

SECTION 1. TITLE AND AUTHORITY

This Ordinance shall be known and may be cited as the “Starke County Solar Energy Systems Ordinance.” This Ordinance is enacted pursuant to the authority granted to counties under Indiana Code § 36-7-4 et seq., which empowers local governments to regulate the use and development of land for the purpose of promoting the public health, safety, morals, convenience, order, and general welfare of the community. This Ordinance shall apply to the siting, development, construction, operation, maintenance, decommissioning, and reclamation of all Commercial and Utility-Scale Solar Energy Systems (CSES) within the jurisdiction of Starke County, Indiana, and is binding on all applicants, property owners, Applicants, successors, and operators. This Ordinance replaces all prior Solar Ordinances. Any and all aspects of Indiana Code, as it presently exists, or may futurely be amended, as found in IC 8-1-42 et. Seq. and IC 4-3-23.1 et. Seq., are incorporated herein, unless otherwise addressed hereto.

SECTION 2. PURPOSE AND INTENT

The purpose of this Ordinance is to establish comprehensive regulations for the permitting, placement, design, construction, operation, maintenance and decommissioning of Commercial Solar Energy Systems (CSES) in Starke County, Indiana. It is the intent of this Ordinance to:

- a) Promote the responsible and orderly development of solar energy infrastructure while balancing landowner rights, community character, and long-term public and environmental interests;
- b) Ensure that the development of CSES does not compromise the health, safety, or welfare of county residents or the agricultural integrity of rural Starke County;
- c) Establish enforceable standards that minimize potential nuisances, including but not limited to glare, noise, aesthetic impacts, fire hazards, and traffic disruptions;
- d) Safeguard County infrastructure, including public roads, drainage systems, and emergency services, from deterioration or overuse due to CSES construction or operation;
- e) Provide a transparent, objective, and standardized permitting process that includes rigorous public input and inter-agency collaboration;
- f) Ensure that all CSES projects include enforceable provisions for full site reclamation and decommissioning at the end of the facility’s operational life or upon abandonment.

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This Ordinance shall be interpreted and enforced in a manner that ensures the long-term compatibility of solar energy development with agricultural operations, residential communities, orderly development and preservation of property values and public trust resources.

SECTION 3. DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply. Any term not defined herein shall have the meaning customarily assigned to it by common usage or as defined by applicable Indiana statutes or regulations.

- a) **Agrivoltaics:** The simultaneous use of land for both solar energy generation and agricultural production, including but not limited to animal grazing, crop cultivation, beekeeping, or similar agricultural practices.
- b) **Applicant:** The person(s), entity(ies), public or quasi public utility(ies) or applicant(s) submitting an application for a permit under this Ordinance. This shall include any all assignees of the Applicant.
- c) **As-Built Plans:** Final construction drawings reflecting the exact built layout of all CSES equipment, submitted for County verification and recording.
- d) **Commercial Solar Energy System (CSES):** A ground-mounted, utility-scale solar energy facility that occupies ten (10) or more contiguous acres and is intended primarily to generate electric power for transmission and distribution to the public or wholesale utility market.
- e) **Construction (CSES context):** Any activity related to testing, boring, clearing, road installation, grading, or material delivery on the project site, regardless of utility interconnection status.
- f) **Decommissioning Plan:** A detailed and enforceable plan submitted by the Applicant and approved by the County outlining the procedures, financial assurance, and timeline for the removal of all solar-related structures, equipment, and restoration of land at the end of the project's useful life.
- g) **Decommissioning:** The systematic dismantling, removal, and site restoration of a CSES after the end of its operational life, as detailed in Section 11 and Appendix B.
- h) **Force Majeure:** Acts of God or external events beyond the reasonable control of the operator that temporarily prevent operation, including natural disasters, war, or government actions.

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- i) **Improvement Location Permit (ILP):** A permit issued by the County Planning Department upon the Planning Commission's approval of a complete Preliminary and Final Site Plan, authorizing construction to begin.
- j) **Net Removal Cost:** The gross decommissioning cost minus the salvage value of any reusable equipment, unless salvage value is explicitly assigned to the County.
- k) **Non-Participating Landowner:** Any individual or entity owning property adjacent to or near (within two thousand feet) a proposed CSES site who is not a party to any lease, easement, option, or agreement with the Applicant.
- l) **Participating Landowner:** Any individual or entity owning land within the footprint of the proposed CSES project who has entered into a lease, easement, or other agreement with the Applicant for the purpose of installing solar energy equipment or related infrastructure. May also be referred to herein as "Landowner". Their signed written consent shall accompany any Application herein and shall be obligated to authorize any and all final plans approved herein, including Decommissioning plans.
- m) **PASER Rating:** The Pavement Surface Evaluation and Rating system, used by the Starke County Highway Department to assess road condition on a scale of 1 to 10.
- n) **Pollinator-Friendly Groundcover:** Regionally appropriate, perennial vegetation planted and maintained in accordance with the Indiana Solar Site Pollinator Habitat Planning Scorecard or equivalent.
- o) **Preliminary Site Plan and Specifications:** A comprehensive engineering document that identifies the location, layout, components, and construction details of the proposed CSES, submitted at a minimum 75% construction design level, and used to determine eligibility for permits and at initial application for Plan Commission review.
- p) **Project Owner:** Any individual or entity that owns the real estate upon which the Applicant desires to establish a CSES project.
- q) **Private Residential Solar Energy System (PRSES):** A solar energy system primarily intended for on-site residential energy use, located on the roof or ground of a private residence, and not exceeding the total size of accessory structures allowed in the zoning district.
- r) **Private Commercial Solar Energy System (PCSES):** A solar energy system primarily intended for on-site commercial or industrial energy use, located on the roof or ground of a private commercial or industrial development, and not exceeding the total size of structures allowed in the zoning district, to provide energy for the business operations located thereon.

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- s) **Special Use Permit (SUP):** A discretionary approval granted by the Starke County Board of Zoning Appeals after a public hearing, permitting a use subject to specific conditions not otherwise allowed by right in a zoning district, which, in this context, shall subsequently be understood to be a commercial use for taxation purposes.
- a) **Special Use Permit (SUP):** A discretionary permit issued by the Board of Zoning Appeals following a public hearing for projects requiring additional review or conditions beyond standard zoning.
- b) **Wildlife-Friendly Agricultural Fencing:** Fencing designed to prevent unauthorized access and livestock intrusion while allowing passage of native wildlife, typically non-barbed and low-profile.

PASER Rating: The Pavement Surface Evaluation and Rating system used to assess roadway condition on a 1–10 scale.

SECTION 4. APPLICABILITY AND SCOPE

4.1

Jurisdictional

Scope:

This Ordinance shall apply to all land within the unincorporated areas of Starke County, Indiana. It governs the permitting, construction, operation, and decommissioning of all Commercial Solar Energy Systems (CSES) and certain standards for Private Residential Solar Energy Systems (PRSES) where applicable under local zoning regulations. The maximum size of any tract/project, seeking approval, shall not exceed one hundred (100) contiguous acres. Recognizing a goal of Starke County to maintain a rural agricultural character, the maximum percentage of coverage of CSES systems, within any individual township located in Starke County, shall not exceed three percent (3%) of total acreage within a township. The minimum size of a CSES shall be ten (10) acres.

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Applicability:

The requirements of this Ordinance shall apply to the following:

- a) Any CSES proposed to be constructed on any parcel or group of contiguous parcels that collectively exceed ten (10) acres in total system footprint;
- b) Any material modification, expansion, or repowering of an existing permitted CSES;
- c) Any CSES or associated infrastructure proposed to be installed in combination with agrivoltaic uses;
- d) All new CSES applications submitted on or after the effective date of this Ordinance.

4.3 Exemptions and Limited Applicability:

The following installations shall be exempt from the provisions of this Ordinance except where specifically stated:

- a) **Private Residential Solar Energy Systems (PRSES):** A PRSES located on a single-family or multi-family (up to four (4)) residential property and used exclusively to supply energy to the on-site residence shall be permitted as an accessory use, subject to applicable accessory structure regulations in the County Zoning Ordinance. No PRSES may exceed the maximum size, height, or setback limits applicable to other accessory structures in the same zoning district.
- b) **Private Commercial Solar Energy Systems (PCSES):** A PCSES located on a commercially or industrial zoned property and used exclusively to supply energy to the onsite business shall be permitted as an accessory use, subject to applicable structure coverage regulations in the County Zoning Ordinance (each solar plate shall be measured as to its face to determine square footage coverage). No PCSES may exceed the maximum size, height, or setback limits applicable to other accessory structures in the zoning district.
- c) **Agricultural Solar Installations:** Systems used to generate power for a single agricultural property and not connected to the utility grid for wholesale distribution shall be regulated as accessory structures and not as CSES, provided they do not exceed one (1) acres in total system footprint. Any system footprint in excess of one (1) acre shall require a developmental variance, subject to the review of the Board of Zoning and Appeals.

4.4 Permit Requirement:

All CSES shall be subject to approval under both:

- a) A Special Use Permit (SUP) issued by the Starke County Board of Zoning Appeals (BZA) following a public hearing; and
- b) An Improvement Location Permit (ILP) issued by the Starke County Planning Department upon approval of a Preliminary Site Plan and Specifications as detailed in Section 5.

4.5 Enforceability:

No CSES may be constructed, expanded, or operated unless and until all required permits under this Ordinance have been issued. Any CSES found operating without full compliance shall be subject to immediate stop work orders, enforcement actions, fines, and possible revocation of permits as further provided herein.

SECTION 5. PERMITTING PROCESS AND PROCEDURES

5.1 General Requirement for Permits:

No Commercial Solar Energy System (CSES) shall be constructed, installed, modified, expanded, or repowered without first obtaining both a Special Use Permit (SUP) and an Improvement Location Permit (ILP) from Starke County, subject to process outlined herein. These permits shall

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be granted only after the full review and approval of the Preliminary Site Plan and Specifications by the Planning Commission, Technical Advisory Committee (TAC), and the Board of Zoning Appeals (BZA) and necessary public hearings.

5.2 Permit Application and Required Materials:

An application shall be submitted to the Starke County Planning Office and shall include all required components listed in this section. The application will not be considered complete or eligible for further review until the following are submitted:

- a) A completed and signed application form (as determined by Plan Commission office);
- b) Applicable application fees (see Section 5.9);
- c) Preliminary Site Plan and Specifications drawn to engineering scale at a minimum 75% construction design level, including:
 - o CSES layout, fencing, and access roads;
 - o Electrical schematics and control systems (to extent possible all electrical wires and utility connections shall be installed underground, except for transformers, inverters, substations and controls);
 - o Drainage features and contours;
 - o Utility interconnection layout;
- d) Manufacturer and model information for solar panels, inverters, switchgear, and mounting systems;
- e) A legally executed Road Use and Maintenance Agreement (RUA) with Starke County;
- f) A fully executed Decommissioning Plan and Agreement, including financial assurance instruments;
- g) A Glare and Reflectivity Study compliant with FAA Interim Policy (if within 1,000 feet of an airport);
- h) A Traffic Management Plan including equipment transport routing and local impact mitigation;
- i) A Fire Prevention and Emergency Response Plan prepared in consultation with the Indiana Department of Homeland Security, local fire departments, and EMS providers;
- j) A Soil and Drainage Analysis including ditch, culvert, and regulated drain inventory;
- k) A completed Environmental Vegetation and Ground Cover Plan as described in Section 7;
- l) A lighting plan, which showcases that exterior lighting shall be no more than that required for security purposes. Lighting shall be shielded and oriented to prevent direct lighting on

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adjacent dwelling or non participating parcels. Light shall not exceed one-half (0.5) foot candles at the property light of an adjoining residential parcel.

- m) All required affidavits regarding signal interference, FAA compliance, glare mitigation, and notification of local utilities;
- n) A certified notification list and proof of certified mail sent to all adjacent (those within two thousand feet) landowners;
- o) A list of all federal, state, and local permits required with copies of approvals or status updates.
- p) Any necessary studies as required by the Plan Commission, if proposal is within two thousand feet of a residence or school/educational facility.
- q) Certification that layout, design, and installation will conform to and comply with all applicable industry standards, such as the 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 and Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL) and other similar organizations, the Federal Aviation Administration (FAA), the Indiana Building Code (IBC), and any other standards applicable to solar energy systems and battery energy storage systems.
- r) All CSES shall be installed so as to not cause disturbance or interference with television, internet, telecommunications, microwave, GPS, military defense radar, navigational or radio reception to neighboring areas.
- s) All CSES shall be situated to eliminate concentrated glare on any part of a nonparticipating parcel, abutting structures and roadways.

5.3 Engineering Review and Technical Advisory Committee (TAC):

The Starke County Plan Commission may assign an independent engineering consultant or inspectors to conduct a comprehensive review of all submitted site plans and technical documents to ensure full conformance with County requirements and as the project is approved and constructed. All costs associated with third-party engineering review shall be paid by the Applicant and must be deposited with the County prior to TAC review.

Once engineering review is complete, the Technical Advisory Committee shall review the application within sixty (60) business days. The Committee may request modifications or clarification and shall provide recommendations to the Plan Commission.

5.4 Planning Commission and Board of Zoning Appeals Review:

After receiving recommendations from TAC, the Plan Commission shall consider the application for Preliminary Site Plan approval. Upon approval, the application will be forwarded to the Board

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of Zoning Appeals (BZA) for a public hearing (must be submitted at least thirty (30) days prior to the public hearing) and review of the Special Use Permit request. The BZA may approve, deny, or conditionally approve the SUP based on evidence and findings related to zoning compliance, adjacent property impacts, public safety, infrastructure adequacy, other reasonable municipal interests on behalf of Starke County and her residents and conformance with this Ordinance.

5.5 Permit Duration and Expiration:

The Improvement Location Permit (ILP) shall be valid for a period of twenty-four (24) months from the date of issuance. If construction of the CSES has not commenced within this period, the permit shall expire unless a written extension request is submitted and approved before the expiration date. Only one (1) extension may be granted, not to exceed twelve (12) additional months. A new application shall be required after the expiration of any permit or extension.

5.6 Permit Renewal Limits:

Permits may not be renewed more than once. Any second request for continuation of a previously approved project that has not commenced construction shall be subject to a new application process and compliance with then-current ordinance requirements.

5.7 As-Built Plans and Project Modifications:

Upon completion of construction, the Applicant must submit final As-Built Construction Plans to the Planning Department, reflecting all installed utilities, fencing, structures, and system specifications. These documents must be certified by a licensed engineer and recorded with the Starke County Recorder. Any deviation from approved plans must be documented, reviewed, and approved by the Planning Director and may require a modification hearing before the BZA.

5.8 Ownership and Operator Changes:

It shall be the responsibility of the Applicant to notify the Starke County Planning Commission in writing of any change in ownership, controlling interest, or operational responsibility of the CSES during its permitted life. Such changes may require an updated Decommissioning Agreement or new financial assurance documents to be submitted for review and approval.

5.9 IMPROVEMENT LOCATION PERMIT FEE SCHEDULE FOR CSES

The following non-refundable fees shall apply to all CSES projects based on total system capacity (DC kW rating). These fees shall be paid in full at the time of application submittal:

System Size (DC kilowatts) Fee Amount

0 – 10 kW	\$300.00
11 – 50 kW	\$600.00

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System Size (DC kilowatts) Fee Amount

51 – 100 kW	\$1,200.00
101 – 500 kW	\$3,000.00
501 – 1,000 kW	\$6,000.00
1,001 – 2,000 kW	\$12,000.00
Over 2,000 kW	\$12,000.00 + \$500 per additional 1,000 kW
Maximum Permit Fee	\$250,000.00

Permit Renewals:

- a) **First Renewal:** Ten Percent of original Permit Fee.
- b) **Second Renewal:** At the discretion of the Planning Commission Board and subject to full re-review.

Additional Fees:

- a) Engineering & Inspection Consultant(s) Review: Actual cost as invoiced.
- b) Legal Fees for Enforcement or Review: At actual cost as invoiced by County Attorney.

SECTION 6. ZONING DISTRICTS AND DESIGN STANDARDS

6.1 Permitted Zoning Districts
Commercial Solar Energy Systems (CSES) are permitted only within parcels zoned as **Agricultural** under the Starke County Zoning Ordinance, or as otherwise approved herein. A CSES shall be considered a **Special Use** within the Agricultural zoning district and shall not proceed without first receiving a Special Use Permit (SUP) issued by the Board of Zoning Appeals (BZA), as required under Section 5 of this Ordinance. Any land approved for CSES use under this Ordinance shall be considered commercial use for taxation purposes.

No CSES shall be allowed in residential, commercial, industrial, conservation, or floodplain overlay zoning districts without a formal amendment to this Ordinance.

6.2 Setbacks from Non-Participating Landowners and Infrastructure
To ensure protection of surrounding landowners and preserve rural character, all CSES projects shall comply with the following graduated **mandatory setback standards**, which are based on the number of property lines shared with non-participating landowners. These setbacks are **not**

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waivable, except by formal variance through the BZA after a public hearing and written findings of no adverse impact:

- a) **One (1) side adjacency with non-participating landowner(s):** Minimum setback of **500 feet** from each shared property line.
- b) **Two (2) side adjacency:** Minimum setback of **750 feet** from each applicable property line.
- c) **Three (3) or more sides adjacent to non-participating landowners:** Minimum setback of **1,000 feet** from each shared property line.

These setback distances shall apply to **all CSES system components**, including but not limited to:

- a) Solar panels and supporting structures;
- b) Inverters, transformers, and control enclosures;
- c) Access roads and internal driveways;
- d) Battery storage or hazardous material enclosures;
- e) All perimeter fencing and vegetative buffers.

Additional Required Setbacks:

- a) **From public road centerlines (federal, state, county, and local):** Minimum of **500 feet**.
- b) **From regulated drains, legal ditches, or county watercourses:** Minimum **100 feet** from the top of the bank.
- c) **From potable water wells (private or public):** Minimum **500 feet**.
- d) **From floodplains:** As determined by IDNR and FEMA; elevation certificates required (see Section 8).

Landscaping, berms, or visual buffers may not be used to reduce required setbacks unless approved through the formal variance process.

6.3 FAA and Glare Mitigation Requirements

If any portion of the proposed CSES lies within **1,000 feet of a public or private airport property boundary**, or within **FAA-designated approach zones**, the applicant must demonstrate FAA compliance:

- a) Submit a **Glint and Glare Analysis** conducted by a qualified FAA consultant or licensed engineer using recognized software or methodology;

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- b) Include documentation from the **FAA Office of Airports** verifying that the proposed CSES does not pose a hazard to air navigation or interfere with flight operations;
- c) No CSES shall be permitted if any FAA study finds unacceptable levels of glint or glare.

In addition, the Applicant must submit a sworn affidavit certifying that:

- a) The CSES has been designed to **avoid concentrated or prolonged glare** affecting nearby roadways, adjacent homes, or aircraft; and
- b) The system shall **not cause electromagnetic interference** with communications, GPS, or public utilities.

6.4 Noise Limitations

A certified **Ambient Noise Baseline Study** shall be submitted as part of the application. Operational noise from inverters, transformers, motors, or tracking systems shall not exceed **50 decibels A-weighted (dBA) above ambient background levels** as measured at the closest point on any non-participating property line. These limits apply during both daytime and nighttime operations and may not be waived.

Noise complaints shall be investigated by the Planning Commission. Repeat violations shall be grounds for penalties under Section 12.

6.5 Height Restrictions

The following height limits shall apply:

- a) **Solar Panels and Arrays:** Maximum height of **18 feet** from the highest adjacent natural grade to the highest point of the panel at full tilt. If Applicant desires a higher maximum height, this shall be considered a variance and application of additional height of vegetation may apply.;
- b) **Substations, Switchyards, and Transmission Support Structures:** Maximum height of **75 feet**, unless otherwise required by interconnection standards and supported by documentation.

6.6 Fencing and Security Requirements

All CSES facilities shall be enclosed for security and safety. Required fencing shall meet the following standards:

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- a) **Wildlife-Friendly Agricultural Fencing** shall be used, defined as non-barbed wire or woven wire fencing that permits passage of native wildlife but restricts livestock and unauthorized access;
- b) Chain-link fences may be allowed for substations and inverter yards with BZA approval and must include top-mounted deterrents (e.g., 3-strand barbed/similar wire) only if justified by security requirements;
- c) Gates must be kept locked at all times. Access keys or digital codes must be filed with local fire departments, EMS, and law enforcement;
- d) Ground-mounted electrical equipment must be fully enclosed, visibly labeled with hazard warnings, owner/operator information, and emergency contact numbers.

6.7 Screening and Vegetative Buffer Requirements

To minimize visual impacts and preserve the aesthetic quality of surrounding properties, all CSES projects shall incorporate the following perimeter screening:

- a) A **minimum 15-foot-wide vegetative buffer** shall be planted along all sides visible to non-participating landowners or public roads;
- b) Plantings shall include:
 - o One (1) native evergreen tree (minimum 4 feet in height) **every 20 linear feet**;
 - o One (1) native deciduous tree (minimum six feet height, one inch diameter six inches from ground) **between every evergreen** (10 feet spacing), selected for a mature height of at least 20 feet in 10 years;
- c) The buffer shall also be planted with a **Tallgrass Prairie Mix** or pollinator-friendly native groundcover to support soil health and biodiversity;
- d) All plantings shall be located **at least 5 feet from any fence and no closer than 20 feet to the improved edge of a public road**;
- e) Screening shall achieve **100% year-round opacity within 3 years** of planting;
- f) A Monitoring and Maintenance Plan shall be submitted and include seasonal inspection schedules, invasive species control, and replacement of dead/damaged plants at least every 2 years;
- g) Landowners who are both participating and adjacent to other participating landowners may seek to waive vegetative buffer requirements along internal boundaries, but only via a **recorded mutual waiver agreement** submitted to and approved by the Plan Commission, in their discretion.

SECTION 7. ENVIRONMENTAL, VEGETATION, AND SOIL PROTECTIONS

7.1 Groundcover and Vegetation Requirements

All land within the boundaries of a permitted Commercial Solar Energy System (CSES), including areas under and between solar panels, inverter pads, and access lanes, shall be **stabilized and maintained** using native perennial vegetation consistent with Indiana conservation standards. Specifically:

- a) Vegetation must be established using **regionally appropriate, non-invasive native species** suitable for soil stabilization, pollinator support, and habitat enhancement;
- b) Turf grass, gravel, bare soil, synthetic matting, or artificial ground coverings are **strictly prohibited**, except for designated service areas such as substation pads and fire lanes;
- c) All seed mixtures must conform to or exceed the minimum criteria of the **2020 Indiana Solar Site Pollinator Habitat Planning Scorecard** developed by Purdue University or its most current equivalent;
- d) All seed mixes, planting depths, and establishment procedures must be developed in consultation with the Starke County Soil and Water Conservation District or a qualified native seed expert and submitted as part of the Preliminary Site Plan and Specifications.

7.2 Establishment and Maintenance of Vegetation

The Applicant shall ensure that vegetation is properly established during the first full growing season after seeding. A **Monitoring and Maintenance Plan** shall be required and must include:

- a) A pre-planting plan showing site preparation methods (e.g., herbicide removal of invasive species, tillage);
- b) A seeding schedule, including species list and seeding depths;
- c) Biannual monitoring reports for the first 3 years post-installation;
- d) An adaptive management strategy, including replanting or spot overseeding if establishment goals are not met;
- e) Invasive species removal protocols compliant with the Indiana Invasive Species Council list;
- f) Ongoing vegetation maintenance and mowing not more than twice annually, timed to avoid disruption of pollinator or nesting habitat;
- g) Long-term maintenance obligations enforceable for the full operational life of the CSES.

7.3 Agrivoltaics Exception to Standard Groundcover

The required use of pollinator-friendly native groundcover may be waived in specific zones of the

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project only if the CSES Applicant submits an **approved Agrivoltaics Plan**, demonstrating that agricultural co-use will occur on-site. To qualify:

- a) The Agrivoltaics Plan must include:
 - 1) A list of intended agricultural activities (e.g., rotational grazing, beekeeping, crop rows);
 - 2) A written agreement with one or more Indiana-registered farm operators participating in the management of the co-use area;
 - 3) A layout map showing zones of agrivoltaic activity and infrastructure designed to accommodate it (e.g., panel spacing, access paths, fencing suitable for livestock);
- b) Agrivoltaic operations must begin within **twenty-four (24) months** of project energization;
- c) If agrivoltaic use is not commenced within that time, or if operations cease for more than **eighteen (18) consecutive months**, the Applicant shall be required to establish pollinator-friendly groundcover per Section 7.1 across all affected areas;
- d) The Agrivoltaics Plan must be approved by the Plan Commission and monitored annually for compliance.

7.4 Chemical Use Restrictions
To protect soil health, groundwater, and pollinator habitats, the use of the following is **prohibited**, unless approved by the Planning Commission or Soil and Water Conservation District on a limited, site-specific basis:

- a) Broad-spectrum **synthetic herbicides**, insecticides, and pesticides;
- b) Fertilizers or soil amendments not derived from organic or natural sources;
- c) Chemical treatments during the establishment phase that affect soil microbiology or groundwater leaching potential.

The applicant shall submit a **Chemical Management Plan**, if any chemical use is proposed, detailing the products, application methods, frequencies, safety data sheets (SDS), and containment protocols.

7.5 Soil Protection and Farmland Preservation
All CSES projects shall be designed to preserve the agricultural productivity and long-term viability of Starke County soils:

- a) Projects shall **avoid siting on USDA-defined Prime Farmland** to the greatest extent feasible. Where unavoidable, justification shall be submitted demonstrating lack of suitable alternatives;

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- b) Applicants must implement **best practices for soil protection** during construction, including low ground pressure equipment, topsoil stripping and storage, and designated laydown areas to avoid compaction;
- c) A **Soil Management and Erosion Control Plan** must be submitted with construction plans, and shall include:
 - 1) Topsoil conservation strategy;
 - 2) Erosion control measures per NRCS (Natural Resources Conservation Service) standards;
 - 3) Phasing and timing to minimize open soil exposure;
 - 4) Stormwater BMPs (Best Management Practices) tied to site grading and hydrology;
- d) All sediment control and stormwater features must be installed and functional before earth disturbance begins.

7.6 Post-Construction Soil Testing (Optional Provision)

The County may require soil compaction testing or nutrient analysis at the request of the Drainage Board, Plan Commission, or a participating landowner. If post-construction testing shows evidence of soil degradation, the operator shall implement corrective actions, including deep tilling, nutrient rebalancing, and/or native species restoration.

SECTION 8. DRAINAGE AND EROSION CONTROL

8.1 General Requirements

All Commercial Solar Energy Systems (CSES) shall be designed, constructed, and operated in a manner that preserves the existing function and flow of all surface and subsurface drainage systems, including regulated county ditches, field tiles, watercourses, and private or public stormwater infrastructure.

Drainage impacts from the proposed facility shall be fully evaluated, and systems must be engineered to ensure that post-construction runoff volumes, flow rates, and velocity do not exceed pre-construction conditions unless otherwise approved by the Starke County Drainage Board.

8.2 Drainage Plan Submission Requirements

The Applicant shall submit a Drainage and Erosion Control Plan prepared by a licensed professional engineer registered in the State of Indiana. The plan must be submitted as part of the Preliminary Site Plan and shall include:

- a) Preliminary Grading Plan showing all proposed contours, cuts and fills, slope transitions, and construction laydown areas;

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- b) Drainage Map of pre- and post-development drainage basins including flow direction arrows, basin size (acres), and flow path;
- c) Stormwater Calculations demonstrating that post-construction runoff does not exceed pre-development “C” values for all disturbed areas;
- d) Hydrologic Modeling Reports showing infiltration, detention, and time of concentration assumptions and calculations;
- e) Erosion and Sediment Control Plan meeting IDEM’s current Construction Storm Water General Permit (CSWGP) standards;
- f) Temporary Seeding Specifications and phasing plans for vegetative stabilization between construction activities;
- g) Description and location of all Best Management Practices (BMPs);
- h) Certification from the design engineer that the proposed plan complies with current NRCS and IDEM guidelines.

The Starke County Drainage Board and Surveyor may require the review of submitted drainage plans by a third-party licensed engineer of their choosing. All costs associated with this engineering review shall be paid by the CSES applicant as a condition of project approval.

8.3 Tile, Ditch, and Legal Drain Protection

The Applicant shall be fully responsible for identifying, documenting, and protecting all underground and surface drainage features on the site. The following provisions shall apply:

- a) All regulated county tiles, ditches, or drains shall be located and shown on the site plan;
- b) A minimum 100-foot setback shall be maintained from the top of bank of any open legal drain or regulated watercourse;
- c) No CSES equipment may be placed over, across, or within 10 feet of any county-maintained tile without written approval from the Drainage Board;
- d) The CSES Applicant shall, at their own cost, repair any damage to drainage systems caused by construction or operation, to the satisfaction of the affected landowner and Drainage Board;
- e) The Applicant shall provide digital GIS-compatible maps of all known and discovered tile lines or drainage infrastructure upon project completion to the County Surveyor and Drainage Board.

8.4 Construction Stormwater Permit Compliance

CSES Applicants must obtain and maintain compliance with the IDEM Construction Storm Water General Permit. All documentation, including the Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP), shall be submitted to the County prior to land disturbance. Signage must be posted on site per IDEM requirements.

8.5 Post-Construction Stormwater Management

All permanent stormwater facilities must be installed and functional prior to energization. A Post-Construction Maintenance Plan shall be submitted and must outline inspection, mowing, sediment removal, and invasive species control procedures. Annual inspections are required and must be documented.

8.6 Drainage Restoration Bond

A drainage restoration bond shall be posted in an amount determined by the County Surveyor or Drainage Board to ensure full repair of any post-construction damage to drainage infrastructure. The bond shall remain in place for a minimum of twelve (12) months after project completion.

8.7 Complaint Response and Enforcement

Verified violations must be corrected by the Applicant within seven (7) calendar days unless otherwise agreed to by the Drainage Board.

Non-compliance shall result in Stop Work Orders, County-initiated repairs at the Applicant's expense, daily fines under Section 12, and possible suspension or revocation of project permits.

SECTION 9. FIRE SAFETY AND EMERGENCY RESPONSE

9.1 General Fire Safety and Prevention Requirements

To ensure the safety of first responders, property owners, and nearby communities, all Commercial Solar Energy Systems (CSES) must incorporate fire prevention, suppression, and monitoring protocols consistent with national best practices and local agency coordination. All plans and infrastructure must meet or exceed the standards set forth in the **National Fire Protection Association (NFPA) 855 – Standard for the Installation of Stationary Energy Storage Systems**, as amended, and applicable Indiana fire codes.

9.2 Fire Prevention, Suppression, and Monitoring Plans

As part of the Preliminary Site Plan and Specifications, the Applicant shall submit a **Fire Safety and Emergency Response Package**, including the following elements:

- a) A **Fire Prevention Plan**, detailing materials and system components used (e.g., batteries, inverters, transformers) and fire risk mitigation strategies;
- b) A **Fire Suppression Plan**, identifying the type and locations of suppression infrastructure (e.g., hydrants, chemical or water-based systems, fire extinguishers, etc.);

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- c) A **Monitoring and Alarm System Plan**, showing how fire events or electrical faults will be automatically detected and reported;
- d) A **Fire Department Notification System**, integrating direct automated notification to **Starke County Dispatch 911 center** for all fire-related alerts;
- e) A **Hazardous Materials Inventory and Containment Plan**, identifying all flammable, explosive, or environmentally hazardous components used on site and the containment measures in place.

All plans must be reviewed and approved by the Planning Commission in consultation with local fire departments and emergency management personnel.

9.3 Fire Suppression Infrastructure Requirements

Each CSES must install on-site fire response infrastructure that meets the following minimum standards:

- a) A **fire protection well and hydrant system (or reasonable alternative)** shall be installed at each major site entrance;
- b) The system must be capable of producing a **minimum flow of 600 gallons per minute (GPM)** and shall be functional prior to delivery of electrical equipment;
- c) The hydrant shall be placed within **20 feet of the field entrance and 20 feet from the edge of the improved road surface**;
- d) An **electric H-panel control station** must be installed near the hydrant, within 20 feet of the discharge area;
- e) The H-panel must be **clearly labeled for fire department use only**, and a lockable enclosure and key must be provided to all emergency services personnel;
- f) The hydrant and panel system must be **inspected bi-annually**, with maintenance logs submitted to the Planning Commission and responding fire department.

9.4 Fire Response Funding and Equipment Support

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

- a) A one-time collective payment of **\$15,000** shall be provided to (to be divided at discretion of Starke County Commissioners):
 - 1) The **primary responding fire department**; and
 - 2) The local **EMS provider** serving the project area;
- b) Funds shall be used for the purchase of fire suppression tools, personal protective equipment (PPE), thermal cameras, foam supplies, or any other equipment deemed necessary by the responding agencies;

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- c) The funds shall be disbursed **within six (6) months of permit issuance** and prior to the delivery of any solar-related equipment or materials to the site.
- d) Upon completion of the project and receiving final approval to commence operations, the Applicant shall provide, each year, on or before March 1 of each year, the sum of \$5,000 towards emergency responders as outlined above. Each year, this sum shall increase by three percent (3%), year over year, during operation of the project.

9.5 Emergency Response Training

The Applicant must coordinate and offer **annual fire and emergency response training sessions** to all local responders, including fire, EMS, and emergency management. The first training session must occur prior to the delivery of major system components.

Training shall cover:

- a) System shut-off and lock-out procedures;
- b) Electrical hazard zones and battery-specific hazards;
- c) Access points and system layout review;
- d) Use of on-site hydrant and fire suppression equipment;
- e) Emergency contact protocols.

Proof of training attendance and completion must be submitted annually to the Starke County Planning Commission. Failure to conduct annual training shall constitute a violation under Section 12.

9.6 Standard Operating Procedures (SOPs) and Guidelines (SOGs)

The immediate responding fire department, along with designated mutual aid fire departments and EMS, shall develop Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs) specific to the CSES. These shall be completed and submitted prior to issuance of an Improvement Location Permit.

The Applicant shall assist in SOP/SOG preparation

SECTION 10. ROAD USE AND MAINTENANCE AGREEMENT (RUA)

10.1 Requirement and Purpose

Prior to any grading, construction, or delivery of equipment associated with a Commercial Solar Energy System (CSES), the Applicant shall enter into a binding Road Use and Maintenance Agreement (RUA) with the Starke County Highway Department and Board of Commissioners. The purpose of this agreement is to ensure that all county and local public roads used for construction traffic are protected, restored, and maintained to safe standards throughout the project lifecycle.

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The RUA shall be executed as a legally enforceable contract and made a public record. It shall be incorporated by reference into the Special Use Permit and Improvement Location Permit.

10.2 Engineer Selection and Costs

All road condition assessments, engineering analysis, and restoration cost estimates required under this section shall be performed by a licensed Indiana professional engineer selected by the County. The CSES Applicant shall be responsible for all costs associated with the engineering services and shall remit payment in full before the commencement of any fieldwork, inspections, or haul route planning.

The County's engineer shall report directly to the Starke County Highway Department.

10.3 Pre-Construction Road Survey and Inventory

The RUA shall require the Applicant to complete a detailed pre-construction road survey, including:

- a) Inventory of all county and township roads, bridges, culverts, and intersections along the proposed haul routes;
- b) High-resolution photo and/or video documentation of current road conditions;
- c) Load-bearing and PASER rating assessments of all affected road segments;
- d) Identification of road segments requiring upgrades, widening, or temporary reinforcement prior to construction.

This survey shall be reviewed and approved by the County Highway Superintendent and the Starke County Board of Commissioners and incorporated into the final RUA.

10.4 Approved Haul Routes and Traffic Coordination

The Applicant shall submit a map showing all proposed construction equipment haul routes. The plan shall include:

- a) Identification of state and local roads to be used;
- b) Proposed phasing schedule and projected daily truck trips;
- c) Temporary road closure or detour requests;
- d) Traffic safety controls including flaggers, signage, and dust suppression;
- e) Notification procedures to local law enforcement, EMS, schools, post offices, and INDOT.

No CSES construction-related traffic may deviate from the approved haul routes without written approval from the County Highway Department and the Starke County Board of Commissioners.

10.5 Road Bonding and Financial Security

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The Applicant shall post a road restoration performance bond or equivalent financial assurance in an amount determined by the County-selected engineer. The bond shall:

- a) Equal 100% of the estimated cost to fully restore all haul routes to their pre-construction condition or better;
- b) Remain valid throughout the construction period and for at least six (6) months after final energization of the project;
- c) Be payable to Starke County and released only upon written verification by the Highway Superintendent and the Starke County Board of Commissioners that all restoration obligations have been met.

10.6 Road Restoration and Pavement Standards

Upon completion of construction, the County shall conduct a post-construction inspection. If the inspection reveals deterioration, the Applicant must:

- a) Restore the affected road segment to its original PASER rating or better; or
- b) If the PASER rating has dropped by more than one full point, mill and resurface the entire road segment to a minimum PASER 6 standard, at the Applicant's full expense;
- c) Patch repairs or partial overlays shall not be permitted if the PASER rating has fallen below 4;
- d) All temporary road widening, gravel shoulders, or access cuts shall be removed and restored unless expressly permitted to remain.

10.7 Construction Access and Dust Control

During construction, the Applicant shall:

- a) Limit all CSES-related vehicle traffic to approved haul routes;
- b) Implement dust control measures including periodic water application and street sweeping as needed;
- c) Maintain safe and continuous access for public traffic, emergency vehicles, school buses, and agricultural operations;
- d) Provide flagging or signage at critical intersections and turns.

10.8 Enforcement and Violations

Failure by the Applicant to comply with any term of the Road Use and Maintenance Agreement shall result in one or more of the following actions:

- a) Issuance of a Stop Work Order until compliance is achieved;

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- b) Drawing upon the road bond by the County to fund necessary repairs;
- c) Suspension or revocation of the Improvement Location Permit or Special Use Permit;
- d) Daily fines as provided in Section 12.

10.9 Modifications to the Road Use and Maintenance Agreement

No changes, waivers, or modifications to the executed RUA shall be valid unless:

- a) Reviewed and approved at a public hearing before the Board of Zoning Appeals (BZA);
- b) Formally amended by variance issued pursuant to public notice and findings under Indiana Code IC 5-3-1;
- c) All changes are recorded in the official public record and incorporated into the project file.

10.10 Incorporation into Ordinance

The template for the Road Use and Maintenance Agreement, including survey requirements, bonding formulas, restoration standards, and enforcement procedures, shall be adopted by reference as Appendix A to this Ordinance. No CSES may proceed without executing the RUA as provided unless formally modified through the variance process.

SECTION 11: DECOMMISSIONING AND REPAIR AND MAINTENANCE

11.1 Decommission Bond

An Applicant may not install or locate a CSES system unless the Applicant submits to Starke County a decommissioning and site restoration plan (for use in Decommissioning Trigger Events), and posts a surety bond, or an equivalent means of security acceptable to Starke County, including a parent company guarantee or an irrevocable letter of credit, but excluding cash, in an amount equal to the estimated cost of decommissioning the CSES system, as calculated by a third party licensed or registered engineer or by another person with suitable experience in the decommissioning of CSES systems, as agreed upon by the Applicant and Starke County. The required bond or other security shall be posted in increments such that the total amount of the bond or security posted is as follows:

- (1) An amount equal to twenty-five percent (25%) of the total estimated decommissioning costs not later than the start date of the CSES system's full commercial operation.
- (2) An amount equal to fifty percent (50%) of the total estimated decommissioning costs not later than the fifth anniversary of the start date of the CSES system's full commercial operation.
- (3) An amount equal to one hundred percent (100%) of the total estimated decommissioning costs not later than the tenth anniversary of the start date of the CSES system's full commercial operation. For purposes of this subdivision, the total estimated decommissioning costs shall be reevaluated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of CSES systems, as agreed upon by the project owner and the permit authority):

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(A) in connection with the tenth anniversary of the start date of the CSES system's full commercial operation; and

(B) at least once every succeeding five (5) year period after the tenth anniversary of the start date of the CSES system's full commercial operation.

11.2 Decommissioning Triggers

Decommissioning shall begin if:

- a) The CSES ceases generating electricity for twelve (12) consecutive months, including in situations of force majeure;
- b) The operator issues written notice of permanent shutdown;
- c) The County finds the project has been abandoned or is unsafe.

In case of force majeure or a natural disaster, a written repowering or restoration plan must be submitted within four (4) months. If not resumed within eighteen (18) months, decommissioning shall begin immediately.

11.3 Scope of Decommissioning

The plan shall require full removal of:

- a) All solar panels, racks, piles, fences, pads, conduits;
- b) Subsurface infrastructure to a depth of at least three (3) feet;
- c) Gravel or construction materials;
- d) Restoration of site to original contours with topsoil, native seeding, or agreed-upon agricultural reuse;
- e) Removal or restoration of roads, wells, fencing as directed by landowner and approved by County.

11.4 Cost Estimate and Independent Review

Decommissioning costs shall be prepared by a licensed engineer and may be subject to third-party review by a County-selected engineer at the Applicant's expense. Cost must:

- a) Reflect current market conditions;
- b) Include all labor, materials, removal, transport, and restoration;
- c) Not assume salvage value unless full value is contractually assigned to the County.

11.5 Financial Assurance Requirement

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A decommissioning bond, as outlined in 11.1, or equivalent financial assurance shall be provided covering all parcels under each individual participating landowner. This bond shall:

- a) Be executed between the solar Applicant and the participating landowner;
- b) Name Starke County as a third-party beneficiary with right of enforcement;
- c) Be posted prior to any construction activity.

11.6 Definition of Construction

For purposes of this ordinance, “construction” shall include:

- a) Soil testing or geotechnical boring;
- b) Clearing, grading, or excavation;
- c) Driveway or road installation;
- d) Equipment delivery or laydown;
- e) Any disturbance requiring an ILP or drainage/stormwater permit.

No activity defined as construction shall begin until the decommissioning bond is fully executed and accepted by StarkeCounty.

11.7 Landowner Accountability

If the Applicant fails to act, and does does not initiate decommissioning within twelve (12) months of cessation, upon thirty (30) days notice to the Applicant and Landowner, the County may enforce the agreement and recover costs from:

- a) The bond;
- b) Legal action against the landowner; and/or
- c) Placement of liens on project parcels.

11.9 Soil Restoration

After removal, the site shall:

- a) Be decompacted, contoured, and restored per the Agricultural Soil Reclamation Plan (Appendix C);
- b) Be suitable for native vegetation or agricultural reuse per landowner preference.

11.10 Bond Release

Release of the financial assurance shall require:

- a) Final site inspection;

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- b) Written certification from the County Surveyor and Plan Commission;
- c) Approval by the Board of Commissioners confirming full compliance.

11.11 Amendments

No changes to the agreement or bond may be made without:

- a) Public notice and hearing before the BZA;
- b) Formal variance approval;
- c) Recordation of amendment with the County Recorder.

SECTION 12. INSURANCE AND LIABILITY

12.1 General Liability Insurance Requirement

All Commercial Solar Energy System (CSES) Applicants and operators shall procure and maintain **Commercial General Liability (CGL) insurance** for the duration of the project, including during the construction, operational, and decommissioning phases.

The policy shall provide:

- a) **Minimum coverage of \$2,000,000 per occurrence;**
- b) **Minimum \$5,000,000 aggregate limit;**
- c) Coverage for bodily injury, property damage, personal injury, and environmental/pollution damage.

The insurance must apply on a **per-project basis**, not as part of a blanket or shared policy.

12.2 Additional Insured Requirements

The following entities shall be named as **Additional Insureds** under the CGL policy for the entire term of the policy:

- a) Starke County Government;
- b) Starke County Plan Commission;
- c) Starke County Highway Department;
- d) Starke County Drainage Board;
- e) All Fire and EMS departments identified as primary or mutual aid responders for the project area.

Evidence of additional insured status must be included on the certificate of insurance and endorsement forms submitted with the project application.

12.3 Certificate of Insurance and Updates

A valid Certificate of Insurance (COI) must be submitted to the County at the following stages:

1. With the initial permit application;
2. Annually on or before the anniversary date of the policy's effective date;
3. Within thirty (30) days of any change, renewal, cancellation, or non-renewal of the policy.

Failure to provide an updated COI shall result in a Stop Work Order until compliance is achieved.

12.4 Worker's Compensation Coverage

The Applicant shall maintain **Worker's Compensation Insurance** coverage in accordance with all applicable Indiana and federal laws. Coverage shall be provided for all employees, contractors, and subcontractors engaged in construction, maintenance, or operations at the CSES site.

A copy of the active worker's compensation policy shall be kept on file with the Starke County Plan Commission for the duration of construction and operations.

12.5 Professional Liability and Construction Bonding

The County reserves the right to require the following additional forms of insurance or bonding, as a condition of approval, where circumstances warrant:

- a) **Professional Liability Insurance** (Errors and Omissions) for engineering or construction firms providing structural, geotechnical, or drainage design;
- b) **Performance Bond or Completion Bond** for high-risk or phased construction activities;
- c) **Environmental Liability Insurance** for battery systems, chemical storage, or sites within 1,000 feet of critical natural resources.

The need for such coverage will be determined by the County Plan Commission in consultation with the County Attorney and technical advisors.

12.6 Liability for Damages and Indemnification

The CSES Applicant and operator shall assume full responsibility and legal liability for any and all damages to public infrastructure, private property, drainage systems, or utilities arising from project development, construction, operation, or decommissioning.

The Applicant shall indemnify and hold harmless Starke County and its officials, departments, boards, employees, and agents from any and all claims, costs, damages, or legal actions resulting from:

- a) Failure to maintain required insurance;
- b) Property damage, injury, or death caused by the CSES or its operations;
- c) Environmental contamination or drainage system disruption; and/or

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- d) Negligence or willful misconduct by the Applicant or its agents.

The indemnification provision shall be included in the recorded Agreements required under this Ordinance.

SECTION 13. ENFORCEMENT, VARIANCES, AND VIOLATIONS

13.1 Enforcement Authority

This Ordinance shall be enforced by the **Starke County Plan Commission**, with the assistance of the Starke County Building Commissioner, County Attorney, Drainage Board, Highway Department, and other designated officials or contractors. These authorities shall have the right to access CSES sites for inspection, documentation, compliance verification, or investigation at any time with 24-hour notice, or immediately in the event of an emergency.

All permits, plans, and agreements associated with a CSES shall be enforceable as conditions of zoning approval under Indiana Code § 36-7-4 and applicable County ordinances.

13.2 Stop Work Orders

If at any time the County determines that a violation of this Ordinance or any condition of an issued permit exists, the Plan Commission or Building Commissioner may issue a **Stop Work Order** requiring the immediate cessation of all construction or operational activity.

- The Stop Work Order shall remain in effect until full compliance is demonstrated to the satisfaction of the County;
- Continued work while a Stop Work Order is active constitutes a separate violation for each day of activity and may trigger immediate permit suspension or revocation.

13.3 Fines and Penalties

Violations of this Ordinance shall be subject to the following monetary penalties and corrective requirements:

- a) **First Violation:** Immediate Stop Work Order issued; no monetary penalty unless corrective action is not completed within 30 days.
- b) **Second Violation (Same or Similar Offense):** Stop Work Order + fine of **\$500 per day** until the violation is corrected and verified by County inspectors.
- c) **Unpaid Fines After 30 Days:** Fine doubles to **\$1,000 per day**; continued Stop Work Order remains in effect.

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- d) **Chronic Violations (3+ documented infractions):** Subject to permit suspension, public hearing before the Board of Zoning Appeals (BZA), and potential revocation of all County approvals.

All fines collected shall be deposited with the **Starke County Planning Commission** and may be used for general enforcement, inspection, or remediation activities.

13.4 Monthly Compliance Reporting

During construction and for the first 12 months of commercial operation, the Applicant shall submit **monthly compliance reports** to the Plan Commission. These reports must document:

- a) Construction progress and phasing;
- b) Site condition and erosion control measures;
- c) Any issues involving drainage, access, or neighbor complaints;
- d) Contact updates for key personnel.

Failure to submit two (2) consecutive reports shall be considered a violation and shall trigger penalties under Section 13.3.

13.5 Variance Procedure

Any request to deviate from the strict requirements of this Ordinance shall require a formal **Variance** and public hearing before the Board of Zoning Appeals (BZA), including:

- a) Submission of a detailed variance application;
- b) Notification of adjacent landowners in accordance with IC 5-3-1;
- c) Findings by the BZA that the variance will not harm neighboring properties, public infrastructure, or health and safety;
- d) Recording of the variance and all related conditions in the public record.

No variance shall be granted unless the applicant demonstrates a **clear hardship** or material change in technology or land use.

13.6 Modification of Approved Agreements or Plans

Any modification to a previously approved Road Use and Maintenance Agreement, Decommissioning Agreement, Emergency Response Plan, Landscape Plan, or Drainage Plan shall be subject to the following:

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- a) Public notice and hearing before the Board of Zoning Appeals;
- b) Review by affected departments (e.g., Drainage Board, Highway Department, EMS, Fire);
- c) Approval of a formal **amended variance** incorporating the change;
- d) Filing of the updated documents with the County Recorder.

13.7 Injunctive Relief and Legal Action

In the event of willful violation, project abandonment, nonpayment of fines, or breach of agreement:

- a) The County may seek **injunctive relief** or enforcement orders in the Starke County Circuit or Superior Court;
- b) The County may recover **all legal, engineering, and remediation costs**, including attorney's fees;
- c) The County may place a **lien on project parcels** to recover fines, restoration costs, or public expenses; and/or
- d) Additional penalties may be pursued under Indiana's Uniform Enforcement of County Ordinances statutes.

SECTION 14. APPENDICES AND DEFINITIONS

14.1 Incorporation of Appendices by Reference

The following appendices are hereby incorporated by reference into this Ordinance and shall carry the same legal force and effect as if set forth in full herein. Any amendments to these documents must follow the same procedures as amendments to the Ordinance itself, including public hearing and formal approval by the Board of Zoning Appeals and Plan Commission.

Appendix A – Road Use and Maintenance Agreement Template

- Standardized agreement format for haul route identification, pre/post-construction road condition surveys, bonding, restoration standards, and enforcement triggers.
- Engineer-selected by County, costs paid by Applicant.
- Public variance required for any deviations.

Appendix B – Decommissioning Plan and Agreement Template

- Legal framework for recording decommissioning obligations between Applicant and landowner Starke County third-party beneficiary rights.

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- Includes triggers, removal scope, cost estimating protocols, and financial assurance formats.
- Defines landowner enforcement responsibility and Starke County third-party beneficiary rights.

Appendix C – Agricultural Soil Reclamation Plan

- Detailed plan specifying soil decompaction, grading, subsoiling, seed mixes, and replanting methods.
- Includes NRCS-based standards and timeline for restoration success.
- Required for all decommissioned areas not returned to active agrivoltaics.

Appendix D – Required Submittals Checklist

- Comprehensive checklist of all documents required at each phase: permit application, Preliminary Site Plan, and final As-Built certification.
- Includes: fire suppression plan, landscape buffer plan, glare affidavit, drainage approval, financial assurance documents, proof of insurance, utility notification affidavits, and contact registry.

APPENDIX A – ROAD USE AND MAINTENANCE AGREEMENT TEMPLATE

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THIS ROAD USE AND MAINTENANCE AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, **20**, by and between:

Starke County, Indiana, by and through its Board of Commissioners and Highway Department (hereinafter, the "County"),

and

[Applicant Name], a [State] [Entity Type] having its principal office at [Address] (hereinafter, "Applicant").

RECITALS

WHEREAS, Applicant intends to construct and operate a Commercial Solar Energy System (CSES) within unincorporated Starke County;

WHEREAS, the construction and development of a CSES will require the transport of heavy equipment and materials over public roads maintained by the County;

WHEREAS, the County is responsible for protecting and preserving its road infrastructure for public use;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

SECTION 1. HAUL ROUTE IDENTIFICATION

1.1 Applicant shall submit a detailed haul route plan identifying all state, county, and township roads intended for use during project construction and delivery.

1.2 Applicant shall not use any road not identified in the approved plan without written permission from the Starke County Highway Superintendent and the Board of Commissioners.

SECTION 2. PRE-CONSTRUCTION ROAD CONDITION SURVEY

2.1 The County shall select a licensed professional engineer to conduct a pre-construction inspection of all haul routes. The survey shall include:

- Video and photographic documentation;
- PASER ratings and load-bearing assessments;
- Recommendations for preemptive improvements, if necessary.

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2.2 Applicant shall pay all costs for the survey, which must be completed before any construction, clearing, or mobilization occurs.

SECTION 3. BONDING AND FINANCIAL ASSURANCE

3.1 Applicant shall post a road restoration performance bond in an amount equal to 100% of the engineer's estimate for full restoration of the haul routes to pre-construction condition.

3.2 The bond shall be payable to Starke County and shall remain in effect through construction and for at least six (6) months following project energization.

3.3 The bond may be drawn upon if Applicant fails to meet post-construction restoration requirements.

SECTION 4. CONSTRUCTION OBLIGATIONS

4.1 Applicant shall limit all heavy vehicle and equipment traffic to the approved haul routes.

4.2 Applicant shall implement dust control measures, maintain roadway safety, and coordinate with emergency services, schools, and affected residents.

4.3 Any temporary access improvements (e.g., widening, culvert installations) must be approved and removed or restored unless otherwise authorized in writing.

SECTION 5. POST-CONSTRUCTION INSPECTION AND RESTORATION

5.1 The County's engineer shall conduct a post-construction road inspection within 30 days of substantial project completion.

5.2 If road segments are found to have:

- A PASER rating reduced by more than 1 point: full resurfacing shall be required;
- A PASER rating below 4: partial patching is not allowed; full milling and repaving is mandatory.

5.3 Applicant shall restore all impacted roads to their pre-construction PASER rating or better, at its sole expense.

SECTION 6. ENFORCEMENT AND NON-COMPLIANCE

6.1 The County may issue a Stop Work Order if:

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- Any haul route is used without approval;
- Applicant fails to maintain public safety or dust control;
- Post-construction restoration is not completed as required.

6.2 The County may draw on the bond and contract for road repairs if Applicant fails to complete repairs within 30 days of notice.

6.3 Permit suspension or revocation may occur for ongoing non-compliance.

SECTION 7. MODIFICATIONS AND AMENDMENTS

7.1 No modification or waiver of this Agreement shall be valid unless:

- Approved by a public hearing before the Board of Zoning Appeals;
- Documented in writing and signed by both parties;
- Recorded in the County's project file.

SECTION 8. RECORDING AND TERM

8.1 This Agreement shall be incorporated into the Applicant's Special Use Permit and Improvement Location Permit.

8.2 This Agreement shall remain in full force until all roadways have been inspected and formally released in writing by the County.

SIGNATURES

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

[Applicant	Representative	Name]
Title:		
Date:		

Starke	County	Highway	Superintendent
Date:			

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Starke County Commissioner (President or Designee)
Date:

APPENDIX B – DECOMMISSIONING PLAN AND AGREEMENT TEMPLATE

THIS DECOMMISSIONING PLAN AND AGREEMENT (the “Agreement”) is made and entered into this ____ day of _____, 20, by and among:

[Applicant Name], a [State] [Entity Type] having its principal office at [Address] (hereinafter, “Applicant”);

and

[Participating Landowner Name(s)], the record owner(s) of the real property described in Exhibit A attached hereto and incorporated herein (hereinafter, “Landowner”);

with **Starke County, Indiana** named as a third-party beneficiary (hereinafter, “County”) for the limited purposes set forth herein.

RECITALS

WHEREAS, Applicant has entered into an agreement with Landowner to construct and operate a Commercial Solar Energy System (CSES) on the Property;

WHEREAS, the Starke County Solar Energy Systems Ordinance requires an enforceable plan to ensure the removal of CSES infrastructure and full restoration of land upon cessation of operations;

WHEREAS, the parties intend for this Agreement to define the obligations, timelines, financial assurances, and enforcement mechanisms related to decommissioning;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

SECTION 1. DEFINITIONS

“CSES” means the Commercial Solar Energy System and all associated infrastructure, equipment, and access improvements described in the permit application approved by the County.

“Decommissioning” means removal of the CSES, restoration of the site, and reestablishment of soils and vegetation as further detailed below.

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“Trigger Event” means:

(a) 12 consecutive months of non-generation; or

(b) Written notice of permanent shutdown by Applicant;

(c) Determination of abandonment by the County.

SECTION 2. DECOMMISSIONING OBLIGATIONS

2.1 Removal Scope: Applicant shall remove all above- and below-ground equipment, cables, concrete, foundations (to a depth of 3 feet), and gravel roads, unless the Landowner requests certain improvements remain and the County approves in writing.

2.2 Soil and Site Restoration: Applicant shall:

- Decompect disturbed soils to a depth of at least 18 inches;
- Regrade and recontour land to pre-project topography;
- Respread topsoil and revegetate using a native mix or convert to agricultural production as chosen by the Landowner;
- Implement all practices in the Agricultural Soil Reclamation Plan (Appendix C of the Ordinance).

2.3 Timeline: Applicant shall initiate decommissioning within ninety (90) days of a Trigger Event and complete it within 12 months, unless extended in writing by the County.

SECTION 3. FINANCIAL ASSURANCE

3.1 Form and Amount: Applicant shall provide a performance bond, irrevocable letter of credit, or cash escrow equal to 100% of the estimated decommissioning cost, not reduced by salvage value.

3.2 Updates: The cost estimate shall be reviewed and updated by a licensed Indiana engineer every five (5) years and submitted to the County for review. The financial assurance shall be adjusted accordingly and maintained at all times.

3.3 Beneficiaries: The Landowner is the primary beneficiary and responsible party. The County shall be listed as a third-party beneficiary, with rights of notice, inspection, and enforcement under this Agreement and the Starke County Solar Energy Systems Ordinance.

SECTION 4. LANDOWNER RESPONSIBILITY

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4.1 If Applicant fails to fulfill the decommissioning obligation, and the Applicant does not initiate decommissioning within 12 months of the Trigger Event, upon thirty (30) days issuance of written notice to the Landowner, the County may:

- Enforce the terms of this Agreement;
- Draw upon the financial assurance;
- Perform decommissioning and place a lien on the Property for any costs not covered by the bond.

4.2 Landowner agrees to cooperate in all reasonable respects with County enforcement actions and to provide access to the site as needed.

SECTION 5. RECORDING AND TERMINATION

5.1 This Agreement shall be recorded by the Landowner against the Property in the Office of the Starke County Recorder within 30 days of execution.

5.2 This Agreement shall remain in full force until:

- All decommissioning obligations are satisfied; and
- The County has issued a written release.

SECTION 6. GENERAL TERMS

6.1 Amendments: No amendment shall be valid unless in writing, approved by the County, and recorded.

6.2 Notices: All required notices shall be sent via certified mail to the parties at the addresses above, or such other address as may be provided.

6.3 Governing Law: This Agreement shall be governed by the laws of the State of Indiana.

SIGNATURES

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

[Applicant
Title:
Date:

Representative

Name]

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[Landowner Name]
Date:

Authorized Representative, Starke County (acknowledged as third-party beneficiary)
Date:

EXHIBIT	A:	Legal	Description	of	Property
[Insert legal description or attach plat]					

APPENDIX C – AGRICULTURAL SOIL RECLAMATION PLAN

This Appendix establishes the minimum standards and required procedures for the restoration of soils disturbed during the construction and decommissioning of a Commercial Solar Energy System (CSES) in Starke County.

1. Topsoil Management

- Prior to grading or excavation, all topsoil shall be stripped from affected areas, stockpiled separately from subsoil, and protected from erosion and compaction.

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- Stockpiles shall be stabilized with temporary seeding and protected with silt fencing or other BMPs during construction.

2. Subsurface Soil Decompaction

- All disturbed areas, including panel rows, laydown yards, and access roads to be removed, shall undergo deep tillage or subsoiling to a depth of **at least 18 inches**.
- Tillage shall be performed in two perpendicular passes to relieve compaction and restore infiltration capacity.

3. Topsoil Replacement and Grading

- After decompaction, the stockpiled topsoil shall be evenly redistributed to a minimum depth equal to pre-construction conditions.
- Final grading shall restore approximate original contours and ensure drainage patterns function as they did pre-construction.

4. Soil Amendments and Stabilization

- If post-removal soil testing reveals nutrient depletion, pH imbalance, or organic matter loss, the operator shall apply lime, compost, or other approved amendments based on soil test recommendations.
- Temporary stabilization shall be achieved using approved erosion control seed mixes until final cover is established.

5. Permanent Vegetative Cover

- All restored areas shall be reseeded with:
 - A **native tallgrass prairie mix** appropriate for Indiana soils and climate; or
 - **USDA/NRCS-approved pasture/crop seed mix** if site will return to active farming.
- No invasive or non-native species shall be used.

6. Monitoring and Success Criteria

- The restored land shall be monitored for **three (3) growing seasons**.
- At least **80% vegetative cover** must be established by the end of the second season.
- Any bare spots >100 sq ft shall be reseeded within 30 days.
- Visual inspections and photo documentation shall be submitted annually to the County.

7. Final Certification

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- Upon satisfactory completion of all restoration activities, the County Surveyor and Plan Commission shall conduct a final site inspection.
- Final release shall be issued in writing once all restoration and vegetative success criteria are verified.

8. Acknowledgment and Certification

The Applicant and Landowner acknowledge and agree to follow this Agricultural Soil Reclamation Plan as a binding part of the Decommissioning Plan and Solar Energy Systems Ordinance. This document must be signed and submitted with the Decommissioning Agreement.

[Applicant Representative Name]
Title:
Date:

[Landowner Name]
Date:

APPENDIX D – REQUIRED SUBMITTALS CHECKLIST

The following documents shall be submitted to the Starke County Plan Commission as part of the permitting process for any CSES project. All items are mandatory unless explicitly waived by the Commission in writing.

A. Initial Application Submittal

1. Completed CSES Permit Application Form
2. Application Fee and Fee Schedule Acknowledgment
3. Proof of Ownership or Land Lease Authorization
4. Preliminary Site Plan (minimum 75% design)
5. Manufacturer Specifications (panels, inverters, batteries)
6. FAA Glare Impact and Compliance Study (if within 1,000 ft of airport)
7. Affidavits of:

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- No wireless or radio signal interference
- Glare mitigation for neighboring homes and roads
- Utility notification per Indiana law

8. Noise Study and Compliance Plan

B. Infrastructure and Engineering Documents

- 9. Drainage and Erosion Control Plan (including Rule 5 Permit)
- 10. Pre/Post Drainage Maps and Calculations
- 11. Road Use and Maintenance Agreement (executed copy)
- 12. Fire Prevention and Emergency Response Plan
- 13. Vegetation and Groundcover Plan (native/pollinator focus)
- 14. Landscape Buffer and Screening Plan with cross-sections
- 15. Decommissioning Plan and Agreement (executed copy)
- 16. Financial Assurance Documentation (bond/LOC/escrow)
- 17. Signed Appendix C – Agricultural Soil Reclamation Plan Acknowledgment

C. Construction and Operational Phase

- 18. Monthly Compliance Reporting Template
- 19. Pre-Construction Photo and Video Survey of Roads
- 20. Contact Directory for Applicant, Site Manager, Emergency Leads

D. Closeout Submittals

- 21. As-Built Construction Drawings (certified and recorded)
- 22. Updated Legal Description and Parcel Data
- 23. Final Soil Restoration Report (per Appendix C)
- 24. Decommissioning Bond Renewal or Update Verification
- 25. Final Inspection Reports by Highway, Drainage, and Plan Commission
- 26. Certificate of Completion and Compliance

Failure to submit or maintain any of the above documents may result in Stop Work Orders, permit suspension, or fines under Section 13 of this Ordinance.

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