



**COLUMBIA CITY/WHITLEY COUNTY
JOINT PLANNING & BUILDING DEPARTMENT**

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TO: County Plan Commission
FROM: Nathan Bilger, Exec. Director

RE: 23-W-ZOA-3, proposed changes to §5.23, Solar Energy Collection Systems

At last month's Plan Commission/County Commissioners workshop, several changes to Section 5.23 were discussed. Based on those discussions, I drafted revisions to the text that the Commissioners and legal counsel reviewed. A final revised draft was then sent to Commission members and posted on the website on April 28.

Below is a summary of the changes, with some additional explanatory remarks:

- Defined "Nonparticipating property" as any property that is not participating in a solar overlay. This clarifies that nonparticipating properties are not only those properties that abut a solar overlay. This may be important in how the buffer distance is applied in later sections.
- SECS-3
 - The Development Plan will require a public hearing.
 - An environmental impact statement would be required as part of the DP. The EIS would be a document used to direct discussion to determine if any environmental mitigation could be necessary.
 - Note that the April 28 draft used the term "environmental impact statement." We have found since that a more appropriate term may be "environmental assessment" instead. An EIS is more detailed than an EA and so would likely be outside the capacity of staff to review adequately. However, an EA could still recommend additional studies or a full EIS.
 - Added that the cost of outside review is the responsibility of the applicant.
- SECS-4
 - Revised the "doughnut" regulation to reflect concerns brought up at the workshop.
 - Added a density maximum of 18 dwelling units per square mile within ¼ mile of the project area. This density, or lower, is often found in Cleveland, Washington, and western Jefferson townships, as well as some other areas of the county.
- SECS-6
 - The minimum setback distances were adjusted to match the IN District setbacks (150' front, 50' side/rear), plus the required buffer yard. This being a setback, any reduction of this standard would require a variance.
 - The buffering section was moved up to follow the setback section so they can be read together.
 - The 1,500' figure discussed at the workshop to mitigate aesthetic impacts has been inserted as a required buffer distance. It would be measured from the solar facility to *any* nonparticipating property line (whether that property abuts the solar properties or not).
 - This buffer distance can still be waived by nonparticipating property owners. If waived, the 1,500' would then be measured from the line of the next nearest nonparticipating property.
 - The separation for noise generating equipment was changed from 300' to 900' as measured to the line of a nonparticipating property containing a dwelling, and from 200' to 300' for any other nonparticipating properties (not just schools/churches). These changes are based on reducing the sound level at the property line as discussed at the workshop.
 - The maximum height of panels was changed from 25' to 20'. This further reduces visual impact.
 - For agrivoltaic proposals, it was clarified that the use of agriculture in conjunction with a solar project could justify modifications of the various buffering requirements, *except* for the 1,500' distance.

- More details about who reviews the emergency response plan were added, as discussed in the workshop.
- Damaged or faulty components of a solar facility must be removed or repaired within 3 months. Any components damaged in a way to expose internal components would be removed within 1 week, along with any debris.
 - This avoids a facility quietly being abandoned incrementally if faulty components are left in place.
 - It also prevents damaged components and debris from becoming effectively junk/trash.
- As discussed at the workshop, time limits were added to report (1 week) and repair (6 months) damage to drainage infrastructure.
- Clarified that required bond amounts are based on engineer's estimates.
- The maximum noise level from a solar facility was reduced from 50 dB to 40 dB, as measured at the nonparticipating property line. This serves as an added protection in case there is noise generated by other equipment or components than those listed above.

Additional recommendation(s)

The Plan Commission should also consider a recommendation on the moratorium that was adopted in March. It could be recommended that the moratorium be rescinded when these changes are adopted, or at a specific date, or some other recommendation. Legal counsel can provide guidance as may be necessary to best include the recommendation as part of the certification to the Commissioners.

Criteria

As a reminder, with any amendment of the zoning code the Plan Commission and Commissioners are to pay reasonable regard to the following:

1. The most recently adopted Comprehensive Plan;
2. The current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction;
5. Responsible development and growth;
6. The public health, safety and welfare.