

*WABASH COUNTY PLAN COMMISSION*

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

**MARCH 24, 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, Steve Eberly, Jeff Cummins, Kyle Bowman, Johnathan Kopp, Howard Halderman, and Keith Gillenwater

The Wabash County Plan Commission Board meeting of March 3, 2022 was reconvened on Thursday, March 24, 2022 to further discuss the Wabash Co. Solar Ordinance. Board Chairman, Randy Curless called the meeting to order at 7:00 pm. Mr. Howard informed the Board members and members of the audience that as we are reconvening to discuss the Solar Energy Ordinance that is the only topic that can be discussed at this meeting, no other business can be brought to the Board tonight.

Mr. Howard introduced Jeff Cummins, the Associate Director of Policy Engagement with Indiana Farm Bureau. Mr. Cummins is here tonight to listen to our discussion. It is IN Farm Bureau's position is that this is a local government and county decision as far as our policies and I appreciate Farm Bureau for taking that stance. Mr. Cummins stated that he appreciates the opportunity to be here and that IFB supports wind, solar, coal, and natural gas. We are also very local control driven, two places in our policy book note that they prefer local control decisions on wind and solar. If we can be helpful going forward we would be happy to do that.

Mr. Howard said that he did reach out to Victoria Herring, Business Development Director for the Indiana State Department of Agriculture. ISDA also feels it is a local decision to be made and if there is anything they can do to help us or provide information they would be happy to. She did recommend that we correspond with the Indiana Office of Energy Development, I spoke with Ryan Hadley regarding that and Ryan forwarded me a copy of the Senate Enrollment Act that was passed. That is not a policy perse requiring, it is just a guidance from the state showing what their recommendations might be for policies and ordinances for solar and wind. Mr. Cummins said it was kind of a revamp of a Senate Bill from last session when they were going to mandate wind and solar site standards for the state. That came kind of close to passing but it didn't. It brought back almost an economic development incentive for this session, it had similar standards as the prior bill but it remained voluntary a local option. The original draft had an incentive payment to communities that would adopt those standards, \$1 per megawatt of energy actually produced from IN Economic Development Corporation, that was taken out so there is no economic incentive, there are no payments to communities for it. If you want to make yourselves ready for renewable energy development, adopting those standards would be the way to do it. I do think there is some good language in there that you could look to, sound mitigation is something that comes up quite a bit, glare mitigation, vegetation on these locations, buffers for neighboring properties, and setbacks, I think you might be interested in looking at that bill #411, it might provide some useful guidance.

Mr. Howard provided the Board members with a copy of the draft; we do have an ordinance in place in the county at this time. We have looked at that and are trying to see if we want to make any changes to it. Based on previous meetings that I have had with Economic Development Director, Mr. Gillenwater and the committee, I did make some adjustments to our ordinance, the key factor seems to be what we want to do with our setbacks.

- The key issue is the setbacks on page 6. There are 2 current setback charts these are the setbacks that I created based on looking at other data from other counties. In discussion with the committee, thinking this is direction we might have to go with our setbacks if we want to consider having solar in the county.
- In the ordinance solar is permitted in A1, A2, FR, I, zoned areas of the county. We currently do not have 2 Ag Zones. We just have Ag.
- These setbacks are pretty much in line with the majority of ordinances from other counties, we might even be to the high side of the setbacks.

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- The original ordinance stated Buffering entire complex, It was recommend only buffering residential properties within the project area that are not participating. It is not required to be buffered it would be up to the individual non-participating land owner. If the land owner requests buffering, the buffer would be 25 ft. from property the property line at the time of development.

Mr. Halderman: You did get the buffer from Hoosiers for Renewables for Jasper County? Mr. Howard said yes. Mr. Halderman noted that the "Visual Barrier" goes into quite a bit of detail, I am in favor of less details, I am supportive of the direction you are going. Mr. Howard, I agree it is too much detail.

Mr. Howard:

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- 13.9.3 Wabash Co. PCB in conjunction with the project land owners are open to discussion of alternative vegetation, crops, as ground cover.
- 13.10.1 minimum height 15 ft. of visual barriers changed to 20 feet; they are going to ask to go to 20 feet at full elevation.
- 13.11. Fencing, they recommend 7 ft fence. In discussions with the committee a lot of the companies request woven wire fence, less trash will collect in it.
- 13.12.1.A, Added: The project applicant, owner, operator shall provide signed written assurance that all solar arrays used in the project do not contain materials, in amounts, that would be classified as hazardous materials by OSHA or the EPA, and that through the process of collecting sunlight to convert to electricity said process will not create any classified hazardous materials currently listed by OSHA or the EPA.

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- 13.12.2. Added: All C-SES substations or battery storage facilities must be located on land owned by the C-SES owner.
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- 13.13.1A. Transmission cables outside the fence changed to buried no less than 48 inches underground with warning mesh located 12 inches above the buried transmission cables and lines.  
In the decommissioning plan we would not require the cable to be removed, It was noted that there could be more of an adverse effect, by damaging tile, during removal of lines.  
13.13.1B No plow type installation, must be trenched in so that tiles are more visible and any tile that is affected must be repaired.

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- 13.16.A They asked to be 10 points above ambient noise level for that area. Not knowing for sure what ambient levels would be for the area, I don't agree with 10 points above ambient. Proposed changed from 32 decibels to 45 decibels on an A weighted scale to the closest point outside of a residential or business structure as acceptable.

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- 13.17.1. We have 15 feet for buffer height. they have asked for 20 feet at maximum tilt for arrays: Accordingly, the buffer height minimum would be raised to 20 feet. Request for increased height of arrays may be considered by the BZA after notice and hearing pursuant to the variance procedures of the BZA Rules of Procedure.

- 13.17.1a. Under a hearing process for increased height of arrays the BZA may apply present conditions subject to the proposed height increase.
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- 13.18 We had the driveway at 20 feet, they said 16 feet would be sufficient for them.

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- 13.19.14.3 Removal and Restoration: The C-SES owner and/or the C-SES operator is required to remove all physical material pertaining to the C-SES above ground level and all improvements of said C-SES below ground level to a depth of 50 inches for all C-SESs declared irreparably damaged, abandoned, and/or a public nuisance. All materials shall be so removed and C-SES site restored within 180 days of the discontinuation of energy production or in accordance with agreements developed under this Ordinance.
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- 13.19.14.3.a. All C-SES underground wiring that is 48 inches deep or deeper below the natural ground surface shall be permitted to remain provided all lines are disconnected from any electrical grid.
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13.19.15.1.d. The Wabash County Commissioners may request a performance guarantee as part of the drainage agreement in which all parts of Section 13.19.14.5.a.d. shall apply as applicable to the drainage agreement.

13.19.15.2.b. Removal of topsoil for construction purposes is prohibited. That was put in there because it was actually happening in one county.

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13.19.17. Development Taxation Agreement. For any project seeking tax abatement or other economic considerations for the project from a governmental entity, the applicant shall submit an Economic Development Agreement approved by the Wabash County Council. The Economic Development Agreement must be developed in consultation with the Wabash County Economic Development Authority (WCEDA), the Wabash County Council, the Wabash County Plan Commission and the Wabash County Commissioners.

Mr. Gillenwater said, it gives us the ability to negotiate an agreement.

Mr. Halderman asked if the verbiage of 13.19.15.2b should be a little broader than just removal of topsoil is prohibited, maybe to include manipulation of the soil or topography. I just don't want them manipulating the soil. They could interpret it as "we didn't remove it, we just moved it to the other part of the property and will put it back", that is not appealing. The intent is that they put posts in the ground and trench in the wiring with

a narrow trencher and that is it, the rest of that soil remains as it was and you don't destroy 90% of the property.

Mr. Howard: Based on the Moss Creek project cost, the data was collected by Purdue. The Moss Creek project is located in Pulaski County. Mr. Howard reviewed the total estimated projected loss in agricultural product over the life of the contract. This would account for the loss if these acres were not put into crop production.

Board members reviewed a chart based on 40 acres and what those increases would look like. If you receive \$950/acre for your property to be a part of the lease agreement, and you receive an annual 2% increase on that payment.

I have been reviewing a copy of a lease agreement – the net area, everything involved with the project that had structures on it that was at \$800.00 / acre and the rest of the land in that lease program was at \$400.00/acre. You might not be getting the same lease payment on all of the acres the landowner has contracted with the company.

Tamara Ogle, Purdue University, collected data from all 92 counties at one time for wind and solar systems. this information was updated Sept. 2021. The information tells which counties have solar or wind ordinances. If they do, it tells what their setbacks are. The most surprising thing to me was the number of counties that don't have an ordinance in place for wind or solar.

Mr. Steve Eberly, with Hoosiers for Renewables, I am a former County Commissioner. Our hope is to have a central web page through Purdue University for renewable energy. We are trying to manufacture in the United States, ideally here in Indiana, but the majority of the panels are made internationally, but they are made to the US standards. Nothing that comes out of these panels is hazardous.

Mr. Howard: Senate Enrollment Act it was a bi-partisan passage that went through pretty strongly. The bill lists 10 categories of standards for solar projects and I think we are covering these with our ordinance: setback requirements; height restrictions; ground cover; fencing; cables; glare; signal interference; sound level limitations; required repair to any drainage related structures; and project decommissioning. In decommissioning, if the project company walks away and leaves everything and the county has to decommission the facility, one thing they talked about is that the bond would be a set amount and the scrap value of everything taken out would be taken off of that bonding amount. My personal feeling is that if they leave it it's ours the company wouldn't have any right to it, the bonding money would pay for the decommissioning and the scrap value would go to the county. Mrs. Godfroy said that she agrees. Mr. Halderman said he believes that if you have done your due diligence and tried to get them to come and decommission and do it properly and they don't respond that it should be yours. Mr. Gillenwater stated, I think Economic Development agreements have that written there as

well, if it has been inoperable for some period of time and they walk away and leave it that you have the right to do that. That seems reasonable.

Mr. Howard shared with the Board an article from Indiana Agriculture “ Solar Farms Are Taking Food Off Our Tables?” Per IN Department of Agriculture the #1 crop in Indiana is timber. From the Land and Liberty Coalition , almost half of the corn grown in IN is for fuel, IN Corn Group states that 47% of Indiana’s corn is used for Ethanol production not for food and approximately 77% of soybeans go to livestock feed not food. IN has over 4.6 billion in agricultural exports. 55% of U.S. soybean exports go to China. Much like the concern over solar distribution it appears most of our crops don’t stay in Indiana and it appears a large percent doesn’t stay in the United States. So, what is really taking our farmlands? Per American Farmland Trust, the U.S. converted almost 31 million acres of agricultural land between 1992 and 2012. Expanding urban areas accounted for 59% of the loss. Low density residential development accounted for 41% of the loss. In conclusion, even if every proposed solar project was built today, solar development would utilize only 1 - 2 % of the IN farm land. The total amount of farmland taken out of production would be far less than already taken out by the Conservation Reserve Program. Even the largest amount of solar possible would not affect U.S. food production. That is from the Indiana Land and Liberty Coalition study. Mr. Howard noted that the highest rated solar panel efficiency, from the 2021 ranking is at 22.8%, that is a concern to me, I would like to see much higher efficiency. I have read that the panel efficiency is actually higher in the wintertime than summer. One other thing I read is, the amount of lead in the solder for a solar panel is less than the amount of lead in a single shotgun shell.

Mr. Howard opened the floor to the Board for discussion. He then reviewed a questionnaire and asked the members to mark the items that pertain to how they feel about the ordinance now, and moving forward. Do we want to change setbacks, reminding that currently we don’t have 2 ag zones in the county. If we had 2 ag zones A1 and A2, would you want solar in Ag1 prime farm ground or would you prefer not to? Items the Board members were marking as their preference for the ordinance:

- Approve proposed setbacks per the 3/3/2022 draft copy.
- Keep Current setbacks/requesting public meetings with NextEra to learn more about a proposed project.
- Keep current setbacks, may grant variances as needed.
- Keep current setbacks with no offer for reduced setbacks.
- Give consideration to allow solar project in Ag 1 zone.
- Do not allow solar project in Ag 1 zone.
- Approve ordinance edits but keep original setbacks.

This is not binding by any means; this is just to help guide us in our next steps and what we need to do to go forward. One thing we have talked about is transparency, I have not contacted NextEra or Mark Traumbauer myself, I do know they have talked with Mr.

Gillenwater and Mr. Halderman somewhat. I feel we are at a point if we are going to consider going forward with this that we need NextEra to come here and meet with the Solar Committee (on Economic Dev.), the Plan Commission Board, and the BZA and sit down with them and see where we are at that point in time. In Cass County they are having open public hearings, they are a little bit farther along with their process than we are. I think because they adjusted their setbacks to where NextEra feels it is something they can begin to work with.

Mr. Hann asked if there was an option to approve the edits and setbacks but still have each project come before us and grant approval. That way we are still flexible enough to hear everybody out but we still give the final approval. Mr. Howard said that if a company looks at our ordinance they might think we aren't open to solar in Wabash County.

Mr. Howard said that determination would be up to the Board, I would say, right or wrong, If someone looks at our ordinance right now they may be deterred from ever coming to talk to us because they see our setbacks and think we don't want anything in the county.

Mr. Schortgen said setbacks are the starting point, that is an opportunity for that company to come in. Is there someone from the company that will come in and talk to the County, have a dialog so that we can talk about the setbacks.

Mr. Vogel, right now we are at 1,320 setbacks? Mr. Schortgen said that he would leave it at that. Mr. Halderman said that Adams County has 1320 feet from non-participating residential structures as their setback. Companies will look at and decide that county is not open to solar energy.

Mr. Howard noted that with a Special Exception, if they meet your ordinance and can check all the boxes it is almost impossible to deny the request.

Mr. Halderman; It would be good to verify that to know for sure.

Mr. Gillenwater: Economic Development can provide other means of protection.

Mr. Eberly: if left as a Special Exception and you have a public hearing, as you negotiate people will be upset if you lower the setbacks that were established in the ordinance, that looks like you gave in to the developer.

Mr. Halderman said that he would approve the changes that Mr. Howard has made to the ordinance, that opens the door then they would have to go through the process, the Economic Development agreement, there will be a lot of negotiation through that process. Wabash County is open to this, now let's sit down and talk about this. In Pulaski County they had ¼ mile setbacks and all of a sudden we have 350 feet setbacks, those people were

all up in arms, why did you do that. Mr. Cummins said that the companies are looking at all 92 counties for opportunity, if there is one county that stands out with some pretty high setbacks there are plenty of others that don't have that, then they will look at the others.

Mr. Gillenwater stated, something that works in the county's favor to not start putting solar panels on every farm out there, we have limited electrical grid that could carry this. There are only a couple of spots that they could put anything of that size. Mr. Hann said one basically, maybe two.

Mr. Halderman: Mr. Gillenwater you have your estimates, but it is a significant amount of money that could be coming into the county. Could this document create a win-win for everybody, I think there is an opportunity that could happen.

Mr. Vogel: Wabash County is the second highest tax rate in the State, that could come in and help our taxes with farms and businesses.

Mr. Halderman, maybe some could go to reduce tax rates, if you would use that for broadband that would improve the quality of life for everybody and who knows what that could do for economic development. My point would be to take 9 or 10 million dollars and make it 20 over time.

Mr. Gillenwater said that he just received the following information today, this is roughly a \$230 million project, and over 10 years that would generate \$10.3 million in property taxes, business personal property taxes, with a 30 year lifespan you are talking roughly 30 million dollars based on today's tax rates.

Mr. Vogel asked if there would be a 10 year tax abatement after the first year does it taper off? Mr. Gillenwater said that Cass County, it is a 10 year 100% abatement, in lieu of that they paid 9.5 million dollars over 5 years in economic development payments. Mr. Vogel discussed the tax rates, noting that to improve the county you have to have things coming in.

Mr. Eberly noted that the ground will be taxed at a utility rate which is 4 to 5 times higher than the normal land rate.

Mr. Dawes stated that this is a once in a lifetime opportunity to get a 230 million dollar investment. I am fairly comfortable after our discussion with Mr. Hall, (an attorney from Indianapolis), he has worked with a lot of these economic development plans, he has answered a lot of my questions. If we move forward with this we would definitely want to get him on board and involved with writing this up. I agree with what Mr. Halderman said, if we don't lower the setback they aren't going to come to talk to us, I like the fact that they have to write up the plan but it still has to be approved by us.

Mr. Hann: I want to be in the game, to have our county have the chance to get this investment. I don't want people to skip over us because we are not willing to listen to them, just looking at the setbacks. If we can lower the setbacks and still have the approval, I think that is a win-win for everybody.

Mr. Eberly: I am from Warren County, we have 150 wind turbines, they put in a distribution line, now solar companies are coming to us.

Mr. Cummins noted we are at about 2% electric vehicles now, if we see that increase then the use of ethanol will be less it would allow for diversification of farms.

Mr. Dawes: as coal plants are shutting down, they are going to have something to replace that so I think solar will be at the top of the list.

Mr. Schortgen said that he thinks people are looking to diversify.

Mr. Bowman: introduced himself as a member of the County Council and a Wabash County landowner. I do see their points, that the companies will be looking for the easier pickings to negotiate deals verses counties that have the larger setbacks. As long as I know the procedures and they still have to come to you for approval of the project. I would like clarification regarding meeting the requirement. of the S.E.

Mr. Dawes: if you have lower setbacks it at least shows willingness to discuss.

Mr. Howard: If they can meet the requirements established by the S.E. it is difficult to legally deny the application.

Mr. Bowman: I would not want to negotiate the setbacks; I would just want to negotiate the financial piece of it.

Mr. Kopp with the Land and Liberty Coalition, I think you are on the right track and I would just like to commend you for your efforts.

Mr. Hann, we need to be in the position to talk to these companies and not have setbacks at a quarter of a mile in my opinion if we want to move forward.

Mr. Dawes in Cass County there were several things that put the responsibility back on the company, I think that is very important

Mr. Schortgen said that he would like to hear from the company, if there is a webinar he would be interested in participating. It's a tough subject, I would like to get a well rounded picture.

Mr. Vogel stated that the PCB goal is to protect the residents of the county. I would hate to miss out on this for the good of the county.

Mr. Dawes said that he thinks of the ten to twelve million dollar investment back to the county he feels that needs to be considered.

Mr. Hann: we all got a copy of the draft of the Imagine One 85 comprehensive plan, we are going to try and fix this population decline in the county, how are we going to do that. If we have a project like this it will kind of stimulate that change.

Mr. Gillenwater: The final site would probably employ 2 – 3 people full time. The skilled jobs have a higher pay rate.

Mr. Eberly said that local spending will increase with this. The contractors installing will be spending money in your community.

Mr. Howard said that he would like to get a group meeting set up with the committee, Plan Commission Board members and Next Era to start talking. The Plan Commission Board will plan meet on April 7<sup>th</sup>, we could possibly vote on the ordinance at that time, if we can get the legal ad published in time.

Motion to adjourn

Second:

Meeting adjourned at 8:45 pm.

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