

Wabash County Plan Commission

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Wabash County Plan Commission Board

Board Members: Randy Curless, Jeff Dawes, Sam Hann, Mark Milam, Doug Rice, Mike Ruse, Christian Rosen, Geoff Schortgen, Cheri Slee, Joe Vogel

Staff: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Jennifer Hicks, PC Secretary

Meeting Minutes of Thursday, September 12, 2024

Special Meeting – Solar Ordinance

Roll Call was taken with the following present:

Board Members: Jeff Dawes, Sam Hann, Mark Milam, Mike Ruse, Christian Rosen, Geoff Schortgen, and Cheri Slee

Staff: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Jennifer Hicks, PC Secretary

Board Members Absent: Randy Curless and Joe Vogel

Others Present: Amanda Lyons, Lori Siders, Nicky Burnsworth, Bill Burnsworth, Cheryl Ross, Suzanne Peebles, Pam Hawkins, Phyllis Hawkins, Mike Hawkins, Roger Peebles, Cheryl Ridgeway, Tami Hickman, Chris Hickman, Mark Keen, Bonnie Keen, Latheda Metzger, Dan Metzger, Barry Stroup, Daniel Sutton

The Wabash County Plan Commission Board met for a special meeting on Thursday, September 12, 2024 at 808 Manchester Ave, Wabash.

The meeting was called to order at 7:00pm by Board Co-Chairman Mr. Mark Milam.

Roll call attendance was taken and a quorum was declared.

Mr. Milam stated “this is a special meeting of the Wabash County Advisory Plan Commission to approve a favorable recommendation/non-favorable recommendation or a no vote, no action for changes to the Commercial Solar Energy System ordinance. No other business may be considered at a Special Meeting except by unanimous consent of the commission.”

Mr. Milam requested a motion to open the public hearing. Mr. Sam Hann made the motion to open the special meeting, Mr. Christian Rosen seconded. A roll call vote was taken, the motion passed unanimously.

Mr. Milam asked Mr. Brian Campbell if there were any letters received that were for or against the petition. Mr. Campbell confirmed none were received.

Mr. Milam asked if there was anyone from the public if they would like to come forward and be heard in favor of the petition. Mr. Milam confirmed with Mr. Mark Frantz, Board Attorney, that if anyone had any questions regarding the petition, they would be able to ask at this time.

Ms. Letheda Metzger asked if the 2,000-acre limit was for each solar farm or the county as a whole. Mr. Campbell answered that it was the county as a whole including setbacks, buffering, etc. Ms. Metzger then asked about Ordinance 13.19.14, decommissioning the solar panels. Mr. Frantz stated that there is typically a surety bond that would cover the clean-up if the panels are decommissioned. Ms. Metzger asked if that meant the property owner wouldn't be liable for clean-up. Mr. Frantz stated most likely not, the bond would cover it. Ms. Metzger stated that she thought of the clean-up like that of GDX where they left a mess, and asked if they put solar panels on her land using eminent domain, she wouldn't want to be liable for the clean-up or contamination. She continued by asking if TIF could be used for solar. Mr. Frantz stated he doesn't not believe so on the eminent domain or the TIF because it would have to be for public infrastructure use. Ms. Metzger asked if the solar companies promised money to the county, how would it be allocated. Mr. Frantz stated that it would likely go into the general funds, the county could also set up a decommissioning fund and place some of the funds in there.

The next question from the public was regarding the 2,000 acres, how would it be chosen if the signed agreements are already over that amount and would those leases that are already signed be grandfathered. Mr. Frantz stated it was a gray area, and he couldn't give a clear answer at this time, but the solar companies that have leases signed could pick and choose which would be the most beneficial for them. She followed up by asking if areas within the city jurisdictional boundaries count towards the maximum 2,000 acres. Mr. Frantz stated yes.

Cheryl Ross asked about the original leases that were signed before the current ordinance when there wasn't Ag1, does the setbacks in this new ordinance take over and protects the Ag1 areas? Mr. Frantz answered by saying that it was not a permitted use in the Ag1 so a variance would still be required, it isn't automatic. Mr. Campbell stated that because Ag1 uses the Point Factor System, it would have to be ran on every single parcel that would be involved, if they don't get the necessary points, then they would have to apply for a variance to place a non-ag related structure in an Ag1 zone. Additionally, the use of commercial solar panels is not a permitted use in Ag1, so they would need a second variance for that as well.

Mr. Bill Burnsworth asked what the requirements would be for notification for neighboring properties that the solar would affect. Mr. Campbell stated that any property within 250 feet of the parcel in question as well as a newspaper ad. Mr. Burnsworth stated he knew of a family that didn't know what was happening until they returned home to find someone in their driveway. Mr. Campbell stated it was likely a private company doing survey work and no one had contact with our office at that point.

Ms. Suzanne Peebles asked if the changes pass, would the city be notified of the 2,000-acre requirements since they are currently using 2 other county's ordinances as templates. Mr. Campbell stated he has a great relationship with the City's Zoning Commission and will provide them with copies of what passes.

Ms. Pam Hawkins commented about people who live in the jurisdictional boundary of the city. She stated that she felt it was important for the city to be notified since people who live there don't have county zoning.

Ms. Amanda Lyons asked if the decision made this night would be on the agenda on Monday or would there be a lapse. Mr. Frantz stated that the Commissioner's require 48-hour notice, so it would likely be on the agenda on September 23 or 30th.

Mr. Roger Peebles asked if all 3 Commissioner's will be eligible to vote. Mr. Frantz stated he doesn't not believe so.

Another question was asked about the status of the contracts that had already been signed. Mr. Campbell stated he does not know the status of the signed contracts. Mr. Milam stated that the contract status at this time would be known to just the land owner and the solar company.

Mr. Milam asked if there were any additional questions or comments for the board.

Mr. Milam asked if there was a motion to close the public hearing. Ms. Cheri Slee made a motion to close the public meeting, Mr. Jeff Dawes seconded the motion. A roll call vote was taken, the motion passed unanimously.

Mr. Milam stated he would entertain a motion for a favorable or non-favorable recommendation vote. Mr. Sam Hann made a motion for a favorable recommendation, Ms. Slee seconded the motion. A roll call vote was taken and passed unanimously.

Mr. Milam stated "a favorable recommendation was voted upon by the majority of this board. The favorable recommendation will be given to the Wabash County Board of Commissioners.

Mr. Milam asked for a motion to adjourn. Mr. Mike Ruse made the motion to adjourn, Mr. Rosen seconded the motion. The meeting was adjourned at 7:25pm.

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