



## CITY OF COLUMBUS, INDIANA BOARD OF ZONING APPEALS

### CONDITIONAL USE FINDINGS OF FACT

**Docket Number:** CCU-2023-018  
**Applicant:** Carina Solar, LLC  
**Filing Date:** December 13, 2023  
**Hearing Date:** February 27, 2024  
**Property Location:** Generally south of 100 South, west of US 31, east of South Gladstone Ave, and north of 300 South

**Conditional Use Requested:**

A Conditional Use per Zoning Ordinance Section 3.5(B) to allow a solar power generation facility in an AP (Agriculture: Preferred) zoning district.

**Board Action Taken:**

Request Approved by a Vote of: 3-2

**Conditions of Approval:**

The approval was subject to the following condition(s) which must be addressed as part of this approval:

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.
3. The bald eagle study, indicated as required of the project by another entity, shall be provided to the Planning Department prior to the issuance of any Zoning Compliance Certificate.
4. All panels, equipment, and associated facilities shall be setback a minimum of 500 feet from the St. Paul's Lutheran Church School, located at 2555 South 300 East.

**Commitments:**

The approval was subject to the following commitment(s) which address the long-term use of the property: The completed facility shall produce no sound detectable at the property lines of any non-participating properties.

The Columbus Board of Zoning Appeals acted under the authority of Indiana law as follows: IC 36-7-4-918.2: a board of zoning appeals shall approve or deny all conditional uses. The board may impose reasonable conditions as a part of its approval.

In its deliberations, the Columbus Board of Zoning Appeals weighed the evidence associated with the following criteria and made the findings listed below. These written findings shall be considered the official findings of the Board and shall supplement any spoken findings offered at the time the Board's decision was made. Any distinctions between these written findings and those that were spoken serve only to clarify any paraphrasing or commonly understood language used in the spoken findings through the use of

technical content of identical meaning.

**Criteria #1:** *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(1), the proposal will not be injurious to the public health, safety, and general welfare of the community.*

**Finding:** 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.*

**Criteria #2:** *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(2), the development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.*

**Finding:** 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.*

**Criteria #3:** *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(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.*

**Finding:** 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.*

**Criteria #4:** *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(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.*

**Finding:** The project will be consistent with the character of the Agriculture Preferred zoning district in that approximately 50 percent of the land will still be farmable and all of the land will go back to farmland at the conclusion of the project. Also, the recommendation of the Comprehensive Plan for residential development in the long term is speculative and subject to external market and population growth factors that shift and cannot be known especially over a 20 to 30 year period. This criterion has been met.

These findings of fact have been adopted by the Columbus Board of Zoning Appeals on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary