

MINUTES
WHITLEY COUNTY PLAN COMMISSION/COUNTY COMMISSIONER
SOLAR WORKSHOP

April 19, 2023

6:00 p. m.

Whitley County Government Center
Lower Level, Meeting Room A/B

MEMBERS	PRESENT	ABSENT	STAFF
Travis Baker	X		Nathan Bilger
Dane Drew	X		Brent Bockelman
Brent Emerick	X		
Jack Green	X		LEGAL COUNSEL
Thor Hodges	X		Elizabeth Deckard
Mark Johnson	X		
Rob Schuman	X		NONVOTING ADVISOR
Kim Kurtz-Seslar	X		John Woodmansee (Absent)
Joe Wolf	X		
Theresa Baysinger	X		
Chad Banks		X	

AUDIENCE MEMBERS

The audience list of in-person and electronic guests is included with the April 19, 2023, regular meeting minutes.

CALL TO ORDER/ROLL CALL

Mr. Bilger called the workshop to order at 6:00 p.m. Mr. Bockelman read the roll call with members present and absent listed above.

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Mr. Bilger opened the workshop, stating the purpose was to determine direction to address the issues with the current solar code. Mr. Hodges asked to recite the Pledge of Allegiance before continuing, which was done. Mr. Bilger stated that the workshop would need to end by 6:55 for the regular Plan Commission meeting.

Mr. Bilger began by discussing a chart that summarized topics included in the public comments received by the staff. These topics included Farm Land Use, Environmental Pollution, Aesthetics, Property Value, and No Solar. He stated that he had recently met with the County Commissioners to go over their concerns and what they had heard, which yielded talking points for the rest of the workshop.

He continued, discussing the approval process and permitted zoning districts. He said that it was suggested to require a public hearing for the Development Plan review, which would make public hearings at both rezoning and development plan stages. Solar would be the only use with this requirement. He also suggested passing through costs to the developer for additional

technical reviews and independent legal counsel. There was discussion about the process of rezoning followed by development plan review with the additional public hearing for the development plan review. The Commissioners stated they would like to continue with the additional public hearing.

Discussion was made about the zoning districts of which the overlay district could be applied and the 10-acre area to be left out of the overlay for a nonparticipating property that would be surrounded by solar on four sides. The zoning districts seemed appropriate as written, but after further discussion, the Commissioner Baysinger suggested changing the number of sides to two instead of the previous four sides.

Mr. Wolf shared his experience visiting two separate solar facilities: one location that was up and running, and one that was under construction. One was in Stark County, and one was in Spiceland, Indiana. He described the setbacks he observed, the number of surrounding houses, and noise at the locations. He stated that he noted 5-8 homes in the area of the Spiceland project. Mr. Bilger suggested a requirement for using housing density as a factor in the rezoning. There was agreement that could be appropriate.

Mr. Bilger continued with points regarding the development standards, showing a list of standards as reference to what needed to be addressed. The first being a suggestion that setbacks be increased. Mr. Johnson asked what number the Commissioners may have in mind for a revised setback standard. Mr. Schuman responded that he felt that the standards need to be measured from property lines, not the walls of structures, and be set at 1,500 feet. He stated that the concerns he has heard from the public were for protection of non-participating property owners from the effects of industrial solar. He stated that this would allow for an individual, or group of individuals, with enough land, to have a facility on their properties and still protect the neighboring property owners. Ms. Baysinger agreed. She stated that she had received many concerns brought to her opposing the placement of commercial solar in Whitley County. She discussed the process up to this point and that she felt that there was not enough information to make the decision that commercial solar was a good choice for Whitley County. She did not feel comfortable forcing this on the residents when they made it known they did not want it. She agreed that if a large property owner, or group of owners, had enough land, the standards should effectively limit the negative effects on other property owners.

Mr. Hodges suggested that with this information and guidance from the Commissioners, there would be no need for further discussion on the rest of the standards. Mr. Bilger stated that with a code in place, the other items in the development standards would still need to be addressed for any possible sites that could meet the setback standards. There was discussion about areas in the county that could be possible sites.

There was additional discussion about the authority of the Commissioners to review projects individually, and if a project were sent to the Commissioners that was not appropriate, it could still be denied. Mr. Hodges suggested then additional changes would not be needed. Mr. Drew stated his view of making sure that there is a complete code in place for the future, even if it were not applied immediately. Mr. Baker explained his thought that spending the time now to ensure that the standards are what are desired will ensure that future projects will need to comply with those standards even if future Commissioners' attitudes to solar were different.

With that the discussion on additional development standards continued. These topics included revising the separation between noise-generating equipment and property lines based on a

decreased maximum noise level, decreasing the maximum height to 20', and revising the buffering standards. Mr. Bilger stated that the buffering and landscape screening were from the existing industrial buffer section in the code and asked if the Commission desired to look into more changes. The Commission suggested that the landscaping requirement was sufficient, but there may be changes for additional non-residential properties.

Continuing, the nature of agrivoltaic projects, requirements for firefighting equipment, the maximum time for maintenance and repair of panels, drainage and post construction bond timeframe, and noise level compliance were discussed, with the Commission and Commissioners generally in agreement with the direction of the talking points.

Mr. Bilger asked if any additional concerns needed to be added to the list. There were none.

The next steps of the code amendment process were reviewed. Ms. Baysinger asked if the Plan Commission would like to see the proposed changes made to the code first by the Commissioners and then presented to them for approval. The Commission members agreed that would be preferable to them working on additional workshops or subcommittees. Mr. Bilger stated that he would draft a new code based on this workshop, bring it to the Commissioners for review, and then submit it to the Plan Commission for review and a recommendation back to the Commissioners. Mr. Johnson requested that the Plan Commission members be supplied with the proposed changes at least a week before the next meeting, and Mr. Bilger stated that he expected that to be achievable given the level of changes and timing. There was consensus to go forward with publication of public notice for a public hearing at the next Plan Commission meeting.

Being no further discussion, the workshop was adjourned at 6:51 P.M.