

BLUESTEM SOLAR FARM, LLC (the “Project”)

CONDITIONS TO APPROVAL

BY LAPORTE COUNTY

BOARD OF ZONING APPEALS (“BZA”)

1. **County Approvals:** Per the County Ordinance, the Project shall be subject to and any approval by the Board of Zoning Appeals (BZA) shall be conditioned upon the approval of (i) by the Enforcement Official of a *final* site plan at the time of Improvement Location Permit (also referred to as a building permit) issuance, (ii) approval by the LaPorte County Building Department as to project drainage, and (iii) shall be subject to agreements, *(if required)*, by the County *Commissioners*, including but not limited to Road Use, Economic Development, and Decommissioning.
2. **Setbacks:** The Project shall have minimum 100’ setbacks from residential *property lines*; 50’ from wetlands; 60’ from centerline of roads, 40’ from highway rights-of-way; 30’ from collector road rights-of-way; 10’ from local road rights-of-way; and 250’ from nonparticipating dwellings.
3. **Ground Cover, Buffer Areas and Vegetative Management Plan:** Project representatives have experience in the use of pollinator friendly and native plantings for ground cover installations at solar projects and the Project commits to compliance with the provisions of the County Ordinance and with the vegetative screening set out in the submitted plans. The vegetative management plan will set out the management of invasive plant species, including specifics of grass-only herbicide application, if mowing cannot contain invasive species.
4. **Decommissioning Fund:** The Project already has a full decommissioning plan embedded in its land leases and shall execute a decommissioning agreement in the form presented to the case file in conformity with the County Ordinance. The Project shall post to LaPorte County, prior to commencement of construction, a bond in the amount of 100% of the cost of decommissioning equipment, as estimated by a qualified, third-party engineer.
5. **Road Use Agreement:** The Project shall repair County roads damaged during construction in coordination with the County Highway Department, as set out in any Commissioner-required Road Use Agreement. The Project shall post to LaPorte County a separate bond in the amount of 10% of the cost of replacing all roads on the Project haul route, as estimated by a qualified, third-party engineer.
6. **Emergency Responders:** Before commencement of construction and again prior to the commencement of operations a representative of Project shall coordinate with local emergency responders as requested. An emergency response plan shall be filed with the LaPorte County EMA.

7. **PV Panels:** The photovoltaic panels shall be free of cadmium telluride, GenX and PFAS chemicals and shall not contain any materials that cause toxic poisoning due to direct contact or leaching into the soil or ground water.
8. **Lighting:** Post-construction, no lighting will be installed or operated on the Project site other than as needed for safety and operational purposes, including (1) emergency responses; (2) within the substation or switchyard parcel footprint; (3) inspection/repair purposes; (4) internal lighting and external down-lighting of the O&M building; (5) security; and (6) as otherwise required by applicable law.
9. **Depth of Underground Cables:** Buried cables (between inverters and substations) shall be a minimum of 48" deep outside of the Project site.
10. **Glare:** The Project shall be constructed and operated so glare is not projected onto non-participating property. A SES system installed by a project owner must minimize glare on adjacent properties and roadways; and not interfere with vehicular traffic, including air traffic.
11. **Noise:** Given the setbacks set out in Section 2 above, the Project meets the standard of no systems with noise shall generate greater than 50 dB hourly average at outer wall of a dwelling on adjacent non-participating property.
12. **Fencing:** All SES facilities shall be completely fenced with perimeter fencing and locked fencing at locked gates that are at least (6) feet in height for industrial projects.
13. **Buffers:** A visual buffer shall be installed between an SES facility and a non-participating, pre-existing residence within 500 feet of SES facility, where visual buffer does not already exist. This includes non-participating, pre-existing residences located across a public road right-of-way from SES facility. The visual buffer can be comprised of natural vegetation or plantings to provide a reasonable visual buffer and lighting buffer for the non-participating pre-existing residences. The buffer shall cover the viewshed from a non-participating pre-existing residence to the SES facility. The buffer must be a minimum of four (4) feet in height when installed and must be designed to grow to be a minimum of (12) feet in height. The buffer is to be maintained by the SES owner and/or its contractors. A maintenance bond may be required for its upkeep or another form of acceptable security under a Project Road Use Agreement.
14. **Emergency Contact Signage:** A standard metal road sign shall be posted at each entrance to the facility. It shall include the owners name, emergency contact number, and physical site address. The sign shall be posted just outside of the road ROW and safety triangle as depicted in Article 15 of the Joint Zoning Ordinance.
15. **Drainage Infrastructure:** All damages including, but not limited to waterways, drainage ditches, field tiles, and/or any other infrastructure caused by the construction or maintenance of the SES Facility must be completely repaired to original or better condition, as not to impede the flow of water. Repairs shall be completed in a reasonable amount of time as determined by the County and the Project owner and its representatives.

16. **Repair of damage related to SES systems:** All damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure cause by the construction, installation, or maintenance of a SES system must be completely repaired by the Project owner or remedied with the installation of new drainage infrastructure so as to no impede the natural flow of water. All repairs must be completed within a reasonable period of time and:
- 1) Pursuant to the requirements of the County Drainage Board and
 - 2) as stated in an applicable lease or another agreement with the landowner; subject to applicable federal, state, and local drainage laws and regulations.
17. **Electrical Interference:** An SES facility shall be constructed and operated as to not interfere with television, microwave, GPS, navigational, radio reception and the like to neighboring properties non-participating with the Project. A detailed grounding study shall be conducted to IEEE standards based on site soil conditions to prevent stray voltage.
18. **Electric wires:** All cables of up to thirty-four and one-half (34.5) kilovolts that are located between inverter locations and Project substations shall be located and maintained underground, as feasible. Other solar infrastructure, such as module-to-module collection cables, transmission lines, substations, junction boxes, and other typical aboveground infrastructure may be located and maintained about ground. Buried cables shall be at a depth of at least thirty-six (36) inches below grade or, if necessitated by onsite conditions, at a greater depth. Cables and line located outside of the SES Project site may:
- 1) Be located above ground; or
 - 2) in the case of cables or lines of up to thirty-four and one-half (34.5) kilovolts, be buried underground at:
 - a) A depth of at least forty-eight (48) inches below grade, so as to not interfere with drainage tile or ditch repairs; or
 - b) another depth, as necessitated by conditions, as determined in consultation with the Project landowner.
19. **Agreements:** The Road Use Agreement and Decommissioning Agreement must be agreed upon by the County Commissioners prior to any permits being issued for an SES facility.