



PETITION FOR REZONE
THE MONTGOMERY COUNTY ZONING ORDINANCE

CASE# RZ 2026-2

DATE FILED 1/13/26

REZONE FEE ~~\$1000.00~~ for Solar Project
\$ 57,500

PAID \$ 57,500.00 DATE 1/13/26

PETITIONER Copper Box Solar LLC PHONE# (877) 762-6731

ADDRESS 225 W Hubbard St #200, Chicago, IL 60654

REPRESENTATIVE FOR PETITIONER Mary Solada, Dentons BG, 2700 Market Tower, 10 W Market St, Indianapolis IN 46204 (317)374-5676

DESCRIBE THE REZONE REQUEST

Agricultural overlay rezoning request for Copper Box Solar project (ENGIE North America).

PURPOSE OF REQUEST

To submit an agricultural overlay rezoning request for the Copper Box Solar project to the Plan Commission for a recommendation to the Commissioners. The project was designed in accordance with ZA2022-2 Article 13 – Solar Farms and Facilities.

COMPREHENSIVE PLAN RECOMMENDATION: “The [Montgomery County Solar Ordinance] permits solar facilities in the Agricultural overlay and Industrial Zoning Districts and establishes regulations and procedures for the issuing of permits for such facilities”

PARCEL # [See Page 2 of Application] SECTION TOWNSHIP RANGE

NAMES AND ADDRESSES OF ALL LANDOWNERS ADJACENT OR WITHIN 660 FEET OF PROPERTY

[See Page 3 of Application]

I AFFIRM UNDER PENALTIES OF PERJURY THIS 19th DAY OF December 2025, THAT THE INFORMATION CONTAINED IN PETITION IS TRUE.

OWNER/REPRESENTATIVE SIGNATURE



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Participating Parcels

Count	Parcel Id	Section-Township-Range	Township Name
1	54-02-22-300-005.000-016	22-20N-4W	Madison
2	54-02-22-500-003.000-016	22-20N-4W	Madison
3	54-02-27-100-001.000-016	27-20N-4W	Madison
4	54-02-27-900-002.000-016	27-20N-4W	Madison
5	54-02-28-200-005.000-016	28-20N-4W	Madison
6	54-02-28-800-001.002-016	28-20N-4W	Madison
7	54-02-28-900-007.000-016	28-20N-4W	Madison
8	54-02-29-100-001.000-016	29-20N-4W	Madison
9	54-02-29-100-002.000-016	29-20N-4W	Madison
10	54-02-29-200-003.000-016	29-20N-4W	Madison
11	54-02-29-700-011.000-016	29-20N-4W	Madison
12	54-02-33-100-001.000-016	33-20N-4W	Madison
13	54-02-33-400-004.000-016	33-20N-4W	Madison
14	54-02-34-500-001.000-016	34-20N-4W	Madison
15	54-02-35-200-002.000-016	35-20N-4W	Madison
16	54-02-35-500-001.000-016	35-20N-4W	Madison
17	54-07-04-100-001.000-024	4-19N-4W	Union
18	54-07-04-100-002.000-024	4-19N-4W	Union
19	54-07-04-100-003.000-024	4-19N-4W	Union

Copper Box Solar LLC Project Narrative

1.1 Project Location

The proposed Copper Box Solar project will be located in Madison and Union Townships, Montgomery County, Indiana. Please refer to the Site Plan for a more detailed view of the project's location.

1.2 Size of Project Area in acres

The project will occupy a portion of approximately 890 acres within fences across 19 individual parcels, mostly owned by long-term residents of Montgomery County. Each parcel within the project area is covered by a long-term lease for the construction, operation, and decommissioning of the Project. The Project will have a maximum rated capacity of 200 megawatts ("MW") ac of electricity. It will deliver power to the existing Duke high-voltage transmission line.

The amount of leased acreage as outlined in the preliminary Site Plan is approximately 1,800 acres, however some of this land has areas (ditches, wetlands, structures, etc.) that make the placement of solar infrastructure difficult and will, therefore, be largely avoided. Additionally, the site plan includes significant setbacks from roads and certain environmental features, as well as a 500-foot setback from the foundations of existing non-participating homes.

The Project will be comprised of multiple separately-fenced fields of solar modules and associated equipment. The solar modules will be mounted on single-axis tracker racking systems and will be positioned on a north/south axis – slowly rotating east to west daily.

The modules will convert sunlight into direct current ("DC") electricity and deliver it to one of several "inverters". The inverters will convert the power to alternating current ("AC"), increase its voltage, and deliver it – through buried lines – to a step-up transformer close to the transmission line.

Within each solar field, less than half the land will be occupied by equipment. Rows of open space throughout the solar array will prevent the solar panels from shading each other and provide space for project vehicles, vegetation management, as well as inspections, maintenance and repairs. The ground surface in each solar field will be planted with native grasses and pollinator species to hold the soil in place and minimize erosion. Spacing of panel rows will also allow sufficient drainage and soil absorption during rain and snow events.

The Project will have a minimum impact on the surrounding area. After construction, it will emit almost no sound; nor will it emit odor, fumes, or discharges of any kind. Likewise, during operation the project area will have virtually no dust or regular traffic. The equipment will have a low visual profile that generally follows the contours of the land. Some locations, primarily near our project substation, will be screened by mixed evergreen trees.

- Racking to fasten and support the panels - Steel piles are driven into the soil (foundations typically not required); horizontal beams are then affixed to piles as part of the mounting structure; and the panels are then secured to the structures.
- Tracking system - The panels are mounted on tracking systems, which increase project output by orienting the solar arrays directly into the sun. A tracker follows the sun from east to west over the course of a day and stows parallel to the ground at night.
- Transformers and inverters - Inverters are electronic devices which convert solar electricity from direct current (DC) to alternating current (AC) and are typically placed interior at the end of tracker rows. Transformers step up electrical current from lower voltage to higher voltage.
- Electrical cabling, conduits, and storage - Invertors connect to a project substation via underground cabling. Within the project substation, a step-up transformer will convert the low voltage (AC) to high voltage (AC) for interconnection into the utility transmission system. The project substation may also include a utility-scale energy storage component to charge and store electricity from the Project Site and/or the grid.
- Perimeter fencing, site access and internal roads - The project includes perimeter security fencing with controlled points of ingress and egress. Roads within the site provide access to the project equipment.

1.4 Site Plan Flexibility

Applicant has provided legal descriptions of the property included in the project area. Flexibility is reserved to modify the location of project components and improvements on various portions of the project area to accommodate project criteria, subject to County standards, if any, such that, by way of example, solar panels and/or electrical cabling and conduits may ultimately be located on different portions of the project area pursuant to the final site plan submitted to obtain Development Plan approval and an Improvement Location Permit. Flexibility is also reserved for the final equipment vendor selections for the project.

1.5 About ENGIE North America

With regional headquarters in Houston, and an operating presence from coast to coast both in the U.S. and Canada, ENGIE North America serves business and public sector customers with clean energy and services to optimize energy use and expense. Nearly 100% of the company's power generation portfolio is low carbon or renewable. For more information on ENGIE North America, and the work of its 1,500 employees, please visit our [LinkedIn](#) page, [Twitter](#) feed, or web site <https://www.engie-na.com/>.

COPPER BOX OVERLAY REZONE
CONDITIONS TO APPROVAL
MONTGOMERY COUNTY PLAN COMMISSION
Copper Box Solar (the "Project")

1. **Compliance with the Montgomery County Zoning Ordinance ("Zoning Ordinance"):** Applicant shall cause compliance with the terms of Article 13 of the Zoning Ordinance provisions for Commercial Solar Energy Systems as may be amended or varied.
2. **County Approvals:** Per the Zoning Ordinance, Applicant shall be subject to and conditioned upon the approval of a *(final)* development plan approval by the Plan Commission, the Montgomery County Drainage Board as to project drainage, and shall be subject to agreements with the County, including but not limited to Road Use and Decommissioning Agreements.
3. **Setbacks:** Applicant shall have 500 foot setbacks from non-participating residences, 50' from the ROW of State, and County and State Aid Highways (CSAHs), and 40' for other roads.
4. **Decommissioning Fund:** Applicant 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 Zoning Ordinance.
5. **Road Use Agreement:** Applicant shall repair County roads damaged during project construction, in coordination with the County Highway Superintendent, as set out in any required Road Use Agreement.
6. **Emergency Responders:** Before commencement of construction a representative of Applicant shall coordinate with local emergency responders as requested.
7. **PV Panels:** The photovoltaic panels shall not contain cadmium telluride.
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. **Noise Level Variance:** The Applicant intends to file an application with the Board of Zoning Appeals (BZA) for variance of development standards to address the noise standard set forth in the current Zoning Ordinance. The application shall provide expert opinion regarding an appropriate standard for a solar project (which does not generate electricity during nighttime hours) consistent with a rural environment.
10. **Project Expansion:** Applicant shall commits that the Project will not expand in acreage beyond what is submitted with the overlay rezone application.

Copper Box Solar - Statutory Guidelines for an Overlay Rezoning

Statutory Guidance is Found at IC 36-7-4-603

36-7-4-603 Zoning ordinance; preparation and consideration of proposals

Sec. 603. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

1. The Comprehensive Plan;

The Montgomery County Comprehensive Plan contains multiple adopted goals and serves to express general policy preferences. That said, each project is different and specifics for each rezoning application should be taken into account for eventual recommendations. The Comprehensive Plan explicitly states an interest in “safeguarding landowner rights” while mindfully reviewing solar energy projects. Per the Plan, there is a solar-specific section in the ordinance which aims to “[create] a path to approval of solar facilities in agricultural areas includes.”

In the case of Copper Box Solar, the project land is well-suited for solar because it is contiguous, adjacent to existing transmission infrastructure, includes enforceable setbacks, screening, and a binding decommissioning plan. Furthermore, this rezoning request safeguards landowner rights, improves the County’s economic stability, preserves farmland from residential and commercial development, and grows the County tax base without increased public service demand.

With respect to agriculture, the site does not represent a permanent loss of prime farmland: soils remain intact and the land can return to agricultural production at decommissioning. The project will plant a perennial groundcover to ensure soils are stabilized and biodiversity is enhanced through dual-use agricultural methods.

2. Current conditions and the character of current structures and uses in each district;

With regard to current conditions and the character of existing structures and uses, the subject property and surrounding area are predominantly agricultural, consisting of open row-crop fields, farm access roads, drainage infrastructure, and limited vertical development. Utility-scale solar is compatible with this established rural character because it maintains the land in an open, low-intensity condition, the panel heights are similar to that of mature corn stalks, and it does not introduce residential or commercial density. The use does not alter the underlying rural development pattern and allows the land to remain available for agricultural use following the project lifespan. Furthermore, the land in between and immediately outside the project fences can continued to be farmed during operations. In this respect, the proposed rezoning reflects a determination that solar energy fits within the existing agricultural conditions of the district, rather than representing an urban transition.

3. The most desirable use for which the land in each district is adapted;

With regard to the most desirable use for which the land in the district is adapted, the subject property is well suited for a low-intensity, land-extensive use that preserves rural character and working agricultural landscapes. Utility-scale solar is adapted to the site conditions because it utilizes existing agricultural land patterns, avoids extension of public utilities, and maintains the property in an open condition consistent with long-term rural land use objectives. Moreover, the project will promote dual-use agricultural benefits such as pollinator enhancement and continued farming of setback areas. Based on these characteristics, the project will promote dual use agricultural solar energy represents a desirable use of the land and is consistent with the comprehensive plan's emphasis on agricultural preservation and responsible growth.

4. The conservation of property values throughout the jurisdiction; and

The paired sales analysis from Kirkland Appraisals shows no negative impact in home values due to abutting or adjoining a solar project as well as no impact to abutting or adjacent vacant residential or agricultural land. The criteria that typically correlates with downward adjustments on property values such as noise, odor, and traffic all support a finding of no impact on property value.

The distances indicated for the subject property are consistent with the paired sales showing no impact on adjoining property values given the distances involved and the proposed landscaping screen.

Very similar solar projects in very similar areas have been found by hundreds of towns and counties not to have a substantial injury to abutting or adjoining properties, and many of those findings of no impact have been upheld by appellate courts. Similar solar projects have been approved adjoining agricultural uses, schools, churches, and residential developments.

Solar is a quiet neighbor that protects neighbors from future residential or commercial developments and limits dust and chemical exposure compared to typical farming operations.

5. Responsible development and growth.

With regard to responsible development and growth, utility-scale solar represents a low-impact form of development that avoids the extension of public infrastructure, urban services, and roadway capacity into rural areas while efficiently utilizing existing agricultural access and nearby electrical infrastructure. The project does not induce secondary residential or commercial growth or commit the County to future service obligations, and remains time-limited and reversible upon decommissioning, allowing restoration to agricultural use at the end of the project life. In addition, the development contributes to responsible economic growth by increasing assessed value and expanding the local tax base without generating commensurate public service demands. Taken together, these factors support the conclusion that the project advances responsible development and growth consistent with long-term rural land use objectives.