

Pulaski County Advisory Plan Commission
Special Session
Pulaski County Highway Garage
Winamac, Indiana
Thursday, March 11 2021

Meeting Minutes

Present: Megan Korous, Bob Keller, Ray Franko, Tyler Gutwein, Todd Schmicker, Mike McClure, Abby Dickey, Mike Tiede, Derrick Stalbaum, Matt Kelsey, Darin Gudeman, Doug Hoover, Karla Redweik, Nathan Origer

Pledge

Absent: Breann Wilson

Call to Order: Meeting called to order @ 6pm

New Business: N/A

Old Business: Pulaski County UDO Section 7(solar) Ordinance adjustments for review and final voting

The Pulaski County Plan Commission is proposing the following ordinance adjustments be made to the Pulaski County Indiana Unified Development Ordinance Ordinance # 2019-08 Adopted December 16, 2019 and effective January 1, 2020:

Discussion on the following changes:

Current	Proposed Adjustment
2.3.R.3. Applications for Commercial SES (CSES). In addition to the application requirements listed in Section 2.3 (R) (1), applications for CSES shall also include the following information:	2.3.R.3. Applications for Commercial SES (CSES) <u>special exception hearings</u> . In addition to the application requirements listed in Section 2.3 (R) (1), applications for CSES shall also include the following information:
2.3.R.3.a.17. a fire-protection plan for the construction and operation of the facility, including emergency access to the site.	2.3.R.3.e. <u>"A fire-protection and safety plan for the construction and operation of CSES facility, which includes emergency access to the site. The developer will meet, as required, with township representatives such as trustees, Pulaski County EMS and/or its successor and any and all fire departments providing services and/or mutual aid to address concerns about fire safety and emergency response and coordinate safety planning and potential need of specialized equipment for extinguishing solar-panel/equipment fires. Financial obligations incurred by departments providing coverage in Pulaski County for solar-energy fire-suppression training purposes shall be negotiated as part of development of this plan and any such costs incurred by the developer may be considered during development of Economic Development Agreement."</u>
2.3.R.3.a.18. proof of correspondence and cooperation with wildlife agencies re: endangered species	7.18.A.7. <u>"proof of correspondence and cooperation with wildlife agencies to include but not limited to DNR, IDEM, NRCS."</u>
2.3.R.3.a.19. map scale	2.3.R.3.a.17. map scale <i>(moved up, as #17 was repealed)</i>
2.3.R.3.a.20. Dimensional representation....	2.3.R.3.a.18. Dimensional... <i>(moved up, as #18 was repealed)</i>
2.3.R.3.a.21. Any other item reasonable requested by the Board of Zoning Appeals.	2.3.R.3.d. Any other item reasonable requested by the Board of Zoning Appeals.
2.3.R.3.a.22. dated signature....	2.3.R.3.a.19. dated signature... <i>(moved up, as #19 was repealed)</i>
2.3.R.3.a.20. NEW after original repealed	2.3.R.3.a.20. <u>"Proof of a recorded at Pulaski County Courthouse memorandum of lease for each party contracted with CSES developer."</u>
2.3.R.3.c. Copy of Communications Study	7.18.8. <u>"Copy of Communications Study(s) providing evidence of compliance with any state and federal agencies with jurisdiction requiring such studies."</u>
2.3.R.3.d. The CSES applicant shall...	2.3.R.3.c. The CSES applicant shall... <i>(moved up, as (c) was repealed)</i>
2.3.R.3.e. Evidence of compliance with storm drainage, erosion, and sediment control regulations (Rule 5).	7.18.2.b. <u>"The DA must prescribe...before any building permit is issued. The DA shall show evidence of compliance with storm drainage, erosion, and sediment control regulations (Rule 5)."</u>
2.3.R.5. NEW	2.3.R.5. <u>"After a special exception has been awarded, but before any permits are approved, the CSES developer must provide:</u> <u>a. proof of correspondence and cooperation with wildlife agencies (i.e. DNR, IDEM, NRCS, etc.) re: endangered species;</u> <u>b. a Copy of Communications Study(s) providing evidence of compliance with any state and federal agencies regarding communication studies for transmissions such as; GPS, television, microwave, agricultural GPS, military defense systems and radio reception."</u>
Chapter 4 table pg 102 no solar in L-I & H-I zones	CSES allowed by special exception approval in L-I & H-I zones

<p>7.14.B.6. NEW from Mammoth SE conditions & commitments</p>	<p>7.14.B.16. <u>“Preference is given to American manufactured components for all CSES but not required. MSDS for all equipment with evidence of the suitability of all proposed equipment with respect to environmental and public safety concerns and comparability to similar American products being provided prior to the issuance of required local permits so as long as all components meet appropriate government standards and requirements.”</u></p>										
<p>7.14.C.1. All ground-mounted electrical and control equipment for CSES shall be surrounded by a fence no shorter than six (6) feet to prevent unauthorized access.</p>	<p>7.14.C.1. <u>“All ground-mounted electrical and control equipment for CSES shall be surrounded by a fence no shorter than six (6) feet to prevent unauthorized access. Such fencing shall not include barbed wire but shall be permeable for wildlife passage and within guidelines of state and federal wildlife agencies. Alternative fencing can be used if the site is incorporating agrivoltaics and an agreement is made between neighboring property owner and site developer which shall be recorded at Pulaski County Courthouse.”</u></p>										
<p>7.14.C.3. <u>“The planting of evergreens or use of opaque fencing along the perimeter of the CSES, including along road frontage, shall be considered.”</u></p>	<p>7.14.C.3. <u>“The planting of evergreens or use of opaque fencing along the perimeter of the CSES, including along road frontage shall be considered required and planted on the outside of the perimeter fencing. Such planting of foliage screening or a properly placed earthen berm, or combination of both shall be of a sufficient height, density and layout to screen the solar site immediately; i.e. planting trees young enough that the objectives of the ordinance cannot be met by the time the project is operational is not acceptable. While evergreen trees are understood to be the default form of screening; topographical concerns, homeowner preference, developers willingness to accede to requests made by homeowners or County preferences, and the County plan administrator’s preference or approval may lead to alternate forms of visual screening such as deciduous trees. If an individual homeowner would prefer the use of deciduous trees, then the developer would not be held responsible for the presence of the solar site in the homeowner’s viewshed during periods of time which said trees have shed their leaves. This does not relieve the developer of the obligation to replace any deciduous or evergreen trees that may lose their ability to grow as the result of disease, damage or other harm for the life of the CSES project.”</u></p>										
<p>7.14.C.3.a.1. <u>“In cases in which a neighboring property owner is not a participant in the project, a buffer shall be required unless waived by said property owner.”</u></p>	<p>7.14.C.3.a.1. <u>“All non-participating property, regardless whether or not the property includes any permanent structure improvements within one (1) mile of CSES will require a buffer, unless waived by the owner in writing and recorded at Pulaski County Courthouse.”</u></p>										
<p>7.14.C.3.b. <u>“Whether such buffering shall be required...”</u></p>	<p>7.14.C.3.b. <u>REPEALED- based on plan commission recommendation to require screening around all CSES participating ground</u></p>										
<p>7.15.A.1. <u>“Noise from a CSES shall not exceed 80 dBA measured from the nearest property line. This limit may be waived by any adjoining property owner. All other noise and vibration levels shall be in compliance with all state and federal regulations. All CSES shall be designed, and reflection angles oriented, to avoid concentrated and prolonged glare into abutting structures and roadways.”</u></p>	<p>7.15.A.1. <u>“Noise from a CSES shall not exceed 50 dBA measured from the nearest property line. This restriction is not expected to be met during project construction or short-term periods of repair or maintenance including grounds keeping (such as mowing), except between 7:00 p.m. and 7:00 a.m. Third-party-study evidence of the project’s ability to comply with this condition shall be provided prior to issuance of improvement-location and building permits. This limit may be waived by any adjoining property owner in writing and recorded at Pulaski County Courthouse. All other noise and vibration levels shall be in compliance with all state and federal regulations. All CSES shall be designed, and reflection angles oriented, to avoid concentrated and prolonged glare into abutting structures and roadways.”</u></p>										
<p>7.15.E.1. All SES shall be installed so as not to cause significant wire or wireless communication signal disturbance.</p>	<p>7.15.E.1. <u>“All SES shall be installed so as not to cause significant wire or wireless communication signal disturbance for such transmissions to include but not limited to GPS, television, microwave, agricultural GPS, military defense systems and radio reception.”</u></p>										
<p>7.16.C. <u>“Operation of an SES shall minimize interference with public servicing utility microwave transmissions. If necessary, the applicant, owner and/or operator shall mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any SES....”</u></p>	<p>7.16.C. <u>“Operation of an SES shall minimize interference with public servicing utility microwave transmission to include but not limited to GPS, television, microwave, agricultural GPS, military defense systems and radio receptions. If necessary, the applicant, owner and/or operator shall mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any SES....”</u></p>										
<p>7.17 Table 7.3 Minimum Setback COMMERCIAL SES Distance from A...</p> <table border="1" data-bbox="131 1654 792 1896"> <tr> <td>Non-participating/non-included property line, County maintenance ditch, or right-of-way to a solar panel</td> <td>75'</td> </tr> <tr> <td>Non-participating/non-included property line or any residence to an inverter or converter</td> <td>100'</td> </tr> <tr> <td>Inverter or converter to a communications tower</td> <td>1.1 times the total height of the tower</td> </tr> </table>	Non-participating/non-included property line, County maintenance ditch, or right-of-way to a solar panel	75'	Non-participating/non-included property line or any residence to an inverter or converter	100'	Inverter or converter to a communications tower	1.1 times the total height of the tower	<p>7.17 Table 7.3 Minimum Setbacks COMMERCIAL SES Distance from A...</p> <table border="1" data-bbox="824 1654 1485 1917"> <tr> <td>Non-participating/non-included property line From any CSES component to an internal ditch County maintenance ditch, or right-of-way to a solar panel.</td> <td>75'</td> </tr> <tr> <td>From any CSES component to a non-participating/non-included property line or any residence to an inverter or converter right of way.</td> <td>100' 150'</td> </tr> </table>	Non-participating/non-included property line From any CSES component to an internal ditch County maintenance ditch, or right-of-way to a solar panel.	75'	From any CSES component to a non-participating/non-included property line or any residence to an inverter or converter right of way.	100' 150'
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	Inverter or converter to a communications tower.	1.1 times the total height of the tower
7.13.B.1. "...visual buffering in the form of evergreen landscaping or an opaque fence shall be installed..."	7.13.B.1. "...visual buffering in the form of evergreen landscaping or an opaque fence shall be installed... "	
7.14.I. NEW (from SE conditions & commitments)	7.14.I. <u>Ground cover</u>	
7.14.I.1. NEW (from SE conditions & commitments)	<p>7.14.I.1. <u>"Ground area shall be covered, established and maintained with low-growing native perennials, with an emphasis on pollinators and shall be established and maintained in project site, around and under solar panels and buffer areas for the life of the CSES project. Consultation with (a) biologist(s) and/or other relevant experts approved by the administrator shall be part of the development process to ensure that plantings and tracker/panel layout on solar-energy site accomplish the following:</u></p> <p>a.) <u>minimize "lake effect" impact on birds flying overhead to the greatest extent practicable as judged by a qualified professional;</u></p> <p>b.) <u>encourage nesting grassland birds;</u></p> <p>c.) <u>limit the number of times the property is mowed during the year to the fewest number of times reasonable as judged by a qualified professional;</u></p> <p>d.) <u>induce frequenting of the sites by bees for pollination;</u></p> <p>e.) <u>In conjunction with required screening measures, ensure the properties' appearance relative to nearby environs creates as little contrast as possible.</u></p> <p>f.) <u>control chemical and pesticide management</u></p> <p>g.) <u>maintained to be free of invasive or noxious species, such as listed by Indiana Department of Natural Resources (DNR)</u></p> <p><u>This shall not be limited to discourage dual use of any solar-energy sites, when possible, for the purpose of allowing livestock grazing, apiaries, or other compatible, agricultural uses. Additionally, plantings within any 75' setback to a ditch shall comply with USDA Farm Service Agency guidelines for appropriate plantings for filter strips."</u></p>	
NOT SURE WHERE TO PUT THIS... Section 2	<u>"Property Value Guarantee (PVG) shall be discussed and considered if necessary on a case by case basis as part of Conditions and Commitments via special exception hearing(s)."</u>	
NEW	3.5 A-1 D.F. General Agricultural District-Lot Coverage <u>"Lot coverage restrictions are exempt for all CSES panel placement."</u>	
NEW	3.6 A-2 D.F. Intensive Agriculture District- Lot Coverage <u>"Lot coverage restrictions are exempt for all CSES panel placement."</u>	
NEW	3.14 L-1 D.F. Light Industrial District-Lot Coverage <u>"Lot coverage restrictions are exempt for all CSES panel placement."</u>	
NEW	3.15 H-1 D.F. Heavy Industrial District <u>"Lot coverage restrictions are exempt for all CSES panel placement."</u>	
NEW	7.20.A.4. Commercial SES Post-Construction Requirements – <u>"Maintenance Records. Annually, the CSES developer shall provide to the Building Department proof of required and periodic maintenance with proof of safe maintenance. If Building Department doesn't received required verification within 30 days of their requested notice, the Building Department may hire a qualified external inspector to perform CSES system inspections."</u>	

Other Business: N/A

Public Comment: James Jordan-environmental issues/ property value; John Masterson-add developer/owner/decibels; Riley Tiede-selling county out to highest bidder/fire department, Connie Ehrlich-wants a moratorium added/business plan/battery storage; Gail Lambert-PVG; Dale Chu- PVG; Connie-property value will increase/soils will improve/benefits for the whole county

Motion to approve Mike Tiede; Mike McClure seconds; all approved. Motion carried

Adjournment: 8:19pm Mike McClure motion to adjourn; Bob seconds; All approved. Motion carried

President Tyler Gutwein

Vice President Mike McClure

APC Secretary Karla Redweik

Handwritten signatures of Tyler Gutwein, Mike McClure, and Karla Redweik.

Handwritten text, possibly a signature or date, located at the bottom center of the page. The text is faint and difficult to decipher, but appears to consist of several lines of cursive or semi-cursive writing.