

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday August 28, 2024

The Special Meeting of the DeKalb County Plan Commission was called to order at 6:00 p.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan

ROLL CALL:

Members Present: Jason Carnahan, William Hartman, Sandra Harrison, Tyler Lanning, Suzanne Davis, Angie Holt, Elysia Rodgers, Jerry Yoder and Frank Pulver.

Members Absent: William Van Wye

Staff Present: Plan Commission Attorney Andrew Kruse, Director/Zoning Administrator Chris Gaumer, and Secretary Meredith Reith

Community Representatives Present: Mike Makarewich

Public in Attendance: Johnathon & Jessica Shull, Karl & Erin Reith, Alexzandra Reith, Grant Reith, Sandy Carnahan, Claramary Winebrenner, Nicole Steury, Andrew Provines, Jacob Snodgrass, Linda Snodgrass, Chris & Judy Krafft, Caramee Crabill, Robert Wilder, Sara Shull, Melvin Steury, Derek & Kelly Brown, Jessica Harty, Chad & Allison Carnahan, Clay Carnahan, Ricky Houser, Brent Houser, John Crunk, Karen Crunk, Isaac Witmer, William & Sherrill Miles, Rene Hammitt, Randy and Terry Houser, Kellen Dooly, Cary Brent Warfield, Beth Holman, Jeff Tuttle, Angela Provines, Kelly Kneller, Todd Goings, Sara Provines, Bryan Provines, Lynn Reinhart, Todd Treesh, Jared Malcolm, Janet Provines, Michael Wellman, Curtis Nordick, Jacqui Kitchen, Tina Krafft, Kathryn Bassett, and Scott Forti.

PLEDGE OF ALLEGIANCE:

Jason Carnahan led The Pledge of Allegiance.

PRAYER:

Jerry Yoder led in prayer.

APPROVAL OF MINUTES:

Motioned by Sandra Harrison to approve the July 17, 2024 meeting minutes. Seconded by Suzanne Davis. None opposed. Motion carried.

CONSIDERATION OF CLAIMS:

Jason Carnahan inquired about any comments, questions, or motions to approve July 2024 claims, totaling \$26,928.31.

Angie Holt motioned to approve claims seconded by William Hartman. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Before the petition Jason Carnahan asked the board if the September 18 meeting could be changed to 5 p.m. or 6 p.m. Chris Gaumer would like to see the meeting to be held earlier with more petitions coming forward. The board agreed to have the meeting scheduled for 5 p.m. instead of 7 p.m.

Petition #24-27 – Thalassa Energy Project LLC requesting an Amendment to the Commercial Solar Energy Overlay District. The purpose of the amendment request is for the inclusion of properties in the CSES Overlay District per Article 03, Section 3.13 B(1)(a) & (b) of the DeKalb County Unified Development Ordinance. The underlying Zoning District will not be amended, and this is not a request for a Development Plan Application. The properties are generally located south of County Road 40, east of County Road 51, north of State Road 8, and west of State Road 1, Butler, Indiana.

Mr. Carnahan went through the proposed petition explaining how the meeting would be conducted. He stated that this requested application is to have properties located in the CSES Overlay District and is not a Development Plan. The properties currently involved in the amendment would only apply and do not include any other solar projects. The Plan Commission hasn't seen a Development Plan for this project nor has one been submitted.

Mr. Gaumer stated the process of the meeting before reviewing the staff report. He stated where the proposed CSES overlay boundaries would be and that there are currently zero acres which are part of the overlay district. This is the first step to a commercial solar energy systems project. For this amendment, the Plan Commission is required to give a favorable, unfavorable, or no recommendation to the County Commissioners. The Commissioners will then adopt or reject the Plan Commission's recommendation. The County Commissioners will hold their public hearing on September 9th at 9 a.m. and the public is welcome to attend. He welcomed any questions from the board for him or the representatives.

Mr. Carnahan asked if there were any questions amongst the board. There were none. He invited the representative from Thalassa Solar to come and give their presentation.

Jacqui Kitchen approached the podium she thanked the Plan Commission for reviewing and considering Thalassa Solar's application. She introduced her team Curtis Norfolk and Michael Wellman. She outlined what Lightsource BP developments consist of in the United States. She stated that as a land use planner by trade she understands the community's input to have a strong development code for solar. However, over the last year it has appeared evident that the solar project will not be easy for them to build in DeKalb County in the foreseeable future. As evidenced by the recent denial of the EDF Sculpin Project and as Mr. Gaumer pointed out no projects have made it through this point of the process. The Thalassa project having similar design attributes may not be feasible. With this we are evaluating the intent to fund this project in the future. When Lightsource submitted their application, they intended to receive direct feedback from the board. If the application is recommended for denial, we intend to stop development. Understanding that this decision will need to be finalized. We are not opposed to the decision being finalized. Addressing that her and her team are here to answer any question that the board may have.

Jerry Yoder asked if the power generated would be used for SDI or where would it be going?

Ms. Kitchen outlined how the project works when the power is generated. She stated that the power that is generated will be directed into the grid. It will be up to the utility to determine where the power will go. Not directly benefiting SDI or any landowner, it would go directly to the grid.

Suzanne Davis asked where the panels are sourced from?

Ms. Kitchen stated that we source from all over the world. Having business partners throughout Southeast Asia and a majority are sourced here in the United States.

Angie Holt asked if the scope of the project intent goes beyond the outlined A2 areas that are requested in the solar overlay. Would the I2 or I3 industrial areas become part of the project?

Ms. Kitchen stated that just the parcels outlined there within the project boundaries would be where the panels and related infrastructure would be placed.

Mr. Gaumer added that if they would get to the Development Plan phase and we would recognize that there's more area, they would have to come back and request additional area in the overlay district. Mrs. Holt stated if it was I2 or I3 they wouldn't be required to have a solar overlay. Mr. Gaumer stated that it is required for any zoning district except we exclude open space and parks being allowed to have an overlay district.

Mr. Yoder confirmed that when a Development Plan is submitted that is when they will find out where the transfer station and equipment will be located. Ms. Kitchen answered yes.

Frank Pulver inquired if any other solar projects are in Indiana.

Ms. Kitchen stated that there are projects located throughout Indiana. The closest project is the Honeysuckle project located in St. Joseph County. They have just completed construction and will be coming online. The Bellflower Solar in Rush and Henry counties have operations taking place for about a year now.

Mr. Carnahan asked if there was any more discussion or input amongst the board before we open the public portion of the hearing to comments for and against.

Mr. Gaumer stated that when the Sculpin Solar project was brought forward it was about 1,800 acres as proposed. Thalassa has proposed half of what they did at 872 acres.

Mr. Carnahan explained the process for the public hearing. There will be a total of 30 minutes for those speaking for or against. A 15-minute time frame each way with a maximum of three minutes per person. He opened the public comment to those wishing to speak in favor of the project first.

Kerry Brent Moorefield approached the podium to ask a question regarding the panels. He questioned when Ms. Kitchen stated that the panels came from First Solar and where they were produced before then. He wanted to know where in Southeast Asia the panels are sourced. Mr. Gaumer stated that he will make note of the questions to be answered.

William Miles approached the podium to speak in favor of the petition. He stated his opinions regarding solar power and to his understanding solar is the best renewable system to have in this area. Understanding that people don't want the solar in the field across from them. With probably 90% of those residences being located directly around the farm ground. He addressed that property taxes are higher for farmers without some additional income. He indicated that the proposed solar project is only temporary, and the contracted land will return to farm ground at the end of the agreed upon term.

Mr. Carnahan addressed that if anyone else would like to speak in favor of the project to come forward. Seeing none, he announced for those wishing to speak against the project to come forward.

Jessica Shull approached the podium to speak against the petition. She thanked the board members for taking the time to speak. She noted that this is not about view it's about more than that. We talk about property rights but if you build a house, you must have it permitted. You must have permits for digging a pond, placing your mailbox, and if you want to run a commercial business out of your home. She addressed her concerns about why solar is unreliable, decreases property values, and is not the most efficient use of agricultural land. She mentioned that nothing has changed since opponents spoke against the Sculpin project. We are still looking at decreased property values and not the best use of land. She indicated that why would we replace the most efficient way of producing food with the most inefficient way of producing power. Not aligning with the underlying zoning regulation and giving foreign control over our land and our power. She addressed why things need to stay local and keep American control over these things. Asking that we don't make decisions that don't align with zoning, that cost are citizens by depreciating property values, and that will hurt the cultural and heritage of DeKalb County.

Andrew Provines approached the podium to speak against the petition. He wanted to reiterate again that nothing has changed since Sculpin was in the community. We still have input and followers against these projects from the community. He stated that at the beginning of this process there wasn't that much information regarding these solar companies. More information and research are available to see what's happening with these industrial solar projects. He addressed his concerns regarding the ordinance of the five questions that will be asked, referring to the Comprehensive Plan. He stated that the most preferable use of the land is farming. A solar farm is not agricultural but industrial solar. Not being responsible for the development of growth.

John Crunk approached the podium to speak against the petition. He addressed that everyone has property rights. You have the right to do what you want with your own property. The problem is that it will affect the next-door neighbor. He stated that his residence is the property located directly west of SDI. The

small area not highlighted is his residence and will be surrounded on four sides. Addressing that he was approached by a representative from Thalassa. They wanted to be able to grant an easement across his property. He read the contract to the board and explained what the easement would consist of. He stated his concerns that if they are serious about going forward with this project, they need to meet with the neighbors whose land will be impacted. He asked the board to consider this when making their vote.

Nicole Steury approached the podium to speak against the petition. The original project was on both sides of her home. At some point the project decreased in size and no one knows why. She explained why this is an inconsistent company not communicating with the people that have committed to leases and the ones that live next to the proposed projects. She addressed her concerns about a British company owning land in DeKalb County. She discussed the Comprehensive Plan as to what it states regarding the future success of the County. The Plan Commission has been established to regulate development that's consist to the general welfare of the residents.

Jessica Harty approached the podium to speak against the petition. She addressed her concerns regarding the Inflation Reduction Act to solar. What will happen to these companies when they are defunded? She added that in the ordinance there's an opportunity for them to put in a bond. Being no guarantee if they're foreign companies coming in. The federal government has stated that most Solar's not reliable without our taxpayer dollars. Adding that we don't really know how to recycle solar panels.

Mr. Carnahan stated that there's still time if someone would like to speak against the project. Hearing none.

Mr. Gaumer stated that he would like Jacqui Kitchen to come up before public comment ended to address the questions that were heard. Where is First Solar located? What is Southeast Asia considered?

Ms. Kitchen approached the podium to address the two questions. She stated that First Solar is a manufacturing company in Toledo Ohio. Most of the panels we receive are from First Solar. Others that we our contracted with are based out of the Philippines and Malaysia.

Mrs. Davis asked Ms. Kitchen how much property will be owned by Thalassa and what percentage will be leased?

Ms. Kitchen stated that she didn't have the exact numbers. She believed it to be 50/50 but probably 40% owned vs leased. She added that if this project doesn't move forward, and with this project being an LLC through Lightsource BP we would continue to own the land. We would look at our options to sell it like any other landowner. Whether or not a solar developer could buy it is to be determined or another landowner could. If this project doesn't go forward our associated interconnection position to plug into the grid would expire. There would not be much value in another solar company coming along and purchasing that property.

Mr. Gaumer stated that we received 35 letters addressed to the Plan Commission. They received the copies of the letters on Tuesday. He read the names and the date of who they were received from into the record. Stating that the letters received today will be added into the final meeting packet.

Mr. Carnahan announced that the public portion of this petition was concluded. We will now give more time for discussion amongst the board.

William Hartman stated that he read all the letters that were received. The residents took their time writing these letters. Stating that he had to agree with them. When we went through this first project with the overlay he wasn't really in agreement. Addressing that this is not the proper way for industrial solar to be developed. He stated that they need to go through the same process as any other industrial or commercial developer would. An overlay is too broad in his opinion and not the proper process to bring forward.

Tyler Lanning stated to go along with Mr. Hartman's concerns. Being his first time going through a solar project. It brought forward a lot of these main points that were supposed to be addressed. Being an

overlay, it's supposed to be an exception to the zoning that's there. He stated his concerns as to why it's hard for him to validate and support these leaving questions unanswered. Maybe if all these concerns could be addressed properly. It would make him feel better that everything is being done correctly. He stated not being against solar or alternative energy options being supportive of all those involved.

Mrs. Holt stated that she viewed the sites proposed before the meeting took place. As she drove around, she observed the homes that would be covered on four sides and multiple others that would be covered on two sides. She addressed that 99% of the properties were productive farm ground. The only property that could meet these requirements would maybe be the property on CR 55 adjacent to SDI. The rest was what the Comprehensive Plan has envisioned for the county with the rural setting and abundance of farm ground. She addressed her concerns about the perimeter location being spread out around more homes. It's impacting more neighboring properties making it all the worse for that area of the community.

Sandra Harrison stated that the location is the right place around SDI. She added that this is the only real place that solar fits.

Mr. Hartman expressed that SDI generates income, solar will cost tax dollars and increase electric bills.

Mr. Lanning stated that he would like it more if solar wasn't being subsidized by the government. When talking about taxes and the income value it's hard to know what it must present. With it being subsidized it can't stand alone as its own program. Being favorable if it was a stand-alone project.

Mrs. Harrison stated that right now things are being subsidized more.

Mrs. Davis added to Mrs. Harrison's comment that things are being subsidized and we don't have any control as to what will happen regarding the tax. She agreed that this is a much better place for the solar to go. She addressed more as to why solar would be suitable to be in this location.

Mrs. Holt said that we aren't necessarily looking for a less terrible place to put these and really the taxes are unrelative. As a Plan Commission that's outside our scope and we need to base our opinion on the five questions presented before us.

Mr. Carnahan inquired if the board members had any further questions or comments. Seeing none, he asked Andrew Kruse to review the Findings of Fact.

JURISDICTIONAL FINDINGS:

The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **August 8, 2024**.
2. Legal notice published in The Star on **August 15, 2024** and Publishers Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Report from the County Board of Health, dated – **not applicable**
5. Report from the County Highway Department, dated **August 20, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 12, 2024**.
7. Report from the County Surveyor, dated **August 19, 2024**.

UDO AND STATUTORY MATTERS TO PAY REASONABLE REGARD TO:

1. The Comprehensive Plan?
2. Current conditions and the character of current structures and uses in each zoning district?
3. The most desirable use for which the land in each zoning district is adapted?
4. The conservation of property values throughout the jurisdiction?
5. Responsible growth and development?

Angie Holt explained her motion for an unfavorable recommendation to the County Commissioners.

She stated that it's not consistent with the Comprehensive Plan. The Comprehensive Plan needs to be used as a guideline for when discussing these projects. She further explained what the Comprehensive Plan outlines for the county. Addressing that when properties are surrounded by solar, she sees a decrease in property values. Wanting more data to explain what will happen to property values and the negative impact to the neighbors of these projects.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS AMENDMENT TO THE COMMERCIAL SOLAR ENERGY OVERLAY DISTRICT, PETITION #24-27, THALASSA ENERGY PROJECT, HEREBY GIVES AN UNFAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 28th DAY OF AUGUST 2024.

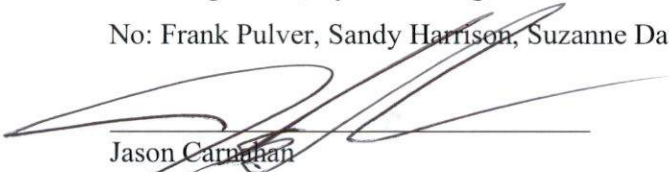
Motion made by: Angie Holt

Seconded by: William Hartman

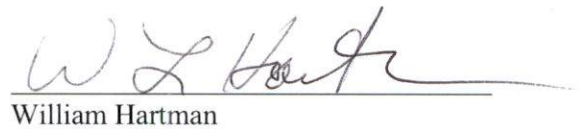
Vote tally: Yes: 5 No: 3

Yes: Angie Holt, Tyler Lanning, William Hartman, Jerry Yoder, Jason Carnahan

No: Frank Pulver, Sandy Harrison, Suzanne Davis



Jason Carnahan



William Hartman



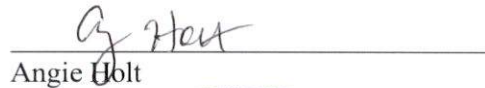
Jerry Yoder



Suzanne Davis



Tyler Lanning



Angie Holt



Sandra Harrison



Frank Pulver

REPORTS FROM OFFICERS, COMMITTEES, STAFF OR TOWN/CITY LIANSONS:

Mr. Gaumer informed the public that he's received preliminary approval for the Comprehensive Plan rewrite. He hopes to see everyone attend meetings coming up in January. This will hopefully be a vision that will last 20 –30 years from now with a 16 to 18-month process. It will come to the Plan Commission for a recommendation and to Commissioners for a final vote. He looks forward to seeing everyone in attendance.

Mrs. Harrison informed the board that the City of Hamilton's meeting was cancelled. The City of Butler had a meeting and failed to post the meeting.

Mrs. Davis informed the board that the City of Auburn had their meeting. She stated that Dairy Queen was approved to get torn down. They discussed zoning changes along 7th and Depot St. Addressing standards for any commercial business that goes in along there. The residents in attendance had concerns regarding changes to the neighborhood.

Mrs. Holt informed the board that the City of Waterloo didn't have a meeting.

Mr. Pulver informed the board that the City of Garrett had their meeting. He stated that they are in the process of constructing a new subdivision on N Randolph St. They had their initial plat meeting yesterday.

Comments amongst board:

Mr. Pulver asked Mr. Hartman when you say that the process being down now is not the way it should be done. What is the proper way?

Mr. Hartman stated that would be rezoning. Mr. Pulver asked if we would rezone all the properties. Mr. Hartman stated that from what he understands yes.

Mr. Pulver asked how it was handled when SDI was put there. Was it rezoned?

Mr. Gaumer stated that this has been a discussion often. The reason an overlay was allowed is because with an SDI project the land is never going to revert to agriculture. From what we know about solar projects when it's decommissioned in 30-40 years the land will revert back to agriculture. There's not much information regarding this process and if the ground will be productive afterwards. He addressed why an overlay would be in place. Once the solar projects are decommissioned the overlay goes away and the land reverts to the original land it was. He explained why a rezone wouldn't be a good fit for these projects.

Mr. Pulver asked if the overlay was established in the Comprehensive Plan.

Mr. Gaumer stated that is not in the Comprehensive Plan. What's established in an overlay is addressed in the ordinance. The UDO establishes these districts. He stated what the overlay district as been established to do:

1. Add development standards
2. Reduce development standards
3. Add uses
4. Reduce uses
5. Any combination of the above

He asked if going the overlay district route is something the Plan Commission wants to have. Needing to define in the UDO how you would want an overlay district to work. Are you wanting them to add uses or just reduce uses or are we just not wanting overlay districts at all. Having them go through a zoning district change instead. By adding industrial zoning, you would open the district to more than just solar. He stated that if this is something the Plan Commission wants to see done you need to have discussion. This will be a good topic for discussion when we do the Comprehensive Plan and as to how the zoning ordinance needs to change to reflect the views of the citizens of the county.

Mr. Pulver stated his opinion regarding renewable energy being at a point as the only option. Not knowing the right or wrong way to approach this, not being for or against solar. We are running out of choices. A non-participating landowner has rights like anyone else but at the end of the day something must change.

Mr. Yoder stated maybe we should investigate something more efficient. With something that is only 15% efficient when it's running. That 15% will not get you much. There's going to be other types of energy that will come in.

Mrs. Holt stated that as a Plan Commission when we look at the new Comprehensive Plan, we need to look at having the idea of maybe small nuclear reactors. Needing to get community input for what this will look like in the plan.

Mr. Gaumer stated that he has inquired about information from Purdue University regarding nuclear reactors. No one knows how big there supposed to be to produce enough energy to be profitable. When these companies are coming, they must be profitable with whatever renewable energy source they bring forward. He stated that the district was created without more community input. He stated that it was like

when confined feeding standards were discussed. There were meetings taking place to establish standards that would protect the neighboring properties. Not until the second or third meeting is when the community came out against the standards. Addressing that the Plan Commission needs to make sure they're informing the community about what is taking place during our meetings.

Mrs. Davis stated that she has been watching the Commissioners meetings. Hearing about the chicken barns. To her it seems that there's going to need to be discussion about the farms coming forward.

Mike Makarewicz stated that we are not necessarily a legislative body. So, if the applicant follows the directions, he feels being on the City of Auburn's Plan Commission some of these questions need to be taken care of by a legislative body. He addressed his concerns regarding how the process should take place when voting on a project. We shouldn't necessarily vote regarding our feelings but if they meet all the standards applied. He asked if overlays were popular in other counties?

Mr. Gaumer stated that he would have to look at the study provided by Purdue Extension for all twenty-nine counties on Solar, Wind, and CAFO's in Indiana. To his understanding probably 75% vs 10-15 make them go to the BZA or zoned industrial use. The overlay is used due to being able to convert back to what it originally was.

Mr. Lanning stated that it's not fair to say that we voted with our feelings, and they followed all these rules. The motion clearly stated how they went against these five questions. He can't really prove that the conservation of properties values throughout the jurisdiction won't be affected negatively. Like the gentlemen clearly stated before, he will be surrounded on four sides of his residence. Something like this could have been addressed. It just needs to be done in the right way and proved effective. He would like more data showing the efficiency that's unbiased. Like when the gentlemen stated the solar company wanting to buy him out of his residence. He received one notice about it the contract and that was it. With the income to make they could easily have offered him fair value to buy him out. He stated that when you get into some of these other issues this makes him still hesitant. It would still be beneficial to the ones that own the land but could still affect the neighboring properties. Any company going through this process needs to make sure they check all the boxes. Don't give us a reason to say no. He thought more could have been done and better communication to get it through.

Mr. Makarewicz stated that he agreed with Mr. Lanning and there's no right or wrong. He believes in the process to go through. But how prepared were they when they came into this meeting. With them having other projects in other counties and states you would have thought they would have heard these questions before. Part of him agrees they came in unprepared, just needing more details. Hoping they will learn from this and move on.

Mr. Pulver addressed that this is why he asked if there were other projects in Indiana. Talking about both projects that are apparently operating. To him that should have been her opportunity to step up another level and could have done better for herself and us.

Mrs. Davis stated that she believed Ms. Kitchen had no intention of this being favorable. She just wanted it to be formalized. Mr. Pulver stated that he got that in her opening speech.

Mr. Yoder stated that if the solar company would come in and start leasing properties that would be okay. But when a foreign company comes in and starts buying ground that's a red flag for him. Mr. Lanning added that he agreed but he doesn't really want to discriminate something of zoning for that reason. He didn't want to mention that but on a personal level he wouldn't want a foreign company to own land in DeKalb County.

Mr. Kruse stated that it's better not to. It's okay to acknowledge these topics from a political level. Further addressing why, it would okay to discuss what is going on with renewable energy.

Mr. Carnahan stated that these are discussions that can be heard leading up to the Comprehensive Plan rewrite and how to handle laying these out in the future.

COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

Lynn Reinhart approached the podium thanking everyone for the opportunity to speak. Listening to the conversation that took place. Wishing that more conversation could of took place before or prior to when the motion was made. He addressed when the conversation switched from solar to livestock you need to look at all these projects for what they are.

Mr. Carnahan stated that no one else was in attendance.

ADJOURNMENT:

Jason Carnahan adjourned the meeting at 7:50 p.m.



President – Jason Carnahan



Secretary – Meredith Reith