

**DECATUR COUNTY**  
**BOARD OF ZONING APPEALS**  
**FINDINGS OF FACT**

**BZA PETITION 2024-8 COBIA SOLAR LLC**

The property involved in the request is attached hereto and listed by property owner and Parcel Number.

An Application dated August 30, 2024, for Special Exception to the Decatur County Board of Zoning Appeals (BZA) was submitted to the Decatur County Planning and Zoning Department. The Application was submitted by Wayne DeLong, Developer, with Counsel, Matthew Neumann. The submitted application requested a Special Exception for a solar energy facility, aka solar farm, in portions of Adams Township and Clay Township.

The Decatur County Board of Zoning Appeals held a meeting on November 6, 2024, where the Applicant made an initial presentation and held a question and answer session. The Decatur County Board of Zoning Appeals conducted a hearing regarding the application on June 4, 2025, and continued the hearing on August 6, 2025. After testimony was given and evidence presented to the Decatur County Board of Zoning Appeals, a Motion to vote on BZA Petition 2024-8 was made, seconded, and voted on, with the following stipulations:

Subject to the following Agreements between the Applicant and Decatur County:

- a. Economic Development Agreement
- b. Road Use Agreement
- c. Decommissioning Agreement
- d. Master Agricultural Preservation Agreement
- e. Fire Safety and Emergency Response Agreement

Further subject to compliance with proposed Conditions and Requirements contained in the Tech Review Report dated May 28, 2025, all provisions of the Decatur County Zoning Ordinance that pertain to the project, and the Decatur County Stormwater Management Ordinance.

Further subject to the condition that all removed solar panels must be recycled.

Said Motion being denied with 0 votes in favor of the Petition and 5 votes in opposition to the Petition.

In its deliberations, the Decatur County Board of Zoning Appeals weighed the evidence associated with the following criteria and made the following findings in denying the request for a Special Exception for a solar energy facility, aka solar farm.

1. The approval will not endanger the public health, safety, morals, comfort, or general welfare of the community.
  - a. Based upon the attendance at the public meetings, the nature of the presentations from the public, and the general information that was disseminated regarding the proposed solar farm, the proposed project created dissension between the residents of Decatur County, Indiana.
2. The use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.
  - a. The presentation of information clearly established that there would be a significant change in the essential character of the area. Even with the implementation of setbacks, screening, vegetation management plans, and other actions to minimize the visual impact, the solar farm project would undoubtedly change the area of the proposed project and the area in proximity to the proposed project. The installation of the rows of solar panels create a significant change to the essential character of the area. Solar projects in surrounding areas have established that the visual impact of a solar project of this magnitude is contrary to the overall intended character of the community.
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
  - a. No Findings were made.
4. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - a. Great concern was expressed regarding the development and improvement of the surrounding properties. Uncertainty was expressed regarding the change in value of property in the area, as well as changes to the use of property in close proximity to the proposed project. Further concern was expressed regarding the impact of drainage in the proposed project areas.
5. Will not generate traffic on the existing street network that will cause congestion or unsafe ingress and egress within the neighborhood as a result of the development, unless evidence is provided that improvements can be made to minimize or relieve the impacts.
  - a. It is likely that the proposed project will generate significant additional traffic on the existing street network especially during times of installation, or other times when new equipment / items are being delivered or removed from the

sites. Specific reference was made regarding the Morristown, Shelby County, Indiana project that is experiencing significant problems in this area.

6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors.
  - a. Many of these concerns are currently unknown, however over the life span of the proposed project, there will be situations that develop that could impact the community in these areas, especially as it may pertain to decommissioning processes. Concerns were expressed regarding how to recycle solar panels and equipment so as to not create environmental /disposal issues as well as impacts on the adjacent property values.
7. The approval does not interfere substantially with the Comprehensive Plan adopted by the Decatur County Area Plan Commission and the Decatur County Commissioners.
  - a. Pursuant to the Decatur County Comprehensive Plan, the County does not support the development of commercial alternative energy facilities that would consume agricultural land. The County discourages large scale, commercial development of alternative energy sources. Decatur County has long recognized the value of maintaining and protecting the agricultural nature of the area. The focus of the Comprehensive Plan is to limit the amount of land taken out of agricultural production. The proposed project consists of 7049 acres. The BZA did not view the proposal for utilizing sheep grazing on the proposed site to fulfill the intent of the Comprehensive Plan.