

**GRANT COUNTY AREA PLAN COMMISSION**  
**GRANT COUNTY OFFICE COMPLEX**  
**Solar Workshop Minutes**  
**December 14th, 2021 6:00 PM**

- Call to Order
  1. Mr. Briede discussed Housekeeping, Speaking & Signing in at Podium

Mr. Briede called the meeting to order at 6:00 PM with these members present, Myron Brankle, Heath Crouch, Ryan Gossett, Rex Maynard, Jim Todd, Jerry Caudill, and Chuck Briede, President. Not present were Dr. Bob Bothwell, Ron Mowery, Tyson Nuckols, Robert Couse, Jared Florence, and Mark Leming.

Staff: Ryan J. Malott, Executive Director. Brenda Harrison, Executive Administrative Assistant. Nicole Bailey, Code Enforcement Officer. Aaron Elsworth, Building Inspector

- Pledge of Allegiance
- Mr. Briede gave a brief summary of events of how the Solar Ordinance was developed & presented up to tonight's APC Solar Workshop, also expectations for tonight's Solar Workshop.
  1. Mr. Briede discussed that the State is also actively looking to get a Statewide Solar Ordinance into the next session.
  2. Mr. Briede discussed research that has been done up to this point
  3. Mr. Briede discussed all of the entities that have had input into the Solar Ordinance Draft
  4. Mr. Briede reiterated the Order for Discussion at tonight's Workshop & again, what our goals were for tonight's Workshop.
- First Item for Discussion was the Approval Process
  1. Mr. Malott went thru the three-current proposed "Orders of Approval"
    - a) Current Order; Area Plan Office (Development), County Commissioners (or Legislative Body for recommendation), and then BZA (Special Exception & Public Hearing)
    - b) Proposed Order: Area Plan Office, Area Plan Commission (recommendation & Public Hearing), and then to Commissioners (or Legislative Body)
    - c) BZA Recommendation; Area Plan Office (Development), Area Plan Commission (Rezoning and Public Hearing), Commissioners (or Legislative Body for recommendation), then to BZA (for Special Exception and Public Hearing)
  2. Discussion for the Approval Process:
    - a) Resident. Asked question on the Approval Process, Mr. Briede & Mr. Malott explained how Public Hearings work & who gets notification (Sign, Adjacent Owners, Publication, etc...).

- Resident stated that he didn't believe publishing it in the back of the paper in the legal notices was enough. He stated he only found out about the meeting because he received a letter.
- b) Resident brought up that other counties were requiring a specific amount of acreage before a Solar Farm could be built, are we going to have those same stipulation?
  - Mr. Malott asked what Counties he was referring to as Mr. Malott had not seen that thru his researched ordinances.
  - Resident stated that it is in Madison County's proposed Solar Draft. Mr. Malott noted that Madison County's Solar Ordinance is still in it's draft stage.
- c) Mr. Maynard asked a question to Mr. Malott, he asked if a Sign would be placed at the property where development was being done?
  - Mr. Malott stated that it would be treated just like all Public Hearings, that the Sign would be placed at the Property.
- d) Debra Cain asked a question on the Order of Approval and if the BZA would still be involved in the proposed Order of Approval.
  - Mr. Malott explained that any variance to the Areawide Zoning Ordinance would still have to go thru the BZA, that the proposed Order of Approval would be more like a P.U.D. (Planned Unit Development) as opposed to a Special Exception or Variance.
  - Mrs. Cain stated she felt that the BZA should be left in there, and then asked in what situations would the BZA be involved?
  - Mr. Maynard stated that if we did it "the right way we (BZA) should be included in it but this is the way the Commissioners wants it". He wants the Public to understand that.
  - Lois Smith made a statement, but it was inaudible.
  - Mr. Maynard again stated that this is the way the Commissioners wants it, he feels they want control.
  - Mrs. Cain then asked Mr. Briede what does the APC Approve
    - i. Mr. Briede explained the process that the APC is the Recommending Body for all Ordinances and puts forth a Recommendation to the Commissioners
  - Mr. Maynard explained if the BZA made the Final Decision, then it's permanent unless we get sued.
  - Mr. Malott explained that the APC is made up of 13 members from all districts from within the jurisdiction, where the BZA does not have representation from all districts. That the thinking for final approval was to give the Legislative Body (Commissioners/Town/City Boards) the final approval.
  - Mrs. Cain asked that when a project comes in, are going to see the whole thing?
  - Mr. Malott explained that when a Development comes in, it will not move out of the Area Plan Office until all the "Boxes are checked" regardless of approval process.

- Mr. Maynard stated, "We have steps, we have rules, we then try to follow them in the county, the commissioners try to tell us, everybody tells us, why aren't you guys following your rules. Well this is changing the rules". Mr. Maynard disagrees with the way the commissioners sets it up...
- Mr. Briede interjected and stated that he understands Rex's Opinion, "we understand what side your coming from".
- Mr. Malott stated this was about stating both sides, Mr. Maynard stated that "your sticking on the commissioner's side and you should be sticking on our side"
- Ed Hartman interjected; Mr. Hartman went back thru the BZA's Recommendation of order of approval. BZA priority would be land use, public, people that are impacted, that is BZA's rules. Mr. Hartman feels this process would get a much more thorough review and it brings us all into it, we are going to live with this for 35 years. Mr. Hartman believes we are just getting started with this & that we need more time.
- Mr. Hartman asked how much prime farmland we are willing to sacrifice.
- Mr. Briede interjected; "we'll have an ordinance, they'll develop a plan, that will be submitted to whatever route it goes. Mr. Briede stated that he believes that the Farmer owns the land and should be able to do what he wants.
- Mr. Hartman interjected; "that's agricultural zoned farmland", Mr. Briede stated that our land use allows it in all zones right now. Mr. Hartman stated with a special exception by the BZA.
- Mr. Crouch stated that everything he has heard from the BZA is against Solar Farms being installed, he questioned how the farmer would have any assurances that the BZA would give a fair hearing if he wanted to install a solar farm from "the folks who are saying mine is the final decision".
- Mr. Hartman asked, "What is a fair hearing, when both sides are heard?"
- Mr. Crouch stated that the BZA seems to have a view that there will be a large amount of people opposed to it (solar farm) and that hasn't been verified yet.
- Mr. Hartman interjected that the BZA has passed a Solar Farm outside of Gas City, so they are not against Solar Farms, "but we say this is questionable".
- Mr. Crouch again asked, "what assurances would you give to the farmer, that they would get a fair hearing".
- Mr. Hartman stated, "He would get a fair hearing, there are no assurances they would get it passed".
- There were several people talking over each other, inaudible.
- Mr. Maynard went thru what the BZA would look at, Mr. Hartman stated also the impact, Mr. Maynard agreed.
- Mr. Crouch stated he was just trying to understand what the rules were that the BZA makes their decisions on.

- Mr. Maynard stated that the BZA looks at both sides to see what the impact would be. “if its going to be very bad for the citizen, we might say no. But if we feel like it’s the farmer doing what he’s suppose to and not a big giant impact or really hurt the people around there, I agree the farmer should have the right”.
- Mr. Crouch stated “that seems really vague”, but admitted he is familiar with the BZA procedures yet.
- Mr. Maynard again stated that the APC is only recommending and that the BZA has final say.
- Mr. Briede interjected; “we’ve heard that several times, I think we got the point on that”.
- e) Mr. Briede redirected & asked if there were anymore questions from the public.
  - “Linda” said that she received a letter in the mail that solar farms were going to bring her property values down. She asked, “if this was going to benefit everybody, how was this going to bring her property values down”? “If it is, how much”?
  - Mr. Briede explained that those are all variables. That there are companies out there looking, but we have no development yet. So, we do not know exactly where they are being proposed. There are studies out there that could determine values. These types of things would be addressed during development, we are working on the proposed ordinance.
- f) Mrs. Jones asked if Ryan or someone had talked or found someone out there that could talk about property values.
  - Mr. Malott discussed the Impact Study that was sent out as examples for Henry & Rush Counties from last year. That they determined for that project there was no signification change. He stated that this type of impact study could be done for each project.
  - Mr. Malott also stated that he had talked to Rhonda Wylie, the County Assessor, who stated that she has seen no property value loss around the current Solar Farms in Grant County. Rhonda was going to do even more research on it and get back with him.
  - Mr. Briede redirected, stating that we are working on the Steps to Approve a project.
  - Mr. Needler stated that in property studies, we need to look at who is paying for them. Looking back thru history they can go both ways; you have to look who is paying for them.
  - Mr. Needler stated from what he has heard, read, and seen on Farmer’s Farmland is that a lot of this farmland is not farmers, it is people, kids, inherited owners, out of state owners. Mr. Needler stated that Solar Farms will prey on these people.
  - Mr. Briede again redirected and asked if there was any more Public Input on the approval process. There was not.

- g) Mr. Briede turned the discussion on the approval process to the APC for comment.
- Mr. Brankle stated that he agreed with it, the BZA Recommendation.
  - Mr. Todd liked the BZA Recommendation
  - Mr. Caudill said that he was on the Fence, he kind of leans towards the BZA Recommendation.
  - Mr. Crouch stated that he is new to the APC and not quite sure how everything works yet, but felt getting more people involved was a good thing, but is vague of what the BZA is going to be using to determine approval. At the end of the day, he wants to know how that is going to be determined.
  - Mr. Gossett stated that he liked the BZA Recommendation but when it comes down to final approval, he would like both the APC & BZA to vote. It was expressed that that could not be done legally.
  - Mr. Maynard said they feel like we should follow the Rules that are already in place.
  - Mr. Briede stated that he represents the Town of Sweetser and that he brought it up to the Town Board, the Town Board stated that they felt that the Town should have the final Say.
    - i. Mr. Briede noted that we have several representatives from Town Boards on the APC, he reminded us that we all represent someone. We are elected officials and we should be holding to what our people want.
    - ii. Mr. Briede noted that because of the way the BZA is made up, Sweetser does not have representation on the BZA.
    - iii. Mr. Briede is in favor of it going to the Legislative Body.
    - iv. Mr. Briede noted that the BZA is made up of citizens and maybe they would have more of an objective opinion, but they don't have an ties or people to answer to, they don't have to get re-elected.
    - v. Mr. Maynard stated that he represents the people of Jonesboro, if they don't like me, they could tell me I'm gone. Mr. Briede noted the Mr. Maynard is a Citizen Representative (of the Mayor of Jonesboro) and that you should represent the values that they want. As they are the elected officials of the people and that should trickle down.
    - vi. Mr. Maynard said that he "has to look at the way Jonesboro feels, plus he has to look at the way the citizens feel. You guys are only looking at what is best for the town or the city".
    - vii. Mr. Hartman stated that may not be true. "Once you are on the board, a lot of time you reflect based on

- what is happening on that board, at that meeting”  
We make a decision for the county, we are  
volunteers.
- viii. Mr. Maynard stated that “we don’t have to worry  
about being re-elected, or if we step on somebody’s  
toes, we try to make the best decision” We are  
trying to listen to both sides. “We are here trying to  
do the same job, listen our communities and listen to  
the other communities what they want. Cause if the  
community said no, we don’t want this in the area,  
we would take that into consideration and then listen  
to the people and the people might say that we want  
it there. And what the best situation and the best  
answer. And that’s what the BZA does.” Mr.  
Maynard went back into, that someone is wanting to  
change the process.
- ix. Mr. Hartman stated the overwhelming majority of  
the Counties in this state take this process thru the  
BZA. Mr. Hartman then went back thru the BZA’s  
Recommendation and noted that it carries some  
weight. He does not approve of a Final Approval  
that could get approved by a 2 of 3 vote.
- x. Mr. Hartman noted that at the Commissioner’s Solar  
Summit Meeting the Solar Companies were highly in  
favor of taking it thru the Legislative Body as it  
reduces their risk and they would have a better  
chance with only two people voting. BZA is a  
citizen board, so it is something to consider.
- xi. Mr. Hartman noted that changing this legislation is  
the Commissioner’s responsibility, changing it to  
where they make the decisions, there is a lot of tax  
dollars at stake here.
- xii. Mr. Crouch asked what mechanism we are using to  
change the approval process.
- xiii. Mr. Malott explained that we are developing this  
Ordinance, that no order of approval is on the books  
yet, we are doing the development. Then went thru  
the proposed order of approvals for development &  
also explained the order of an Ordinance Approval  
(Area Plan Office, APC, Commissioner/Town/City).
- xiv. Chuck reiterated that we are only sending forth a  
recommendation, that the Commissioners are going  
to pass what they choose to pass. That they could  
change all of it. Chuck also explained that it is not  
just the Commissioners, but the Town Boards also,  
(legislative bodies) and gave examples.
- xv. Mr. Crouch stated that if Towns didn’t like what the  
Commissioners have done, couldn’t the towns just

- opt out of Area Plan. It seems to him, that by being a part of Area Plan, your asking others to help make your decisions.
- xvi. Mr. Briede explained that Towns would have to develop their own Zoning, Building, Code Enforcement Ordinances as well as hire people to enforce them. He gave Swayzee & the Damaged Building as an example. In his opinion, there are many benefits.
- xvii. Mr. Briede redirected back to Mr. Caudill on his thoughts for approval order. Mr. Caudill said he is leaning towards the BZA.
- xviii. Mr. Briede explained that the Commissioners will be viewing this meeting. He noted again that we are an advisory board for the Commissioners only.
- xix. Mr. Gossett said that for Fairmount, he feels that Fairmount should have final approval, but as a whole, he feels that the BZA should be involved. He understood that that was not a proposed method of approval right now.
- xx. Mr. Crouch stated, from what Mr. Gossett stated, that as an Upland Town Board Member, he would prefer that Upland has the Final Say.
- xxi. Mr. Briede noted there is three for the Legislative Body, but appears we are leaning to the BZA Recommendation. He explained that we could re-write the Ordinance and it could still be adjusted thru the Public Hearing.
- xxii. Mr. Brankle explained that just because it went thru the BZA, it doesn't mean the Towns would be disappointed, more than likely the Towns would be happy with the BZA's decision for them.
- xxiii. Mr. Hartman stated that Town Representatives are welcome to give their input at the BZA's Public Hearings.
- xxiv. Mr. Briede said that with the Development/Process, there shouldn't be any surprises by the time it gets to the BZA.
- xxv. Mr. Maynard stated that generally the Incorporated Area would have already given their recommendation by the time it gets to the BZA.
- xxvi. Mr. Hartman noted that the BZA can also include conditions with their approval.
- xxvii. Mr. Briede stated that we appear to be leaning to the BZA Recommendation. Mr. Hartman reiterated that the Land Use & Rezoning would also change. Mr. Malott noted that it would not affect residential solar,

- and that the BZA Recommendation rezoning is already labeled Major & Minor.
- xxviii. Mr. Hartman suggested getting the Ordinance to a “Specialist”. Resident concurred & suggested getting feedback from other communities.
3. Mr. Briede moved on to the topic of Setbacks
- a) Mr. Malott went thru the proposal of a 250’ setback from the equipment to the nearest dwelling. He showed the average between 32 Counties (228’ average setback). If we include Adams County at 1,320’ that average goes up to 263’. The BZA Recommendation is 1,450’, which would be the Largest Setback in the State.
  - b) Mr. Briede asked for public input on Setbacks and thoughts behind the Setbacks. He noted that each development is different & that berms, screening, etc... will affect each project. He also noted noise levels. Each Development will be different.
    - o Linda Glassmore asked what happens when you have the setback, then the non-participating owner wants to build something, does the setback affect that?
      - i. Mr. Briede explained that it is a One-Way Setback from the Solar Farm & would not affect the Non-Participating Owner. Mr. Malott concurred. Mr. Maynard concurred & further explained.
    - o Mr. Jones asked if we have seen any of the Contracts from the Solar Farms
      - i. Mr. Malott explained that we have not seen any of the Development yet.
    - o Mrs. Jones asked what happens if you have a building that burns down, can they build the building back.
      - i. Mr. Malott explained this would depend on the Zoning, that Mrs. Jones was referring to another Case that involved a Legal Non-Conforming Structure in Matthews. That this would not affect your property. This is different.
    - o Mr. Crouch asked if our setbacks were from the Property Line or the Dwelling. He felt that from a Property Line might be easier.
      - i. Mr. Briede explained that some have it from the Property Line, most have it from a dwelling.
      - ii. Tom Schroder from Invenergy noted that they have a number of supporting landowners (leased) with them currently. He noted that the Ordinance already has a 50’ setback from property lines. He explained the priority is setback from dwellings, by using property lines, it would cut into project areas (even if there wasn’t a dwelling present)
      - iii. Mr. Briede reiterated; the importance was to get more distance from a neighbor’s residence. If we

- measure from the property line, that is a lot of property that won't be used.
- iv. Resident stated that we need to protect the individual landowner & allow them to have a say so on how they are impacted directly. He noted that powerlines are allowed within the setbacks.
  - v. Mr. Briede reiterated that even once the ordinance is written, it still has to go thru the development process. If there are objections, they will be addressed thru development.
  - vi. Mrs. Jones asked if that would be in the contract.
  - vii. Resident stated he fully supports larger setbacks than 250'. He does not think it is reasonable.
  - viii. Mr. Malott reiterated, that all of these will be taken on a case by case basis. We are hoping thru development & public hearings that these issues are brought up by surrounding, adjacent home owners. Mr. Maynard concurred; each site will be different. Mr. Malott stated that in some cases Setbacks will not even matter due to drainage tiles, easements, woods, etc...it's really going to depend on location before the solar companies can even get into development.
  - ix. Mr. Shroder wanted to note, that larger setbacks means that additional land must be used, higher setbacks makes for larger projects. We are looking a middle ground to try & optimize the land/project, while keeping it consolidated & condensed.
  - x. Resident brought up the Moratorium from the November Workshop. Mr. Crouch reiterated, from a previous meeting, that a 1,000' Setback would effectively put a moratorium on Solar according to one Solar Company (APEX in Nov. Workshop). Mr. Shroder stated that Indiana Counties are dealing with Setbacks and generally those setbacks are 220'-250'.
  - xi. Mr. Crouch stated that he is not trying to pick a fight with the BZA, but when they recommend putting a setback in place that would make it impossible to put a solar farm in (according to APEX), "then it says to me that the BZA are not at all that interested in having solar farms in, which is stepping on the property rights of the farmers". He stated the BZA is saying that Solar is not welcome.
  - xii. Mr. Schroder stated that it would send a signal that at 1,400' it would be next to impossible to develop. From a Solar standpoint, it would be incredibly challenging to overcome.

- xiii. Mr. Crouch stated that the BZA is setting a parameter that would not allow Solar to come in, He doesn't believe that a solar farm would get a "Fair Shake" by the BZA.
- xiv. Mr. Maynard stated that "I wouldn't want to run them out of town just because we have too far of setbacks".
- xv. Mr. Malott reiterated, "The higher the setback, the more people effected, that is the general rule". Mr. Shroder concurred.
- xvi. Mr. Gossett asked that if it set that far off, does it increase your (solar company) costs as well. Mr. Shroder stated that it makes it less feasible to develop.
- xvii. Several people were talking at once, much was inaudible.
- xviii. Mr. Malott stated that Dalton from APEX told us at the last meeting what Tom from Invenenergy is telling us at this meeting. That a 1,000' setback makes it almost impossible to develop a solar farm.
- xix. Trena Roudebush, Geenex Solar, spoke & demonstrated how larger setbacks allow for less land to be used, that projects get spread out & effect additional landowners. Almost a "Checkerboard" effect.
- xx. Mr. Hartman stated that "What we are seeing" is these solar farms coming in & surrounding Homeowners. These things are 20' high & and being that close (50'). Mr. Briede said that the ordinance also incorporates screening to minimize that affect.
- xxi. Mr. Malott stated, if that was the case, I would go back to the Planning part of the project, why did we let a home get surrounded? That situation would be on us. Mr. Hartman noted that is true but said that the reason they suggested such a large setback was to protect the homeowner.
- xxii. Mr. Hartman stated that the APC is going to pass it, amend it, or deny it. The BZA hasn't had a lot of time to work on this. It came to the BZA's attention in October. Mr. Briede reiterated that the APC has had e-mails, drafts, meetings, etc since August... That the APC is the recommending body.
- xxiii. Mr. Needler ask Mr. Malott if he was going to build a 20' x 30' Garage, is a 20' Setback from property line normal. Mr. Malott said it would depend on location. Ms. Harrison stated that it generally would be 25' but would depend on lot coverage. Resident

stated to look at that, we build a building the setback is 25', we are setting the Solar at 50' and it goes on for miles. He would like to see setback from Property Lines. Mr. Needler asked the Solar Companies present how hard it would be to do a 500' setback from the Property Lines, then negotiate with the adjacent property owners to lower the setbacks. He suggested to negotiate with all adjacent property owners, that was his point. He likes that separate zoning that we are working on. He then stated, "make it 100', 200', 300' just make them negotiate".

- xxiv. Mr. Malott asked Mr. Shroder how tall the average Solar Panel is, we allow up to 20', but he thinks actual Panels are only 12'-15'. Tom stated 12'-15' at maximum tilt. Resident stated that it could be higher due to landscape.
- xxv. David Cain stated that he appreciated many of the comments. Mr. Cain stated that maybe 1,450' setback was too much, but 50' is not enough. He is concerned that we are changing the landscape of rural farmland & taking it out of production. He stated that this is going to affect generations.
- xxvi. Resident asked for additional clarification on setbacks, she wondered if they were going to be able to come thru her woods. Mr. Briede clarified that if it was her woods, it is her property.
- xxvii. Mrs. Cain asked Mr. Shroder approx. how many acres was needed till it worked with your project. Mr. Shroder said that each project is different. He said the Solar Panels may only take up 300'-400' Acres of a 1000 Acre project, that would not include the Fence & Buffer areas. (video is cutting in & out).
- xxviii. Mr. Needler stated that these are multiple projects taking up 10,000 acres, not just 400' in Grant County.
- xxix. Mr. Shroder stated that 10s of thousands of dollars from these projects are going to be created, which are significantly higher (video is in & out, believe he was talking additional tax base). He also feels that there is some misconceptions of what a project will actually end up looking like, Solar Farms are quite, assist with drainage in the areas, meadow grasses planted, good for the ground (lets it rest). Much of this inaudible.
- xxx. Mr. Hartman asked if Tom's company was a for profit company, Mr. Shroder stated that it was.
- xxxi. Mr. Hartman asked where Mr. Shroder's company places inverters. Mr. Shroder stated that they

generally locate the inverters towards the center of the Projects, as much as possible. He also noted that the decibels from an inverter really is not that much. Mr. Briede noted that Noise Limits are in the ordinance.

- xxxii.
4. Denise Spooner came to the podium to speak
- a) Mrs. Spooner stated that she has been a realtor for 14 years, she is currently on the Planning Commission in Madison County, she serves on the BZA in Madison County.
  - b) She is a member for "Hoosiers for Home Rule" & "Responsible Solar". She spoke against HB 1381 at the State.
  - c) She stated that Madison County is currently drafting a Solar Ordinance. (this was e-mailed to us) She is not super happy with it.
  - d) She noted that all Zoning Ordinances are in place for the Health, Safety, and Welfare of the Community.
  - e) She stated that she is not an attorney and that her information was sent to us, we should make up our own mind. Everything she is saying tonight is documented by professors, universities, appraisers, etc...(video again cutting out).
  - f) Mrs. Spooner statement is available at the 1hr 49 min mark of the YouTube video. Video is cutting out & Mrs. Spooner is speaking very quickly, difficult to follow.
  - g) She spoke that although there may be tax benefits in the beginning, there is no guarantee that those tax benefits would be present thru out the life of the system, that we should add a guarantee to our ordinance, "that money stays the same regardless of sales, taxation, or area of building".
  - h) She stated that if a Solar Farm is declared a Utility, the Utility company could declare imminent domain, that that should "terrify" every landowner in here". "Although this hasn't happened yet, it could after 35 years of this".
  - i) She stated that it causes property values to decline. She had several studies that she claimed proved this. She stated that she has 14 appraisers in Madison county that are recording a negative buyer's feedback (for a Solar Farm that has not been built yet?). She stated what we need to understand is that all these "other" appraisers that are coming around are basing their appraisals off of small solar farms.
  - j) She stated the ordinance is not about helping the Economic Development. She stated that Homeowners lost a lot of value during the recession in 2009 (2008), we lost a lot of our home values. "You're not going to tell me that by surrounding me in barb wire and 6' fences w/ 15' solar panels, that is not going to affect property values on all four sides of your property".
  - k) This will affect the Homeowners, with value & view (noted 6' barbed wire fence). They could build it to cover all four sides of your house. She claims that she has a study that shows huge increased value areas by "beachfront, mountain views, golf course

- views and when I move to the county are these the types of aesthetics (solar farms) I want to see. That's aesthetics".
- l) If you look at the Developers studies, she suggested that we call a someone recently hired in Kentucky but licensed in multiple states. She has 50 years' experience, she claims that we will find a lot of major bias, that these companies putting forth these reports actually own parts or capital in the solar companies.
  - m) She spoke on Farming; she has studied American farmland trust. She states that taking farmland out of production will have an impact. She states that by taking 1,890 acres out of production, we could have an 82 million economic loss thru 35 years, according to Steven Miller an economic agricultural economist professor in Michigan.
  - n) She discussed zoning laws & purposes again. They are here to balance property rights. "I am not against a landowner wanting to lease his land, but not at the expense of his neighbor, this is why we have zoning laws".
  - o) She then went onto Setbacks & asked why solar farms have to build these things so big? She stated that California & Carolinas are only building 40 MW Farms, not 120 MW & 1000's of acres.
  - p) She discussed a memo from the American Planning Association that discussed recommended locations of Solar Farms.
  - q) She is worried about the Future of this Nation; we have to stop taking Farmland. God only made so much real estate. She is an advocate on placing solar farms in properly sited locations. She also noted that we should include property value guarantees into our ordinance, "I'm tell you, protect yourself by two things, the biggest thing is put property value guarantees in your ordinance, cause here's the thing, if they say it doesn't hurt property values, and their so sure and they have their experts, why would they care there is a property value guarantee in the ordinance? Protect yourselves, because homeowners are going to come out with pitchforks & torches and sue you because that is what we are doing in the rest of these counties".
  - r) She read from the American Farmland Trust.
  - s) She stated that she agreed with Mr. Briede that this ordinance does need to get passed fairly quickly as legislation is being brought back in the State of Indiana, they want to get away from Home Rule, and they want to build these things right up next to your house. "HB 1381 was nothing but a love letter from the State to the Solar Companies".
    - o Mrs. Spooner was asked what she thought was a good setback; She said that Madison County put it at 500', she would like to see it at 1,000'. She knows that "they are going to be mad about it, but again, why do they have to build these stinking projects so monstrous. Why do they have to be 4,000 – 5,000 acres?" She went on to speak about the "Mammoth" Project in Stark County.

- She then made some statements about Invenergy, that we should look up “County Watchdogs”, about Invenergy’s experts & professionals. She also said to go to YouTube.
  - t) Note, this starts at 1hr 49 min of the You Tube Video.
  - u) Note, information sent by Mrs. Spooner could not be opened at the Area Plan Commission Office. We were able to open the Madison County Solar Ordinance Draft (2<sup>nd</sup> Email).
- 5. Mr. Briede asked if there was anymore public input on Setbacks
  - a) Resident stated that there would be no benefit to the community from these projects. These projects will not support the community, any type of tax benefits would be minor.
  - b) Mr. Briede stated that it should benefit property taxes, it will attract companies that are looking for renewable energy.
  - c) Tim Eckerle, Economic Growth Council President, interjected that several of the companies he speaks to, their first question is what renewables are available due to the company’s building guidelines. These are the big companies, the big names, the big paying jobs. They are looking to be “emission neutral”. He noted Walmart & Café Valley almost didn’t become a member of community due to lack of community support.
- 6. Mr. Briede redirected, our part is putting together guidelines and the Solar Companies part is to put together the development. Our job is to protect the Land & Landowners. Mr. Briede directed the Setback Questions to the Area Plan Commission Members.
  - a) Mr. Briede stated that right now Draft #4 shows the setback between Equipment & Non-Participating Dwellings at 250’, setback to Property Line is 50’
  - b) Mr. Brankle said his thoughts are as they always have been, he wants 1,450’. He wants protection for the residence, people, and property. “they can offer me a \$1,000 per acre for 40 years and I would say no, they are not coming onto my property”.
  - c) Mr. Todd agreed with the BZA Recommendation
  - d) Mr. Caudill agreed with the Mr. Brankle, 1,450’
  - e) Mr. Crouch stated he doesn’t see how that proposal could ever work for the property owner. He stated that he is not informed enough to make a real decision.
  - f) Mr. Gossett stated that the 1,450 is too high, but 250’ is too low. Mr. Gossett questioned if we put it at 1,450’ that the owner could talk to adjacent landowners to agree to put it at 250’?
    - Mr. Briede answered that the setback could be lowered to 50% maximum.
    - Mr. Malott also answered by half, but could not enter the ROW
    - Mr. Briede stated that again, these are individual projects that would have to deal with individual houses on an individual basis.
    - Mr. Gosset stated that he would go with the 1,450’
  - g) Mr. Maynard questioned what is really right? Mr. Maynard doesn’t want to run solar companies off, but he feels for the homeowners.

- h) Mr. Gossett stated that he knows some of the farmers in audience that built onto their parents' property, if those were filled with Solar Farms, you wouldn't have had that opportunity. He questions, what are you doing to your kids?
- i) Mr. Brankle asks if we are really going to run them off, "maybe that is just the scare tactics they use to get their foot in the door".
- j) Mr. Briede stated that he again talked to the Sweetser Town Board, they would like to see a slight increase to 300' but they were more concerned with the Municipal Setbacks. There are only Three examples in the State of municipal setbacks, they range from One Mile to a Quarter Mile. This would protect the small towns borders. He would like to add into the ordinance a municipal setback.
  - o Mr. Briede again stated that we can put whatever numbers we want in, if the commissioners don't agree, they will change/adjust it.
  - o If we have valid points, Mr. Briede stated he was sure they'll listen. We have to remember; this was sent to us (APC) almost completed thru their Commissioner's Summit Meeting. They believe that the numbers were good.
  - o Mr. Gossett stated he thought the municipal setback should be One Mile, he is concerned with Fairmount getting boxed in. In One Farmer in Fairmount, you could box two sides of Fairmount in.
  - o Mr. Gossett said that he talked to Mrs. Roudebush from Geenex Solar. Mrs. Roudebush talked about territorial jurisdiction. Incorporated vs. Unincorporated setbacks.
  - o Mr. Eckerle stated if that jurisdictional power was bestowed onto the Towns, that that power would have to be given for everything (to the towns, all zoning, not just for solar). The County Commissioner would lose jurisdiction over County Zoning/Property. That raises questions for the non-participating jurisdictions, what would you do for Swayzee, Marion, or Gas City? Do the Commissioners also give up that county authority to Non-participating jurisdictions? Mr. Gossett ask about boxing Gas City in? Mr. Eckerle stated that if you check with those properties, most were voluntary acquisitions. Mr. Eckerle also spoke with Mr. Brankle on a similar situation in Van Buren with Weaver Popcorn for expansion, they were also all voluntary.
  - o Mr. Hartman stated that we would really be in favor of business building their own solar on Roof Tops or in their area they have surrounding their business, he gave an example of Walmart.
  - o Mr. Eckerle state, not being an attorney, that he is worried about that, that the Commission "has to have consistent policies & consistent rules, you can't just say that it is allowed on one property over another one".

- Mrs. Cain stated for Marion, the Airport is getting ready to install Solar Panels on top of their Maintenance Building, they'll have a substation there to.
- Resident brought up the question of where is the power going?
  - i. Resident stated there is three main grids in the United States, Power that goes into the grid goes wherever it is needed. "Power from New York could end up in Wabash".
- k) Chuck interjected, that we were still talking about Setbacks, we were discussing Municipal Setbacks.
  - It was stated we need to research that more
  - Resident stated that he would rather see the Solar Farms installed more for Residences & Schools in Grant County. He would be more inclined towards solar if electric was being used locally, then just going on the Grid. Mr. Gossett stated that would be benefitting the community & the schools.
  - Mr. Briede stated that we need to get back to setbacks.
  - Mrs. Cain asked about the process tonight, and why we are not taking votes
    - i. Mr. Malott noted that we are trying to get this to a Public Hearing, where we would take votes. Tonight, we are working on "loose ends". Mr. Briede concurred.
  - More discussion was had about the 1,450 Setback. Mr. Gossett feels that it should be put onto the Solar Companies to talk to adjacent owners.
  - Resident stated that if you read thru the ordinance there is nothing that protects the adjacent owners. The only thing he sees is the setbacks. That the ordinance needs to take into account property values, barriers, he feels there needs to be closer coordination with us people about the impact. That it should all be in writing.
  - Mr. Crouch asked how the BZA came up with 1,450' Setback.
    - i. Mr. Hartman stated that he looked at Adams County and it said 1,320', then at a point later in time, he typed it up and typed it wrong. It should have been 1,320.
  - Mr. Hartman stated what if someone just built a New Home and they put a Solar Farm in, then the Owners couldn't sell the home of what they owe. Some banks might look at it as a negative, they may not even lend money to property around a Solar Farm.
  - Mr. Brankle stated that is one reason we want to protect the homeowner, because more and more they are putting it on their roof anyway. He feels these panels are going to be like the previous Satellite Dishes, in time they are going to be improved.

- Mr. Hartman stated there are other things to considered such as Prime Farm Ground. How much do we want to give up? We might want to restrict a solar company to only 20% Prime Farm Ground. That is going to become more important. He also stated, there is no studies of long term effects of living around these large solar farms.
- Mr. Briede reiterated; we are trying to finish the Setbacks.
  - i. One mile for Municipal Setback
  - ii. We need more research on territorial jurisdiction
  - iii. 1,320 recommended for setback from Equipment to non-participating dwelling.
  - iv. Should it go from property line?
- Chuck went back over that we are recommending only, the Commissioners will further review it, then make the final approval.
- Mr. Cain stated once we put 1,320' in the ordinance, that will make the Solar Companies negotiate, it protects the homeowner.
- Mr. Briede moved on to the Decommissioning Plan
  - 1. Mr. Briede started off with the BZA Recommendation
    - a) BZA recommends that ordinance states "recycling", not "salvage".
    - b) Mr. Hartman asked about removal going down a minimum of 4'. That is correct.
- There are several conversations going on at this point, much cannot be heard.
  - a) Discussion by the "Owl" negates much of what a resident is speaking on in rear of room (can't hear).
  - b) Mr. Shroder spoke on recycling currently vs where it may go into the future.
  - c) Mrs. Jones asked if there where any recycling companies in the US right now. Mr. Hartman said there is One.
  - d) Mr. Cates stated that these farms may be sold several times, so decommissioning could be up to someone else.
  - e) Mr. Hartman stated there is a real need for recycling as Harvard Business Review stated there are several chemicals in these Solar Panels. Mr. Brankle asked about the toxicity of the Panels. Mr. Hartman stated that some of the materials listed are considered hazardous materials.
  - f) Mr. Shroder said that there are two technologies, there are silicon & cambium technologies. They would be using Silicon Technology. Soldering in the panel may have trace amounts. Mr. Hartman believes that we need to do more studies as there are some people stating that you will never be able to farm the lands again, where solar farms are located due to leaching off the panels.
  - g) Mrs. Cain had a question on the Power Lines, will the Power Lines also be removed at the end of 35 years. Mr. Shroder stated that all power lines will be underground and are already existing today. So, Power Lines are not going to have to be added. Resident stated that

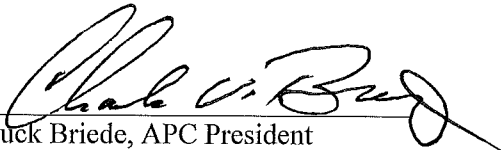
is why they are looking into Rural Areas, because that is where the Substations are.

- h) There was a consensus to change the wording from Salvage to Recycling.
- i) Mr. Gosset brought up that the ordinance called for everything to be removed to 48". They would like to see it say Entire Structure. Mr. Malott stated that even in Residential Construction, it is only required up to 30" (frost depth). Discussion was had on if it should be removal of all.
  - o Mr. Shroder discussed that the Poles would be taken out, but the cables would be left. Most Farmers do not want the lines removed as it would destroy the land.
  - o It meets the National Electrical Code for 48" for Commercial Electric.
  - o There was a question about re-tiling the field when it returns to farmland.
  - o Again, there are several conversations, Mr. Briede moved forward
- Mr. Briede moved forward to Development Application Review Process
  - 1. BZA Recommended that all equipment is Non-Slave Labor Equipment
    - a) Discussion was had to how we could guarantee that, enforce that.
    - b) Geenex stated that they do have a Corporate Commitment to follow the EU Standards, which will not use Slave Labor.
    - c) There is a question of how much needs to be verified, that could take years. Mr. Hartman stated that several companies are doing this. Mr. Shroder talked about thousand of parts in a solar farm. Mrs. Roudebush concurred; it would be difficult to trace each component. Decided to stick with just the Panels.
    - d) We should add a statement to ordinance on Slave Labor.
    - e) IF we do it for Solar, do we do it for all construction?
    - f) Chuck directed it to the APC
      - o Mr. Gossett said that you can't regulate everything
      - o Mr. Brankle feels they should be able to do it.
      - o Mr. Hartman state it would show their diligence
      - o Mr. Malott stated, "not only do we have to have an ordinance, but we have to have an ordinance we can enforce". He noted, he does not know how the staff are going to be able to do it all.
      - o Mr. Shroder noted the Major Components, stating that the Panels would be the main concern.
      - o Mr. Malott brought up again, if we are doing for solar, are we doing it for all construction? Mr. Briede stated if we are going to be consistent to all things, yeah, but how would we ever do it? Can we even legally do that?
      - o Mr. Malott noted that during development, the companies are going to give us a list of what is being put in.
      - o Consensus is to leave it at Solar Panels, we can't enforce it anyway.
- Mr. Briede moved onto the Property Value Guarantees

1. Mr. Hartman went thru the BZA's Recommendation on Property Value Guarantees.
2. Mr. Briede stated that he had a problem with that, because that means we would have to treat all construction that way
3. Mr. Hartman stated that it depends if it is written into the Ordinance.
4. Mr. Hartman stated that we are going to devalue property, even though some studies says it doesn't, if that were true, there would be no reason not to put this in there. If it's not true, it would protect the residence.
5. Mr. Hartman stated that Mrs. Spooner had talked about a 16.8% decline in property value in Madison County. Mr. Malott stated that she also talked about a Study that we had already talked about where they sent out 400 surveys and only got 37 back, and that the study, itself, said it was skewed due to some extremely negative surveys.
6. Mr. Malott stated we have to remember "Fear vs. Fact". He stated that we are talking a lot of might's, could's, and maybe's tonight. He noted that we could look at impact studies on a location by location basis. This would let us see what the real economic impact could be. "We are simply putting a big blanket over everything filled with Maybe's, Could's, and Might's. But again, these are going to fall back to individual projects at individual locations and that is what we have to remember".
7. Mr. Hartman said these are facts. Mr. Malott stated for everyone of those studies, anyone could find another study that says the opposite.
8. Mr. Hartman stated if Mr. Malott was saying there is no impact, then there is no reason not to put it in. Mr. Malott stated we won't know what the project is until it comes in.
9. Mr. Brankle agrees that Property Value Guarantee should be in there.
10. Resident stated that he had a customer up in Starke County that the Solar Farm is in a U Shape around his property & that he could not sell his property even he wanted to. Mr. Briede asked if he has tried to sell it, the Resident stated that he just built the House.
11. Resident stated why not put the guarantee in the Ordinance and give the property owner the option to opt out. This was further discussed.
12. Mr. Shroder asked how this could ever be determined? He gave the example of the Housing Crash in 2008-2009, what if there are bigger, external events that decrees values? Mr. Brankle stated that is why we have attorneys.
13. Mr. Cates stated that a lot of this property is owned by people out of state or inherited ground. Most of those people don't live in Grant County.
14. Mr. Brankle stated that people don't understand that China is buying all their supplies for the year ahead, America doesn't know if they can afford to plant corn and now we are losing farmland.
15. Mr. Briede redirected back to the Property Value Guarantee. He stated that he doesn't know enough about the Law, but he doesn't see how we can enforce this. Are we going to do this for all Special Exceptions? Mr. Hartman stated it would be by a case by case situation, we evaluate by people who show up and state their harmed. Mr. Hartman stated it was in one of the examples that Ryan sent out. He stated that if the impact was

- small, that is wonderful. Mr. Malott stated he made a note to ask Kyle if it was legal.
16. Further discussion was had on the Guarantee. Mr. Hartman stated that we could have the House appraised before & after. Mr. Malott brought up the fact that in many of the studies, they stated that many of the Appraisers admit they are not sure how to do these appraisals around solar farms, as of yet.
  17. Mr. Malott stated that he talked to Rhonda Wylie, she stated she hasn't seen any property value drops around current solar farms. She also stated that it doesn't matter what you put in, the House prices are so high currently.
  18. Mr. Hartman stated to put it around a solar farm, Mr. Malott stated she said she has not seen a drop around our current solar farms. Mr. Hartman stated the current Solar Farms are not monstrous in size. Mr. Malott stated, as Chuck was stating, with our market up so much, how do you truly determine values, and if the market rebounds like normal, is that due to Solar Farms? Mr. Hartman states that the Market Value would determine the value. Mr. Maynard said he understands because Houses are overselling so much right now.
  19. Mr. Cain stated that his house is worth nothing right now, until he tries to sell it. He then explained the appraisal process.
  20. Mr. Gossett suggested that if we are going to add it, it needs to be for current owner only. Mr. Briede concurred. Resident asked what if was inherited.
  21. Mr. Briede stated the One Mile Setback could create all kinds of problems. Ed Hartman stated that he did cut it down, Adams County is at 2 miles.
  22. Mr. Brankle stated that it is not going to be up to us, it's on the Solar Company, Buyer, & attorneys to put that in there. He does not see us getting dragged into it. Mr. Hartman stated there could be a timeline on when they have to apply.
  23. Mr. Maynard stated that it is going to hard to enforce, how would we know whether the property increased or decreased. How could our office handle it?
- Mr. Crouch stated he thought "we are in the weeds". He noted that he had to approve a Dollar General in Upland, but they did not try to reconcile property values. It seems to Mr. Crouch that there is a "Huge Premium" being put on the view of an adjacent property owner, when the solar panels have to be a half mile away. That is a pretty hefty premium to put on his view.
    1. Resident stated that the spirit of it is to try and protect the farm and to protect the owner if he is surrounded by solar farms. There should be something in there protect people.
    2. Mr. Malott stated again, much of that is going to fall back on Development, whoever is looking at has to say, "hey we are surrounding this guy".
    3. Mr. Hartman stated that if we leave this out, there is not much reason for the Solar Company to negotiate.
    4. Mr. Brankle stated that we could talk about his for the next hour, he is going home.
    5. Mr. Briede stated that maybe it's not in there if the big setback stays, but if the Commissioner put the setbacks back to 250', then maybe we can add it.

- a) Mr. Hartman suggested that we leave it all in there, to let the commissioners pull it out.
- 6. Mr. Briede stated we need to review it & word it wisely, thru the attorney
- Mr. Briede brought up the Fees.
  - 1. Mr. Briede suggested leaving the Fees as presented.
  - 2. Resident asked about a Residential installation that covered more than an acre.
    - a) Mr. Malott stated that Area Plan has had a record year for Residential Solar.
    - b) Mr. Malott stated that most Residential installation do not come close to an acre
    - c) Mr. Malott stated that Residential is governed thru the Indiana Residential Code.
- Mr. Briede instructed Mr. Malott to start working on the Updates and get it back out to us. The APC January Meeting is pretty full, we can decide whether we need another "Special Meeting" at that time.
- Adjournment
  - 1. Meeting was adjourned at 9:38 pm

  
Chuck Briede, APC President