

**MINUTES**  
**CASS COUNTY PLAN COMMISSION**  
**Tuesday June 1, 2021**

Stacy Odom, President, called the regular meeting of the Cass County Plan Commission to order at 8:30 AM in the Commissioners Hearing Room on the 2<sup>nd</sup> floor of the Cass County Government Building.

**ROLL CALL:**

Mr. Odom welcomed Zach Dodt, new Plan Commission member.

Members present: Fred Seehase, Krista Pullen, Gary Berkshire, Jim Donato, Stacy Odom, Josh LeDonne, Ruth Baker, Brian Reed and Zach Dodt

Staff present: Arin Shaver, Ralph Koppe, Peggy Dillon and Legal counsel, Jeff Stanton

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of May 4, 2021 were presented. Mr. LeDonne motioned to approve as presented. Mr. Seehase seconded the motion; all were in favor.

**PUBLIC HEARING:**

Zoning Ordinance Amendments:

*Wind Standards:*

Mr. Odom explained that the County Commissioners have asked the standards to be re-visited.

Mrs. Shaver explained the following:

- A State House bill has been looking into the standards and Purdue University has done research into the standards
- Changing permitted uses to a Special Exception; each project will go to the Board of Zoning Appeals (CCBZA); This would allow each case to be reviewed
- Minimum set back addition of 3 times the total height of the wind tower; measured from the center of the WECS tower to the property line; residential dwellings; road right of ways; transmission lines
- The minimum is 1800 ft.
- Waivers could be secured for participating property owners; not non-participating

Mrs. Shaver asked for questions.

Mr. Donato stated that the State bill states that the county ordinances will take precedence over the State as long as they don't disallow the towers; it has not been adopted yet.

Mr. Odom stated that these changes are approximately adding 300 ft. to our current standards. Mr. Odom asked the reasoning of making the minimum setback 1800 ft. on public rights-of-way; railroads and conservation land; raising it from 1 ½ to 3 is significant.

Mrs. Baker stated the reasoning is for consistency.

Mr. Odom spoke concern that this might make it difficult for an industry to come into the county. Mr.

Odom explained that when the original standards were developed, safety was taken into consideration and this is adding an additional buffer is excessive.

Mr. Donato stated that a provision for waivers are available.

Mrs. Shaver stated waivers are for participating properties; non-participant property line setback.

A discussion followed of possible waivers. Mrs. Shaver suggested waivers for rights-of-way; utilities; State and Federal land; electrical companies; all except residential properties.

Mrs. Baker agreed to this.

Mrs. Shaver explained that the waiver will be between property owners and the developers; handled outside the Board of Zoning Appeals.

Mr. Berkshire motioned to add the waiver option for setbacks to all property owners except residential. Mr. Donato seconded the motion. Roll call vote was unanimous to approve the amendment to the proposal.

Mr. Odom asked for public comments or questions and asked comments be limited to 3 minutes.

Lora Redweik, 5524 N. 600 E., made note that the following issues have not been brought forward for consideration:

- Shadow flicker; Sound; Re-powering; Complete resolution; De-commissioning; Interference; Notifications; Guide wires; Strobe lighting

Mrs. Redweik asked why these issues aren't being addressed.

Mr. Odom stated that these changes were requested by the County Commissioners.

Mr. Odom asked for further questions, there were none.

Mrs. Baker motioned to approve these amendments. Mr. Seehase seconded the motion and roll call vote was unanimous to approve.

*Solar Amendments:*

Jim Donato; Josh LeDonne and Brian Reed recused themselves from the table due to a conflict of interest.

Mrs. Shaver explained the issues:

- Changing permitted to a Special Exception
- Noise study will be a potential study
- Agreements for drainage will be for the life of the project on participating properties
- Setbacks: 50ft for rights-of-way and non-participating properties; 150ft. from residential property lines that have residences on them
- Residential properties get additional buffer plantings
- Vegetation plan requirement added

Mrs. Shaver asked for questions.

Mr. Dodt asked where the plantings will be located. Mrs. Shaver stated each project will be different; all will have plantings and fencing. Mr. Dodt asked if the property can be farmed. Mrs. Shaver stated yes.

Mr. Odom explained that some weeds are pollinators and not noxious.

Mr. Odom noted the wording in "Q." Mrs. Shaver clarified that the plantings should not be based off the Indiana Invasive Species list.

Mr. Odom asked for further questions from the Board, there were none.

Mr. Odom asked for comments or questions from the public.

Mrs. Redweik questioned the definition of the ground mounted equipment and the setbacks. Mrs. Shaver explained that some equipment is roof mounted, so that is why ground mounted is specified. Mr. Odom stated that all equipment will be at a 50ft. setback and if around a residence, equipment will be setback 150 ft. Mrs. Shaver explained that the 50 ft. setback is for right-of-way and property with no residence.

Mrs. Redweik questioned how far the inverters will be located. Mrs. Shaver stated they will have to be setback the 150 ft. or 50 ft. as specified.

Brian Reed, Galveston, IN, spoke as a citizen, stating that he feels this is a reasonable compromise; speaking as a County Councilman, he explained that the county can do a lot of good things with the generated revenue.

Mr. Odom asked for further questions from the public, there was none.

Mr. Odom asked for questions from the Board, there were none.

Mr. Seehase motioned to approve the amendments with the wording corrections. Mrs. Baker seconded the motion and roll call vote was unanimous to approve.

REPORTS:

Unsafe Properties:

*1411 N. SR 35 – Responsible Green; Demolition*

Mrs. Shaver explained that the structure has been demolished and she will bring the final costs to this Board for it to be assessed.

OLD BUSINESS:

*1586 Market St. Georgetown - Banter: Vehicles and junk*

Mr. Koppe stated the structure had no change of improvements, only a no trespassing sign added; a \$5,000 fine has been assessed at this point.

Mrs. Shaver explained that this is a 30 day check up at this time.

Mr. LeDonne asked when the demolition should be done. Mr. Koppe stated we should move forward after the next meeting or two. Mrs. Shaver stated that at this time they cannot live in the house.

Mr. Reed motioned to inspect the property on July 28, 2021 for the meeting on August 3, 2021. Mr. Berkshire seconded the motion and all were in favor.

*2268 W. Gletze Dr. – Smith;*

Mr. Koppe stated that Mrs. Smith has started to install the fence; the Board has given her time to secure and later to demolish.

Jennifer Smith, 2426 W. Gletze Dr., explained the address we have is not correct; she gave the correct address of 2249 W. Gletze. Mr. LeDonne asked if she can finish the fence by the July meeting, Mrs. Smith stated that was reasonable.

Mr. LeDonne motioned to put the \$3,000 fine on hold; fence up by June 30, 2021 inspection for July 6, 2021 meeting. Mrs. Baker seconded the motion and all were in favor.

*8029 W. CR 150 S. – Warren: Burned house; Needs clean up*

Mr. Koppe stated there was some clean up, some progress happened but has now stopped and now a boat is in the drive-way.

Mr. Odom asked what needs to be done. Mr. Koppe explained that it needs cleaned up, back fill the 42” crawl space or put a perimeter fence. Mr. Koppe stated he will put this in the letter to them.

Mr. Seehase motioned to re-inspect on June 30, 2021 to have the debris cleaned up; backfill or secure with fence by June 30, 2021; meeting on July 6, 2021; possible fine of \$2,000.

*9835 Church St. – Jaberg;*

Mr. Koppe stated that the owner has stayed the same; no improvements have been made; a \$2,000 fine is being assessed.

Mr. Seehase motioned to inspect on June 30, 2021; bring to the July 6, 2021 meeting and impose an additional \$3,000 fine if they don't show progress. Mr. LeDonne seconded the motion and all were in favor.

NEW BUSINESS:

Public Comment Policy:

Mrs. Shaver explained that the Commissioners have adopted this policy and explained the proposed procedures with items such as:

- Comments shall be address items only on the agenda
- A sign-up sheet will be available
- Limit to speak for 3 minutes
- Statements directed to Commission

Mr. Odom asked for public comments.

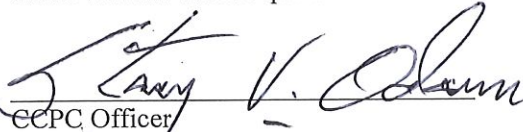
Mrs. Redweik asked that the comments be not limited to the agenda and there be no time restraint on signing in.

FLOOR IS OPEN TO THE PUBLIC:

No one spoke to the Board.

ADJOURNMENT:

There were no further questions and the meeting was adjourned at 9:52 on June 1, 2021.

  
Larry V. Odom  
CCPC Officer

  
John Power  
CCPC Officer

  
Peggy Dillon  
Peggy Dillon, Recording Secretary