

ORDINANCE NO. 2024-8B

**AN ORDINANCE AMENDING TITLE 15, CHAPTER 156 OF
THE CODE OF ORDINANCES OF HANCOCK COUNTY, INDIANA
REGARDING LARGE SCALE SOLAR ENERGY SYSTEMS**

WHEREAS, it is the role of the Hancock County (the “County”) Area Plan Commission (“Plan Commission”) to make recommendations to the Hancock County Board of Commissioners (“Commissioners”) regarding amendments to the Hancock County zoning ordinance; and

WHEREAS, the Commissioners previously adopted Ordinance No. 2024-3A, which amended Chapter 156 of the Code of Ordinances of Hancock County and established a new section, §156.082, which set guidelines and procedures for siting micro, small and medium scale solar energy systems within the County; and

WHEREAS, the Plan Commission, after holding a public hearing on July 23, 2024 has recommended to the Commissioners, that this ordinance be adopted in furtherance of the goals of the County’s comprehensive plan, to set guidelines and procedures for siting large scale solar energy systems; and

WHEREAS, the Commissioners believe that the changes recommended by the Plan Commission to allow certain large scale solar energy systems that meet certain requirements are in the best interest of the health, safety, and welfare of the citizens of Hancock County and the efficient management of land uses within said County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Hancock County, Indiana, as follows:

SECTION I

Title 15, Chapter 156, §156.021 (A) shall be amended and restated as follows:

(A) *Land uses specified.* Each land use is either a permitted, non-permitted or a special exception use in each zoning district. A general list of permitted and special exception uses for each district are noted in the Permitted Uses and Special Exceptions divisions accompanying the description of each district in this subchapter. The graphics that accompany the descriptions of each land use are to be considered representative and not to scale. Specific land uses are also listed in the Land Use Matrix following division (B) below. **As noted in the Land Use Matrix, certain Large Scale Solar Energy System projects additionally require Overlay District approval in order to be a permitted use.** The designation of special exception is not meant to imply that the use in question will be disallowed, only that they will be reviewed and checked for conformance with county standards and will require a public hearing.

SECTION II

Title 15, Chapter 156, §156.021 (B) shall be amended to reflect the revisions in the Land Use Matrix chart as depicted in EXHIBIT A.

SECTION III

Subsection (B)(4) of Title 15, Chapter 156, § 156.023 (AGRICULTURAL), shall be amended and restated as follows:

- (B)(4) *Communications/utilities uses.*
- (a) Meteorological tower.
 - (b) Public wellfield/water treatment facility.
 - (c) Water tower.
 - (d) WECS/Micro.
 - (e) WECS/Non-commercial.
 - (f) WECS/Small.
 - (g) SES/Small-scale.
 - (h) **SES/Large-scale, with the approval of Overlay district.**

SECTION IV

Subsection (B)(4) of Title 15, Chapter 156, § 156.024 (RESIDENTIAL RURAL), shall be amended and restated as follows:

- (B)(4) *Communications/utilities uses.*
- (a) Public wellfield/water treatment facility.
 - (b) WECS/Micro.
 - (c) WECS/Small.
 - (d) SES/Small-scale.
 - (e) **SES/Large-scale, with approval of Overlay District.**

SECTION V

Subsection (B)(6) of Title 15, Chapter 156, § 156.025 (RESIDENTIAL 1.0), shall be amended and restated as follows:

- (B)(6) *Communications/utilities uses.*
- (a) SES/Small-scale.
 - (b) **SES/Large-scale, with approval of Overlay District.**

SECTION VI

Subsection (B)(5) of Title 15, Chapter 156, § 156.030 (RESIDENTIAL MULTIFAMILY), shall be amended and restated as follows:

- (B)(5) *Communications/utilities uses.*
(a) SES/Small-scale.
(b) **SES/Large-scale, with approval of Overlay district.**

SECTION VII

Subsection (B)(7) of Title 15, Chapter 156, § 156.032 (COMMERCIAL COMMUNITY), shall be amended and restated as follows:

- (B)(7) *Communications/utilities uses.*
(a) WECS/Micro.
(b) WECS/Small.
(c) SES/Small-scale.
(d) **SES/Large-scale, with approval of Overlay District.**

SECTION VIII

Subsection (B)(7) of Title 15, Chapter 156, § 156.033 (COMMERCIAL REGIONAL), shall be amended and restated as follows:

- (B)(7) *Communications/utilities uses.*
(a) WECS/Micro.
(b) WECS/Small.
(c) SES/Small-scale.
(d) **SES/Large-scale, with approval of Overlay district.**

SECTION IX

Subsection (B)(4) of Title 15, Chapter 156, § 156.034 (INSTITUTIONAL), shall be amended and restated as follows:

- (B)(4) *Communications/utilities uses.*
(a) Communication service exchange.
(b) Public wellfield/water treatment facility.
(c) Utility substation.
(d) SES/Small-scale.
(e) **SES/Large-scale, with approval of Overlay District.**

SECTION X

Subsection (B)(3) of Title 15, Chapter 156, § 156.035 (INDUSTRIAL BUSINESS PARK), shall be amended and restated as follows:

- (B)(3) *Communications/utilities uses.*
(a) Communication service exchange.

- (b) Utility substation.
- (c) Water tower.
- (d) WECS/Micro.
- (e) WECS/Small.
- (f) SES/Small-scale.
- (g) **SES/Large-scale, with approval of Overlay District.**

SECTION XI

Subsection (B)(3) of Title 15, Chapter 156, § 156.036 (INDUSTRIAL LIGHT), shall be amended and restated as follows:

- (B)(3) *Communications/utilities uses.*
- (a) Communication service exchange.
 - (b) Meteorological tower.
 - (c) Utility substation.
 - (d) Water tower.
 - (e) WECS/Micro.
 - (f) WECS/Non-commercial.
 - (g) WECS/Small.
 - (h) SES/Small-scale.
 - (i) **SES/Large-scale, with approval of Overlay District.**

SECTION XII

Subsection (B)(3) of Title 15, Chapter 156, § 156.037 (INDUSTRIAL GENERAL), shall be amended and restated as follows:

- (B)(3) *Communications/utilities uses.*
- (a) Communication service exchange.
 - (b) Meteorological tower.
 - (c) Utility substation.
 - (d) Water tower.
 - (e) WECS/Micro.
 - (f) WECS/Non-commercial.
 - (g) WECS/Small.
 - (h) SES/Small-scale.
 - (i) **SES/Large-scale, with approval of Overlay District.**

SECTION XIII

Title 15, Chapter 156, § 156.040 (A) shall be amended to include a new subsection (A)(6) as follows:

- | | | | |
|-----|--------|------------------------|---------------------------------|
| (6) | SES-OL | Solar Energy Systems – | Large Scale (Ground-Mounted) |
|-----|--------|------------------------|---------------------------------|

SECTION XIV

Title 15, Chapter 156 shall be amended with a new section, §156.047 as follows:

§ 156.047 SOLAR ENERGY SYSTEMS – LARGE SCALE (SES-OL).

- (A) *Intent.* The Solar Energy Systems Overlay District (SES-OL) applies to Ground Mounted Large Scale Solar Energy Systems, as defined by size in §156.082 (E)(3)(d). The Overlay District is an additional layer of requirements to the existing requirements under §156.082 applicable to Solar Energy Systems. All Large Scale Solar Energy Systems that will be considered for siting within the county’s planning and zoning jurisdiction must provide a local benefit to the satisfaction of and as approved by the county executive. The purpose of the Overlay District is to protect the public interest related to solar energy collection. The Overlay District may cover parts of several underlying zones or only to a portion of a single underlying zone.
- (B) *Exemptions.* The SES-OL requirements do not apply to Micro Scale, Small Scale, or Medium Scale Solar Energy System projects as defined in § 156.082 (E)(3), nor do the SES-OL requirements apply to Large Scale Roof-Mounted or Large Scale Building Integrated Solar Energy System projects. However, special exceptions may be required for solar projects in certain zoning districts – refer to charts in §156.021 (B) and § 156.062 (B)(6).
- (C) *Boundaries.* The boundaries of an SES-OL shall be determined on a case-by-case basis with each proposed Large Scale Solar Energy Systems project. The creation of a new SES-OL requires approval of a zone map change and shall follow the processes in this section, § 156.105 and IC 36-7-4-600 series for amendments to the zone map.
- (D) *Setbacks.* The setback requirements for a Large Scale Solar Energy System project that is Ground Mounted are as follows:
- (1) A minimum setback of 100 feet as measured from any public right-of-way as designated in the county’s thoroughfare plan.
 - (2) A minimum setback of 300 feet from any primary structure on property not owned by a person or entity participating in the Solar Energy System project.
 - (3) A minimum of 150 feet from any adjoining property which is not owned by a person or an entity participating in the Solar Energy System project.
- (E) *Landscaping Plan.* Applicants for a Large Scale Solar Energy System shall provide and execute a plan, subject to the approval of the Planning Director, to incorporate the elements in §156.082(F)(4) and the requirement that landscape buffers/screening shall be provided along all highways, roadways and along all property lines.

(F) *Waiver Process for Required Setbacks and Landscaping Buffers/Screening.* Except for a property line with road frontage, within a project area with adjoining parcels owners of land where a Large Scale Solar Energy System is proposed may opt out of the setback requirement along their shared boundary or the landscape buffer and screening requirement along a property line provided that:

- (1) All property owners owning property along the property line agree to opt out;
- (2) There is a written legal agreement between adjoining landowners to waive the requirement;
- (3) The Board of Zoning Appeals approves the waiver as a Variance; and
- (4) The waiver agreement, and any other related documents as determined by the Planning Director, are properly recorded.

(G) *Additional Standards for Large Scale Solar Energy Systems.*

- (1) **Decommissioning Agreement.** A decommissioning agreement must be executed by the applicant and county executive.
- (2) **Economic Development Agreement.** An economic development agreement may be required by the county executive. If required, the agreement must be executed by the applicant and the county executive.
- (3) **Traffic Management Plan.** A traffic management plan, which may include a road usage and repair agreement, shall be approved by the county engineer.
- (4) **Changes in Ownership.** The owner or operator listed on the application for a Large Scale Solar Energy System shall inform the Plan Commission of all changes of ownership and operation during the life of the project. A new owner or operator is subject to the conditions of this ordinance which may be applied retroactively by the county executive.
- (5) **Operations Plan.** An operations plan shall be approved by the county executive which includes the following:
 - a. An ongoing maintenance plan;
 - b. A crisis management plan and timeline for repair of solar energy equipment that is damaged in the event of a disaster;
 - c. Details of onsite energy storage including design, maintenance, and crisis management;
 - d. Plans, if any, to remove soil and plans to restore soil; and
 - e. Plans for removal of inoperable or decommissioned panels which include recycling;

(H) *Approval Process.*

- (1) **Determination of Project Nature and Size.** Upon submission of any application for a Ground-Mounted Solar Energy System project, the Planning Director shall first make a determination of the project's size in conjunction with the definitions in § 156.082 (E). If it is determined that the project is Large Scale, the Planning

Director shall: (1) verify that the county executive has determined that the project will provide a local benefit as required (A); (2) provide notice to the applicable municipality if the project is to be located within one (1) mile of a municipal boundary; and (3) shall propose to the plan commission, the recommended boundaries of the Overlay District. The Planning Director shall then schedule the matter for consideration before the Plan Commission to seek approval to proceed with the development plan approval process described in (H)(2).

(2) Development Plan Approval. If the Plan Commission approves proceeding with the development plan approval process, prior to the Plan Commission's consideration of a zone map change for a new SES-OL, the following items shall be required, reviewed and approved by the Plan Commission to insure compliance with the standards in § 156.082 (F):

- a. Site plan
- b. Panel location plan and specifications including lot coverage
- c. Vegetation/landscape plan
- d. Review and permitting requirements
- e. Construction period plan, including at least:
 - i. Traffic management and parking
 - ii. Laydown and staging areas
 - iii. Temporary storage areas
- f. Items for review, but are subject to final approval by others:
 - i. Stormwater drainage, erosion, and sediment control requirements
 - ii. Abandonment/decommissioning and site restoration plan
 - iii. Economic Development Agreement
 - iv. Traffic management plan
 - v. Bonds and financial assurance

(I) *Process Abandonment and Expiration.*

- (1) If a Development Plan is not approved after a period of three (3) years from the date the properties were approved to be a part of the Overlay District, the properties shall be removed from the Overlay District.
- (2) A Development Plan approval expires if an Improvement Location Permit is not issued within two (2) years from the date of approval. Upon request, and with good cause shown, the time period within which an Improvement Location Permit must be issued may be extended by the Planning Director for a time period not to exceed one (1) year.
- (3) If, within two (2) years from the expiration of a Development Plan, a new Development Plan is not approved, the properties shall be removed from the Overlay District.

(J) *Permitted Zoning Districts.* SES-Overlay Districts pertaining to Ground-Mounted, Large Scale Solar Energy System projects may be created over certain zoning districts as described in the Land Use Matrix Chart in § 156.021 (B).

(K) *Decommissioning Plan Requirement.* Prior to the issuance of an Improvement Location Permit, a decommissioning plan must be approved by the county executive, recorded with the county recorder, and cross-referenced to the deeds(s) to all associated project parcels. If a Solar Energy System has not generated energy for more than one (1) month, the operator shall notify the Planning Director by certified mail. In furtherance of the process described in § 156.082 (H)(2) for decommissioning, if a Large Scale Solar Energy System has not generated power for 12 consecutive months at 80% capacity, the decommissioning plan shall be activated.

The decommissioning plan shall take into consideration § 156.082 (H)(2) and the following:

- (1) The useful life of the project;
- (2) Timeline for construction and general operation;
- (3) Decommissioning cost estimate including salvage value of materials;
- (4) Restoration and reclamation requirements, which shall include the following:
 - a. Restoration of the preconstruction surface grade and soil profile after removal of structures, equipment, gravel areas, and access roads.
 - b. Restoring soil areas with re-vegetation which may include crops, native seed mixes, and or plant species suitable to the area.
 - c. For any part of the Solar Energy System that is on leased property:
 - i. Existing agreements with landowners regarding leaving access roads, fences, gates or repurposed buildings in place, all of which, must be in conformance with existing ordinance and regulations in effect at the time of decommissioning; and
 - ii. Restoration of crops or forest resource land.
 - d. Any other requirement considered necessary in the decommissioning plan as determined by the county executive.

(L) *Bonds or Financial Assurance Requirements.* At the discretion of the county executive, bonds or financial assurance may be required by the owner or operator of the Solar Energy System in an amount acceptable and as approved by the county executive. If required, the executive may include the following as part of the bonds or financial assurance:

- (1) Reconstruction of public infrastructure due to construction activity

related to the Solar Energy System installation, as approved in the traffic management plan.

- (2) Damage to drainage infrastructure that may have occurred during construction.
- (3) Decommissioning of the Solar Energy System as described in the decommissioning plan.
- (4) A requirement for providing periodic proof of financial assurance, to the levels necessary, as determined by the county executive.
- (5) Any other bond or financial assurance measure that the county executive finds necessary.

SECTION XV

Title 15, Chapter 156, §156.062 (B)(6) shall be amended to reflect the revisions in the Permitted Accessory Structures chart as depicted in EXHIBIT B.

SECTION XVI

Section 156.082 of Title 15, Chapter 156 shall be amended and restated as follows:

§ 156.082 SOLAR ENERGY SYSTEMS

(A) *Applicability.* Except as provided in subsection (E)(2), the provisions of this section are applicable to all solar energy installations, full or partial, within the planning and zoning jurisdiction of Hancock County, Indiana.

(B) *Administration.*

- (1) The Hancock County Area Plan Commission and its staff are vested with the authority to review, approve, and/or deny applications for Solar Energy Systems, including a sketch, preliminary plans, and final plans.
- (2) Regulations of the siting of Solar Energy Systems is an exercise of valid police power delegated by the State of Indiana. An applicant for a Solar Energy System has the duty of compliance with reasonable conditions imposed by the Hancock County Area Plan Commission.
- (3) All Solar Energy Systems shall meet approval of local building code officials, consistent with the State of Indiana Building Code.

(C) *Land Use Types.* Determinations of land use type are made by Planning Director using the following standards:

- (1) *Primary Use* – A Solar Energy System is considered a primary use if there is no other primary use on the site. Agrivoltaic Solar Energy Systems are

subject to determination by the Planning Director as to primary use.

- (2) Accessory Use – In accordance with §156.062, accessory structures must be secondary to the primary use or primary structure on the site.

(D) *Solar Energy System Types.* Permitted types of Solar Energy Systems include:

- (1) Roof-Mounted Solar Energy Systems;
- (2) Ground-Mounted Solar Energy Systems; and
- (3) Building-Integrated Solar Energy Systems.

(E) *Permitted sizes of Solar Energy Systems.*

- (1) The size of a Solar Energy System shall be determined by measuring the total surface area of all solar panels in square feet.
- (2) Stand-alone systems, such as a flagpole light, single solar light, are exempt from the provisions of §156.082.
- (3) The Planning Director shall make the determination of project size in accordance with the following standards:
 - a. Micro Scale – Less than 200 square feet of panel area.
 - b. Small Scale – 200 square feet up to 1,750 square feet of panel area.
 - c. Medium Scale – More than 1,750 square feet up to 43,560 square feet of panel area.
 - d. Large Scale – More than 1 acre up to 30 acres.
- (4) Ground-Mounted Solar Energy Systems that exceed the limits for Large Scale, as defined in (3)(d) are not permitted in the County's zoning jurisdiction.

(F) *Development Standards for Solar Energy Systems.*

(1) Setbacks.

- a. The setback requirements are the same as is for the structure attached for the following types of Solar Energy Systems:
 - i. Roof-Mounted Solar Energy Systems; and
 - ii. Building-Integrated Solar Energy Systems.
- b. A Ground Mounted Solar Energy System setback is to be measured from the edge of panel when oriented at minimum design tilt.
- c. The following setback standards apply to Ground-Mounted Solar Energy Systems:
 - i. Micro Scale – Same as for an accessory structure in the applicable zoning district.
 - ii. Small Scale
 1. Primary Use – Same as for a primary structure in the applicable zoning district.
 2. Accessory Use – Same as for accessory structure in the applicable zoning district.
 - iii. Medium Scale – Same as for a primary structure in the applicable

zoning district.

- iv. Large Scale – As required in the Overlay District (SES-OL). See §156.047.

(2) Height.

- a. The height requirements are the same as is for the structure attached for the following types of Solar Energy Systems:
 - i. Roof-Mounted Solar Energy Systems; and
 - ii. Building-Integrated Solar Energy Systems.
- b. The upward height of a Ground Mounted Solar Energy System shall not exceed 20 feet as measured from the highest natural grade below each panel when oriented at maximum design tilt.
- c. The height from grade of a Ground Mounted Solar Energy System is recommended at three (3) feet.

(3) Lot Coverage.

- a. Lot coverage, as stated in the Lot Standards sections for each zoning district, is a developmental standard that applies when:
 - i. A Solar Energy System is a Ground-Mounted Solar Energy System; and
 - ii. The ground beneath is impermeable or impervious.
- b. The Hancock County Drainage Board shall make a determination about the drainage of the ground beneath in regard to (a)(ii) whenever necessary.

(4) Landscaping and Features.

- a. Landscaping is a developmental standard that applies to a Ground-Mounted Solar Energy System.
- b. Applicants for a Solar Energy System where the landscaping developmental standard applies shall provide and execute a plan, subject to the approval of the Planning Director, to incorporate the following elements:
 - i. Ground cover, as described in § 156.068(B)(4), that is pollinator-friendly; and
 - ii. Buffers, meeting the standards in §156.075 (F)(1-3), to be placed around the perimeter of the project site.
- c. The following features shall be preserved in accordance with §156.068, if present, on the proposed site:

- i. Natural features as described in §156.068 (B)(2); and
- ii. Historic features as described in §156.068(B)(3).

(5) Stormwater drainage, erosion, and sediment control.

- a. All Solar Energy Systems must meet the requirements of Chapter 154.
- b. All drainage matters must be reviewed and approved by the Hancock County Surveyor.
- c. Repair and/or integration of private drainage systems that are damaged and/or intercepted during construction is required.

(G) Review and Permitting.

(1) In addition to the requirements set forth in §156.106, a complete Improvement Location Permit application for all Solar Energy Systems shall include the following:

- a. The Solar Energy System's specifications including manufacturer and model information.
- b. Module design and site plans.
- c. An ongoing operations plan that is approved by the Hancock County Planning Department.
- d. An agreement regarding Solar Energy System abandonment or decommissioning which allows the county's right of removal of the Solar Energy System at the owner or operator's expense.
- e. Except for off-grid Solar Energy Systems, documentation that the applicant has submitted notification to the applicable utility company of the applicant's intent to install an interconnected customer-owned generator.

(2) Subject to §156.107 and §156.082, development plan review by the Technical Committee is required for Medium Scale and Large Scale Solar Energy Systems prior to building permit approval.

(3) Solar Energy System upgrades, repair or replacement will require a new building permit and may require development plan review by the Technical Committee if either of the following conditions exist:

- a. The increase in square footage is less than 25% or 2,000 square feet of the existing panel area, whichever is less;
- b. Other than for purpose of routine maintenance, the proposed work will

EXHIBIT A

Amendment to Land Use Matrix Chart in § 156.021 (B) to add a new row to the chart for SES/Large-Scale including footnote (1).

| LAND USE MATRIX | | | | | | | | | | | | | | | |
|---|------------------------|-----------|-------------|-------------|-------------|-------------|------------|-----------|-----------|-----------|-----------|-----------|------------|-----------|-----------|
| PRIMARY LAND USE <i>P = Permitted Use</i> <i>S = Special Exception Use</i> | ZONING DISTRICT | | | | | | | | | | | | | | |
| | <i>A</i> | <i>RR</i> | <i>R1.0</i> | <i>R2.5</i> | <i>R3.5</i> | <i>R5.0</i> | <i>RMH</i> | <i>RM</i> | <i>CN</i> | <i>CC</i> | <i>CR</i> | <i>IN</i> | <i>IBP</i> | <i>IL</i> | <i>IG</i> |
| Communications/Utilities Uses | | | | | | | | | | | | | | | |
| SES/Large-scale | P(1) | P(1) | P(1) | | | | | P(1) | | P(1) | P(1) | P(1) | P(1) | P(1) | P(1) |

(1) Requires Overlay district approval.

EXHIBIT B

Amendment to Permitted Accessory Structures Chart in § 156.062 (B)(6) to add a new row to the chart for SES/Large-scale

| <i>Permitted Accessory Structures</i> <i>P = Permitted</i> <i>S = Special Exceptions</i> | | | | | | | | | | | | | | | |
|--|----------|-----------|-------------|-------------|-------------|-------------|------------|-----------|-----------|-----------|-----------|-----------|------------|-----------|-----------|
| | <i>A</i> | <i>RR</i> | <i>R1.0</i> | <i>R2.5</i> | <i>R3.5</i> | <i>R5.0</i> | <i>RMH</i> | <i>RM</i> | <i>CN</i> | <i>CC</i> | <i>CR</i> | <i>IN</i> | <i>IBP</i> | <i>IL</i> | <i>IG</i> |
| <i>Use of Structure</i> | | | | | | | | | | | | | | | |
| SES/Large-scale | S | S | | | | | | S | | S | S | S | * | * | S |
| * Refer to § 156.062 (B)(9) for permitted accessory SES types exempt from Special Exception requirement and scale limitations in these zoning districts. | | | | | | | | | | | | | | | |

require electric power to be shut off by the utility provider at the electric meter.

- (4) Any proposed increase in a Medium Scale Solar Energy System which moves it into the Large Scale classification, requires Overlay District (SES-OL) approval.

(H) *Abandonment and Decommissioning Requirements.* This subsection does not apply to Micro or Small Solar Energy Systems.

(1) Annual Status Report:

- a. As part of the abandonment or decommissioning agreement, the owner or operator of a Solar Energy System subject to this section shall be required to file an annual status report with the Planning Department by January 15th of each year for each Solar Energy System for purposes of monitoring the ongoing useful life and safety of the Solar the Energy System.
- b. The Planning Department shall prescribe the form for the annual status report.
- c. Filings made after January 15th each year are considered late and are subject to enforcement under §156.115.

(2) For a Solar Energy System that has:

- a. Reached its useful life as determined by the owner or operator; or
- b. Been determined, by Board of Zoning Appeals following a public hearing, to:
 - i. Have reached its useful life;
 - ii. Be abandoned;
 - iii. Not be fully operational; or
 - iv. Be a public a nuisance;

the Solar Energy System shall be removed and decommissioned by the owner or operator not more than 150 days after the determination.

- (3) For a Solar Energy System for which the owner or operator desires to cease operation, the owner, operator, or responsible party shall notify the Planning Department by certified mail of the proposed date of discontinued operations and plans for removal.

(4) Decommissioning of a Solar Energy System shall consist of the following:

- a. Physical removal of all Solar Energy Systems, including structures and equipment from the site and plan to recycle removed structures and equipment;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion, subject to direction from the Planning Director; and
- d. Any additional requirements imposed by the County.

(5) Determination of Abandonment and County Action.

- a. Unless notice of a proposed date of decommissioning or written notice of extenuating circumstances is received by the Planning Department and the Planning Director has not granted written consent for an extension, the Solar Energy System shall be considered abandoned when it fails to operate to designed capacity for more than one (1) year.
- b. If the owner or operation of the Solar Energy System fails to remove the Solar Energy System in accordance with the requirements of §156.082(H)(4) within 150 days of abandonment or the proposed date of decommissioning, the County retains the right to enter and remove an abandoned, hazardous or decommissioned Solar Energy System at the owner or operator's expense. The County may pursue all legal means to recoup the cost of decommissioning, including the placement of liens.

SECTION XVII

This Ordinance shall be in full force and effect from and after its passage and publication as prescribed by law.

Adopted this 6th day of August, 2024.

BOARD OF COMMISSIONERS OF HANCOCK COUNTY, INDIANA

Not present
John Jessup

[Signature]
Gary McDaniel

[Signature]
Bill Spalding

Attest:

[Signature]
Debra Carnes, Hancock County Auditor

This instrument was prepared by Rhonda Cook, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

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