

Elkhart County proposal

Setbacks	Road	120 ft. from centerline if major 75 ft. from centerline if county road 50 ft. from centerline if named
	Residence	200 ft. between fence and nonparticipating residential building
	Property line	50 ft. between fence and nonparticipating property line

Public comment

1 supporter:

Change to 2,000 ft. between fence and nonparticipating residential building

Change to 500 ft. between fence and nonparticipating property line

4 supporters:

Use setbacks in last year's bill (less restrictive than the Elkhart County proposal, see slideshow on website)

Purpose of setbacks?

Buffering, safety, maintenance

Is the Board of County Commissioners committed to having a solar ordinance?

Yes

Setback is to fence, not panel, right?

Yes

Change term to *isolation area*, not *setback*

Setback is the area between the fence and a nonparticipating dwelling or property?

Yes

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Height

25 ft. maximum panel height

Public comment

Change to 15 ft. at maximum tilt for ground mounted

Change to 20 ft. minimum height if parking is intended under the arrays

Consensus of 25 ft. maximum height in general

If parking is intended under the arrays, increase minimum height beyond 20 ft.

The Jimtown Intermediate carports are approximately 15 ft. to the top

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Buffering

Class III, strictest in zoning ordinance, adjacent to parcels zoned R or A

Public comment

Require that the type be type C (per 100 linear ft.: width 10 ft., 4 trees, 0 shrubs, wall barrier)

Require a berm

4 supporters:

Retain all 3 type options

A berm could create an unwanted dam, trapping water in the development, and raise other stormwater considerations

Tiling or piping under the berm could be needed

Use the requirement in last year's bill (buffering required only if 250 ft. or less between fence and nonparticipating residential building)

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Fencing

Entire perimeter
Solar side of buffering required
6 ft. minimum height

Public comment

Will it be opaque?

Opaque fence option is covered by the existing type options (type B)

Make perimeter grazing an option

Add an exception (for no fence) if a nonparticipating adjoiner already has a fence on their own property

A 2nd perimeter/circumference fence for perimeter grazing is allowed

Are perimeter grazing and farming practical?

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Noise

Not audible from a nonparticipating parcel zoned R or A

Public comment

Will this apply during the construction phase?

No

What noises?

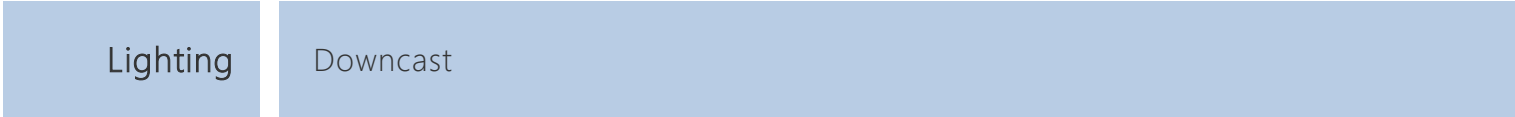
Substations, transformers, transformer hum, washing, cleaning

Large-scale solar projects are usually near existing overhead lines and are not noisier than the hum of those existing lines

Strike noise altogether as a controlled attribute, it creates an ambiguous burden

Any noisemaking equipment (at ground level) will usually be located centrally on the site, away from adjoining properties

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Public comment

Is there a requirement that lighting be installed at all?

No

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Signage

1 sign only
Operator name and contact info

Public comment

Electrical safety and warnings, do not restrict the display of warnings

Show an emergency contact number

1 sign may not be enough for a very large development

Add educational signs, displaying the benefit of solar production

1 sign per bordering road may be needed

Are you applying a current size maximum or will a new one need to be set for the new AE overlay zone?

A new maximum does need to be set, larger than the agricultural freestanding maximum (8 sq. ft.)

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Agreements

Removal (decommissioning) after end of project or 12 months' abandonment
Bond
Site restoration
Road impact
Infrastructure maintenance and repairs

Public comment

All financial things will stay out of this new ordinance

That includes decommissioning, bonds, etc.

Control of those will be with the Board of County Commissioners, in a separate ordinance

Compliance with that ordinance would need to be shown at the time of a building permit

Highway review (road impact) would also be done at the time of a building permit

Could make releasing a building permit depend on whether a bond and a decommissioning agreement are in place

What if there is an external problem beyond the operator's control that causes 1 year of disuse, but the project is still operable?

Is that abandonment?

What if there is a period of disuse only because of a time-consuming change of operator?

Is that abandonment?

Need an exception?

Other public comment

Is there a site plan requirement?

What level of detail?

Straight rezonings do not require a detailed site plan

Will the overlay rezoning require one?

Abandoned vacant buildings around the county: a decommissioning agreement is higher-than-usual control over abandonment

Set the agreement up with a landowner for a certain period of time

At the end of that, the system should be considered unusable

Operators of functional but unused systems will reduce output to avoid having them considered abandoned

Is that a workaround to avoid termination?

Are there any restrictions on ag uses under the panels?

No, the AE is just an overlay, ag uses may continue normally

Can we actively promote concurrent ag uses?

Can we prohibit the planting of invasive species in the development area?

This is an opportunity to prevent the spread of invasives

What if it's 10 acres of fenced area, but within the fenced area, there's limited actual array coverage, say half of the fenced area?

What clarification is needed?

10 acres of fenced area does not necessarily mean 10 acres of solar coverage

10 acres does imply high density, should we define *dense*?

Are there aspects of this that fall under the stormwater partnership fee schedule?

Buffering should consider aesthetics and landscaping, not just strictly buffering

What are other counties' abandonment periods?

Posey, 1 year

St. Joseph, 1 year

Marshall, 1 year

Starke, 1 year

Starke: not considered abandoned if the operator can show, by the end of 1 nonoperational year, that operation can resume within 2 additional years