment cabinets, access roads, security fences, drainage structures, berms, transmission conduits, partially impervious and impervious surfaces, and other project-related improvements that were constructed.
- Details for Restoration of Properties
 - Step-by-step process of restoration of property to pre-CSES conditions
 - Waste and materials disposal plan, to be executed in accordance with IDEM and Federal regulations.
 - Removal of footers and other project-related structures from the project area and backfilling and regrading details to match pre-CSES conditions.
 - Restoration and reclamation of any roads or gravel areas built in connection with the CSES.
- Detailed time period and schedule of events that will occur to complete the decommissioning process.
- Details for the party that will be responsible for the decommissioning of the CSES, along with ٠ a cost estimate and a bond estimate for decommissioning. The cost estimate of decommissioning and removing the system shall be prepared by a professional engineer with experience in decommissioning or removal of such systems. The cost estimates must be updated by a professional engineer every five (5) years and must be submitted to the Fountain County Zoning Administrator. After submittal of the cost estimates to the Zoning Administrator, the Administrator may accept the cost estimate proved or have a professional engineer engaged by the Administrator provide a cost estimate. In the event that the cost estimates of the owner's engineer and of the Administrator's engineer are not the same, the Plan Commission will determine the cost estimate which applies to the owner. The owner will provide to Fountain County financial security in the form of an irrevocable letter of credit, payable upon demand by Fountain County, in a form acceptable to the Plan Commission, for the full cost of the estimated decommissioning, removal and restoration in an amount determined by the Plan Commission and approved by the Fountain County Board of Commissioners. If the cost estimates change during the 5-year reviews, the owner must provide revised irrevocable letters of credit which reflect the adjusted cost estimates. No deductions for salvage value or other credits are allowed from the estimated cost of photovoltaic panel decommissioning, removal and restoration.

3.4 Fire Emergency Plan

Develop a fire emergency action plan, as per federal regulations for occupational safety and health standards (OSHA) that should include, at a minimum, (1) the procedures for reporting a fire or other emergency, as well as procedures for emergency evacuation, including type of evacuation and exit route assignments; (2) communication procedures to be followed by employees who remain to operate the CSES system, before they evacuate; (3) process for accounting for all employees and neighboring residents before, during, and after evacuation; and (4) details of individual roles and responsibilities, emergency communications procedures, emergency evacuation procedures, protection and safety equipment lists, first aid procedures, and emergency shut-down procedures.

The plan must also describe how the applicant will control a fire at the site. The plan must describe the fire control infrastructure to be installed on the site, the coordination plan with local firefighting agencies, private agreements for fire response, detection, strategy.

3.5 Hazardous Materials Handling Plan

Develop a Hazardous Materials Handling Plan that includes: (1) Introduction, (2) Duties and Responsibilities of the project team, (3) Environmental Health & Safety (EHS), (4) Hazardous Materials Awareness and Hazardous Material Labeling (NFPA Labels, HMIS Labels, DOT Labels, Manufacturer Labels, Labeling Containers), (5) Material Safety Data Sheets (obtaining and Maintaining SDS, and use of SDS in work/process planning), (6) Hazardous Materials Handling and Storage procedures, including general storage guidelines, separating Hazardous Material during storage, compressed gas cylinders, transporting and moving Hazardous Materials, and Hazardous Material inventory, (7) Emergency Planning and Community Right-to Know Act (EPCRA) requirements, (8) a list of Department of Homeland Security (DHS) Chemicals of Interest, (9) addressing Biological Toxins, Biological Hazards, Bloodborne Pathogens, Biological and Animal Safety, Radiological Hazards, (10) Mitigating Hazards (Engineering Controls, Administrative Controls), (11) Personal Protective Equipment, Training, Exposure Evaluations, (12) Spill Clean-up Procedures (Large Spill Protocols, Low Hazard Material Spills, Incidental Spills), (13) Injury, Illness, Personal Contamination, Minor First Aid , (14) Waste Management, Transportation, Shipping and Receiving of Hazardous Materials.

3.6 Drainage Plan which complies with County ordinances

Develop a Drainage Plan that complies with applicable Federal, State, and Fountain County Drainage Ordinances and requirements. Submit the drainage plan to the County Engineer for review and approval.

3.7 Lighting Plan

A lighting study and a photometric plan shall be developed for all areas of the CSES where light fixtures are proposed. The lighting Plan shall assess the impact of lighting on nearby roadways and residential areas at proposed lit locations. The plan shall eliminate any lighting trespass. Lighting trespass refers to the unwanted spillage of artificial light beyond the intended area.

3.8 Heat Island Effect Study

The owner must submit to the County Engineer a heat island effect study. This study should describe the photovoltaic heat island (PVHI) effect for the project which is expected at the site once the system is operational. This study must include the total affected area of the PVHI. The study shall include PVHI effects on neighboring residences, adjacent crops, and nearby livestock.

3.9 Traffic Management Plan

A Traffic Management Plan will be developed and submitted to the County Engineer for review. The Traffic Management Plan will be addressing planning safe traffic and work zones during roadside or adjacent to roadside construction activities. The plan will be used to keep workers safe from vehicles and equipment both outside and within roadside worksites. The Traffic Management Plan shall address workers' compliance with safety precautions to improve traffic controls, the security of the work area, and general protection of all workers.

3.10 Noxious Weed and Invasive Species Control Plan

The plan must describe how the owner will control noxious weeds and invasive species on the site.

3.11 Fencing and Landscaping Plan

Commercial Solar Energy System shall be surrounded by a security fence not less than eight (8) feet in height and not more than twelve (12) feet in height in order to prevent unauthorized access. All gates will be locked. The applicant will place a sign, not to exceed eight square feet in area, which contains the name and address of the operator and an emergency telephone contact number for the operator. A knox-box will be installed at each gate, to allow fire department access into the facility when gates are locked or no one is present at the CSES. In lieu of Knox-boxes, Crash Gates can be designed and installed at each access point, that would allow fire department access into the site by crashing through the gate with the fire and response vehicles.

If the CSES is within 500 feet of a residence (as measured from the property line of the residence to the fenced area of the CSES, the applicant must install a landscape berm of at least six (6) feet in height which is planted with evergreen or similar trees every six (6) feet all along the property line with the residence. The trees must be at least six (6) feet in height at the time of planting. This landscape berm may be installed in any required setback. The applicant will maintain this berm and trees for the entire period of operation of the CSES. This requirement may be negotiated with, and waived by the adjacent residential property owner.

All trees that are planted by the applicant shall be maintained alive throughout the life of the project. A tree replacement plan shall be developed to replace any dead trees within 6 months of occurrence, or earlier, if weather conditions allow. Only trees native to Indiana are allowed to be planted. A list of native trees to Indiana can be found on the Purdue University College of Agriculture website. The full filed guide publication is available at the Purdue Extension

Education Store. The field guide helps identify common Indiana woodlot trees.

A Visual Resource Assessment (VRA) Study shall be performed to assess the visibility of solar panels in the project area. The study must take into consideration visually sensitive resources, such as landmarks, recreation areas, historic registered landmarks, and other public areas. The study should show how buffer areas (planted trees) will help the visual aesthetic look of different areas impacted by the CSES.

3.12 Natural Disaster Response and Remediation Plan

The plan must describe how the applicant will respond to and clean up and remediate all affected areas after a natural disaster, for example, such as tornado damage or flood damage. The plan must describe the coordination plan with local county and other authorities and the funding sources for such clean up and remediation. The plan will address response and remedial activities in the areas furthest impacted by the natural disaster, first; working inwards towards the CSES.

3.13 Glint/Glare Plan

A glint/glare plan shall address details of the glint/glare study that will be performed for the area surrounding the CSES, and the nearest airport(s) to the site. The Glint/Glare study shall address predicted analysis of glare occurrences on nearby airfields, as well as any impacts on nearby residences as a result of the tracking arrays of solar panels.

3.14 Wildlife Byway Plan

The applicant shall submit to the County Engineer a Wildlife Byway Plan developed by an accredited wildlife biologist. The Wildlife Byway Plan shall include plans to allow for small mammals, rodents, turtles, etc. and other wildlife, unimpeded access through the CSES areas. Wildlife crossing infrastructure and tools/measures for mitigating the disruption of native wildlife resulting from CSES fencing or berm construction shall be addressed in the Wildlife Byway Plan.

3.15 Maximum Noise Levels Plans

A noise study shall be developed and submitted to the County Engineer for review. The noise study shall ensure that no system will produce sound levels that are more than 32 decibels as measured on the dB(a) scale at the property lines of the system site. At the time of submission of an application for permit, the owner will submit a noise study by a licensed acoustician. This study will include a description and map of the project's noise-producing features, including the range of noise level expected and the basis of the expectation, a survey and report on the potentially affected residences, schools, public buildings and other noise sensitive land uses located within two (2) miles of the proposed site. The study will include decibels for both A and C weighted scales. The study will also include a description of the project's proposed noise impacts and any problem areas identified and a description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive land uses.

3.16 Legal Drains

No Commercial Solar Energy System may encroach upon the easement of any legal drain or ditch. If the construction of the Commercial Solar Energy System requires the relocation of any legal drain or ditch, such relocation must be approved by the Fountain County Drainage Board.

3.16.1 Private and Mutual Drains

No Commercial Solar Energy System may encroach upon any private or mutual drain or ditch. If the construction of the Commercial Solar Energy System requires the relocation of any private or mutual drain or ditch, such relocation must be approved by the parties to the private or mutual drain or ditch, performed at the expense of the applicant, and relocated in a manner so as not to materially impede the function of the drain or ditch upstream of the site. This obligation to refrain from encroaching upon any private or mutual drain or ditch continues and applies even if the encroachment is discovered after construction of the project. For the purposes of this section, private and mutual drains include farm tiling mains that serve parcels outside of the CSES.

4.0 Setbacks

The following setbacks apply to all ground-mounted solar panels and arrays:

Description	Setback	Comments
Distance from property line	300 feet 🗙 🧹	
Distance from center of road,	300 feet	But not in right of way
alley of public way		
Distance from property line if	1000 feet	
adjoining property has 🛪		
residence		

When the solar facilities for a single project encompass multiple parcels, there is no required setback from a property line for the internal property lines in the project. Access roads and distribution poles and wires may be located within the set-backs but may not be located in a road right-of-way.

An adjacent landowner who benefits from the required setbacks may waive all or a portion of the setback by executing a written waiver agreement with the operator of the CSES. This waiver must be recorded and filed with the Fountain County Recorder's Office.

5.0 Height Limitations

Ground-mounted solar panels or arrays may not exceed ten (10) feet in height as measured from the natural grade to the top of the panel or array when at its highest position.

6.0 Permits

Each property owner, or their designee (the applicant), must obtain a solar farm permit prior to

constructing, operating or maintaining a solar energy system, farm or facility. In order to obtain a permit, the applicant must submit to the Zoning Administrator and County Engineer the information presented in Section 3 of this ordinance. In addition, the applicant must be in full compliance with all applicable industry standards and safety codes, Federal Aviation Administration rules and regulations, and Federal Communications Commission rules and regulations.

Within 15 days of receipt of an application for a permit, along with all the detailed requirements set ion Section 3 of this ordinance, the Zoning administrator will determine whether the application is complete. The Zoning Administrator will notify the applicant in writing of his determination. If the application is complete, the application will be reviewed by the Zoning Administrator and the County Engineer, and then by the Plan Commission as a request for a development plan review. If the application is not complete, the applicant must provide to the Zoning Administrative the supplemental information within sixty (60) days. If the applicant fails to provide the supplemental material for the application within that time frame, the application will be dismissed.

7.0 Development Plan Review

All CSES must apply for a developmental plan review prior to obtaining permits for construction or construction-related activities. The Plan Commission will conduct a public hearing on the application as a request for a development plan review. At the time of a submission of a request for a development plan review for a CSES, the applicant must submit the required information detailed in Section 3 of this ordinance, to the Zoning Administrator and County Engineer.

8.0 Issuance of Permit

If the Plan Commission approves the development plan and the applicant has satisfied all of the requirements of this Ordinance and all other applicable Fountain County ordinances, rules, regulations, and engineering requirements; the Zoning Administrator will issue a permit for the CSES.

9.0 Permit Fee

At the time of submission, the applicant will submit to the Zoning Administrator a non-refundable fee. The fee amounts are presented below:

Туре	Acreage Covered	Other	Fee
Large CSES	Greater than 20	Electricity sold to	\$20,000 plus \$2,000
	acres, on one or more	utility transmission	per MW
	properties	lines	
Small CSES	More than 1 acre up	Electricity used	\$7,000
	to 20 acres, on one or	primarily onsite	
	more properties		
Personal Use Panels	One acre or less and	Electricity exclusively	\$75
	one land owner	behind the meter	
		generation for single	

property owner

In addition, the County must have its out-of-pocket costs related to the project, including but not limited to engineering and legal costs, reimbursed by the applicant. The applicant must reimburse the County's costs regardless of whether the project is ultimately approved or denied and regardless of whether the project comes to fruition after permits are granted. The County's costs must be reimbursed within 30 days after the County requests reimbursement.

10.0 Enforcement

In the event of a violation of this Section, the Zoning Administrator may enforce the Ordinance using the rights and remedies provided for in the Zoning Ordinance.

11.0 Community Engagement Plan

The applicant shall submit a community engagement plan to the Zoning Administrator for review. The community engagement plan shall address means and methods by which the applicant will communicate with the community on project development details. The community engagement plan shall include the number of public meetings proposed, location of meetings, and preliminary dates for the meetings. The community engagement plan shall also include means by which the community will be notified on project-related meetings and topics being discussed (newspaper, mailers, social media, etc.).