

## *WABASH COUNTY PLAN COMMISSION*

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## **WABASH COUNTY PLAN COMMISSION** **BOARD MEETING MINUTES**

### **MARCH 3, 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, Joe Vogel  
Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Randy Curless, Jeff Dawes, Sam Hann, Christian Rosen, Cheri Slee, Joe Vogel, Larry Thrush, Mike Howard, Libby Cook, Joe Cook, Keith Shepherd, Howard Halderman, Keith Gillenwater, Victor Treska

The Wabash County Plan Commission Board met on Thursday, March 3, 2022. Board Chairman, Randy Curless called the meeting to order at 7:00 pm. Mr. Curless asked if there were any additions or corrections to the minutes of the January 6, 2022 meeting, there being none Mr. Curless asked for a motion on the minutes. Mr. Dawes made the motion to approve the minutes, this was seconded by Mr. Rosen. The minutes will stand approved as written.

Mr. Howard informed the Board that Susi Stephan has accepted a new job as the Wabash County FSA Executive Director and due to possible conflict of interest ruling by the USDA she will no longer be able to serve on the Plan Commission Board. We will begin looking for a new member to fill the vacancy on the Board.

Mr. Curless: The first item on the agenda is Special Exception #2, Don Bittner for construction of a pond in Lagro Township. Mr. Howard introduced Mr. Victor Treska who will be the contractor and is representing Mr. Bittner tonight. Mr. Howard reviewed the specs for the pond: the application will require a variance from the east side property line to be 80 feet from the line instead of the required 100 feet; there are no floodplain or

flowage easement involved; approximately .75 acre water surface area and 18 feet depth; dam to be 120 ft on length with a 40 ft base and a 20 top width; 4 - 5 acre watershed into the pond; it will have a geothermal feed. Board members reviewed aerial photos of the property. Mr. Vogel made the motion to give a favorable recommendation to the Board of Zoning Appeals, this was seconded by Mr. Rosen. The motion carried unanimously. Mr. Treska was told the next hearing will be before the BZA on Tuesday, March 22 at 7:00 pm.

Mr. Curless: The next item on the agenda is Special Exception #3, Keith Shepherd requesting a wrecker service and impound lot business in Noble Township. Mr. Howard reviewed aerial photos of the property with the Board and explained where Mr. Shepherd is planning to fence in an area for the impound lot. Mr. Howard asked the Board to consider placing a maximum on the number of cars that could be held in the impound lot at any given time. Mr. Shepherd told the Board that he did not want to operate a junk yard and that he would have professional fencing put up to enclose the impound lot and cameras would be installed for security. Mr. Shepherd said that he is planning to remove parts from the vehicles in the impound yard to sell. Mr. Howard said that when you begin taking parts off of vehicles and selling those parts that qualifies it as a junk yard, and that would not be permitted in that area. Board members and Mr. Shepherd discussed the fencing, Mr. Shepherd said the fence will be 8 feet high, with metal sheeting attached to posts. Mr. Dawes asked Mr. Shepherd what he thought a fair number of cars allowed to be kept in the lot would be, Mr. Shepherd said no more than 15 cars at any one time. After discussion the Board members determined that they would be comfortable with 10. Mr. Hann made the motion to give a favorable recommendation to the BZA with the stipulation of 10 vehicles in the lot at any given time. Mr. Dawes seconded the motion, the motion carried. Mr. Howard told Mr. Shepherd that the next hearing will be before the BZA on Tuesday, March 22<sup>nd</sup> at 7:00 pm.

Mr. Curless: Next on the agenda is Mr. Keith Gillenwater with Grow Wabash County to discuss the county wide comprehensive plan, Imagine One 85. Board members received a copy of the first draft of the plan. Mr. Gillenwater said that copies have been given to all Plan Commissions. He asked the Board members to review it and forward any questions or comments to Mr. Howard by March 18<sup>th</sup> especially relating to land use. Mr. Howard will compile the information he receives and will forward it to Mr. Gillenwater and Ms. Patty Grant with the Community Foundation, they will take it back to the steering committee to see what your questions are. Questions and comments will be gathered from the three Plan Commissions, Wabash County, the City of Wabash, the Town of N. Manchester. Mr. Gillenwater stated that those will be compiled to see where things align, if two Plan Commissions have a concern and one doesn't, and how that affects the plan. Are there major changes that need to be done or if there are minor tweaks that we need to do. Mr. Dawes noted that the three Plan Commission Boards would need to approve the plan, it is going to the 3 plan commissions for review to see if there are any questions that need to be addressed before the final plan. Mr. Gillenwater offered to

come back to the April 7<sup>th</sup> PCB meeting to address any concerns, what the steering committee's thinking is to talk through them and just see if any changes need to be made. We might need some more time at that point depending on if or how many changes need to be made. Hopefully, by April we can have a draft that everybody can live with. Ideally, what we are proposing if you would be open to have a joint meeting of the Plan Commission Boards at the Honeywell Center in late April to go through things and possibly approve the plan at that time. Mr. Howard asked if there was representation from the towns of Lagro, Roann, and Lafontaine. Mr. Gillenwater said that if the three Plan Commission Boards approve the plan, then we will take it to the other communities. There are two representatives from each community on the steering committee, Barry Eppley and Kyle Bowman were the representatives for the county. Ultimately we want to start with the three Plan Commissions because the comp plan is a Plan Commission thing. The steering committee has been involved in the plan every step of the way. Throughout the process he said there were more than 1,000 comments and more than 400 unique people came to the different meetings either in person or through zoom.

Mr. Curless: Next on the agenda is discussion of the Solar Ordinance. Mr. Howard stated that we do have a Wabash County Solar Ordinance in place. We have been approached by NextEra, a solar energy company about a possible project within Wabash County. Mr. Hann has taken charge of this project as far as the economic development side of this, and a committee has been formed to look at what we, as Wabash County, need to do as far as having the opportunity for development of a solar project in Wabash County. Committee members include: Keith Gillenwater, Howard Halderman, Barry Eppley, Jeff Dawes, Sam Hann, Matt Mize, Kyle Bowman, Randy Curless, Geoff Schortgen, Tenielle Zartman and Mike Howard. Mr. Howard provided a copy of the Solar Ordinance with revisions for the Board to review, by no means are these actually set. The setbacks in the revision are based on what other counties have done that have solar projects. He asked the Board members if they felt that as a county that we would be willing to sit down and negotiate the setbacks different from what we have in our original ordinance at this time, or do you feel that we should stay with exactly where we are at? Mr. Hann stated that through the committee discussion the main priority is to protect the Wabash County landowners, the county, and that the tax payers will benefit from this project if it moves forward and they actually start. We have put a lot of work into looking at economic development plans that have been done with other counties, especially ones dealing with NextEra, to make sure our three main objectives are covered. Mr. Howard Halderman was introduced, he has worked with other counties on permitting, ordinances, and economic development plans for solar farms. Mr. Halderman reviewed the revisions to the current ordinance and noted the following:

- I have talked with Mark Traumbauer with NextEra several times, he suggested using the set-backs that are being used in Cass County, this is what is listed in the revisions for your ordinance. Using the revised setbacks, a solar company would look at this as the county is open to commercial solar development. What you are doing is setting some perimeters for them to look at and work with.

- Visual barrier, Mr. Traumbauer said, don't expect us to put a visual barrier down a county road where it is just cars driving by but certainly we would do it by a residential cutout. Mr. Howard noted that it would be the non-participating landowner's choice if they want it or not. Screening would not be on the non-participating landowner's property but on the ground the company is leasing.
- The requirement of ground cover including strips of pollinators, bee habitat. This gives the Plan Commission some say as to what that ground cover might be.
- Must meet all OSHA/EPA approvals.
- Project substations or battery storage facilities must be located on land owned by the C-SES owner.
- The requirement of being down four to five feet is pretty helpful, especially where the farmers are concerned. No plow type installations shall be permitted, only open trenching that way you will know if they cut into any drainage on the leased land or drainage that could affect the neighboring landowner.
- 32 decibels, Mr. Halderman said that he was not sure on that. Mr. Howard said that he is still working on that, possibly up to 42 or 45 allowable, I don't like the idea of 10 decibels above ambient, I think it should be a set number. Mr. Halderman said that he would have to defer to the solar experts on whether 32 is the right number or not.
- Panels not to be more than 15 feet high, most solar panels today are on a tracking system so that they can track the sun. This would allow them some flexibility with that, if they want something more than that then they have to come see you. Future says, you want this to be a long term ordinance and Purdue is doing research on how to grow crops under solar panels.
- Mr. Howard noted that to protect the landowner, the land used for a battery facility or substation storage should be owned by the solar company that way liability for any hazardous material is taken away from the landowner. Mr. Halderman was in agreement. In the agreements I have worked with the solar company has been in complete agreement to buy that land.
- Mr. Gillenwater brought up that in the agreement it could be written that in decommissioning the landowner would have the right to buy that piece of land back.
- Removal and restoration that is something you really need to look at, a bond to make sure there is funding to make sure the project can be decommissioned.
- Mr. Gillenwater, we have been looking at Economic Development agreements from other counties. Talking with Rick Hall, an attorney with Barnes and Thornburg, they have done most of the contracts with counties working with NextEra. Discussed what is written in the agreement in Cass County. Include all of the fees, the soft costs that we incur in these discussions to develop this agreement. Mr. Halderman said it would cover most of the legal fees of the agreement. In Cass County, they gave them a 10 year tax abatement, and for that right they funded millions of dollars of capital money that came in at the signing of the agreement. That is an avenue that Wabash County would want to explore as something that could be an immediate

cash payment to the county offset by giving them a tax abatement for a set period of time.

- Mr. Gillenwater said The Cass County project is about the same size that NextEra is looking at doing here, about 2,000 acres of ground for about a 250 Megawatt plant at this site. In exchange for the tax abatement, they are doing economic development payments back to the county over 5 years for a total of \$9,325,000.00. I look at this as potentially generational type projects and we have the opportunity to get almost ten million dollars-worth of payments over the period of five years back to the county government. Mr. Halderman said that these could be significant key benefits that this would bring to the county.
- Mr. Halderman noted that in the revised ordinance that the Commissioners might request a performance guarantee for drainage repairs. Obviously they can't build on county drains, there is an easement agreement with those, it is the private drains that you want to be sure that you have some protection in place for those.
- No removal of top soil, we have no interest in doing that.
- Economic development taxation agreement, that is something that could be agreed upon by the Council and the powers that be. I think that could vary with each project the economic impact the size and scope of the project.
- Mr. Howard questioned, if the county takes 2,000 acres of land out of production, what is being lost, the fuel, fertilizer, pesticide, seed, monies being spent by the farmer. I would be interested in the economic impact in the current use.
- Mr. Gillenwater stated the Cass County agreement gives us an idea of what NextEra is willing to do. It is the most recent with the same developer.
- Mr. Howard asked if the Cass County agreement covers the battery storage facility.
- Mr. Gillenwater said payment per megawatt for any production over the approved megawatt. Mr. Hann noted that if they under produce nothing is taken away.
- Mr. Halderman noted set backs for battery storage, you are talking 1/8 to 1/4 mile from residential, campgrounds, those type of facilities. Those would not be located next to a house. That is important.
- Mr. Gillenwater noted that Wabash County is limited on possible areas for these projects due to the limited power lines that could carry the additional load. Mr. Halderman said that unlike Pulaski County we don't have that kind of transmission capability.
- Mr. Halderman said that if NextEra moves forward with the project their steps would be:
  - Lease option agreements with the land owner.
  - Selling the electricity, a lot of times that is bid out.
  - Get their permits from the county, the state, etc.
  - Execute the leases, trigger the option, at that point the landowners start to receive more money.
  - Start to develop the actual project.
- Mr. Hann said that it would allow the farmer to diversify their farm.

- Mr. Dawes said he appreciated meeting with Rick Hall, he has done enough of these he knows what needs to be in the agreement. The company goes through all of these steps and they have to bring their plan back to the Plan Commission Board and the County for approval.
- Mr. Halderman reminded the Board that they are approving a commercial facility, a power plant. You should have every right to look at it and make sure it is okay with you, that is completely reasonable.
- Mr. Howard asked the Board to consider if they are willing to sit down and talk about this and adjust the setbacks for this project to move forward. Mr. Hall would review our ordinance at a cost of \$5,000 - \$10,000. Mr. Dawes said that could come out of CEDIT funds since this is an economic development project. Mrs. Slee had to leave the meeting but said that she would have to get back with Mr. Howard on this. Mr. Gillenwater reminded the Board that Mr. Hall will represent the county's interest not the companies.
- Mr. Vogel asked about a bond to clean up the property should the project be abandoned. Mr. Halderman said that some don't post the bond until about year 10 because of the value of the panels.
- Mr. Halderman said that with the setback of 1,320 feet NexEra is going to look at that and think that Wabash County isn't interested in a solar project. I wouldn't leave it at ¼ mile. NextEra has a list of 21 counties in IN that they are looking at, they are ready to move forward. Mr. Gillenwater said with the proposal you have, it looks more business friendly to the developer, if you could give us an opportunity to have a seat at the table to have a discussion. Mr. Dawes said he feels it merits further discussion. Mr. Howard said he would appreciate if we could come back and have the full Board present for discussion. Board members agreed to reconvene the meeting on Thursday, March 24<sup>th</sup> at 7:00 pm.

Mr. Howard gave the following updates:

- We are getting closer to finalizing the draft of the County Ordinance.
- At the April 7<sup>th</sup> meeting the Board will discuss the Kowalczyk property in Lagro Corp. April 1 is the deadline for Mr. Kowalczyk to provide the Board with the required information.
- Copies of the 2021 Year-End report were given to the Board members for their review.

There being no further business Mr. Curless asked for a motion to adjourn. Mr. Vogel made the motion to adjourn, seconded by Mr. Hann. The meeting adjourned at 9:00 pm.

*Libby Cook*  
*Secretary, Wabash County Plan Commission Board*  
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