

RESOLUTION NO. 2022-02

**BEING A RESOLUTION TO AMEND THE TEXT OF THE DELAWARE COUNTY  
COMPREHENSIVE ZONING ORDINANCE REGARDING ADDITIONS TO THE SOLAR FARM  
PROVISIONS AND RECOMMENDING A MORATORIUM UNTIL THE TEXT AMENDMENTS ARE  
FINALIZED**

- WHEREAS,** the State enabling act for planning and zoning empowers the Board of Commissioners of Delaware County, Indiana to adopt a zoning ordinance and also provides for amendments to said ordinance as deemed necessary from time to time; and
- WHEREAS,** a zoning ordinance may establish one or more districts which may be for agricultural, commercial, industrial, residential, special, or unrestricted uses and any subdivision or combination of these uses and may, in each district, regulate how real property is developed, maintained, and used; and
- WHEREAS,** amending the zoning ordinance to regulate the location, construction and operation of solar energy systems is necessary and appropriate to achieve and secure the benefits and to avoid and/or minimize the impacts; and
- WHEREAS,** the proposed text amendments are intended to improve the provisions governing solar farm installations so a moratorium should be in place to prevent the filing of a solar farm application prior to finalizing the text amendments; and
- WHEREAS,** the Delaware-Muncie Metropolitan Plan Commission has given legal notice of a public hearing for consideration of the proposed amendments, all as required by law; and
- WHEREAS,** the Delaware-Muncie Metropolitan Plan Commission has given reasonable regard to the comprehensive plan; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

**NOW, THEREFORE, BE IT RESOLVED** by the Delaware-Muncie Metropolitan Plan Commission that the text of the Delaware County Comprehensive Zoning Ordinance regarding solar farms be amended, changed and supplemented as follows:

**SECTION 1.** That Article XII F FARMING ZONE, Section 10 SOLAR FARM REQUIREMENTS, Subsection C SETBACKS, Item 2 shall be amended to change the setback from fifty (50) feet to one hundred (100) feet so that Item 2 shall read as follows:

A minimum one hundred (100) foot setback, which includes a screening buffer and other native vegetation as described below, shall be maintained from the solar farm structures to any non-participating owner's adjoining property line which is a perimeter boundary line for the project area.

**SECTION 2.** That Article XII F FARMING ZONE, Section 10 SOLAR FARM REQUIREMENTS, Subsection A APPLICATION REQUIREMENTS, Item 3.a Maintenance Plan shall be supplemented to include provisions dealing with damaged panels that result in the release of hazardous substances so that Item 3.a shall read as follows:

Maintenance of the Panels. Panels shall be repaired or replaced when either nonfunctional or in visible disrepair. Panels that are not so maintained shall be considered a public nuisance. Damaged panels that result in a release of hazardous substances shall be reported and mitigated as set forth in the Emergency/Fire Safety Plan.

**SECTION 3.** That Article XII F FARMING ZONE, Section 10 SOLAR FARM REQUIREMENTS, Subsection A APPLICATION REQUIREMENTS, Item 6 Emergency/Fire Safety Plan shall be supplemented to include a plan approval by the local emergency management agency and a second paragraph for provisions that address the release of hazardous substances so that Item 6 reads as follows:

Emergency/Fire Safety Plan.

An emergency and fire safety plan shall be provided to the Delaware County Emergency Management Agency for approval and to the local fire departments whose jurisdiction is included in whole or in part within the solar farm project area. Any specialized training shall be provided at the owner/operator’s expense. If entrances are locked, Knox boxes and keys shall be provided at all locked entrances to the applicable emergency personnel. The names and phone numbers for the electric utility provider and the site operator, the 911 addresses and GPS coordinates shall be provided as a part of the plan and shall be posted at each entrance to the solar farm project.

The plan shall include provisions dealing with damage to panels that result in a release of hazardous substances. It shall include a listing of potential hazardous substances, incident reporting requirements as applicable to the Emergency Management Agency, the Plan Commission Office, the Health Department Office, the Indiana Department of Homeland Security and the Indiana Department of Environmental Management, and a mitigation plan that includes the testing of water wells as deemed necessary by the applicable agencies.

**SECTION 4.** That Article XII F FARMING ZONE, Section 10 SOLAR FARM REQUIREMENTS, Subsection F FENCING shall be supplemented by inserting a new sentence stating “Wooded areas of 10 acres or greater must be incorporated into wildlife corridors so that fencing does not prevent access to the wooded area by large animals.” so that Subsection F shall read as follows:

F FENCING

Facilities that are to be enclosed by security fencing shall have the fencing located on the interior of the buffer area. Solar farms that do not coincide with livestock shall use wildlife-permeable fence, fencing with larger holes than a traditional chain-link fence that allows for small- to medium-sized animals to move freely through the fence for at least ten (10) percent of the fence lines where the 10% shall be evenly distributed along each quarter mile section and at identified wildlife corridors. Wooded areas of 10 acres or greater must be incorporated into wildlife corridors so that fencing does not prevent access to the wooded area by large animals. Substation locations identified on the site plans will be allowed to use traditional chain-link fencing around the entire structure. Fencing shall be maintained in good condition for the life of the solar farm operation.

**NOW, BE IT FURTHER RESOLVED,** by the Delaware-Muncie Metropolitan Plan Commission that the proposed text amendments contained herein are intended to improve the provisions governing solar farm installations so a moratorium enacted by the Board of Commissioners of Delaware County should be in place to prevent the filing of a solar farm application prior to finalizing the text amendments.

This Resolution is hereby approved by the Delaware-Muncie Metropolitan Plan Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION  
BY:**

\_\_\_\_\_  
Allen Wiseley, President

**ATTEST:**

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Marta Moody, Secretary