

Wabash County Plan Commission

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Wabash County Plan Commission Board

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

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Meeting Minutes of Thursday, June 1, 2023

Roll call was taken with the following present:

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

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Others present: Arlene Wolfgang, Richard Wolfgang, Donna Nose, Gary Nose, Pam Hawkins, Phyllis Hawkins, Michael Hawkins, Louella Krom, Suzanne Peebles, Roger Peebles, Cathy Cruz, Janet Lyons, Nicky Burnsworth, Cheryl Ridgeway, Bonnie Keen, Mark Keen, Sherm Truss, Lorraine Truss, Josh Butcher, Emily Butcher, David Cotton, Cheryl Ross, Brandon Slone, Cris Renn, Gary Knable, Elizabeth Summerland, Jerome Malott, Roger McGinnis

The Wabash County Plan Commission Board met on Thursday, June 1, 2023 in the Commissioners Meeting Room at the Wabash County Courthouse. The meeting was called to order at 7:00 pm by Board Chairman Mr. Randy Curless.

Mr. Curless stated first on the agenda was a review of the minutes from the May 4, 2023 meeting. Mr. Vogel made a motion to approve the minutes, second by Mr. Dawes. Roll call vote was taken, motion carried unanimously.

Mr. Curless indicated next on the agenda is final approval of the revised Permit Fee Schedule. Mr. Campbell reminded the Board that this revision removed the demolition permit fee from the Permit Fee Schedule and passed copies for the Board review. Mr. Rosen made a motion to approve, second by Mr. Rice. Roll call vote was taken, motion passed unanimously.

Next on the agenda was a discussion of potential solar moratorium and potential solar setback changes. Mr. Campbell opened the discussion by sharing with those in attendance that the agenda for this evening's meeting had to be published prior to receipt of the moratorium request from the commissioners. Due to this, the Plan Commission Board will hold a special meeting on Wednesday, June 14th at 7:00 p.m. at 808 Manchester Avenue, Wabash. The special meeting will be for the required public hearing for the moratorium request. The delay in the meeting date is due to the notifications that must be submitted to the towns of LaFontaine, Lagro, and Roann, as well as the printed notices in the newspaper. Those notices were all sent today by the Plan Commission Office. Local media was also notified today of the special meeting. Mr. Campbell reiterated to those in attendance that a vote on the moratorium would not be taking place at this evening's meeting.

Ms. Cheryl Ross asked if the proposed moratorium would be on all ag ground or just A1. She is concerned about the fact that Wabash County is split nearly 50/50 A1 & A2. Mr. Campbell responded that the proposal states A1.

Mr. Dawes shared with Ms. Ross that the Commissioner's Attorney, Mr. Steve Downs, advised them that a moratorium had to be based upon a defect in the ordinance. Currently the solar ordinance has no setbacks in place for A1, so that was grounds for a moratorium. Mr. Dawes said it was his understanding that the Plan Commission could still change setbacks for A2 and address other concerns as an amendment process. Mr. Downs indicated to the Commissioners that Senate Bill 33 regarding the decommissioning study would not hold up in court as a justifiable cause for moratorium. Mr. Thrush added that the Plan Commission and Commissioners are required to go through the ordinance process to place a moratorium due to federal court rulings. Ms. Ross asked if the variance criteria with regards to health and property values is the only protection the county has or will setbacks be put in place to protect the county as well. Mr. Campbell shared that the moratorium period would allow the Plan Commission to review setbacks, and it may be an appropriate time to reevaluate all setbacks. He reminded those in attendance a moratorium can not be put in place simply because people do not like solar. He added that Plan Commission and Commissioners are going through the process and working to insure everything is handled properly because in the event it is not, permitting could be required. During the potential moratorium period the Board would decide how best to add setbacks for A1 and evaluate others. He stated there is no time limit specified in the moratorium proposal, just the Board review time deemed necessary. Mr. Rice added that he would like to get full approval on the moratorium and then establish a panel with public input to work on setback recommendations and other concerns. Ms. Ross responded that she felt a need for the Board to work quickly, as Pulaski County now has 10 solar companies looking to build projects covering 25,396 acres, spanning north to south and east to west across the county, and I would hate to see it happen to Wabash County.

Mr. Gary Knable spoke next, giving the Board the definition of moratorium as a temporary prohibition of an activity. Mr. Knable inquired if the moratorium would be lifted at some point and if solar projects could be banned in some way. Mr. Campbell responded that the moratorium would be temporary to give the Board a chance to look at everything. Mr. Campbell added that he was not sure it would be possible to keep them totally out, that probably would not hold up in a court of law.

Ms. Elizabeth Summerland asked Board members if this solar project coming to the county was already a done deal. Mr. Campbell explained that no, it is not. We are looking at this moratorium to put a temporary halt on permitting and variance requests in A1.

Ms. Cheryl Ridgeway indicated appreciation for a moratorium in A1, but that she now feels A2 ground will be in danger due to relaxed setbacks and noise requirements. She stated the solar company will not give up easily, A2 is essentially an open wound for them to target. She informed Board members she has heard of more companies contacting landowners around the county. She asked the Board to consider if they want to be friendly to solar companies or friendly to the citizens of Wabash County.

Mr. Cris Renn asked if it would require an amendment to the solar ordinance to protect A2 ground, and if so when and where does that start. Mr. Campbell informed him an amendment proposal originates from either the Plan Commission Board or the County Commissioners. Mr. Renn expressed frustration that the amendment process could take a long time and asked if changes could be started for A2 ground this evening. Mr. Rice explained that the Board cannot vote on any changes tonight. Ms. Ross then asked if the Board would be making a recommendation to the commissioners tonight. Mr. Campbell reiterated that no recommendation would be made this evening, that would be done at the public hearing scheduled for June 14th.

Mr. Rice asked Mr. Campbell for clarification that a commercial solar project in A2 ground would require a special exception. Mr. Campbell responded yes, it would be a special exception and explained that process. The company would apply for the special exception with the Plan Commission office, the special exception would then go before the Plan Commission Board for a favorable or non-favorable recommendation to the Board of Zoning Appeals, and the final decision would be given by the Board of Zoning Appeals. Mr. Campbell shared he personally believes it would be a difficult process for the company. Mr. Dawes added that he felt the safety net for the A2 ground is

the special exception process being reviewing by both boards because he does not feel the boards would look favorable on the special exception when under a moratorium on A1.

Ms. Cathy Cruz asked when the last time was that the Boards permitted a part time business that would last for 30 years, affect health, and affect property values.

Ms. Summerland asked who would be present at the June 14th meeting, would the solar people be present? Mr. Campbell replied that it will be a public hearing, anyone is welcome to attend. Notices went out this afternoon to the towns and towns. Agendas have been posted online and in the courthouse.

Ms. Suzanne Peebles spoke in regards to the text and phone calls that went to out in the area encouraging people to attend this evening's meeting that would be against the moratorium. It is believed the calls and texts are originated by Hoosiers for Renewables. In one instance the caller could not properly pronounce Wabash. Ms. Peebles mentioned to the Board that everyone has learned a lot since April 6th. Where she lives, there are currently 16 signed leases by 10 different land owners. There are at least 45 homes in the area that would look across the road at solar panels or adjoin property with panels on it. Ms. Peebles invited Board members to come to the area, stating that she would be glad to take members around the area and show them what ground has been leased as that might help with the setback discussions as well. Ms. Peebles thanked Board members and staff for listening to the concerns and indicated she would be glad to listen to any Board members in return. Mr. Campbell thanked Ms. Peebles for a map of the signed leases that she had provided for distribution to Board members.

Mr. Curless asked if there were any further questions or concerns from the Board or the public. There being none he asked Mr. Campbell for a complaints update. Mr. Campbell informed the Board he has worked 36 complaints this year, of those he has closed six. He has also received two new complaints that will need worked. Mr. Knable inquired about the nature of the complaints. Mr. Campbell shared with him that they range from unplated vehicles, weeds, burning, building conditions, and trash to name a few.

Mr. Gary Nose asked the location of the proposed solar project and where are the possibilities for others. Ms. Peebles shared a copy of the map she created with him. Mr. Campbell shared with him that the NextEra proposed project was from State Road 124 to 850 S, between Meridian Road and State Road 13. He added that this is the only location he is aware of with signed leases in place now. Ms. Peebles reminded those in attendance that the leases were being signed as early as May 2021, but no one found out until 2023, which she feels is very sneaky on the company's part. Ms. Ridgeway stated the company should not be trusted, as they have already constructed a test panel and fence without obtaining proper permitting. Mr. David Cotton stated he had concerns for the safety of the county; adding that he would not want a criminal 350' away, so he does not want solar 350' away either.

Mr. Curless then asked if there was any other business from Board members. There being none, he asked if there was any other business from those in attendance. There being no further business Mr. Curless asked for a motion to adjourn the meeting. Mr. Vogel made the motion to adjourn, seconded by Mr. Rice. Vote on the motion was taken, carried unanimously. Meeting adjourned at 7:45 pm.

*Amanda Lyons
Secretary, Wabash County Plan Commission Board*

**If any names are incorrect, spelled incorrectly, or omitted from the attendance in these minutes, we apologize.*

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