

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION
BOARD MEETING MINUTES

JANUARY 6, 2022

**Wabash County Plan Commission Board
Wabash County Court House
Wabash IN 46992**

Board Members: Randy Curless, Jeff Dawes, Patty Godfroy, Sam Hann, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Susie Stephan, Joe Vogel
Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Randy Curless, Jeff Dawes, Patty Godfroy, Doug Rice, Christian Rosen, Cheri Slee, Susie Stephan, Joe Vogel, Larry Thrush, Mike Howard, Libby Cook, Joe Cook, Bruce Maxwell, Shannon Peir, Howard Halderman

The Wabash County Plan Commission Board met on Thursday, January 6, 2022. Board Chairman, Randy Curless called the meeting to order at 7:00 pm. The first item on the agenda was the election of officers for 2022, Mr. Curless opened the floor for nominations for Chairman. Mr. Vogel made the motion to retain all of the current officers, this was seconded by Mrs. Slee. The motion carried unanimously. Officers for 2022 will be Mr. Randy Curless, Chairman; Mr. Christian Rosen, Vice Chairman; Mrs. Libby Cook, Secretary.

Mr. Curless asked if there were any additions or corrections to the minutes of the December 2, 2021 meeting. Mrs. Stephan noted that the minutes read Tuesday, December 2 and should have read Thursday, Dec. 2nd. Mr. Curless asked for a motion on the minutes with the correction of the day being made. Mr. Rosen made the motion to approve the minutes, this was seconded by Mr. Dawes. The minutes will stand approved with the correction.

Mr. Curless: Next on the agenda is Mr. Howard Halderman to address the Board on Solar farms. Mr. Halderman, thanked the Board for the opportunity to speak, I do not

have any land in a solar project, I am not working for a solar company, we do manage some land where a solar project has been proposed but the financial outcome from all of that would go to the landowners. I am not incented one way or the other on this. He provided the members with handouts.

The solar industry is rapidly expanding across the United States. My first question living in IN is why would they want solar in IN where it is always so cloudy verses Nevada where it is sunny 300 days a year. It is all about transmission lines, the first thing you need to understand about renewables, wind and solar, it is all about where the transmission lines run and do they have capacity. Is there excess capacity on that transmission line for more electricity to go into it? If it is a full transmission line then they are not going to be interested in putting a renewable energy source there be it wind or solar. If there is excess capacity, who controls it, who has the right to put more power into the grid via that transmission line? As odd as it may seem to put solar in IN that is the reason why, we have a lot of transmission lines crossing the state and as a result it can be appealing.

My first experience with solar was in northeast Texas, they have major transmission lines, there are two projects going on a farm that I manage for a client that is out of Denmark, 10,000 acres each. It is a very large solar, the panels are currently being built and transmission line put in the ground, this is with Invenergy which is based out of Chicago, they have done wind, solar and a variety of other things across the world. A friend of mine who is in an executive forums group with me, who runs Innovative Solar which is out of South Bend, it is an IN based company, they are a solar developer. They have hired Halderman to do some lease options, so we go knocking on doors to see if there is interest in leasing their land for solar and they could enter into a lease option agreement. We have been doing that work for them in Adams, Rush, Starke, and Dubois counties in IN. I got to testify at a Plan Commission hearing up in Pulaski County in Winimac, it was a pretty heated meeting and the BZA voted 5 to 0 to approve the project in spite of all of the animosity because the developer did a good job of documenting and hitting all the zoning situation there. We are representing solar developers in IN, MI, and KY and another group out of the Seattle WA area.

Opportune areas for solar development, they do not want steep topography, no woods, will work with the land as it is. Will not construct in wetlands or floodplains.

We look at opportunity zones, rural areas that could benefit from economics.

Green zones, farm & family: cash rent may be \$250 per acre, solar leases \$900 - \$1000 per acre for typically 30 years. That is income that has no cost to the landowner

Environmental benefits: Posts are driven into the ground, no cement; vegetative growth underneath the panels, possibly bee pollinators; reduce erosion; no pesticides / fertilizers; will be mowed and well maintained; developer prefers woven wire fencing over chain link.

Solar companies don't ask for abatements County decides what tax dollars will be used for.

Lease options vary, 3 – 5 years and it can just go away. Operational lease rate is usually \$700 – \$1100 pr acre.

Clean-up, bonds don't kick in for 10 – 15 years into operation.

The posts are just driven into the ground, no cement. The wires are under the ground. The ground is not eroding.

Lease could be 25 – 40 years.

Other considerations:

- Allow solar to be ag use,

- Solar area to provide a good pollinator,

- Setbacks 100 feet from property line, fence/ panels inside of fence,

- Setback of 350 feet from exterior wall of home, can ask for mounding type visual barrier, don't require this around the entire project

- Certification

- Drainage maintenance, make sure they fix any drainage they damage

- Safety, make sure it is fenced.

Landowner:

- Option to sell the land to the company instead of leasing

Mrs. Godfroy asked what if there is hail or storm damage to the panels, are they worth anything? Mr. Halderman said they probably have insurance to cover the damage.

Mr. Halderman told the Board to think contiguous , these solar fields need to be together as much as possible. 500 – 1000 acres, then they develop the plan and will come to the Plan Commission Board and the Board of Zoning Appeals.

- AEP in Northeast IN,

- Soil test

- Site inspection

- Construction can take between 1 – 3 years, this is why the damage clause is important

Something to consider, solar is less of an issue than wind turbines. Revenue, hotels, restaurants for the workers

Next Era (solar company) proposed changes to the County Ordinance:

- Definitions

- SE for larger scale

- BZA

Mr. Dawes asked about county ditches and drainage, there is a 75 foot right of way, how does this work with the solar company? Mr. Halderman said he didn't think they would be allowed to build on the easement area.

Mr. Vogel asked, decommissioning, is that up to the landowner or the county? Mr. Halderman said that should be done by the developer. Mr. Vogel asked if that would be by a bond, if the land goes back to the landowner, if the company walks away how does the county force the clean-up? Mr. Howard said that the County Ordinance states that it must be bonded and that bond updated every 3 - 5 years. Mr. Vogel asked if the substations make noise. Mr. Halderman said you might consider using ambient +10 decibels, you can hear a little buzz. Mr. Vogel said he feels that they need to make sure the inverters are farther than 350 feet from a home. Mr. Halderman said that ideally they want it as close as possible to transmission lines as possible.

Mr. Curless noted that a 200 megawatt farm would take between 500 - 1000 acres, Mr. Halderman said about 700 acres. Mr. Howard said that they are talking about 1,000 acres in Wabash County. Mr. Curless said that he has heard of at least 4 landowners and possibly more.

Mr. Halderman said in Pulaski County the developer guaranteed home values in the area.

Mr. Vogel asked what was the biggest complaint. Mr. Halderman said the panels around the homes and for the farmers the competition those with leases will have the extra income and will be able to pay more for ground.

Mrs. Stephan asked about the life span of the panels and when the lease is done are the panels done. Mr. Halderman said 25 to 30 years and depending on technology I would think.

Mr. Dawes asked, the panels are 22% efficient, could they be made more efficient? Mr. Halderman thinks that will come with technology, the panels can rotate and follow the sun. Solar is coming, Duke, REMC, and NIPSCO are all shutting down fossil fuel plants.

Mr. Halderman gave Board members a copy of the Michigan Solar Ordinance. He stated that he wouldn't do a ¼ mile setback, I would do a preview of the developer's plan, at a ¼ mile setback they will go to another county. Mr. Howard said when we looked at the initial solar ordinance, we looked at 2 different setbacks, they are very restrictive, we have discussed the possibility of a variance on the setback requirements. Mr. Halderman said I think they are looking at all counties face value, it might be too hard to permit.

Mr. Howard: Jim Hummer with Duke Energy, was here last meeting to discuss Duke lines. Why do they lease the entire parcel instead of just the needed acreage. For example they will lease 534 acres and only use 200 acres, can the remaining acreage be farmed? Mr. Halderman said yes that would be part of the lease agreement.

The board thanked Mr. Halderman for his time and the information provided to the board.

Mr. Curless: next on the agenda is Special Exception #1, Lonnie Maxwell for a mobile home in Lagro Corp., Lagro Township. Mr. Maxwell stated that he owns two lots in Lagro and he would like to put a double wide mobile home on the property.

Mr. Howard said Mr. Maxwell owns lots #233 and 179, he wants to work with the neighbor on switching lots so he can have two adjoining lots and the neighbor would have two adjoining lots. The original request was for a single wide mobile home, he has decided he would like to do a double wide. Board members reviewed maps of the property which does have Lagro utilities. Mr. Howard said he had spoken with Mr. Scott Siders, Mr. Siders said that he would check with Board members at the next meeting and let Mr. Howard know. Mr. Maxwell said that he will be transferring the property into his daughter's name and it will be her home.

Mr. Howard said they are seeking a favorable recommendation to the BZA. Mr. Rosen asked if we can say we need to hear back from the Town of Lagro on their thoughts about this. Mr. Howard said that can be done, he also reminded the Board that if Mr. Maxwell would sell the property the new owner would need to appear before the Board to keep the mobile home on the property. Mr. Dawes made a motion to give a favorable recommendation to the BZA with taking into consideration the input from the Town of Lagro. This was seconded by Mrs. Stephan. The motion carried unanimously.

Mr. Curless: next is an update from Mr. Dawes on the Imagine One 85 comprehensive plan. Mr. Dawes said that the Imagine One 85 committee met on Dec. 21, 2021. The next meeting will be January 25, 2022, they hope to bring the comprehensive plan before the steering committee, they are moving ahead.

Mr. Curless: next is an update on the county Solar Ordinance. Mr. Howard told the Board that Mr. Downs is reviewing the solar ordinance to make it fit into the draft Ordinance. Mr. Howard then asked Board members what their thoughts were on the setback requirements for solar farms. Mr. Howard told the Board that he has documents from Jim Hummel with Duke Energy, Mr. Hummel said that he is aware of 2 proposed projects in Wabash County: (1) One being a 200 Megawatt Solar Farm of up to 1,000 acres of ground. (2) 100 Mega watt battery storage, he did not give any indication on the location of the battery storage facility. Board members discussed the safety of a Battery Storage facility. Mr. Rice said that he would support putting in place what we already have. Mr. Howard said we could always make adjustments. Mr. Rice said that he doesn't like the idea of 10 - 15 years for clean-up of the site, the issues between farmers, this could put the small farmer out of business. We have the opportunity to do. A Special Exception, let them present what they want to do and we can work with that. Our ordinance wasn't written to suggest that the applicant needs to look at this, it is written that you need to do this. Mr. Vogel asked about the tax benefits that could be generated.

Mr. Howard said, for example the 534 acres , the 534 acres proposed for the solar farm, the owner does not live in Wabash County, where do those tax dollars go? Mr. Curless

said that the value of the panels would stay in the county. Mr. Vogel stated that he feels it is a good thing and that he would like to see the Board members visit the Pulaski county site what is involved. Mr. Dawes stated that he would like to see more input from landowners, he would also like to see the Special Exception application used to work with the developers instead of changing our ordinance. Mr. Vogel said that would give us some control. Mr. Howard asked members if they would like to have the mound barrier around their home. Mr. Rice said, I wish there was a way to put it in less productive soils. Mr. Howard said that we can keep looking at this, a representative from Next Era will be back to talk to us, a site plan has to be developed. Mr. Vogel asked if we came up with a percentage of land that could be used. Mr. Howard said that if we used 2% of AG 2 land it would be roughly 1,600 to 1,700 acres. Mr. Vogel asked if this would be permitted in AG 1 ground? Mr. Howard said that for the time being it would until the new ordinance is approved. The ground that is being looked at in the new ordinance it would be AG 1. I would like to get some land owners in to give us more to consider.

Mr. Howard gave the following updates:

- Review of the draft of the County Ordinance, we are working on chapters 1 - 10, the editing is pretty well done, now we are working on formatting.
- The new County orthos are available, they have to go through some downloading processes
- Complaints, Kenny Miller, was sent a letter from the Plan Commission office and from Mr. Thrush. Mr. Miller did come in and get his permit. He is no longer in violation of the county zoning ordinance.
- The new permit fee schedule has been advertised in The Paper.
- Year End reports are done, we will review in February.
- Fontaine Vue Mobile Home Park, the owners are wanting to redo the plat. they do have a preliminary site plan but it has not been reviewed yet. The Town of LaFontaine will be involved due to water and sewer.

There being no further business, Mr. Curless asked for a motion to adjourn. Mr. Vogel made the motion to adjourn, this was seconded by Mrs. Godfroy, the motion carried. The meeting adjourned at 8:30 pm.

Libby Cook
Secretary, Wabash County Plan Commission Board
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