

# DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

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## AGENDA

**DeKalb County Plan Commission**

**Commissioners Court – 2<sup>nd</sup> Floor DeKalb County Court House**

**Wednesday, August 28, 2024**

**6:00 PM**

To view the livestream, click here: <https://tinyurl.com/YouTubeDCPC>

1. Roll call
2. Pledge of Allegiance
3. Prayer
4. Approval of Minutes: July 17, 2024
5. Consideration of Claims: July 2024

Payroll	\$22,648.20
City of Auburn - Inspections	\$450.00
Kruse & Kruse 2 <sup>nd</sup> Quarter Legal Fees	\$3,282.83
Lassus	\$348.02
Mileage – Jhace Sleeper	\$72.00
Verizon	\$115.26
WestWood Car Wash	\$12.00
<b>TOTAL:</b>	<b>\$26,928.31</b>

6. Old Business: None

7. New Business:

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, west of County Road 51, north of State Road 8, and east of State Road 1, Butler, Indiana

8. Comments from Public in Attendance
9. Adjournment

Next Meeting: September 18, 2024 8 a.m.

**If you cannot attend, please contact Meredith Reith**

**[mreith@co.dekalb.in.us](mailto:mreith@co.dekalb.in.us) | (260) 925-1923**

**\*PLEASE ENTER THROUGH THE NORTH DOOR OF COURTHOUSE LOCATED ON SEVENTH STREET.**

**\*\*No cellphones, tablets, laptops, or weapons are permitted.**

**MINUTES**  
**DEKALB COUNTY PLAN COMMISSION**  
**Wednesday July 17, 2024**

The Regular Meeting of the DeKalb County Plan Commission was called to order at 7:00 p.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan

**ROLL CALL:**

**Members Present:** Jason Carnahan, William Van Wye, William Hartman, Sandra Harrison, Tyler Lanning, Jared Malcolm, Suzanne Davis, Angie Holt, Elysia Rodgers and Frank Pulver

**Members Absent:** Jerry Yoder

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

**Community Representatives Present:** Mike Makarewich

**Public in Attendance:** Scott Seiler, Elizabeth Seiler, Todd Adams, Aaron Lybarger, Daniel Brincefield, and Andrew Provines.

**PLEDGE OF ALLEGIANCE:**

Jason Carnahan led The Pledge of Allegiance.

**PRAYER:**

Elysia Rodgers led in prayer.

**APPROVAL OF MINUTES:**

Motioned by Sandra Harrison to approve the June 18, 2024 meeting minutes. Seconded by William Hartman. None opposed. Motion carried.

**CONSIDERATION OF CLAIMS:**

Jason Carnahan inquired about any comments, questions, or motions to approve June 2024 claims, totaling \$23,171.98.

Suzanne Davis motioned to approve claims seconded by Sandra Harrison. None opposed. Motion carried.

**OLD BUSINESS:** None

**NEW BUSINESS:**

**Comprehensive Plan Proposals**

Chris Gaumer wanted everyone on the board to be aware that the consultant committee had their meeting and received six responses to the request for qualifications. The committee had the task of rating the six responses. Choosing their top four to be interviewed. From those four they choose two to submit their proposals. He stated that Planning Next is out of Columbus, Ohio and HWC Engineering is out of Indianapolis, Indiana. He mentioned the cost for both proposals. Stating that both were well received by the selection committee. They had great presentations and they both really grasped what we were looking for as far as the rewrite. He stated that one thing he enjoyed about HWC was their take on jump starting the contract. Their idea was to spread the word to get people informed by putting flyers out. They would create a website for thoughts and ideas to kickstart the rewrite. Asking the selection committee to express their take on these proposals.

Chris Gaumer invited the consultant committee group to comment on these proposals.

Sandra Harrison stated that both companies were very good and liked their presentations. The money is the breaking point for her. Mr. Gaumer stated that both would probably be up for negotiations. We haven't negotiated any of these numbers yet with them.

Suzanne Davis stated that most of us liked Planning Next. They seem to have more detail on what they specifically will work on. Both proposals were on her list as number 1 and 2. Flipping to the back she saw the different prices and how they differed from one another. Jason Carnahan stated that with the price difference he didn't see much difference between the two proposals. Both were quality for what work they would do.

Mr. Gaumer stated that it's up to the Plan Commission to guide him to let them know who is at the top. The contracts would go through the County Commissioners and Council. The Plan Commission tells them which one to recommend. The money will be approved by the County Council.

William VanWye asked how much money was requested in the budget. Mr. Gaumer stated that \$100,000 was requested into the budget. Mr. VanWye asked if it was all up front. Mr. Gaumer answered that they would bill us with how they do the job. The payment would be divided into two years. Mr. Carnahan stated that both companies were okay with a two-budget year.

Sandra Harrison stated that as she had read both proposals, she agreed that Planning Next was more detailed. Mrs. Davis added that in even this proposal they listed examples of the graphics. For the public she could see the graphics as an important way to get them involved.

Angie Holt asked besides Corunna from a scoping perspective that we needed to take into consideration. Mr. Gaumer stated that no, but HWC did have St. Joe and Altona listed and he asked them to be removed. We do not do there planning or zoning. Mrs. Holt asked from the Council and Commissioners perspective on the budget are there costs outside of these scopes that need to be considered. Mr. Gaumer stated that the proposals themselves consider what they anticipate. The contract would consider what we would pay for. Mr. Carnahan stated that it should be factored into their outreach costs for these meetings. From his impression they would be hosting these public meetings that would take place. Mr. Gaumer stated that they would definitely be the face of the meetings with the help of the board or himself that might be there.

Mr. VanWye asked if a vote would be taken tonight. Mr. Gaumer said yes, we need to but could hold off till September if everyone wanted to. Mr. VanWye stated that he wasn't prepared to vote tonight. Mr. Carnahan added that he was just curious about what the non-committee members thought about the proposals. Mr. Gaumer stated that something needs to be done quicker only because contract negotiations probably need to be done before December. With whoever we choose and want some initial outreach we need to be prepared to do that. Stating that if more time is needed, he was okay with coming back.

Mrs. Holt asked if the selection committee was making a formal recommendation to the Planning Commission. Mr. Carnahan stated that hopefully we brought these forward to get some more input.

Frank Pulver asked if you approve of one or the other who would be in the position to do a negotiation. For example, if you wanted to use Planning Next and say we liked the package and HWC is negotiating a better price. Who would do that. Mr. Gaumer stated that he would determine it, but with the contract negotiations it would be up to the Commissioners and Andrew Kruse to do so with him as help. It will all be done through the Commissioners.

Mr. VanWye stated that as far as these go the end package would be the same. Mr. Gaumer said that theoretically not the same approach but, in the end, there will be the Comprehensive Plan rewrite. We liked Planning Next's more conversational approach to the presentation. They sat down with us and wanted to talk. Mr. Carnahan started that if we were to start this process early. We could say maybe coming down to something more in the middle ground and if they said no. Then we still would have another option to go to.

Mr. Gaumer asked what Andrew Kruse's opinion was since he attended. Mr. Kruse stated that he agreed that both would do a good job and to some extent it comes down to cost. It will come down to Council and Commissioner determining whether the mild preference for Planning Next is worth the extra expense.

Mr. Gaumer asked the board how we should move forward. Tyler Lanning asked if there could be a price stipulation on what we would be comfortable with. If price is the thing holding us back on the one that the committee wants to lean towards. Could we approve with a certain dollar amount in mind. Mr. Kruse stated that we could approve of something like that. Mr. Pulver added that the County Council and Commissioners would still be the deciding factor. William Hartman stated that if the products are equal or close, he would go with the difference in price, unless he sees something that's a red flag that wouldn't work out. Mr. Gaumer stated that he felt comfortable going with HWC. They have done this for years and they have the experience to know what they're doing. Mr. Kruse stated the price difference is significant. Mr. Carnahan stated that we may even be able to negotiate the price.

Mr. Kruse asked from Mr. Gaumer's experience what are some costs that you might have seen. Mr. Gaumer stated that he's seen \$90,000-\$150,000. Mr. Kruse said that HWC came within that general cost and Planning Next didn't.

Elysia Rodgers stated that when you look at the total cost from Planning Next, they have over \$51,000 in just public engagement. For her that is quite a bit cost in that category. Mr. Gaumer stated that he wanted them to understand that we were looking for a lot of public engagement. The other cost could also be associated with the traveling from Columbus. Mrs. Rodgers stated that they had another category associated with travel.

Mrs. Holt stated that she didn't think we would get next to what HWC is. Looking to see that their responses are the best proposal. Wanting to reward those that come forward with the best effort and price the first time. Not knowing that more time with the paper proposals is going to give her more inside. Relying heavily on the committee to give insight as to what happened at the presentation and interviews.

Mr. Gaumer asked if Jared had anything to add he is welcome to speak. Jared Malcolm approached the podium after the motion was made. He stated that with both proposals being close to alike it's not a bad thing to go with the less detailed one. Mr. Carnahan stated that he didn't feel much difference in the request for qualification response as there is in the thickness of their proposals.

Motioned by Angie Holt to recommend HWC Engineering to the County Commissioners and Council as submitted. Seconded by Frank Pulver. A vote was taken, resulting in a 5-3 approved motion.

Yes: Angie Holt, Frank Pulver, Tyler Lanning, William Hartman, Jason Carnahan

No: William Van Wye, Sandra Harrison, Suzzane Davis

Petition #24-19 – Donna Griffis and API Construction Corp. requesting a RePlat of the Replat of LaOtto Business Park Section I, Lot 6. The purpose of the replat is to increase the acreage of Lot 6 by including approximately 4.5 acres to the south for a total of 7.085 acres. The property will be used for a construction trade office. The property is located at 6500 Merchants Dr., LaOtto, Indiana and is zoned C2, Neighborhood Commercial.

Mr. Gaumer read through the staff report stating what was proposed. On the site plan he stated what the outline changes were. A copy of the proposed Plat was provided in the packet. He stated he would take any comments or questions from the board. The petition is here also to answer any questions. Pretty straight forward if they meet the standards of the ordinance read from the staff report, the Plan Commission kind of must approve this Plat.

Mr. Carnahan asked if there were any further questions from the board. He opened the public portion of the hearing to any comments for or against this petition. Hearing none he closed the public portion of the hearing.

Mr. Kruse went through the Finding 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 **June 10, 2024**
2. Legal notice published in The Star on **July 5, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June 21, 2024**
5. Letter from County Highway dated **June 10, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 10, 2024**
7. Letter from the Drainage Board, dated **June 27, 2024**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Miller Land Surveying**
10. The real estate to be developed is in Zoning District C2, which permits the requested development.

**UDO & STATUTORY MATTERS TO CONSIDER:**

1. Does the proposed RePlat adequately conform to the Comprehensive Plan?  
*Yes, the replat will be used for a commercial use, which is compatible to the existing and adjacent land uses.*
2. Does the Minor Subdivision conform to the following UDO standards:
  - a. Minimum width, depth & area of lot(s).  
*Yes. See Plat & Staff Report.*
  - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.  
*Adequate access off Merchants Dr. The right of way has been dedicated per the original plat LaOtto Business Park. The existing driveway for Lot 6 will be utilized.*
  - c. The extension of water, sewer & other municipal services, if applicable or required.  
*Letter received from LaOtto Regional Sewer District states: "The LaOtto Regional Sewer District has reviewed the plans from Engineering Resources, Inc. for a new API Corporate Office (Aaron Lybarger) on Merchants Drive. The District has the capacity to serve this new development with sanitary sewer. The Board has approved this new connection to the system."*
  - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.  
*None required.*

**Standard Conditions to be recorded on or with the plat:**

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, Drainage Board covenants and airport zone covenants shall be on the plat, if required.

**Conditions that will not be recorded but must be met:**

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS REPLAT PETITION #24-19, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 17<sup>th</sup> DAY OF JULY 2024.

Motion made by: Suzzane Davis  
Vote tally: Yes: 8            No: 0

Seconded by: Sandra Harrison

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Jason Carnahan

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William Van Wye

\_\_\_\_\_  
William Hartman

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Suzanne Davis

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Tyler Lanning

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Angie Holt

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Sandra Harrison

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Frank Pulver

Petition #24-20 – API Construction Corp. requesting a Development Plan for a construction trade office including a new headquarters office & maintenance building, parking and fenced in lay-down storage yard. The property is located at 6500 Merchants Dr., LaOtto, Indiana and is zoned C2, Neighborhood Commercial.

Mr. Gaumer read the proposed Development Plan in the staff report. He stated that everything is not in the packet. We printed the site plan sense the packets were so thick. Some of you may have got it in your email. If anyone would like paper copies of the construction plan, we do have them. The Plan Commission considers Development Plans for commercial properties that are having a commercial development. From the staff report he read the purpose and intent to comply with the Development Standards. Aaron from API Construction is here to talk if there's no question for me.

Mr. Carnahan asked if there were any further questions from the board. He invited the petitioner to come up to the podium.

Aaron Lybarger approached the podium stating that he had worked with the Drainage Board and Mr. Gaumer on the pre-planning stages. He has put a lot of effort into this project. Mr. Gaumer asked him to speak about why he choose Dekalb as the location being right on the county line. Mr. Lybarger stated going back to the first of the year he had considered four site locations before this one. His consultant reached out to Noble and Dekalb County. He appreciated Dekalb County because you had a better proposal regarding the cost and details. The location side of just being down the street is attractive because a lot of his employees live around that area. With Dekalb and Garrett high schools being close by it helps to get potential employees through them. Mr. Gaumer and the Drainage Board helped us to know what the requirements were. Stating that this process has gone smoothly and appreciate the help to do it right the first time. Asking if the board had any questions for him, the architect, or civil engineer were here to answer them. Mr. Gaumer added that this site has been zoned correctly for 20 years and has been waiting for potential development. Seeing it as a great place to have it.

Mr. Carnahan opened the public portion of the hearing to any comments for or against this petition. Hearing none he closed the public portion of the hearing.

Mr. Kruse went through the Finding 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 **June 10, 2024**
2. Legal notice published in The Star on **July 5, 2024** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June 21, 2024**
5. Letter from County Highway dated **June 12, 2024**
6. Letter from the DeKalb County Soil & Water Conservation District, dated **June 12, 2024**
7. Letter from the Drainage Board, dated **June 27, 2024**
8. Letter from the LaOtto Regional Sewer District, dated **June 18, 2024**
9. Airport Board report, if applicable **not applicable**
10. The real estate being developed is in Zoning District **C2 – Neighborhood Commercial**, which permits the requested development.

### **FINDINGS OF FACT:**

1. Does the Development Plan meet the minimum design standards as listed in Section 9.08: Development Plan?  
*Yes, all minimum design standards are met. See Staff Report and letters from the DeKalb County Highway Dept., Health Dept., Soil Water Conservation District, Drainage Board & LaOtto Regional Sewer District.*
2. Is the Development Plan consistent with the Comprehensive Plan?  
*Yes, commercial development is encouraged in areas zoned for such. This property was platted for commercial development and remained vacant for at least 20 years.*
3. Does the Development Plan comply with the standards of this Unified Development Ordinance?  
*Yes, all Development Standards of the Unified Development Ordinance are in compliance with the Development Plan. See Staff Report and letters from the DeKalb County Highway Dept., Health Dept., Soil Water Conservation District & Drainage Board.*

**PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

**Conditions of Approval**

1. The Plan Commission retains continuing jurisdiction of this Development Plan to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. This Development Plan is approved for a construction trade office including new headquarters office, maintenance building & fenced in lay-down storage yard in the LaOtto Business Park.
3. Development to commence within three (3) year and be completed within seven (7) years. See UDO Section 9.08 H.
4. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS DEVELOPMENT PLAN, PETITION #24-20, FOR API CONSTRUCTION CORP, IS HEREBY GRANTED APPROVAL ON THIS 17<sup>th</sup> DAY OF JULY 2024.

Motion made by: Sandra Harrison  
Vote tally: Yes: 8                      No: 0

Seconded by: William Hartman

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Jason Carnahan

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William Van Wye

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William Hartman

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Suzanne Davis

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Tyler Lanning

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Angie Holt

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Sandra Harrison

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Frank Pulver

**REPORTS FROM OFFICERS, COMMITTEES, STAFF OR TOWN/CITY LIAINSONS:**

Mrs. Harrison informed the board that the City of Hamilton and City of Butler didn't meet.

Mrs. Davis informed the board that the City of Auburn had their meeting. They approved the plan for phase one of construction for Memorial Park near 15<sup>th</sup> street.

Mrs. Holt informed the board about the City of Waterloo didn't meet.

**COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:**

None

**ADJOURNMENT:**

Jason Carnahan adjourned the meeting at 8.00 p.m.

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President – Jason Carnahan

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Secretary – Meredith Reith

DeKalb County Department of Development Services  
Planning, Building & GIS  
301 S. Union St.  
Auburn, IN 46706  
Ph: 260-925-1923  
Fax: 260-927-4791

FOR OFFICE USE ONLY:  
File Number: 24-27  
Date Application Filed: 8/8/2024  
Fee Paid: pd ck #

**Application for Amendment to Commercial Solar Energy Overlay District  
(Article 3.09)**

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

**APPLICANT INFORMATION**

Applicant's Name: Thalassa Energy Project, LLC, c/o BP Solar Holdings, Attn: Solar Portfolio Coordinator  
Address: 201 Helos Way, 3<sup>rd</sup> Floor  
Houston, Texas 77079  
Telephone Number: 713 323 4957 E-Mail: GsolarNotices@bp.com

**OWNER INFORMATION (if different from applicant information)**

Owner's Name:  
Address:  
Telephone Number: E-Mail:

**REPRESENTATIVE INFORMATION (if different from applicant information)**

Representative: Curtis Nordick  
Address: 22430 Murray Street  
Excelsior, MN 55331  
Telephone Number: 612 900 4728 E-Mail: curtis.nordick@lightsourcebp.com

Legal Ad Payment & Public Hearing Notifications: Applicant \_\_\_\_\_ Owner \_\_\_\_\_ Representative \_\_\_\_\_

Existing Zoning Classification of Property: \_\_\_\_\_

Legal description of property(ies) or provide an overall legal description of overlay district area:

See Attached Exhibit A

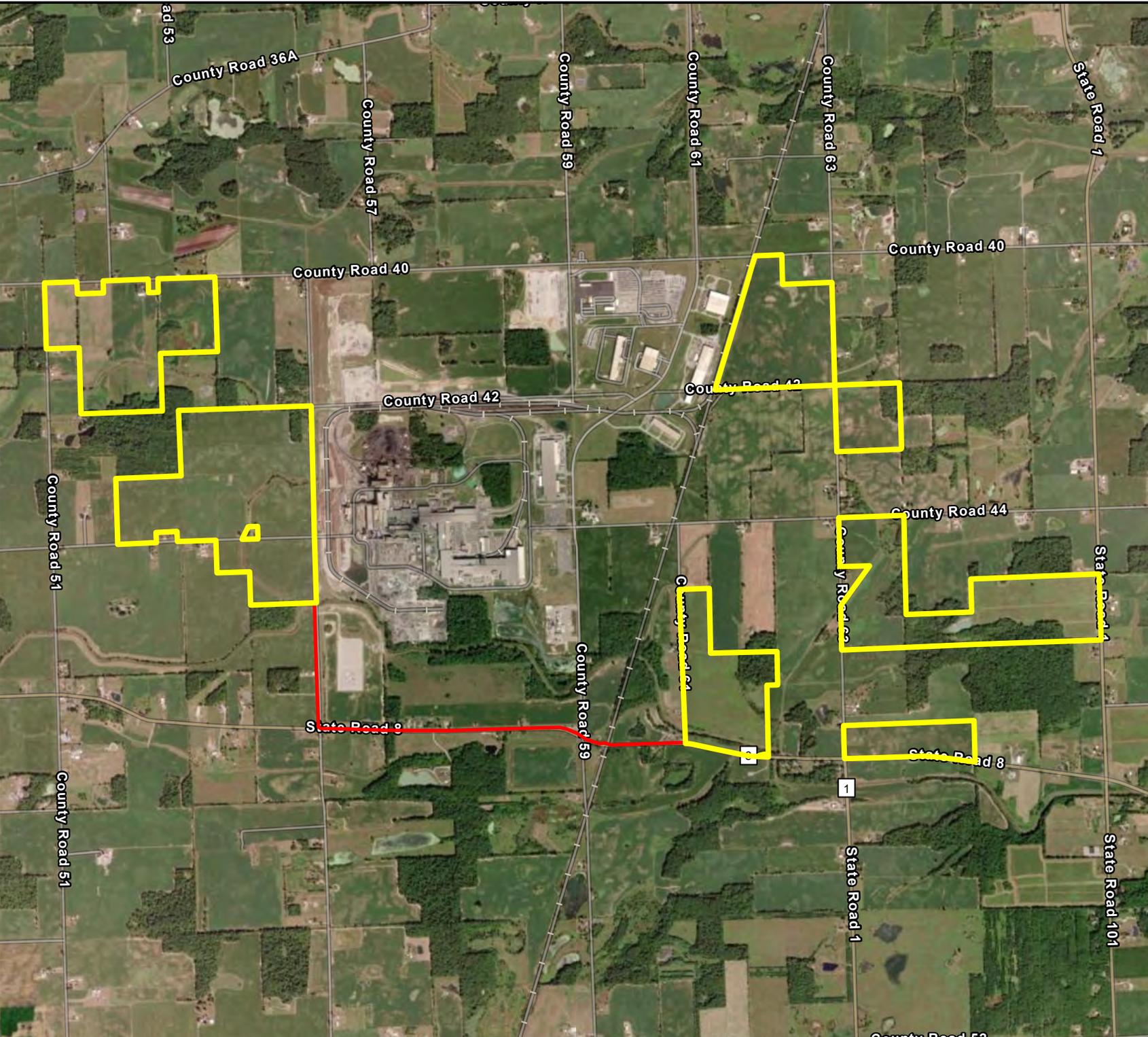
**\*Note: approvals are valid for a period of three years. If a Development Plan has not been approved within the three years, the approval is rescinded. See Section 3.13B2**

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: Curtis Nordick 8/7/24  
(If signed by representative for applicant, state capacity)

# Thalassa Site Map

Thalassa Solar  
DeKalb County, IN  
Date: August 12, 2024



-  MV Route
-  Project Boundary (~872 acres)



*This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Plan Commission to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.*

**SUMMARY FACTS:**

**PETITIONER:** Thalassa Energy Project LLC

**SUBJECT SITES:** generally located south of County Road 40, west of County Road 51, north of State Road 8, and east of State Road 1, Butler

**REQUEST:** Amendment to the Commercial Solar Energy Systems (CSES) Overlay District

**EXISTING ZONING:** A2, Agricultural

**PROPOSAL:** Inclusion of approximately 872 acres into the CSES Overlay District

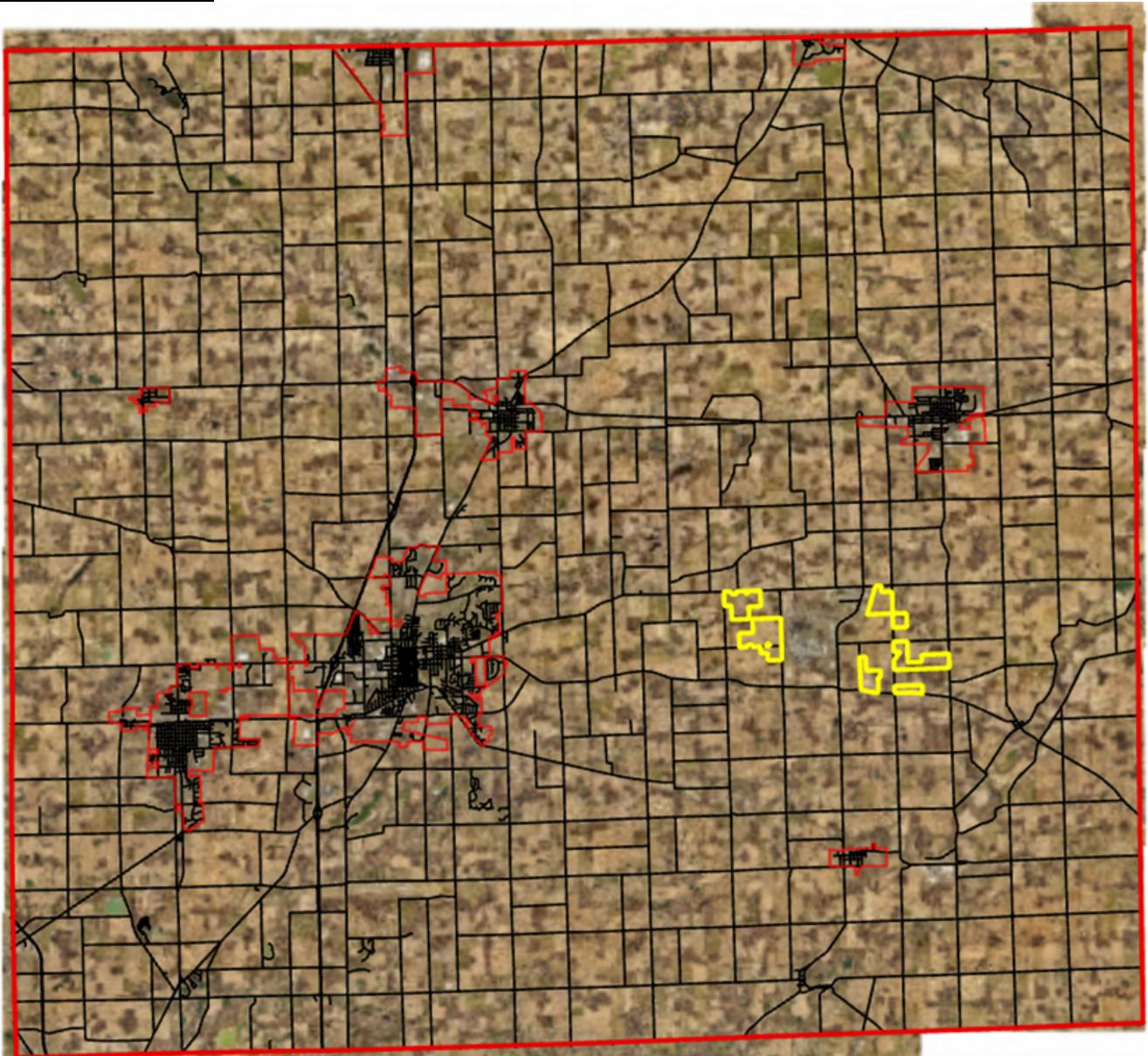
**ANALYSIS & APPLICABLE SECTIONS OF UDO:**

The information provided in this staff report has been included for the purpose of reviewing the proposed Amendment to the Commercial Solar Energy Systems Overlay District. There are currently **zero** acres that are part of this 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 County Commissioners will adopt or reject the Plan Commission recommendation. This follows Section 3.13 B(1)(a & b) and IC 36-7-4-608 (f) & (g).

The request is to amend the Commercial Solar Energy Systems Overlay District with the inclusion of approximately 872 acres located in Wilmington Township, just south/southeast of the City of Butler. This includes 18 parcels with 5 total landowners. The inclusion of these properties within the CSES Overlay District does not guarantee a project will be built. There has not been a Development Plan submitted. The project, through the Development Plan application and review, will be required to meet the standards within the Unified Development Ordinance.

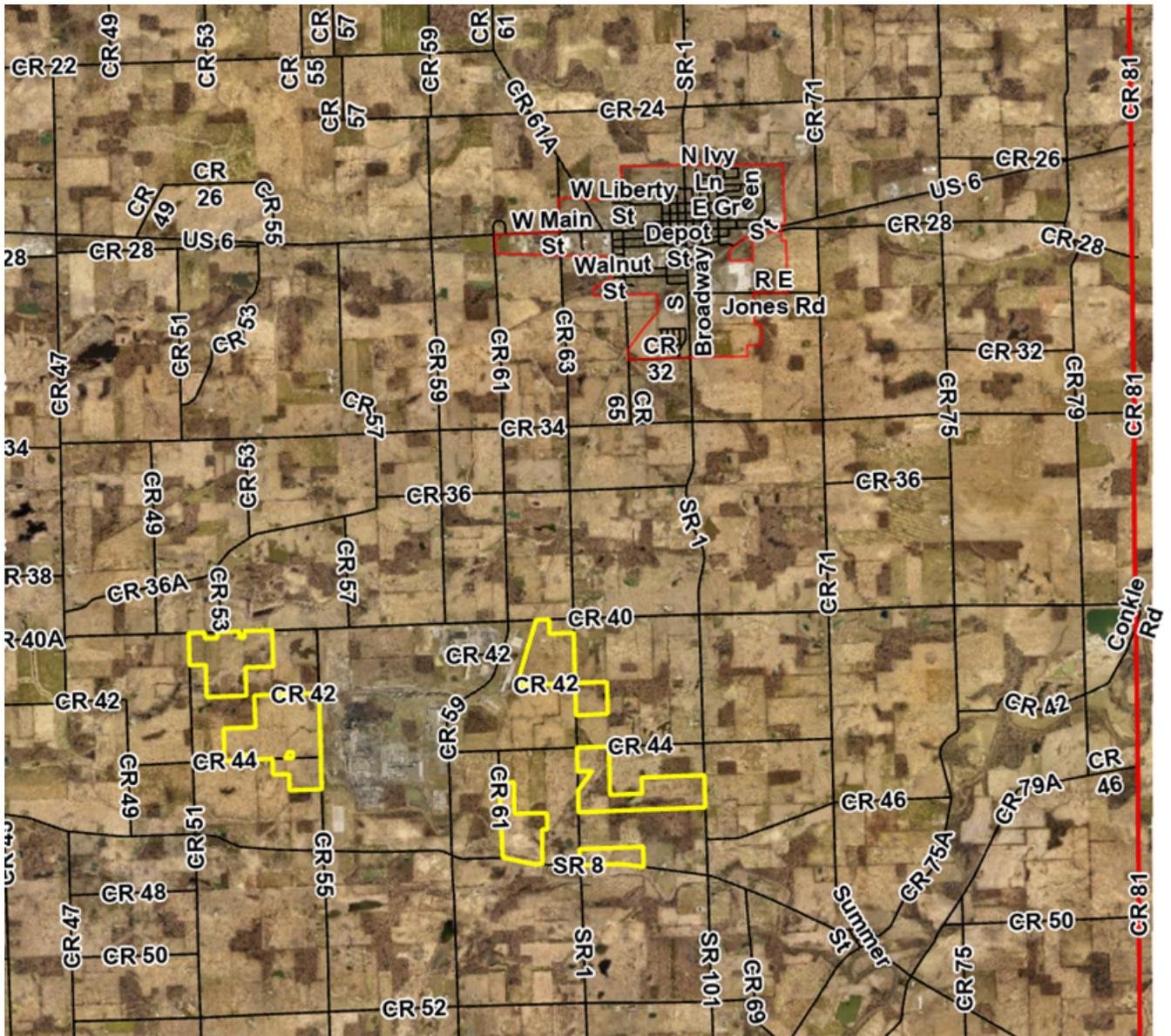
**LOCATION MAPS:**



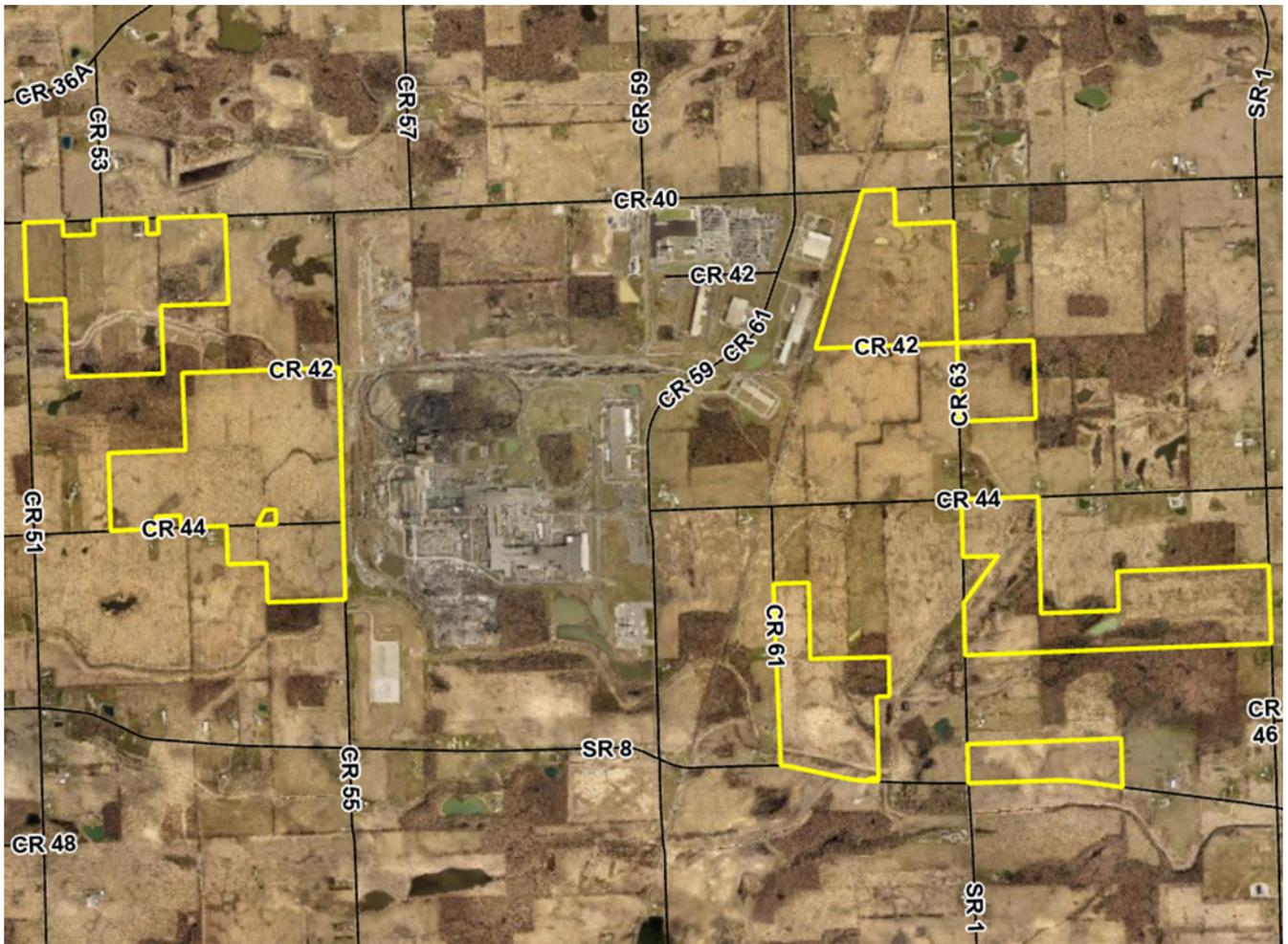
Yellow Outline: Proposed CSES Overlay District Boundary (872 acres)

Red Outline (Thick): County Boundaries

Red Outline (Thin): Municipal Boundaries

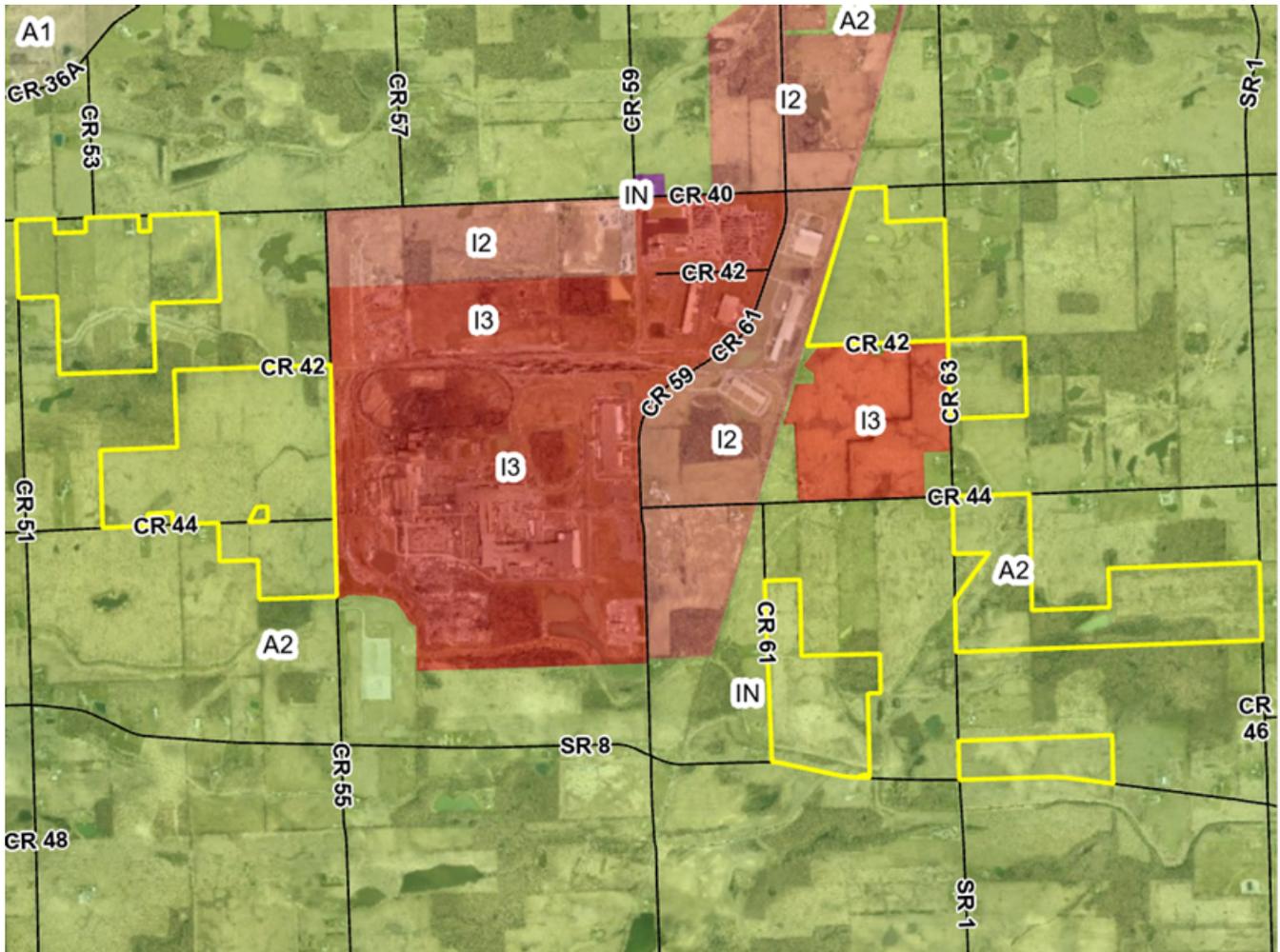


Yellow Outline: Proposed CSES Overlay District Boundary (872 acres)  
 Red Outline (Thick): County Boundaries  
 Red Outline (Thin): Municipal Boundaries



Yellow Outline: Proposed CSES Overlay District Boundary (872 acres)

**EXISTING ZONING MAP:**



A1: Conservation Agriculture

A2: Agricultural

I2: Low-Intensity Industrial

I3: High-Intensity Industrial

IN: Institutional

Yellow Outline: Proposed CSES Overlay District Boundary (872 acres)

**1.14: Purpose for A2 Zoning Districts (page 1-5 OF UDO):**

**A2: Agricultural:** This district is established for agricultural areas and buildings associated with agricultural production; also allows for some small infusion of non-agricultural single-family detached homes in areas where impact on agriculture and rural character is minimal.

**1.15: Establishment of Overlay Districts (page 1-6 of UDO):**

- A. The overlay districts as noted below have been established to:
1. Add development standards;
  2. Reduce development standards;
  3. Add uses;
  4. Reduce uses; or
  5. Any combination of the above.

- B. For the purpose of this Unified Development Ordinance, DeKalb County has established the following overlay districts for the general purposes as stated:

**Commercial Solar Energy Systems Overlay (CSES):** This district is intended to establish standards for the safety and compatibility for the occupants of the land in the immediate vicinity of a Commercial Solar Energy System (Solar Farm) by setting development standards that supplement or supersede the underlying Zoning District. This overlay district does not regulate small scale, private solar panels on residential or agricultural land and/or structures that are not sold commercially to a utility but rather is used for personal energy consumption.

**Section 3.12: Establishment of the Commercial Solar Energy Systems Area (page 3-16 of UDO):**

This Commercial Solar Energy Systems Overlay District provides for the implementation of commercial solar energy systems, which convert the power of the sun into the generation of electricity. Commercial Solar Energy Systems Overlay District shall be for areas in the County where solar power is converted into energy and sold for commercial purposes to a utility. These areas, once approved by the Plan Commission & adopted by the County Commissioners, will be mapped by the County’s GIS division based off the maps and information provided by the applicant. The boundaries for the Commercial Solar Energy Systems Overlay (CSES) District shall be shown on the official Zoning Map as a hatched, textured and/or colored pattern and noted on the map as CSES. The total area in DeKalb County designated as a CSES District shall not exceed 6,000 acres of owned or leased parcels.

**3.13 Additional Development Standards (page 3-16 of UDO):**

- A. Base Zoning: To qualify for the CSES, the base zoning shall be any zoning district, with the exception of OP (Open Space and Parks).
- B. Approval Process (Each process below requires a Public Hearing but may be held during the same meeting):
  - 1. Applicant files for Commercial Solar Energy Systems Overlay (CSES) District.
    - a. Plan Commission Public Hearing with Recommendation to County Commissioners (favorable, non-favorable, no recommendation)
    - b. County Commissioners decision (adopt or reject)

**Unified Development Ordinance Requirements:**

When considering an Amendment to the Commercial Solar Energy Systems Overlay District the DeKalb County Plan Commission and the County Commissioners are obligated — under 3.13 (C) of the DeKalb County Unified Development Ordinance — to pay reasonable regard to the following:

- a. The Comprehensive Plan;
- b. Current conditions and the character of current structures and uses in each district;
- c. The most desirable use for which the land in each district is adapted;
- d. The conservation of property values throughout the jurisdiction; and
- e. Responsible development and growth.

**JURISDICTIONAL FINDINGS:**

- 1. The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.
  - a. Application completed and filed on **August 8, 2024**
  - b. Legal notice published in The Star on **August 15, 2024** and Publishers Affidavit given to staff.
  - c. Certificate of mailing notices sent and receipts given to staff.
  - d. Report from the County Board of Health – not applicable.
  - e. Report from the County Highway Department, dated **August 20, 2024**
  - f. Report from the DeKalb County Soil & Water Conservation District, dated **August 12, 2024**.
  - g. Report from the County Surveyor, dated **August 19, 2024**