

Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

- ❖ **Call to Order** - Member Jackson called the meeting to order at 9:05 AM.
- ❖ **CSES submission from Hoosier Solar for the North Bend Township project and the Starke Central project with Engineer Consultant Bob Aloï.**

➤ **North Bend Township project**

Mr. Aloï stated that he formatted his review as he always has in with the current ordinance. He also stated that he sent over some data and research that he did that goes along with his report. He went on to state that most of the North Bend Township project complies with the ordinance, but he'll go through it with the committee.

- **Permitted Districts-** all project areas are zoned Agricultural and meet requirements of ordinance.
- **Parcel Line Setbacks** – appears to meet the ordinance requirements
- **Height Limit-**appears to meet the ordinance requirements
- **Noise Limit-**appears to meet the ordinance requirements
- **Landscape Buffer/Screening-** appears to meet the ordinance requirements upon submission of unsigned waivers to the Plan Commission for approval.
 - **Preliminary Site Plan and Specifications Monitoring and Maintenance Plan-**meets or exceeds ordinance requirements
- **Ground Cover-** meets or exceeds ordinance requirements
- **Drainage and Erosion Control-** appears to meet the ordinance requirements
 - **Drainage and Erosion Control Plan-** it appears the applicant will meet the requirements of the Ordinance prior to construction
 - **Temporary Seeding mix Specifications with erosion control plan-** meets or exceeds ordinance requirements
- **Application and Permits**
 - Solar System specifications, including typical manufacturer and model and maximum spatial extent (height and fence lines).- appears to meet the ordinance requirements
 - Preliminary array/module design and site plans with the maximum spatial extent of the CSES and its perimeter fence indicated. - appears to meet the ordinance requirements
 - Certification on the Preliminary Site Plans and Specifications that layout, design, and installation conform to and comply with all applicable industry standards, such as the National Electrical Code (NEC) (NFPA-70), the American National Standards Institute (ANAI), the Underwriter's Laboratories (UL), the American Society for Testing & Materials (ASTM), the Institute of Electric & Electronic Engineers (IEEE), the Solar Rating & Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), and other similar certifying organizations, the Federal Aviation Administration (FAA), the Indiana Building Code (IBC), and any other standards applicable to solar energy systems. The manufacturer specifications for the key components of the CSES shall be included with the submittal. - appears to meet the ordinance requirements
 - All ground-mounted electrical and control Equipment for CSES shall be labeled and secured to prevent unauthorized access. - appears to meet the ordinance requirements
 - All CSES shall be installed so as not to cause significant wire or wireless communication signal disturbance. An Affidavit certifying compliance with this requirement shall be included with the Preliminary Site Plan and Specifications submittal. - appears to meet the ordinance requirements
 - All CSES shall be designed to avoid concentrated and prolonged glare onto abutting structures and roadways. An Affidavit certifying compliance with this requirement shall be included with the Preliminary Site Plan and Specifications submittal. - appears to meet the ordinance requirements

Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

- For CSES located within 500 feet of an airport or within approach zones of an airport, the Applicant shall 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. – N/A for North Bend Solar Project.
- All ground-mounted electrical and control equipment for CSES shall be fenced to prevent unauthorized access. The solar array and/or modules shall be designed and installed to prevent access by the public. A chain-link fence with three rows of secure wire on top with metal posts, and a locked gate are required. Show fence details, Gate Details and Locking mechanism details and Specifications on the Preliminary Site Plan and Specifications submittal. - appears to meet the ordinance requirements
- To the greatest practical extent, all electrical wires and utility connections for CSES shall be installed underground, except for transformers, inverters, switchyards/substations, High Voltage Transmission lines, and controls. Any DC Above Ground Designs including any system of hangars and exposed PV wiring shall meet current NEC Standards and also be installed at heights that allow necessary weed abatement. - appears to meet the ordinance requirements
- Exterior lighting for CSES shall be limited to that required for safety, inspection/repair/maintenance, and operational purposes. - appears to meet the ordinance requirements
- All signs, other than the manufacturer's or installer's identification, appropriate warning (including safety and trespassing) signs, or Owner identification on a solar panel array and/or module signage, building, or other structure associated with a CSES, shall be prohibited. - appears to meet the ordinance requirements
- The CSES applicant shall certify by affidavit that they will comply with the utility notification requirements contained in Indiana law and accompanying regulations unless the applicant intends, and so states in an affidavit, that the system will not be connected to the electricity grid. - appears to meet the ordinance requirements
- Prior to the start of construction, a Decommissioning Agreement must be executed by the applicant that stipulates that decommissioning of the entire facility will begin upon the occurrence of twelve consecutive months of no power generation at the facility.

In order to facilitate and ensure appropriate removal of the energy generation equipment of a CSES when it reaches the end of its useful life, or if the applicant ceases operation of the facility, applicants must file a Decommissioning Agreement which details the means by which decommissioning will be accomplished and the timeline for completion.

This agreement must include a description of implementing the decommissioning, a description of the work required, a cost estimate for decommissioning, a schedule for contributions to a decommissioning fund, and a demonstration of financial assurance.

Salvage value shall be considered in determining decommissioning cost.

In the event of a force Majeure, or other event which results in the absence of electrical generation for twelve months, or by the end of the twelfth month of non-operation, the applicant must demonstrate to Starke County's satisfaction that the decommissioning must be initiated eighteen months after the force Majeure or other event. The County considers a force Majeure to mean fire, earth quake, flood, tornado, or other acts of God and natural disasters, war, civil strife or other similar violence.

Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

The operator of any CSES shall secure and provide a performance bond, escrow deposit, or other financial assurance in a form acceptable to the County in an amount determined by a third-party engineering firm to ensure the proper decommissioning and removal of the CSES.

The applicant will have the financial assurance mechanism in place prior to the start of the construction and will re-evaluate the decommissioning cost and financial assurance at the end of years five, ten, and fifteen. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to Starke County for review.

Proof of acceptable financial assurance will be required prior to the start of commercial operation.

A Draft of the proposed Decommissioning Agreement shall be submitted for review along with the **Preliminary Site Plan and Specifications**.

Final acceptance and approval of the Decommissioning Agreement shall be by the Starke County Commissioners. – appears to meet ordinance requirements at the Preliminary Site Plan Stage of the Project.

- The **Preliminary Site Plan and Specifications** shall include all required drainage calculations and “Rule 5” submittal information as outlined in Item G above for review. An approved Erosion and Sediment Control plan and permit in accordance with IDEM Construction Storm Water General Permit (formerly “Rule 5”).standards shall be required before any construction can begin on site. IDEM Construction Storm Water General Permit shall be posted on-site. – appears the applicant will meet the requirements of the Ordinance prior to construction.
- Submit **Preliminary Site Plan and Specifications** to County Drainage Board for review and approval. Drainage Board written approval shall be required for all CSES. All CSES facilities shall be located a minimum of 75 feet from any county ditch bank, county tile and shall not be built over any county tile lines unless Drainage Board approval is given to such a request. - appears to meet ordinance requirements
- Must follow same rules as building in a Flood Plain, including raising elevation of structures if deemed necessary and/or applying for Letters of Map Amendment. Must submit Elevation Certificate for all sites with any electrical and/or permanent structures located within the IDNR published Flood Plain. - appears to meet ordinance requirements
- Applicant agrees to pay all reasonable County Attorney fees and costs in the enforcement of the terms of this Ordinance. - appears to meet ordinance requirements
- If Starke County finds it is necessary to hire an Engineering Consultant to review **Preliminary Site Plans and Specifications** for conformance to this Ordinance, the Applicant agrees to pay all reasonable Engineering Consultant fees according to the terms of this Ordinance. - appears to meet ordinance requirements
- All Preliminary (and final) Site Plans provided to the County shall require all roads, Section numbers, Range numbers, Township numbers, Governmental Townships, parcel numbers of each affected parcel, road names, Legal drain names, River names, North Arrow and other pertinent mapping information be shown on said plans. - appears to meet ordinance requirements
- A Road Use and Maintenance Agreement must be executed by the applicant prior to the start of construction. The Road-Use and Maintenance Agreement document shall be provided to the Applicant by the Starke County Highway Department Final acceptance and approval of the Road-Use and Maintenance Agreement shall be by the Starke County Commissioners. - appears to meet ordinance requirements
- The Applicant shall identify all State highways and local roads to be used in the transport of equipment and parts for construction of the CSES. They shall also prepare a timeline and phasing plan for construction and identify any known road closures. This information shall be released to the local newspapers as notice to persons who may be affected. This information shall also be conveyed to local law enforcement, emergency

Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

services, public school corporations, the United States Postal Service, and the regional office of the Indiana Department of Transportation (INDOT). - appears to meet ordinance requirements

- All adjacent land owners must be notified by certified mail of the CSES project. Mailings must include a toll-free phone number of the Applicant for adjacent land owners to direct their comments and questions to. - appears to meet ordinance requirements
- **Pre-Construction Survey.** The Applicant shall conduct a pre-construction baseline survey, acceptable to the Starke County Highway Superintendent, to determine existing road and culvert conditions for assessing potential future damage. The survey shall include photographs, or video, or a combination thereof, and a written agreement to document the condition of the public facilities. The Starke County Highway Superintendent shall have 10 business days to respond to the pre-construction baseline survey. - appears to meet ordinance requirements
- **As-Built Plans Requirement.** Upon completion of the development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as-Built plans), as amended, to the Planning Administrator. After being satisfied that the measurements are substantially the same as indicated on the originally approved final plans, The Planning Administrator shall approve, date and sign said Final Construction Plans (as-Built plans) for the project, which the applicant, owner, or operator shall then record the As-Built document in the Office of the Starke County Recorder. - appears to meet ordinance requirements
- Preliminary (and Final) Site Plans and Specifications shall include a note indicating the following:

Contractors are to keep track of all installed utilities and structures and noted differences from the approved Final Construction Plans for inclusion into the final As-Built document. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (As-Built plans), as amended, to the Planning Administrator. After being satisfied that the measurements are substantially the same as indicated on the originally approved final plans, The Planning Administrator shall approve, date and sign said Final Construction Plans (as-Built plans), for the project, which the applicant, owner, or operator shall then record the As-Built document in the Office of the Starke County Recorder. - appears to meet ordinance requirements

- **Change in Ownership.** It is the responsibility of the owner or operator listed in the application to inform the Starke County Plan Commission of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or operation. - appears to meet ordinance requirements

➤ **Starke Central project**

Mr. Aloï stated that Starke Central is the same except for the references are different.

Member Jackson asked Mr. Aloï if it was all the same except for the landscape waivers.

Mr. Aloï responded yes and stated that they still needed like 6 waivers and he went on to state that they were in the process of getting those. He added that if they don't get those then they will have to comply with the setback requirements then.

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Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

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Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

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Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

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Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

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❖ **Commercial Solar Battery Energy Storage Systems with engineering consultant Bob Aloï.**

➤ **Proposed BESS Ordinance**

Article I: Definitions

- **COMMERCIAL SOLAR ENERGY SYSTEMS (CSES)** means an area of land or other area used by a property owner, multiple property owners, and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing ground mounted, solar arrays or modules, battery storage facilities, solar related equipment, and ancillary improvements, including substations. CSES are a minimum of 10 acres in total area.
- **BATTERY ENERGY STORAGE SYSTEMS (BESS)** means ANY PARCEL CONTAINING A Battery Energy Storage System that shall comply with the development standards applicable to Commercial Solar Energy Systems in addition to standards expressly applicable to Battery Energy Storage Systems.
- **SETBACK WAIVER** means any documents that provide evidence to the existence of a setback, including contingent waivers.

Tech. Comm. Discussion on Article I

There was discussion on each definition especially the CSES definition. They discussed that in the future that some of these projects could be tied to non-solar projects potentially. There was discussion about whether or not someone could put in a BESS at their home if they owned more than acres of land. It was concluded that this ordinance is only for the Commercial side of battery storage and not for the private residential sector. They also discussed the intent of the project and that they wouldn't want to exclude anyone from doing a home-based project.

Article II: Criteria for Commercial Solar Battery Energy Storage Systems Permitted Accessory Use. BESS are a permitted accessory use in the zoning district(s) permitted below. BESS that do not meet the following design standards will require a conditional use permit

INDIANA HOUSE BILL 1173

1. All Battery Energy Storage Systems must comply with Indiana House Bill 1173 for Utility scale battery energy storage systems.

LOT & LOT SIZE

1. Battery Energy Storage systems shall be limited to only Agricultural (AG) zoned parcels.

2. Battery Energy Storage systems shall be limited to a maximum of ten (10) acres in total area, as determined by the calculating of the area within the system's perimeter security fencing.

FENCING

1. Any BESS must be fenced in completely to prevent unauthorized access. The BESS shall be designed and installed to prevent access by the public, and access to the same shall be through a locked gate.

Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

2. Fencing shall be comprised of six (6) foot tall chain-link fencing with three rows of secure wire on top with metal posts, and a locked gate is required.

SETBACKS

1. Any BESS equipment, including, security fencing, excluding poles, roads, and wires necessary to connect to facilities of the electric utility, must be set back in accordance with the following standards; a. Must be a minimum setback of 100 from the center of any road or highway.

b. Must be a minimum setback of one thousand (1000) feet from any adjoining property line that is not a participating property in the CSES or BESS.

Be subject to an enhanced minimum setback distance of one thousand three hundred twenty (1320) feet from any property line of any BESS Non-Participating Adjoining Parcel that contains the following uses; Residential, Educational, and Religious Use.

d. The enhanced minimum setback distance from the property line of any CSES Non-Participating adjoining parcel may be waived in writing by the land owner of the adjoining non-participating property; however, the minimum one thousand (1000) feet setback cannot be waived.

e. These setbacks shall not apply between adjoining participating parcels.

f. Setbacks from center of any public road cannot be waived.

2. Setback Waivers

a. Must be recorded in the Starke County Recorder's office within 45 days of the execution of the instrument effecting the waiver of setback. In the event that contingent waivers are recorded, instruments shall be recorded promptly upon the occurrence, expiration, or termination of the contingency. Documents recorded under this subsection shall contain a reference to the current recorded deed of conveyance.

b. A copy of the recorded setback waiver must be provided to the Starke County Planning Commission Office.

FIRE PREVENTION/SUPPRESSION/MONITORING

1. A Copy of the written Indiana Department of Homeland Security's Written approval to operate the BESS shall be included in the Submission of the BESS with the preliminary Site Plan and Specifications. IC 22-14-8-4.

1. A fire prevention plan along with fire suppression and monitoring equipment must be included with the preliminary Site Plan and Specifications.

2. The fire prevention plan along with fire suppression and monitoring plans and specifications must be in accordance to the most recent NFPA-855 code for the standard installation of Stationary Energy Storage Systems.

3. The fire monitoring system shall notify Starke County Dispatch in the event of an emergency.

4. An Emergency Response plan by the fire departments responsible for the fire protection services in the area which the BESS will be located must be included with the preliminary Site Plan and Specifications.

a. Any fire suppression equipment and supplies necessary to enable the local fire departments and EMS to respond effectively to an emergency event shall be provided by the developer/operator of the BESS.

a. The developer must provide proof of this training to the Starke Co. Planning Commission Annually.

5. Annual training from the developer must be offered to local fire departments. Required by IC 22-14-8-99(a) and described in IC 22-14-8-9(b). The first training must be offered and completed before the BESS equipment and materials arrive on site.

6. Any BESS shall have a secondary containment measure in effect.

7. All BESS locations must have an 8 inch well located on the property for local fire departments use in the event of an emergency.

BESS FLOODPLAIN ELEVATION

1. Any Battery Energy Storage System located less than one-half (1/2) mile from the nearest one hundred (100) year flood plain must have all the equipment located at least two (2) feet above the one hundred (100) year frequency flood elevation, or any greater standard established by IC 22-14-8-8

Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

HEIGHT LIMIT

1. The height of any BESS ground mounted solar equipment is limited to thirty-five (35) feet. This measurement shall be measured from surrounding natural grade. The design shall be in accordance with applicable Indiana electrical codes.
2. For any BESS located within 500 feet of an airport or within the approach zones of an airport, the applicant shall show that the height limits are consistent with the Federal Aviation Administration (FAA) Office of Airports Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

NOISE LIMIT

1. Noise shall not exceed fifty (55) dBA above background for any BESS and shall follow all noise restrictions set forth in the most current Starke County Solar Ordinance for the CSES.
2. These limits may be waived by the adjoining property owner.
3. Waivers a. Must be recorded in the Starke County Recorder's office within 45 days of the execution of the instrument effecting the waiver of setback. In the event that contingent waivers are recorded, instruments shall be recorded promptly upon the occurrence, expiration, or termination of the contingency. Documents recorded under this subsection shall contain a reference to the current recorded deed of conveyance.
b. A copy of the recorded setback waiver must be provided to the Starke County Planning Commission Office.

LANDSCAPE BUFFER

1. Any BESS shall be buffered by a berm, a minimum of three (3) feet in height at a 3:1 slope and not within any local, county, or state right of way.
2. The berm shall be planted with an assortment of tall native grasses, evergreen trees, and shrubbery. There shall be one every 20 feet with shrubbery planted in between.
3. The berm must be included in the developer's drainage plan.
4. Any BESS shall be constructed with a subsurface liner to keep contaminants in place.

DRAINAGE & EROSION CONTROL

1. The BESS project shall follow all the requirements set forth in the most current CSES ordinance for Starke County.
2. The BESS project owner or developer must provide a certification of acknowledgement that they are aware and accept liability for all damages to County regulated waterways, drainage, ditches, field tiles or other drainage related infrastructure caused by the construction, installation or maintenance of a solar energy project and such infrastructure must be repaired by the project owner to near original condition so as not to impede the flow of water as it existed in its pre-damaged state. All repairs must be made in a reasonable time frame and to the satisfaction of the unit and as stated in an applicable lease or other agreement with the landowner subject to applicable federal, state and local drainage laws and regulations.
3. All Drainage and Erosion plans must go through the Starke County Drainage Board.

Tech. Comm. Discussion on Article II

They discussed that they wanted to add that if house bill 1173 is updated that it states that they comply with or the newest form of house bill 1173 in regards to BESS projects. There was discussion on the CSES lot size being a minimum of 10 acres they agreed that the battery storage system could only occupy 10 it's self of the project. They agreed that the fencing setback and agreed that it should be more due to different catastrophes that could happen. There was then discussion on the acreage size of the BESS. It was determined that the max number of acres for the project can only be 10 acres of battery storage. There was discussion on whether the BESS could be made up of multiple parcels to make a cumulative 10 acres or if it was only one BESS for each project. It was determined that it would be for one CSES project. It was also determined that they wanted the BESS to be less than 10 acres. They agreed that the setback from the road should be more than 100 feet and decided 250 feet would be better. They went on to discuss then setbacks from property lines and discussed several ideas regarding the different situations of parcels. After some discussion with Atty. Schramm it was decided that Plan. Comm. Admin. Beever should work with Mr. Aloj on the setbacks and make them as

Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

strict as possible. They discuss the possibility of a company coming in and putting in a battery storage facility without the county having an ordinance in place. They agreed that it was important to get one in place so that these companies would have to go by more stricter rules for the county than what the state has. They moved on to discuss the fire prevention aspects of the BESS. They agreed that a well would be for cooling the units. They agreed that the facility needed to have a subsurface liner to keep contaminants from going into the ground. They agreed that there needs to be a limit put on the amount that a local fire-department for supplies that are necessary for them. They then discussed that there needed additional language added about mutual aid agreements with fire departments added in and that the fire departments need additional equipment and tools necessary to help best service these sites. There was some discussion about the base flood elevation requirement that it is set back a ½ mile from the floodplain but did not want to change anything regarding it. There was no changes or additions discussed about the height and noise limits. There was a typo pointed out about the landscape buffer that needed changed from 3 to six feet. They agreed to add one deciduous evergreen every twenty feet.

Article II: APPLICATION PROCEDURE

1. Any BESS projects shall be required to submit a preliminary Site Plan and Specifications to the Technical Advisory Committee for review. Such review shall occur within 30 days of filing. Once a Preliminary Site Plan and Specifications have been approved by the Planning Commission, an improvement Location Permit shall be issued. The Improvement Location Permit is filed for in in the office of the Starke County Planning Commission.
2. The Preliminary Site Plan and specifications shall include and or show the following;
 - a. Bess specifications, including typical manufacturer and model along with maximum spatial extent (height and fence lines)
 - b. Preliminary site plans and designs with the maximum spatial extent of the BESS and its perimeter fence indicated.
 - c. Certification on the Preliminary Site Plans and Specifications that layout, design, and installation conform to and comply with all applicable industry standards, such as The National Fire Protection Association (NFPA) 855, National Electrical Code (NEC) NFPA 70, the American National Standards Institute (ANSI), the underwriter’s Laboratories (UL), the American Society for testing and Materials (ASTM), the institute of Electric and Electronic Engineers (IEEE), the Solar Rating & Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), and other similar certifying organizations, the Federal Aviation Administration (FAA), the Indiana Building Code (IBC), and any other standards applicable to Commercial Solar Energy/Battery Energy Storage Systems The manufacturer specifications for the key components of the BESS shall be included with the submittal.
 - d. All Ground-mounted electrical and control equipment for the BESS shall be labeled and secured to prevent unauthorized access.
 - e. All BESS shall be installed so as not to cause significant wire or wireless communication signal disturbance. An Affidavit certifying compliance with this requirement shall be included with the Preliminary Site Plan and Specifications submittal.
 - f. For BESS located within 500 feet of an airport or within approach zones of an airport, the Applicant shall 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

Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

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.

- g. All ground-mounted electrical and control equipment for BESS shall be fenced to prevent unauthorized access. The BESS shall be designed and installed to prevent access by the public. Show fence details, Gate Details and Locking mechanism details and Specifications on the Preliminary Site Plan and Specifications submittal.
To the greatest practical extent, all electrical wires and utility connections for BESS shall be installed underground, except for transformers, inverters, High Voltage Transmission lines, and controls. Any DC Above Ground Designs including any system of hangars and exposed PV wiring shall meet current NEC Standards and also be installed at heights that allow necessary weed abatement.
- h. Exterior lighting for CSES shall be limited to that required for safety, inspection/repair/maintenance, and operational purposes.
- i. All signs, other than the manufacturer's or installer's identification, appropriate warning (including safety and trespassing) signs, or Owner identification on a battery signage, building, or other structure associated with a BESS, shall be prohibited.
- j. The BESS applicant shall certify by affidavit that they will comply with the utility notification requirements contained in Indiana law and accompanying regulations unless the applicant intends, and so states in an affidavit, that the system will not be connected to the electricity grid.
- k. Prior to the start of construction, a Decommissioning Agreement must be executed by the applicant that stipulates that decommissioning of the entire facility will begin upon the occurrence of twelve consecutive months of no power generation at the facility.

In order to facilitate and ensure appropriate removal of the BESS equipment when it reaches the end of its useful life, or if the applicant ceases operation of the facility, applicants must file a Decommissioning Agreement which details the means by which decommissioning will be accomplished and the timeline for completion.

This agreement must include a description of implementing the decommissioning, a description of the work required, a cost estimate for decommissioning, a schedule for contributions to a decommissioning fund, and a demonstration of financial assurance.

Salvage value shall be considered in determining decommissioning cost.

In the event of a force Majeure, or other event which results in the absence of electrical generation for twelve months, or by the end of the twelfth month of non-operation, the applicant must demonstrate to Starke County's satisfaction that the decommissioning must be initiated eighteen months after the force Majeure or other event. The County considers a force Majeure to mean fire, earth quake, flood, tornado, or other acts of God and natural disasters, war, civil strife or other similar violence.

Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

The operator of any BESS shall secure and provide a performance bond, escrow deposit, or other financial assurance in a form acceptable to the County in an amount determined by a third-party engineering firm to ensure the proper decommissioning and removal of the BESS.

The applicant will have the financial assurance mechanism in place prior to the start of the construction and will re-evaluate the decommissioning cost and financial assurance at the end of years five, ten, and fifteen. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to Starke County for review.

Proof of acceptable financial assurance will be required prior to the start of commercial operation.

A Draft of the proposed Decommissioning Agreement shall be submitted for review along with the **Preliminary Site Plan and Specifications**.

Final acceptance and approval of the Decommissioning Agreement shall be by the Starke County Commissioners.

- l. The **Preliminary Site Plan and Specifications** shall include all required drainage calculations and “Rule 5” submittal information as outlined in Item G above for review. An approved Erosion and Sediment Control plan and permit in accordance with IDEM Construction Storm Water General Permit (formerly “Rule 5”). standards shall be required before any construction can begin on site. IDEM Construction Storm Water General Permit shall be posted on-site.
- m. Submit **Preliminary Site Plan and Specifications** to County Drainage Board for review and approval. Drainage Board written approval shall be required for all BESS. All BESS facilities shall be located a minimum of 75 feet from any county ditch bank, county tile and shall not be built over any county tile lines unless Drainage Board approval is given to such a request.
 - a. Any BESS must follow all IDNR floodplain requirements set forth in IC 22-14-8-8
 - n. Applicant agrees to pay all reasonable County Attorney fees and costs in the enforcement of the terms of this Ordinance.
 - o. If Starke County finds it is necessary to hire an Engineering Consultant to review **Preliminary Site Plans and Specifications** for conformance to this Ordinance, the Applicant agrees to pay all reasonable Engineering Consultant fees according to the terms of this Ordinance.
- p. All Preliminary (and final) Site Plans provided to the County shall require all roads, Section numbers, Range numbers, Township numbers, Governmental Townships, parcel numbers of each affected parcel, road names, Legal drain names, River names, North Arrow and other pertinent mapping information be shown on said plans.
- q. A Road Use and Maintenance Agreement must be executed by the applicant prior to the start of construction of the BESS. The Road-Use and Maintenance Agreement document shall be provided to the Applicant by the Starke County Highway Department Final acceptance and approval of the Road-Use and Maintenance Agreement shall be by the Starke County Commissioners.

Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024

- r. The Applicant shall identify all State highways and local roads to be used in the transport of equipment and parts for construction of the BESS. They shall also prepare a timeline and phasing plan for construction and identify any known road closures. This information shall be released to the local newspapers as notice to persons who may be affected. This information shall also be conveyed to local law enforcement, emergency services, public school corporations, the United States Postal Service, and the regional office of the Indiana Department of Transportation (INDOT).
- s. All adjacent land owners must be notified by certified mail of the BESS project. Mailings must include a toll-free phone number of the Applicant for adjacent land owners to direct their comments and questions to.
- t. **Pre-Construction Survey.** The Applicant shall conduct a pre-construction baseline survey, acceptable to the Starke County Highway Superintendent, to determine existing road, culvert, and driveway conditions for assessing potential future damage. The survey shall include photographs, or video, or a combination thereof, and a written agreement to document the condition of the public facilities. The Starke County Highway Superintendent shall have 10 business days to respond to the pre-construction baseline survey
- u. **As-Built Plans Requirement.** Upon completion of the development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as-Built plans), as amended, to the Building Commissioner. After being satisfied that the measurements are substantially the same as indicated on the originally approved final plans, The Building Commissioner shall approve, date and sign said Final Construction Plans (as-Built plans) for the project, which the applicant, owner, or operator shall then record the As-Built document in the Office of the Starke County Recorder.
- v. Preliminary (and Final) Site Plans and Specifications shall include a note indicating the following:

Contractors are to keep track of all installed utilities and structures and noted differences from the approved Final Construction Plans for inclusion into the final As-Built document.. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (As-Built plans), as amended, to the Building Commissioner. After being satisfied that the measurements are substantially the same as indicated on the originally approved final plans, The Building Commissioner shall approve, date and sign said Final Construction Plans (as-Built plans), for the project, which the applicant, owner, or operator shall then record the As-Built document in the Office of the Starke County Recorder.
- w. **Change in Ownership.** It is the responsibility of the owner or operator listed in the application to inform the Starke County Plan Commission of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or operation.

Tech. Comm. Discussion on Article III

The Tech, Comm. read through article three and agreed that they decided that it need to have a radio announcement listed as well in section R. instead of just in the newspaper. There was some discussion about adding verbiage into section T to include the surveyors office in the pre-construction survey for in the event any marker is pulled up that it should be replaced with a monument. They agreed that type of verbiage should be in the road use

**Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024**

agreement and not in the ordinance. They agreed that there needed some added verbiage about public relations. Otherwise there were no other concerns with this part of the ordinance.

ARTICLE IV: Permit Fees

All BESS projects must apply for an Improvement Location Permit through the Starke County Planning Commission located at 53 E. Mound St. Knox, IN 46534, after the approval of the Preliminary Site Plan and Specifications have been through a Technical Committee Review and approved by the Starke County Planning Commission.

1. An ILP application for a BESS permit shall be accompanied by a fee of \$50,000.00.
2. Fees applicable to Preliminary Site Plan and Specifications submittal will also be required, as well as any and all other permits as required by Starke County.
3. Engineering Consultant fees for review of Preliminary Site Plan and Specifications may also be required. Applicant Shall be responsible for payment of said fees prior to receiving any Improvement Location Permit.

Tech. Comm. Discussion on Article IV

There were no concerns with this part of the ordinance They agreed to let Plan. Comm. Admin. Beaver revise the proposed ordinance.

ARTICLE V: Effective Date

1. This Ordinance shall become effective immediately upon its passage by the Starke County Board of Commissioners, at a meeting open to the public.

PASSED BY THE STARKE COUNTY PLANNING COMMISSION ON _____, 2024.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF STARKE COUNTY,

INDIANA, THIS _____ DAY OF _____, 2024.

THE STARKE COUNTY, INDIANA BOARD OF COMMISSIONERS

APPROVED:

OPPOSED:

Don Binkley, President

Don Binkley, President

Mark Gourley, Commissioner

Mark Gourley, Commissioner

Charles Chesak, Commissioner

Charles Chesak, Commissioner

ATTEST:

**Starke County Plan Commission Minutes
Technical Committee Meeting
September 30, 2024**

Michaelene Houston, County Auditor

Prepared By:

Mary Beever

Planning Commission Admin./Floodplain Mgr.

Tech. Comm. Discussion on Article V

There were no concerns with this part of the ordinance

❖ **Adjournment**-With no further business,

This meeting was recorded and will be on file in the Starke County Plan Commission Office.

❖ **Approval of the minutes at the January 8, 2025 meeting**

- Member Collins made a motion to accept the minutes from the September 30, 2024 technical committee meeting as written, seconded by Member Lawrence. Motion carried 8-0.

Mary W. J. Beever
Administrator