



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(February 27, 2024 Meeting)**

STAFF REPORT

Docket No. / Project Title: CCU-2023-018 (Carina Solar)
Staff: Melissa Begley
Applicant: Carina Solar
Property Size: +/- 795 Acres (Columbus Jurisdiction)
Zoning: AP (Agriculture: Preferred)
Location: Located generally south of 100 South, west of US 31, east of South Gladstone Ave, and north of 300 South, in Columbus Township.

Background Summary:

The applicant has indicated that the proposed conditional use will allow a solar power generation facility. The project is located on a total of approximately 1,883 acres. Approximately 795 of those acres are within the City of Columbus jurisdiction and are subject to this application. An additional approximate 1,124 acres are located in the Bartholomew County jurisdiction and are subject to a separate conditional use request that will be heard by the Bartholomew County Board of Zoning Appeals.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application:

1. Is a solar power generation facility appropriate at this location?
2. Will a 795 acre solar power generation facility impact the future growth of the City of Columbus, as envisioned by the Comprehensive Plan?

Preliminary Staff Recommendation:

Denial, Criteria #4 has not been met.

If approved, the following conditions should be included:

1. The facility shall comply with the adopted Bartholomew County Commercial Solar Energy System Standards, including the documents required for permitting, the Decommissioning & Site Restoration Plan, and Road Use & Maintenance Agreement.
2. The design and layout of the facility shall provide locations for all needed panels, equipment, and associated facilities, including the switchyard and collector substation (and including those to be constructed and/or operated by other entities) outside of all mapped floodways.

Zoning District Intent:

The intent of the AP (Agriculture: Preferred) zoning district is as follows: to provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit non-agricultural development in areas with minimal, incompatible infrastructure. Residential development in this zoning district is intended to be limited. In no instance shall this zoning district be considered a large-lot residential zone. This district is further intended to protect the use and value of both agricultural and non-agricultural property within the community.

Current Property Information:	
Land Use:	Agriculture
Site Features:	Agricultural fields, wooded areas
Flood Hazards:	Portions of the parcels included in the project are located in the floodway, 100-year floodway fringe, and 500-year floodway fringe of Clifty Creek,
Vehicle Access:	200 South (Local, Residential, Rural) US 31 (Arterial, Residential, Rural) 275 South (Local, Residential, Rural) 300 East (Local, Residential, Rural) 250 East (Collector, Residential, Rural) Gladstone Avenue (Collector, Residential, Rural)

Project Area Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Agriculture, rural single family residential
South:	AP (Agriculture: Preferred)	Agriculture, rural single family residential
East:	AP (Agriculture: Preferred)	Agriculture, rural single family residential
West:	AP (Agriculture: Preferred)	Agriculture, rural single family residential

Interdepartmental Review:	
County Engineer:	County Highway has no issues. They have already been in communication with me, and we have had discussion on right-of-way and road cut permits. There will be several road crossings and they are aware of our requirements.
Code Enforcement:	No comments received.
Drainage Board:	All comments have been addressed.

<p>County Fire Department:</p>	<p>No issues regarding the conceptual submission of plans.</p> <p>However, due to the scope of the two fields and location outside Columbus city limits, initial and continuing communication during construction and commissioning of the solar fields with regard to emergency responders access and operations is vital.</p> <p>Developer should share design plans such as planned access points and other critical equipment locations for emergency response strategic and tactical response considerations.</p>
<p>Purdue Cooperative Extension:</p>	<p>All comments have been addressed.</p>

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. This project is allowed to proceed in the City’s planning jurisdiction because the application was submitted prior to the City Council adopting regulations in December of 2023 that would prohibit commercial solar energy systems in the City’s jurisdiction.
2. At the time the application was filed with the Planning Department, December 13, 2023, the City of Columbus Zoning Ordinance classified the proposed use as a power generation facility, which is listed as a conditional use in the AP (Agriculture: Preferred) zoning district. The zoning ordinance defined a power generation facility as “A commercial facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources”.
3. The Carina Solar project includes 24 properties (approximately 795 acres) that are located in the Columbus jurisdiction and is located generally south of 100 South, west of US 31, east of South Gladstone Ave, and north of 300 South. The project includes solar panel arrays, enclosed with an 8 foot tall chain link fence, inverters (that convert the panels’ direct current to the alternating current of the electric grid), access drives, a collector substation and switchyard and associated connection lines. The entire project also includes an additional 22 properties (approximately 1,124 acres) that are located in the Bartholomew County planning jurisdiction. The properties located in the Bartholomew County planning jurisdiction are subject to separate regulations, a separate application, and a separate public hearing by the Bartholomew County Board of Zoning Appeals.
4. There are no specific Columbus Zoning Ordinance requirements or standards for power generation facilities. However, in the Bartholomew County jurisdiction, the proposed use would be considered a Commercial Solar Energy System and there are specific development standards that apply. The conceptual site plan and other application materials provided by the applicants for the Columbus jurisdiction demonstrate that the entire project, in both jurisdictions, complies with the Bartholomew County Commercial Solar Energy System setbacks and other standards. The following summarizes those Bartholomew County standards:
 - a. *Minimum Front Yard (Right-of-Way) Setbacks:* All structures, equipment etc., used in association with a CSES shall be setback a minimum of 50 feet for all adjacent streets and roads.
 - b. *Minimum Setbacks from Non-Participating Properties:* All structures, equipment, etc., shall be setback a minimum of 200 feet from the property lines of all non-participating properties. Any CSES electrical substation shall be setback a minimum of 500 feet from the property lines of all non-participating properties.
 - c. *Minimum Setback Distance from Dwellings on Non-Participating Properties:* All structures, equipment, etc., shall be setback a minimum of 500 feet from dwellings on non-participating properties.
 - d. *Vehicular Access:* Vehicle access drives serving the CSES facility shall be paved with asphalt or concrete for the first 50 feet from the edge of road or street pavement; the remaining portion of the access drive may be gravel. Any portion of a drive located in a public right-of-way shall meet the applicable requirements of the County Engineer.

- e. *Equipment Height*: CSES solar arrays shall not exceed 18 feet in height when oriented at maximum tilt and shall provide a minimum clearance of one foot between the ground and the solar array.
 - f. *Vegetative Groundcover*: For the life of the CSES, perennial vegetated groundcover shall be established and maintained on the ground around and under solar arrays. Vegetative groundcover shall consist only of plants native to Indiana.
 - Perennial vegetated groundcover shall be based on a diverse seed mix of at least 12 species.
 - The Groundcover Plan shall include planting details for all setback areas. Setback areas must be planted with some form of groundcover, which could include agricultural crops.
 - The requirement for vegetative groundcover is not intended to restrict the practice of agrivoltaics, the concurrent use of land for solar power generation and agricultural production.
 - g. *Lighting*: Exterior lighting for any CSES shall be limited to that required for safety and operational purposes. All lighting shall be oriented so as not to project onto surrounding properties and shall have shielded 90-degree cut-off fixtures.
 - h. *Cables*: All power and communication cables running between solar arrays, inverters, CSES electrical substations, and operation and maintenance buildings shall be buried underground to a depth of at least 36 inches below grade. Cables connecting the CSES electrical substation to the transmission line may be under or above ground.
 - i. *Outdoor Storage*: Outdoor storage areas, used to store materials, supplies, Battery Energy Storage Systems (BESS), and other equipment, that are within 200 feet of an existing right-of-way of a public road shall be screened from view by a Buffer Yard Type A.
 - j. *Safety and Security Standards*: All Commercial Solar Energy Systems (CSESs) shall meet the following safety and security requirements: Any fencing used to enclose the CSES shall not exceed a height of 8 feet and a sign containing the emergency contact information for the site operator and the facility's 911 address shall be posted at all driveway entrances.
5. In the Bartholomew County jurisdiction, a full decommissioning and site restoration plan would be required with a Zoning Compliance Certificate if the project is approved by the Board of Zoning Appeals. The Bartholomew County Zoning Ordinance states: "Any CSES which has ceased electrical power generation or transmission for twelve (12) consecutive months shall be removed in compliance with a Decommissioning and Site Restoration Plan submitted to the Chief Code Enforcement Officer and approved by the Board of County Commissioners". The Plan must include a description of the decommissioning activities, which shall include but not be limited to:
- a. Removal of all surface and subsurface physical improvements.
 - b. Restoration of surface grade and soil to pre-construction conditions.
 - c. Establishment of groundcover for erosion control purposes.
 - d. Acknowledgement of every participating property owner of the decommissioning requirement as well as their authorization for the County to enter their properties to accomplish decommissioning.
 - e. A cost estimate for the total estimated cost of decommissioning the CSES. The decommissioning cost estimate shall be calculated by a third party Indiana licensed engineer selected by the applicant and agreed upon by the County Commissioners.
 - f. A financial guarantee in the form of an irrevocable letter of credit, performance bond, or surety bond for 125% of the total estimated cost of decommissioning, posted with Bartholomew County. If the applicant or its successor fails to remove all CSES project assets within eighteen months of the start date of decommissioning, the County may engage qualified contractors to enter the site, remove the CSES project assets, sell any assets removed, and remediate the site.
6. In the Bartholomew County jurisdiction, a road use and maintenance agreement would be required with a Zoning Compliance Certificate if the project is approved by the Board of Zoning Appeals. The agreement is subject to the requirements and procedures of the Board of County Commissioners and County Engineer and may include, but not be limited to, the following information:
- a. Identification of roads to be used for the transport of CSES construction materials.
 - b. Road closure plans and procedures and temporary road modifications related to CSES construction activity.
 - c. Roadway time of day use restrictions for CSES construction activity.

- d. A pre-construction, existing conditions survey of all roads identified for use in transport of CSES construction materials, to be used in an assessment of road damage caused by CSES construction activity.
 - e. A compensation agreement and/or financial guarantee for road repairs needed as a result of construction activity related to the CSES.
7. Although not required in the Columbus jurisdiction, in Bartholomew County's jurisdiction the following items are necessary documents for the Commercial Solar Energy Facility Conditional Use process. The extent to which the applicants have also provided these materials for the City of Columbus jurisdiction is also noted.
- a. *Project Description*: A project description including project developer and operator, approximate number of solar panels, total acreage occupied by solar arrays, generating capacity, means of connecting to the electrical grid, a list and/or map of participating properties and their owners, and a list and map of all property owners within 500 feet of the CSES facility. *This has been provided.*
 - b. *Conceptual Site Plan*: The conceptual site plan including areas of solar arrays, the location of inverters, the CSES electrical substation, the location and route of the connection between the CSES electrical substation and the transmission line, the location of any permanent outdoor storage areas, the location of any battery storage areas, service drive access points to public streets or roads, and the location of all perimeter fencing. *This has been provided.*
 - c. *Preliminary Drainage Plan*: A preliminary drainage plan describing the applicant's overall approach to managing stormwater runoff on the project site, including pre- and post- construction run-off calculations. *The applicant has provided a Preliminary Stormwater Report. According to the report, a study published by the Journal of Hydrologic Engineering concluded that the solar panels themselves have little to no impact on runoff volumes or rates and that rainfall that falls directly on a solar panel runs to the pervious areas around and under the surrounding panels. Further, the runoff rates for the site indicate that the post development runoff rate will be less than pre-development rates. This has been provided to and is being reviewed by the County Engineer.*
 - d. *Conceptual Groundcover Plan*: A conceptual groundcover plan, including the location of all proposed perennial vegetated groundcover, preliminary species selection, and the groundcover strategy for all setback and separation areas. The conceptual plan shall also describe the preliminary groundcover maintenance strategy. *The applicants have provided a conceptual groundcover plan. The vegetation under the solar panels will be a mix of 12 different species of native plants. The solar panels will be setback from the property lines and those areas between the solar panels and the property lines will continue to be farmed. The applicants have indicated the vegetation will extend underneath the solar panels.*
 - e. *Glare Analysis (if applicable)*: For any CSES project proposed within 500 feet or within an approach zone of the Columbus Municipal Airport, a glare analysis must be submitted for review and approval by the Columbus Board of Aviation Commissioners. *This does not apply.*
8. Within the Columbus jurisdiction, the applicant has indicated driveway access to the facility will be obtained from 4 points on 250 East, one point on 300 East, and one on Gladstone Avenue. Access points on these county roads will be reviewed by the Bartholomew County Highway Department. All of the access points comply with the Zoning Ordinance 7.3 (Part 1)(C)(3)(c) separation and access requirements.
9. There are areas of the project where a property containing solar panels is not contiguous to other properties containing solar panels. In these instances, the applicants have provided an easement to accommodate cables connect the properties or have indicated their intent to utilize public right-of-way for the cables to connect the properties. The applicants have indicated the electrical connections in the proposed easements will be below ground. The use of public right-of-way is subject to review and approval by the County Commissioners for all county roads and INDOT for state roads.
10. The applicants have indicated they will not be utilizing any battery storage systems at this time. If in the future, the applicants wanted to install a battery storage system, they would be required to return to the Board of Zoning Appeals to request the addition of the battery storage system.
11. There are parcels included in the project that contain floodplain. Based on the drawings that were provided by the applicant, no solar panels will be located in the floodplain and will maintain a 30 foot setback from the floodplain boundary. The collector substation and switchyard, however will be located partially in the FEMA Floodway and the FEMA 100 year and 500 year flood plain,

respectively. Zoning Ordinance Section 4.7(Part 5)(A)(1)(a) states, "All development and land altering activities, including the construction of new buildings, the placement of fill, and the creation of any other potential obstructions to the flow of floodwater shall be prohibited in all floodways." This would include the proposed collector substation and any fencing. Further, zoning ordinance Section 4.7(Part 5)(C)(1) requires, any structures located in the 100 and/or 500-year floodplain to be protected from flood damage below the FPG (two feet above the base flood elevation). This would include structures in the switchyard, any inverters and other similar structures. The applicant has indicated that the collector substation will be owned by Samsung and the switchyard will be owned by Duke Energy. The applicants have noted that during final design all structures (where required) will meet the flood protection grade requirements and all areas will be designed to have minimal impact on floodways per all local, state, and federal regulations.

12. There are parcels in the project that contain wetlands. According to the site plan provided by the applicant, all solar panels will be setback 30 feet from any identified wetlands. Wetlands are regulated by the Indiana Department of Natural Resources (INDR).
13. There are approximately 31 single family residential properties, not part of the power generation facility, that are directly adjacent to a parcel included in the application that will contain solar panels. For each of those homes, the fence and solar panels will be a minimum of 500 feet away. 500 feet is approximately 1½ city blocks; for example, the distance between the City Hall building and the far side of the Bartholomew County Courthouse.
14. There is one property in the area, located at 3420 South 250 East, that is not included in the project and will be surrounded on all 4 sides by the proposed solar facility. Three other non-participating properties, at 3190 South 250 East and 5365 East State Street will have the solar facility on 3 sides. In all instances, the solar panels will maintain a minimum 500-foot setback from the dwellings.
15. During Bartholomew County's 2022 process of adopting standards for CSES facilities, several buffering and setback options were considered. In adopting the 200 ft. / 500 ft. setbacks the Plan Commission and County Commissioners chose a comparatively large setback over smaller setbacks in combination with a planted landscape buffer. Landscaping plantings were not included due to the time required for growth before they formed an effective buffer, the likelihood that initial plantings would not survive and replanting would be a constant need, and the need to remove the then mature plantings to restore the ground to farmland at the project's decommissioning. The expectation was that the 200 ft. / 500 ft. setbacks would provide an area still suitable for farming, with the crops providing a buffer during the growing season.
16. The zoning ordinance generally requires landscape buffers between different intensities of zoning districts. In the City's jurisdiction, there is no landscape buffer requirement for commercial and industrial uses in the AP zoning district.
17. State Road 46 is one of the primary roads leading into Columbus and is identified in the Comprehensive Plan's Land Use Plan Element as a gateway into Columbus. The issues identified in the Plan to be addressed along the gateways include landscaping, lighting, signage, access, outside storage and other aesthetic elements. There are several properties located adjacent to State Road 46 that would contain solar panels. The panels will be setback a minimum of 200 feet from the road and the proposed use of that setback area will be crops.
18. A Columbus Strategic Growth Study was completed in 2016 as a complement to the City's Comprehensive Plan. The Strategic Growth Study identified sites within the Columbus planning jurisdiction that have development potential. These areas were analyzed based on a combination of factors, such as access to critical infrastructure, including sewer service, water service, and fire protection, as well as barriers to development, including the floodplain. The sites with development potential were classified into Tier 1 (minimal/no constraints), Tier 2 (few/minor constraints), and Tier 3 (multiple/large constraints). The area located south of State Road 46, just east of Clifty Creek, was identified as a Tier 2 development area, with few/minor constraints. The recommended land use for this area was identified as residential. Farther to the east, the land along State Road 46, west of 250 East was identified as a Tier 3 development area with the most likely future use being residential and the biggest limitation being a lack of public sewer. The proposed solar power generation facility will encroach into portions of the Tier 3 future residential development area.
19. On January 10, 2024 the Planning Department received an application from JOLI Development for the annexation to Columbus of 289.44 acres along the north and south sides of State Street, between Fairview Drive and 250 East. The applicants have indicated an interest in future residential

development. If the annexation is successful, it will expand access to land east of Clifty Creek for future development, consistent with the long-term vision expressed by the Comprehensive Plan and confirming the findings of the Strategic Growth Study. Development of land in this area for a solar power generation facility could impact future eastern growth and the long-term development of the City.

20. If the conditional use request is approved, the next step for the project is to apply for a Zoning Compliance Certificate, which is the site plan review process. The Zoning Compliance Certificate application is reviewed administratively, with the Planning Department staff confirming that the requirements of the zoning ordinance have been met. In Bartholomew County's jurisdiction, for CSES facilities, the Zoning Compliance Certificate is required to be accompanied by the items listed below. These same requirements do not exist in the Columbus jurisdiction.
 - a. *Drainage Plan*: A detailed drainage plan meeting the requirements of the County Engineer.
 - b. *Groundcover Plan*: A groundcover plan demonstrating compliance with the groundcover requirements.
 - c. *Structural Certification*: Certification from a professional engineer licensed in the State of Indiana that the foundation, anchoring, and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.
 - d. *Decommissioning and Site Restoration Plan*: A copy of the Decommissioning and Site Restoration Plan as approved by the Board of County Commissioners and recorded in the Office of the Bartholomew County Recorder, including a copy of the financial guarantee.
 - e. *Road Use and Maintenance Agreement*: A copy of the fully executed Road Use and Maintenance Agreement as approved by the Board of County Commissioners.
21. The applicants have provided several additional documents to support their application, including:
 - a. *An Economic Impact Analysis of the Carina Solar Project created by Dr. David G. Loomis, Bryan Loomis, and Chris Tankan in January of 2024*. The analysis noted 105 new local jobs during construction and 11.3 new long-term jobs (although the applicant has also stated that there will only be 1 person employed directly for the project, stationed onsite), \$9.1 million in new local earnings during construction for Bartholomew County and over \$600 thousand in new local long-term earning for Bartholomew County, over \$17.5 million in new local output during construction for Bartholomew County, over \$21.8 million in total school district revenue over the life of the project, and over \$8.7 million in total county property taxes for Bartholomew County over the life of the project
 - b. *Health and Safety Impacts of Solar Photovoltaics by Tommy Cleveland in May 2017*. The paper discussed concerns of public health and safety divided into the following sections: (1) Toxicity, (2) Electromagnetic Fields, (3) Electric Shock and Arc Flash, and (4) Fire. In each of these sections, the paper noted the negative health and safety impacts of utility-scale solar development were shown to be negligible, while the public health and safety benefits of installing these facilities are significant and far outweigh any negative impacts.
 - c. *Property Value Impact Study by Kirkland Appraisals, LLC Dated January 8, 2024*. The study concludes that the adjoining properties have sufficient setbacks and proposed, supplemental vegetation to provide a proper screen. It states that the distances and landscaping buffers indicated for this project are well supported by market data as sufficient for protecting adjoining property values. However, it is worth noting that the applicants have not proposed any supplemental vegetation to screen adjoining properties.
 - d. *A Farmers Guide to Going Solar by the Office of Energy Efficiency & Renewable Energy*. This article discusses the benefits of agrivoltaics, defined as agriculture, such as crop production, livestock grazing and pollinator habitat, located underneath solar panels and or between rows of solar panels. Although it is worth noting that the applicant has stated that, for this proposed project, the lease agreements do not permit the landowners to utilize or access the leased area for agrivoltaics due to safety concerns.
22. There are a total of 1,883 acres of property that are included in the solar project, combined in the Columbus and Bartholomew County jurisdictions. According to the site plan, 763 acres of that land will be covered with solar panels. This equates to less than 40 percent of the land involved in the project being utilized for solar panels. The remainder will continue to be agriculture. On a standard 40 acre parcel, using the minimum setbacks, and not accounting for adjacent residences that would

increase the setback for wetlands, or floodplains, approximately 50 percent of that 40 acre parcel will be covered with solar panels and the other 50 percent will remain agriculture.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as agriculture and floodway/sensitive area.

The proposed facility is located in the East Columbus and Eastern Rural Character Areas. The following land use planning principles apply:

1. **Land Use Planning Principles for the Eastern Rural Character Area:**
 - Agriculture should continue to be the dominant use in this area.
 - Residential development should be permitted only in areas contiguous to existing developed areas and should be annexed to the City of Columbus wherever possible. Strip residential development should be prohibited.
2. **Land Use Planning Principles for the East Columbus Character Area:**
 - Because the agricultural area is in the likely path of future development, conversion of farmland to nonfarm uses should be considered as utilities and other infrastructure become available. Such land should be annexed to Columbus before any development takes place.
3. **Land Use Planning Principles Generally: Transitional Areas:** As the community grows and changes, some lands become better suited for uses other than those originally developed on the site. Over the long term, it is likely that these properties will be redeveloped for other purposes. Examples include heavy industrial uses in areas that now are predominantly commercial or residential, residential uses in areas that now are predominantly commercial or industrial, and *farmland that is in the path of development and will be converted to urban uses*. The following principles apply to land use changes in these areas:
 - Farmland contiguous to existing development should be considered for conversion to urban uses.
 - Farmland that is not contiguous to existing development should not be converted to residential use. Industrial uses and uses of regional significance should be permitted on such land when it is in the community's best interest to allow such development.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **Policy A-2-3:** Ensure that development takes place in a manner which allows for preservation of farmland, open space, and significant natural features whenever possible and desirable. *This policy is intended to encourage creative subdivision design which protects natural features, proper buffering, and orderly development. It is not an anti-growth policy, nor does it mean that all farmland will be retained.*
2. **Policy A-2-4:** Discourage subdivision development from interfering with the ongoing agricultural operations in the community. *When land is subdivided, the desires of new home owners should be subordinate to the needs of farmers already operating in the area.*
3. **Policy A-2-5:** Ensure that the city considers the impacts on agriculture when new development is proposed or infrastructure extended. *New roads and utilities can disrupt farming activities and increase development pressures in rural areas. Factories can cause air pollution and noise that adversely affect plants and livestock. Agricultural land should be viewed as land in active economic use, not as inexpensive vacant land.*
4. **Policy A-4-3:** Prevent urban sprawl. *Sprawling development patterns waste land and cost tax dollars. Development should be compact and orderly.*
5. **Policy D-1-3:** Encourage development adjacent to already developed areas. *Compact development contiguous to already developed areas is the most economical and convenient urban form, and the city should encourage that type of development.*
6. **Policy E-2-1:** Encourage development of these (highway) corridors in a manner that is visually appealing. *Highway corridors greatly impact the appearance of a community. Because community*

appearance is important to local residents, the city should encourage these corridors to be developed in a manner that enhances community appearance. Elements to be considered include landscaping, screening of outdoor storage and display, appearance of buildings, design of parking areas, and others.

7. **Policy J-2-1:** Maintain and enhance the safety and attractiveness of the entrances to the city. *The entrances to the city create the first impression of Columbus for visitors, some of whom are potential investors in the community's economic growth. These entrances should provide safe and easy access into Columbus, and they should be attractive.*

Provisional Findings of Fact/Decision Criteria

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals to allow conditional uses that meet the criteria listed below. The Board may impose reasonable conditions as part of an approval.

1. **The proposal will not be injurious to the public health, safety, and general welfare of the community.**

Provisional Findings: The access points to the proposed project will meet all drive separation requirements and traffic generated from the project, when completed, will be very low volume. The solar panels will be setback a minimum of 75 feet from the roads and will not create any sight visibility issues along any of the adjacent roads. The Bartholomew County Highway Department has indicated they do not have any issues with the proposed drives. Solar panels and other components of the facility will not be located in identified wetlands and must meet the zoning ordinance requirements in the floodplain areas. However, the applicant has raised the possibility that complementary facilities by others, specifically a substation to be provided by Duke Energy (which may be exempt from zoning regulations) could be located in the floodway. The solar array areas will be vegetated and the areas outside of the solar array area will continue to be farmed. The array areas are proposed to be secured with an 8 foot fence to protect the public safety. However, this proposed use does include some unique features, including considerations long-term decommissioning, road use during construction, and drainage. Therefore, if the adopted Bartholomew County requirements are applied and a location for all associated equipment, facilities, etc. is provided outside of any floodway, the project will not be injurious to the public health, safety and general welfare of the community. *This criterion has been met.*

2. **The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

Provisional Findings: In the Columbus jurisdiction, there are no Zoning Ordinance development standards for power generation facilities, however the applicants have indicated their intent to comply with the standards for commercial solar energy systems that apply in the Bartholomew County jurisdiction. The Bartholomew County standards are intended to establish reasonable requirements for the development, operation, and decommissioning of commercial solar energy systems and to minimize conflict between these developments and surrounding land uses. Due to the absence of specific standards for power generation facilities in the Columbus zoning regulations, the lack of buffering required for any commercial or industrial uses in the AP (Agriculture: Preferred) zoning district, the project is consistent with the intent of the development standards established by the Zoning Ordinance for similar uses. *This criterion has been met.*

3. **Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

Provisional Findings: The applicants have indicated their intent to comply with the zoning ordinance standards for commercial solar energy systems that apply in the Bartholomew County jurisdiction, which were developed to establish reasonable requirements for the development, operation, and decommissioning of commercial solar energy systems and to minimize conflict between these developments and surrounding land uses. The setback areas for the parcels involved in the solar facility

will continue to be agriculture and the commercial solar facility will not interfere with ongoing agricultural operations on adjacent properties. A 500 foot setback from residential dwellings and a 200 foot setback from the property line will minimize negative impacts to the adjacent residences. In addition, the areas between the property line and solar array areas will continue to be farmed and will obscure the solar arrays for several months of the year with crops. If the Bartholomew County requirements are applied, the general purposes of the zoning ordinance will be served and the properties in the vicinity will not be permanently injured. *This criterion has been met.*

4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

Provisional Findings: The Comprehensive Plan's Future Land Use Map identifies this area as agriculture with portions included in the floodway/sensitive area. State Road 46 is one of the primary roads leading into Columbus and is identified in the Comprehensive Plan's Land Use Plan Element as a gateway into Columbus. For the properties adjacent to State Road 46, the solar panels will be setback a minimum of 200 feet from the right-of-way line and the setback areas will be crops, which will minimize the impact to the gateway area. Text of the Comprehensive Plan's East Columbus Character Area identifies this land as "in the likely path of future development". The Plan's General Land Use Planning Principles note that long-term community growth and change will result in land use transitions, including farmland that is in the path of development and will be converted to urban uses. The Columbus Strategic Growth Study confirms the residential development potential of this area, as envisioned by the Comprehensive Plan. Further, the recent JOLI Development annexation petition suggests city growth toward this area may be a near-term, rather than a very long-term or only conceptual possibility. The proposed solar power generation facility, therefore, is located in a transitional area that is a logical and expected area of growth for the City of Columbus, as envisioned by the Comprehensive Plan. The extent of the project, 795 acres of agricultural land, located in a growth area that would be encumbered for minimally 30 years from any future residential, commercial or industrial growth, is not consistent with the Comprehensive Plan.. *This criterion has not been met.*

Board of Zoning Appeals Options:

In reviewing a request for conditional use the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.