

ORDINANCE NO. 2025-11
AN ORDINANCE ESTABLISHING A TEMPORARY, STRATEGIC MORATORIUM ON
APPLICATIONS FOR CARBON SEQUESTRATION PROJECTS IN
VERMILLION COUNTY, INDIANA

- WHEREAS, the Board of Commissioners of Vermillion County, Indiana, as the executive and legislative body of Vermillion County, has the authority to adopt ordinances relating to the administration of Vermillion County government.
- WHEREAS, the Board of Commissioners seeks to foster desirable growth in Vermillion County in an orderly and well-considered manner.
- WHEREAS, starting in 2023, Vermillion County began preparing a Unified Development Ordinance which regulates industrial land uses.
- WHEREAS, the Vermillion County Area Plan Commission and Vermillion County Board of Commissioners are authorized by Indiana Code 36-7-4-601 to adopt zoning and land use regulations to secure adequate light, air, convenience of access, and safety from fire, flood, and other danger; to lessen or avoid congestion in public ways; to promote the public health, safety, comfort, morals, convenience and general welfare; and to otherwise accomplishing the purposes of Indiana Code 36-7-4, et seq.
- WHEREAS, the Vermillion County Area Plan Commission and Vermillion County Board of Commissioners are interested in protecting the life and safety of the citizens of Vermillion County.
- WHEREAS, the Vermillion County Area Plan Commission and the Vermillion County Board of Commissioners are particularly interested in preventing negative economic impacts to any area of Vermillion County caused by industrial or utility projects.
- WHEREAS, the Vermillion County Area Plan Commission and Vermillion County Board of Commissioners are interested in protecting the county's aquifers and drinking water supply for the county's citizens.
- WHEREAS, the Vermillion County Area Plan Commission and Vermillion County Board of Commissioners are interested in protecting farmland.
- WHEREAS, the Vermillion County Area Plan Commission has encountered significant conflicting and evolving information regarding carbon sequestration.
- WHEREAS, Indiana's pipeline regulations and safety authority have not yet established guidelines for the safe transportation of carbon dioxide in its liquid, volatile state.
- WHEREAS, Indiana's Department of Transportation has not held a specific meeting with Vermillion County's leadership regarding trucking carbon dioxide in Vermillion County, potential trucking routes, safety, safety during inclement weather events, proximity to schools, and proximity to areas of assembly.
- WHEREAS, multiple carbon sequestration projects in the United States have experienced minor to major design and operational failures, with many projects encountering technical difficulties.
- WHEREAS, preventing the rupture of a carbon dioxide pipeline such as the one in Satartia, Mississippi, which ruptured on February 22, 2020, is in the county's best interest.
- WHEREAS, the County has received information from multiple environmental organizations regarding misleading information and operational failures related to the impact of carbon sequestration on aquifers and other natural systems.
- WHEREAS, the neighboring State of Illinois has enacted a statewide moratorium on carbon sequestration. In addition, multiple communities neighboring Vermillion County have also enacted moratoria to address environmental and safety concerns related to carbon capture and sequestration projects.
- WHEREAS, the Vermillion County Area Plan Commission has contracted an outside land use law attorney to review and advise them regarding subsequent carbon sequestration projects, including drafting and implementing reasonable zoning and land use regulations for such potential future projects.

WHEREAS, the Vermillion County Area Plan Commission held a public hearing and meetings, received public comments, and employed a professional consultant to prepare and consider reasonable amendments to Vermillion County's current zoning regulations.

WHEREAS, the Vermillion County Area Plan Commission and the Vermillion County Board of Commissioners have received documentation, data, examples of carbon sequestration failures, evidence of misinformation, and concerns for life and safety from the public and have documented those public comments at the Commissioners' public meetings. The Vermillion County Area Plan Commission and Vermillion County Board of Commissioners believe it is in the best interest of the County to exercise zoning control over potential new carbon sequestration projects according to Indiana Code 36-7-4, et seq. but that it will take time to prepare and enact such zoning regulations and that it is in the best interest of the County to temporarily halt any new carbon sequestration projects, excluding the existing pilot project, until such zoning regulations can be drafted and duly adopted and to prevent the existence of potentially new, nonconforming carbon sequestration projects in Vermillion County.

WHEREAS, the Vermillion County Board of Commissioners believe that a temporary strategic moratorium on the processing of any applications related to the development of new carbon sequestration projects is necessary to ensure that Vermillion County's regulations align with strategic preservation and development of unincorporated areas of Vermillion County, address life and safety concerns, address any risks to the County's aquifer, to investigate performance-based regulations, to investigate risks that can be mitigated through enforceable, reasonable zoning and other land use regulations.

WHEREAS, the Vermillion County Board of Commissioners believes that a temporary strategic moratorium on the processing of applications related to the development of any new carbon sequestration projects is necessary for promoting the public health, safety, comfort, morals, convenience and general welfare of the citizens of Vermillion County.

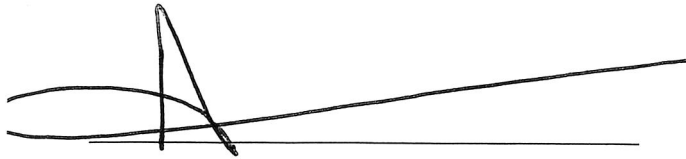
WHEREAS, adopting this moratorium ordinance will follow the statutory procedure outlined in Indiana Code 36-7-4-602(b), as the Vermillion County Area Plan Commission is initiating this zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Vermillion County, Indiana, that:

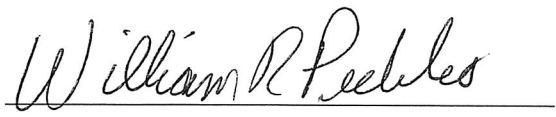
1. A temporary, strategic moratorium shall be enacted within Vermillion County, Indiana, for the filing, processing, review of or acceptance of all applications related to any new carbon sequestration commencing on the date of this Ordinance is adopted by the Board of Commissioners of Vermillion County and following a public hearing and recommendation by the Vermillion County Area Plan Commission; and
2. Said strategic moratorium shall remain in place until April 6, 2026 or eight (8) months from the effective date of this ordinance, at noon, whichever is greater. However, if the Vermillion County Unified Development Ordinance is amended and adopted to incorporate reasonable zoning and land use regulations for future carbon sequestration projects, then upon the adoption of these zoning regulations the moratorium shall immediately terminate upon the effective date of these zoning and land use regulations; and
3. The Board of Commissioners officially requests that the Vermillion County Area Plan Commission address the aforementioned concerns and considerations, and forward the proposed amendment to the Vermillion County Board of Commissioners for consideration and adoption; and
4. Any prior Ordinances that conflict with this Ordinance and specifically Ordinance 2025-06, *An Ordinance Establishing a Temporary, Strategic Moratorium on the Applicaitons for Carbon Sequestration Projects in Vermillion County, Indiana* are hereby repealed and replaced; and
5. If any portion of this Ordinance is determined to be unconstitutional or in violation of state law by a court of competent jurisdiction, the remaining portions of this Ordinance shall continue in full force and effect; and
6. This Ordinances shall become effective upon adoption and publication as required by law; and
7. This Ordinance does not apply to the existing carbon sequestration pilot project as approved by IC 14-39-1-3.5, for carbon dioxide originating from a proposed ammonia plant at 444 West Sandford Avenue, West Terre Haute, Indiana, 47885.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF VERMILLION

COUNTY, INDIANA, ON THIS, THE 3rd DAY OF June.



District 1, Misty Hess

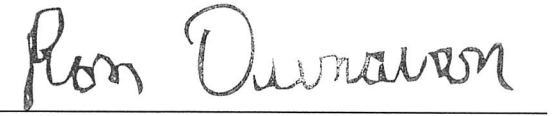


District 2, Bill Peebles



District 3, RJ Dunavan

Attest:



Ron Dunavan, Auditor Vermillion County, Indiana