

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

**PLAN COMMISSION MINUTES**

**DATE: September 26, 2023 TIME: 6:30 P.M.**

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**PRESENT:**

**MICHAEL LONG, PRESIDENT  
SCOTT WOOLDRIDGE  
GARY McDANIEL  
WENDELL HESTER  
BYRON HOLDEN  
DEAN FOUT  
LACEY WILLARD  
RHONDA COOK, ATTORNEY  
KAYLA BROOKS, DIRECTOR  
DAWN PARKER, RECORDING SEC.**

**ABSENT:**

**TYLER EDON, VICE PRESIDENT  
RENEE OLDHAM, SECRETARY**

The September 26, 2023, meeting of the Hancock County Area Plan Commission was brought to order at 6:37 p.m. by President Michael Long. Mr. Wooldridge moved to accept the previous month's minutes as received. Mr. McDaniel seconded. Mr. McDaniel and Ms. Willard abstained as they were not in attendance of the August Plan Commission meeting. 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. Long asked for a nomination for an acting Secretary. Mr. Wooldridge nominated Lacey Willard. Mr. McDaniel seconded. Motion carried.

Mr. Long stated the two (2) petitions on the agenda have asked for continuances. There will be no remonstrance heard for either petition in accordance with rules and procedures of the Plan Commission.

Mr. McDaniel moved to adjourn. Mr. Wooldridge seconded, and the meeting was adjourned at 8:26 PM.

**ATTEST:**

**ATTEST:**

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MICHAEL LONG, PRESIDENT

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LACEY WILLARD, ACTING  
SECRETARY

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

**PLAN COMMISSION MINUTES**

**Tuesday, September 26, 2023**

**TIME: 6:30 PM**

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| 1. DBA Property, LLC<br>3344 N 600 W, 6078 & 6116 W. Station Way<br>13 - 16 - 5 | Institutional 23-2412<br>Rezoning<br>Buck Creek |
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Rezoning 6.634 acres located at 3344 N 600W, 6078 W. Station Way & 6116 W. Station Way in Buck Creek Township from IN (Institutional) to IL (Industrial Light) \*Continued from August 22, 2023, requested by petitioner to complete site plan. Mr. John Cross Attorney was present and said petitioner has requested another continuance because they hired a new surveyor to complete the required site plan due to the first site plan not being sufficient. Mr. Long asked if the petitioner has reached out to the neighboring property owners. Mr. Cross stated that the petitioner has spoken with surrounding neighbors. Mr. McDaniel said this property is in non-compliance due to multiple violations for the tractor trailer storage and parking. He said this property is not zoned for that and the neighbors do not deserve this, and the semi-tractor trailers need to be removed as soon as possible due to the outstanding zoning violations. He said these violations have been on-going since April of this year without resolution. Mr. McDaniel said the petitioner has been sent multiple violation notices, fined \$50 and been told by Planning office staff that the semi-tractor trailers need to be removed until the rezoning is approved and still has not complied. He said the Planning office has been ignored by the petitioner. Mr. McDaniel read the timeline of violations for the petitioner and attorney Cross. Mr. Wooldridge concurred with Mr. McDaniel and stated that he will not give a continuance without a plan of resolution for the violations. Mr. Cross said that he has spoken with the Planning office and believed these violations were addressed. Mr. McDaniel stated that he would like to see the violations taken care of and a possible fine of \$1,000 per day be assessed. Ms. Rhonda Cook, Attorney stated the board does not have the authority to imposed fines. She said the BZA (Board of Zoning Appeals) would need to inspect and impose fines. There was much discussion amongst the board regarding the rezoning, zoning violations and possible fine process for the zoning violations. Ms. Willard made a motion for continuance with the contingency for removal of all tractor trailers within five (5) days, an inspection by the code enforcement officer be completed to confirm removal and compliance, if not removed a recommendation be made to the BZA for fines to be imposed of \$1,000 per day that DBA Property, LLC are not in compliance, and if these conditions are not met within five (5) days the continuance will be void and a rezone petition will need to be re-applied for. Motion seconded by Mr. McDaniel. Motion carried 6 yes, 1 no.
  
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| 2. Mohawk Trails/RLS Development<br>East side of 200 W between US 40 &<br>35 - 16 - 6 | Planned Unit Dev. 23-2418<br>Secondary Plat Mohawk Trails<br>Center |
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Secondary Plat for Mohawk Trails Sec 1 Lots 1-36 located on the east side of CR 200 W between US 40 and CR 100 N in Center Township zoned PUD (Planned Unit Development). Ms. Brooks stated the petition, Carl McIntyre has asked for a continuance for an additional month to meet with the Highway Department and Planning Department for Tech comments resolution. Mr. Wooldridge made motion for continuance. Mr. McDaniel seconded. Motion

carried.

## OTHER BUSINESS:

Introduction of zoning ordinance amendments or solutions for repeated Special Exception requests discussion: Ms. Brooks stated that planning is trying to address everything on a uniform basis at the Plan Commission level and has outlined areas that need addressing for our upcoming ordinance update. She said this is a view of areas we are going to be looking at immediately and most can be dealt with during the UDO update. Ms. Brooks stated the UDO selection recommendation will be completed by October 6, 2023, with contract signed by Commissioners by the end of the year.

- Development Standards for vehicle storage as primary use
  - o RV's, Boats & Semi Tractor Trailer Storage = allowed in IL or IG with "Special Exception" approval only.
  - o Surface = Paved or Gravel needs clarity through Planning for drainage and County Surveyor review.
- Chickens
  - o Separate out from "livestock" in land use table. What districts should chickens be "P" (permitted) or require "SE" (special exception). HOA covenant restrictions vs County Code = Who enforces?
- Vet Clinic = "P" (permitted) in A (Agricultural) zoning
  - o Vet Clinics are not permitted in A (Agricultural) in our current zoning ordinance and may need changed to a permitted use in A (Agricultural)
- Amend Accessory Building Setback Requirements in relation to Primary Structure
  - o Accessory uses are not addressed in our ordinance. the Planning Department has been seeing large lot owners that want to build a pole barn in front of the primary structure and with the larger lots the barn is not seen from the road anyway, but the zoning ordinance, as written, states that an accessory structure may not be built closer to the road than the front of the primary structure. This works for smaller lots but for the larger lots does it really matter? Ms. Brooks stated she would like to see existing barns/accessory buildings in front of houses on large lots (size to be determined) be looked at as a non-conforming structure that would not require BZA approval as they are now.
  - o Ms. Brook said there are accessory uses that are not addressed in our current ordinance. For example, "hobby farm" was once on the accessory use land use matrix and allowed 4H animals. She said our ordinance only allows for farm animals in limited zoning districts as a special exception or in the A (Agricultural) zoning district as a permitted use.
- Residential Treatment Center
  - o What districts are "P" (permitted) or "SE" (special exception)?

### 1. Solar Ordinance Discussion (not public hearing)

Ms. Brook presented staff report and stated the following:

Why do we need a solar ordinance?

- To have a broad set of land use regulations that set the lowest acceptable standard for solar development in Hancock County.
- To approach all solar development in a fair, equitable and efficient manner.
- Because this is a developing use that is not approached clearly by our zoning ordinance currently.

What is the timeline for passing a solar ordinance?

- This is up to (1) the public, (2) the Plan Commission, and (3) the Board of Commissioners.
- August 22 – Public Hearing – What did the draft ordinance get wrong? What did it get right?
- September 26 – Receive additional public comment. Give summary of changes to be made in Draft #2.
- October 24 – Public Hearing? - Is it ready for a favorable recommendation to go to the County Commissioners? If not, repeat. If yes...
- November 21 – County Commissioners Meeting – potentially for a vote.

Suggested Changes

- Make utility-scale (and possibly large-scale) solar projects get rezoned to PUD for the following reason:
  - o Makes final authority County Commissioners, rather than BZA.
  - o Allows for area-specific response by Plan Commission for each project, reflected in recommendation to County Commissioners.
  - o Also allows for the following items to be addressed on a project-specific basis...
    - Removal of utility-scale project cap of 100 acres – now has to go through PUD process.
    - Landscape concerns – Fine-tune Landscaping/buffering/screening so that all neighbors, regardless of land use, are appropriately screened.

There was much discussion among the board regarding solar petition approval process, sunset clause, rezone to PUD for utility-scale & large-scale solar vs keeping current zoning, what district would large-scale and utility-scale solar be “P” (permitted) or need “SE” (special exception), 100 acre cap per project vs 1000 acre County wide cap, landscaping, and buffer requirements (no landscaping buffer required for A (Agricultural) next to project).

Mr. Michael Jeffries, Regional Coordinator for Citizens Climate Lobby Indiana, he said this is a local conservative chapter for the organization, is nonpartisan, and a volunteer-based climate advocacy organization. He said they support clean energy and permit reform while maintaining input from local community, advocate for fair setback requirements, property right and protected rights of farms and families. He asked for a clear, fair solar ordinance. Mr. Jeffries said solar is renewable energy that will be beneficial for the county, participating landowners and allow Hancock County to generate energy to fuel the county. He said a good, fair solar ordinance and local communities should be advancing the goal of bringing forth renewable energy technology by providing fair setbacks from property lines, agricultural fencing, ground cover for erosion control while allowing the property owner to enjoy their property and allow Hancock County to generate the energy needed to fuel our economy while protecting its rural identity. Mr. Jeffries stated Star County is expected to receive 1 ½ billion dollars in investments from one (1) solar project and expected to increase their annual tax revenue by 20%, Benton County has received \$39,000,000 in new funding for roads & \$26,000,000 for first responders, and \$3,000,000 for schools. Ms. Kelly Inns, Director of Development with Leeward Renewable Energy said Leeward Renewable Energy is developer, owner & operator of Utility scale renewable energy projects. Leeward has been around for more than 20 years, has 27 renewable energy projects, and has been personally involved in utility scale solar development across the state of Indiana for the last several years including permitting several projects in Blackford, Jay, and White Counties. Leeward Renewable Energy is Perusing solar development in Hancock County, has reviewed the solar ordinance, and has submitted several comments. She said she is looking forward to working with the county to finalize an ordinance that promotes responsible solar development. Ms. Inns said she met with local members of the Hancock County Farm Bureau

to discuss comments and feedback and have submitted some joint comments and suggestions. Some suggestions include specialized buffer requirements, Agri Voltaic Solar Energy Systems that promotes good land stewardship, drainage and regulated drain requirements, upgrade, repair, and replacement of solar, preservation of mature trees, decommissioning & restoring of the land at the end of project, eliminating size cap that is too small for utility scale development but maybe agree on a county wide size cap limit (i.e., 1,000 acres) for more small scale projects. Ms. Inns said a sunset clause does preserve ownership and original zoning, but she has not seen rezoning in other counties (PUD). Mr. McDaniel asked what is the typical length of solar agreement, how are the solar panels and field maintained, and if Leeward uses plants, native grasses, and pollinators? Ms. Inns answered if 30-50 years is typical length and yes Leeward would use plants, native grasses, and pollinators. Mr. Wooldridge asked what happens to panels after project completion, is impervious or pervious land needed, and is 5 years about how long it takes to get up and running? Ms. Inns answered that panels would be recycled and handled responsibly, ground under solar would be pervious so water can run off, and the time would vary because would need to be close to high voltage power lines and obtain agreements with power companies. Ms. Willard asked that approvals be agreed to at start of project, what are tax advantages, would they typically ask for abatements, what is the agricultural land cap and what is an appropriate cap? She also asked if solar projects harm property values because it is stated in the comments that property values are not affected. Ms. Inns stated approval would depend on the time it takes to have all approvals and interconnections, bond provision would start at construction and be in place before permit approvals, tax advantages would benefit county with tax abatement for project life and does expect to see an increase in property taxes in the community, the agricultural cap for solar when calculated was under 5% of the agricultural land, there is a low impact on individual owners and will share reports on impact and who will get notice. Mr. Long asked what the break point would be on how many acres would be needed, 500 acres or it is a no go what is an ideal sweet spot, what are the state requirements for fencing & security, asked if the BZA and Plan Commission reviewed the projects in other counties, what were some hot topics in those communities, asked what would the construction timeline be and is drainage an issue? Ms. Inns answered a minimum of 100 megawatts project would require 7-10 acres per megawatt (approximately 700 acres would be needed), said wire mesh and chain link are used at power stations but could be addressed by ordinance, with Blackford, Jay, and White Counties one went to BZA, two did not and was Plan Commission review and at time of permit review all agreements were in place with all offices involved, some hot topics in communities were educating the public to ease fear of the unknown and noise and odors and have low impact on property values, said timeline would be approximately for 100 megawatt = 1 year and volume for deliveries of materials to build project and said they work with contractor to avoid drainage issues and focus in on impacting own property not surrounding landowners. Ms. Inns stated that Leeward would leave the land in the same condition as what the owner sees today when the project is over. Mr. Larry Sedam remonstrated and said we (the County) are at a turning point again like with the warehouses but now the topic is solar farms. He said some concerns are where (zoning districts) solar farms would be allowed because they are not Agricultural or Residential and asked that research be done to find out where it would make the most sense for solar farms. Mr. Sedam said residents of Hancock County do not want 1,000 acres of solar farms in their back yard or large towers/power lines and are afraid solar farms will affect property values. He said he agrees that solar power is needed but not massive solar farms and asked the board to limit it. Mr. Sedam said additional concerns are decommissioning and if the land will be worth anything after solar project is done, and the effect of property values with a 1,000-acre solar farm nearby. Mr. Wooldridge asked if Mr. Sedam would like this ordinance to come before the Commissioners and stated he would like it to be heard by the elected officials and hear remonstrance to make an informed decision accordingly. Mr. Sedam agreed that he would like

elected officials to look at this ordinance and be accountable for such a big decision for our County. Mr. Steve Elsbury, Attorney in Greenfield, on the Farm Bureau Board and is a farmer. He said the primary concern with this ordinance is how it is going to impact the Ag acres in Hancock County. He believes a project like this would be East of SR 9 and not in the warehouse district. Mr. Elsbury stated Purdue did a study on Indiana Counties that permit solar, sixteen (16) counties permit solar by right, twenty-three (23) counties require a special exception and seven (7) require a rezoning. He said Hancock County can have the best of both worlds without rezoning to PUD if going back to Ag with the sunset clause, and ordinance can be tweaked to require County Commissioners to get Economic Development agreement as a condition of approval. Mr. Elsbury said his primary concern is that ground remain A (Agricultural) in nature so not real comfortable with rezoning if only going back to A (Agricultural) after decommissioning project. Ms. Willard asked if she could get a copy of the Purdue study for the Indiana counties that permit solar? There was much discussion regarding the sunset clause, rezoning, what is the best use of A (Agricultural) land and that ordinance be specific on acreage cap in the county that would be available for solar development.

(\*\*Leeward Renewable Energy comments regarding Solar Ordinance Draft available in Hancock County Planning Department.)