

**HANCOCK COUNTY AREA PLAN COMMISSION
111 AMERICAN LEGION PLACE
GREENFIELD, IN 46140**

PLAN COMMISSION MINUTES

DATE: August 22, 2023 TIME: 6:30 P.M.

PRESENT:

**MICHAEL LONG, PRESIDENT
RENEE OLDHAM, SECRETARY
TYLER EDON, VICE PRESIDENT
WENDELL HESTER
SCOTT WOOLDRIDGE
DEAN FOUT
BYRON HOLDEN
RHONDA COOK, ATTORNEY
KAYLA BROOKS, DIRECTOR
DAWN PARKER, RECORDING SEC.
HOLLIE KINKER, ASSISTANT PLANNER**

ABSENT:

**GARY McDANIEL
LACEY WILLARD**

The August 22, 2023, meeting of the Hancock County Area Plan Commission was brought to order by Vice President Tyler Edon at 6:31 p.m. Mr. Wooldridge moved to accept the previous month's minutes as received. Mr. Holden seconded. Motion carried. Prior to making their presentations, the Commission's attorney Rhonda Cook duly swore in all persons appearing before the Hancock County Area Plan Commission.

Mr. Wooldridge moved to adjourn. Mr. Holden seconded. Motion carried with vote of 7 yes, 0 no and the meeting was adjourned at 8:00 PM.

ATTEST:

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MICHAEL LONG, PRESIDENT

RENEE OLDHAM, SECRETARY

**HANCOCK COUNTY AREA PLAN COMMISSION
111 AMERICAN LEGION PLACE, SUITE 146
GREENFIELD, IN 46140**

PLAN COMMISSION MINUTES

Tuesday, August 22, 2023

TIME: 6:30 PM

NEW BUSINESS:

1. Solar Ordinance Public Hearing, Ms. Brooks, Plan Director was present and gave staff report. She asked: Why do we need a solar ordinance?
 1. To have a broad set of land use regulations that set the lowest acceptable standard for solar development in Hancock County,
 2. To approach all solar development in a fair, equitable, and efficient manner,
 3. Because this is a developing use that is not approached clearly by our zoning ordinance currently.
 - i. Is solar a communications/utilities use? Not mentioned there, so not permitted...even though wind energy is.
 - ii. Is solar an industrial use? "Power generation facility (commercial)" is as a special exception in 3 districts, but that is about the only mention; same for "mineral extraction and processing."

What is the timeline for passing a solar ordinance?

1. This is up to (1) the public, (2) the Plan Commission, and (3) the Board of Commissioners.
2. August 22 – Public Hearing – What did the draft ordinance get wrong? What did it get right?
3. September 12 – Post final draft. Publish notice in paper for next public hearing.
4. September 26 – Public Hearing – Is it ready for a favorable recommendation to go to the County Commissioners? If not, repeat. If yes...
5. October 17 – County Commissioners Meeting – potentially for a vote.

The Highlights:

1. See Land Use Matrices (primary & accessory)
2. Broken down in categories in two ways: SYSTEM TYPE (Ground-mounted or roof-mounted/building integrated) and SYSTEM SIZE (Micro-120 square feet or less to Utility Scale 435K sq. ft – 4M sq. Ft., or 10-100 acres)
 - a. 100-acre (4.3 million+ square-foot) cap to project solar panel area.
 - i. This doesn't count the space between panels, but still limits size of solar project.
 - ii. Right or wrong? Too restrictive?
3. Yard Setback Requirements for Ground-Mounted solar
 - a. Same as for primary building until large – or utility scale. Then the setbacks are doubled. Ag Dist. = 50 ft. x 2 = 100 ft. front-yard setback.
 - b. For Utility-scale, additional distance requirement: 250 ft. from nearest corner of residential structures.
4. Height – Max. 15 feet. For ground-mounted at max. tilt.
 - a. At least 3 feet of space below for pollinator habitat.
5. Drainage – Has to meet the standards of the County Surveyor regarding erosion control, interception of tiles, and staying away from regulated drains.

6. Landscaping & Buffering – Must meet the requirements of that ordinance (note that solar is considered a Utility/Communications use).
7. Fencing – currently ordinance requires that it comply with fence and wall standards set forth in development standards.
8. Economic Development Agreement through RDC.
9. Decommissioning Agreement – To bring it back to how it was at installation.

Mr. Mike Long, Plan Commission President opened the floor for public comment. Mr. Larry Sedam said he questions the small scale solar and what would stop someone from having a solar field in their backyard? And if solar is not mentioned in HOA covenants, could they be stopped? He said he does not feel like residents and neighbors are protected. Mr. Sedam suggested that small scale should also be by special exception. Mr. Wooldridge answered the HOA comment and said there are many covenants that state no solar is allowed. He said the small-scale solar fields and land use matrix shows blank for medium scale (not permitted) for residential (except R.1 residential) so it cannot be medium for residential but just small scale. Mr. Sedam answered that he believes no medium should be permitted in any residential area. Mr. Steve Elsbury, was present is an attorney, lives on a farm and stated a study was done by Purdue on ninety-two (92) Indiana Counties. Forty-six (46) regulate solar, sixteen (16) allow solar by right and twenty-three (23) are allowed with special exception approval. He said his main concern with the solar ordinance is there is no buffering required for solar fields next to agricultural (A) land. He said the way the ordinance is written for buffering he would be required to put in buffering at his expense. Mr. Elsbury said he would like to see buffering required and at the petitioner's expense. He said other concerns are drainage and would like to see language restricting drainage easement encroachment. Mr. Elsbury stated the solar ordinance needs to contain conditions in the language for the decommissioning of solar fields once not needed. He suggested a possible bond be in place in case the solar field owner goes out of business. Mr. Elsbury said the county can be as detailed as it wants or needs to be. Mr. Jon Sparks, Board of Directors with Farm Bureau and is a champion of property right and safe food supply. He stated he sat on the Steering Committee for the recently adopted Comprehensive Plan. He said he supports a conservative approach to solar and recommends impact fees for drainage and infrastructure. Mr. Sparks said some issues that need to be addressed are impacts on surface water with excavation, control of noxious weeds and large solar fields will take away agricultural land, currently used for food production, thereby reducing farmers income and ability to provide for their families. Mr. Long asked if the max size could be capped at 100 acres? Ms. Kinker, Assistant Planner stated that the cap of 100 acres is limiting and may be a deterrent to developers. Mr. Edon suggested a cap of 150 acres. There was much discussion among the board regarding setbacks, size cap, buffering requirements especially next to agricultural zoning and permitted vs special exception for sizes of solar fields. Mr. Long suggested maybe more S's (special exceptions) and less P's (permitted use) for scale sizes for medium to utility, especially as accessory uses, and that the landscape ordinance may also need to be amended. Ms. Brooks said she is open for any feedback and changes that are needed to the solar ordinance. She said she is always available in the Planning office. Motion was made to table the solar ordinance discussion and vote until the September 26, 2023, hearing by Mr. Wooldridge. Motion was seconded by Mr. Edon. Motion carried.

2. TIF – Gary Pool, Hwy Engineer – Amending Declaratory Resolution,
Gary Pool, Highway Engineer was present and asked for the Plan Commission to approve the Order of the Hancock County Area Plan Commission Determining that the Amending Declaratory Resolution approved and adopted by the Hancock County Redevelopment Commission Conforms to the Plan of Development of the County and Approving said Resolution and Plan as presented. Mr. Pool presented a slide that showed large parcels in red that have not been included in TIF and should have been. He said these properties, when developed, will bring in much needed funds. There was much discussion amongst the board

about what the TIF capture would be used for. Mr. Pool said that three-quarters of a million dollars of TIF capitol revenue has been spent on school buses and he believes it is the hope of the Commissioners that with the extra TIF capture/revenue more firefighters & police officers can be hired and more school needs can be met. Rhonda Cook, County Attorney explained that any changes to TIF goes through the same process of a new TIF and is the duty of the Plan Commission to state in an order whether changes conform with the Comprehensive Plan. She said if it does the order is to be signed by the President and Secretary. Then that order goes to the Commissioners for approval. Mr. Long asked for a vote to approve the Order of the Hancock County Area Plan Commission Determining that the Amending Declaratory Resolution. Mr. Edon made a motion for approval. Mr. Hester seconded motion. Motion carried with a six (6) yea and one (1) nay vote.

PETITIONS:

1. Mohawk Trails RLS Development, LLC Planned Unit Dev.
 East side of CR 200 W Time Extension 23-2411
 35 - 16 - 6 Center
 Time Extension for Primary Plat/Mohawk Trail located on the east side of CR 200 W between US 40 and CR 100 N zoned PUD (Planned Unit Development). Ms. Brooks, Plan Director was present and said this petition has been delayed for sanitary sewer and asks for a one (1) year extension of time for the Primary Plat. Mr. Long asked that this petition come back to the Plan Commission after seen at Tech Committee meeting. Mr. Wooldridge made motion to approve extension and bring back before Plan Commission after Plat Committee meeting. Motion seconded by Ms. Oldham. Mr. Long asked that it be noted that there was no representative for Mohawk Trails at this meeting. Motion approved with a seven (7) yea, and zero (0) nay vote.

2. DBA Property, LLC Institutional
 3344 N 600 W, 6078 & 6116 W. Station Way Rezoning 23-2412
 13 - 16 - 5 Buck Creek
 Rezoning 6.634 acres located at 3344 N 600W, 6078 W. Station Way & 6116 W. Station Way from IN (Industrial Neighborhood) to IL (Industrial Light). Ms. Brooks said the petitioner has requested a continuance to the September 26, 2023, hearing due to site layout and setback requirement issues. Mr. Hester made motion to continue. Motion was seconded by Mr. Wooldridge. Motion carried.

OTHER BUSINESS:

1. Comprehensive Plan Implementation Update = no updates currently

2. Amend the land use matrix to consider Residential Treatment Facility in CN.
 Ms. Brooks, Plan Director stated there are several items that need to be amended in the land use matrix and CN (Commercial Neighborhood) is the first. She said there is a residential treatment facility (Hickory House) that is outgrowing space and our land use matrix is too restrictive. She stated we are not ready for a vote at this time but will be coming back after scheduling a public hearing. Ms. Brooks said a few other changes that need to be looked at are accessory building standards and the setback requirements for them and adding veterinary clinics as a permitted use in the agricultural (A) zoning district. She said these are just a few examples. Mr. Long asked if these changes would be coming in separately or would all changes be presented at the same time? Ms. Brooks said maybe the best way is to amend the land use matrix zoning district by zoning district in an orderly manner.