

AREA PLAN COMMISSION

Minutes

Grant County Fairgrounds
1403 IN-18
Marion, IN 46952

March 7, 2022

7:00 PM

1. Call to Order and Roll Call
2. Chuck Briede called the meeting to order at 7:05 PM. Members present Myron Brankle, Chuck Briede, Jerry Caudill, Heath Crouch, Jared Florence, Frank Hix, Rex Maynard, Ron Mowery, Tyson Nuckols, and Jim Todd. Rob Couse, & Steve Hedrick were absent.
3. Staff Present; Director Ryan Malott, Administrative Assistant Brenda Harrison, Code Enforcement Officer Nicole Bailey, Building Inspector Aaron Elsworth, Permits Clerk Sandi Wilson, and Area Plan Attorney Kyle Persinger.
4. Pledge of Allegiance
5. Approval of Minutes
6. Caudill moved, and Mr. Brankle seconded a motion to approve the minutes of the January 3, 2022 & February 7, 2022 meetings. Myron Brankle, Chuck Briede, Jerry Caudill, Heath Crouch, Jared Florence, Frank Hix, Rex Maynard, Ron Mowery, Tyson Nuckols, and Jim Todd voted yes. Motion carried.
7. Election of Officers
 - 6.1 President
Myron Brankle nominated Rex Maynard for President. Frank Hix seconded.
Nominations were closed since there were no other nominations.
Myron Brankle, Chuck Briede, Jerry Caudill, Heath Crouch, Jared Florence, Frank Hix, Rex Maynard, Ron Mowery, Tyson Nuckols, and Jim Todd voted yes for Rex Maynard. Motion Carried.
 - 6.2 Vice President
Chuck Briede nominated Tyson Nuckols for Vice President. Myron Brankle seconded.
Nominations were closed since there were no other nominations.

Myron Brankle, Chuck Briede, Jerry Caudill, Heath Crouch, Jared Florence, Frank Hix, Rex Maynard, Ron Mowery, Tyson Nuckols, and Jim Todd voted yes for Tyson Nuckols. Motion Carried.

6.3 County Citizen Member of BZA by APC

Jared Florence was appointed the APC County Citizen member to BZA.

Myron Brankle, Chuck Briede, Jerry Caudill, Heath Crouch, Jared Florence, Frank Hix, Rex Maynard, Ron Mowery, Tyson Nuckols, and Jim Todd voted yes for Jared Florence. Motion Carried.

6.4 Oaths of Office were handed out and signed by the members and notarized by Kyle Persinger.

6.5 Executive Committee

Jerry Caudill was nominated to the APC Executive Committee. Chuck Briede moved to accept Jerry Caudill for the APC Executive Committee.

Myron Brankle, Chuck Briede, Jerry Caudill, Heath Crouch, Jared Florence, Frank Hix, Rex Maynard, Ron Mowery, Tyson Nuckols, and Jim Todd voted yes for Jerry Caudill. Motion Carried.

8. Public Hearings

Docket #02Z-22 (Public Hearing)

Name: Bradley & Amber Dillon

Address: 8113 Wheeling Pike, Jonesboro, IN

Rezoning from AG to GB in one-acre section around business

Legal Description: Being 13.085 acres, more or less and located in the Northeast Quarter of Section 19 in Jefferson Township.

Brad Dillon was present to represent the petition. Director Malott presented the "Written Agreement" to the APC. Mr. Dillon explained that Director Malott and Aaron Elsworth were at his property and inspected the business.

Motion: Chuck Briede moved to approve the rezoning. Jared Florence seconded.

Myron Brankle, Chuck Briede, Jerry Caudill, Heath Crouch, Jared Florence, Frank Hix, Rex Maynard, Ron Mowery, Tyson Nuckols, and Jim Todd voted yes. Motion Carried.

9. Reports

8.1 APC Attorney, Mr. Persinger stated he didn't have anything for the board.

8.2 Director Ryan Malott Report:

- 8.2.1 Noted that he has a list of things to talk about, but understands that we are limited on time, he may send some items thru E-mail.
- 8.2.2 Confirmed that Demo/Case Lists & 2021 Year End Numbers were distributed with the Packets.
- 8.2.3 Re-iterated from February Meeting that the APC has much work to do on things like the Comp Plan, Zoning Ordinance, Zoning Maps, etc...
- 8.2.4 Nicole Bailey gave an update on Demo/Cases:
 - 8.2.4.1 She noted that the Upland Downtown Demolition was completed and cost less than \$7,000.00 to remove.
 - 8.2.4.2 Van Buren Weaver Building is our top priority now, she was informed at the Van Buren Town Board Meeting that the "Problem" Building Owner is giving ownership of that building over to the town of Van Buren. If so, this should allow this Demo to begin sooner, than having to go to court, she is hoping within the month.
 - 8.2.4.3 In the meantime, the Highway Dept. is going to take down a couple other structures, as they are ready now.
 - 8.2.4.4 We have added 20 Code Enforcement Cases in the last month, she working towards having/maintaining approx. 200 Cases.
 - 8.2.4.5 Discussed beginning stages of a Roof Collapse on Main Street in Jonesboro & difficulties of contacting owner.
 - 8.2.4.5.1 Director Malott concurred and discussed the collapse & what it has caused in the building adjacent to it. Concerned the Front of the brick building may fall out into main street in its current state.
- 8.2.5 Director Malott noted that is three 100-Year-Old Main Street Buildings in the County that have had some sort of collapse in the last year, he doesn't see the issue getting any better. He also noted Swayzee, which is not in our jurisdiction.
- 8.2.6 Director Malott discussed Tamarac & Liberty Mobile Home Parks, and added a "New" Park to the monitoring/working on list, Shady Acres Mobile Home Park is looking to add an additional 55 Mobile Homes to the Park, this is still in early stages. At this point between the three, that is the addition of over a 100 mobile homes.
- 8.2.7 Director Malott noted that he has spoken with Brett Garrett, Eastbrook Superintendent about filling the open position, he has sent them all of the Indiana Code on filling the position. They were to meet in the near future to begin discussing the appointment.

- 8.2.8 Director Malott was asked about the Yoder Farm Horse track. He noted that DNR is waiting on IDEM to “ok” plans prior to them receiving a local permit.
- 8.2.9 Director Malott was asked about Mr. Cameron’s Slaughterhouse. Director Malott noted that he has had no contact with Mr. Cameron in the previous month.
- 8.2.10 Director Malott brought forth the beginning of review for a Digital/Animated Sign Ordinance. He asked that the APC review the proposed ordinance as our ordinance does not allow Digital/Animated Signs anywhere in the County. This proposal was brought to the APC in Sept. 2021 but was set aside for Solar. He noted that the Land Use Table needed to be reviewed to decide how & where these type signs will be allowed.
 - 8.2.10.1.1 Some discussion followed with President Maynard & Mr. Briede. Director Malott noted that the hope would be to move it on to a “Public Hearing”, then to Commissioners, and then Towns/City.
 - 8.2.10.1.2 Mr. Briede made a Motion, Mr. Nuckols 2nd. Myron Brankle, Chuck Briede, Jerry Caudill, Heath Crouch, Jared Florence, Frank Hix, Rex Maynard, Ron Mowery, Tyson Nuckols, and Jim Todd voted yes for Jerry Caudill. Motion Carried.
 - 8.2.10.1.3 Director Malott noted again, thru working on Sweetser Church Digital Sign in BZA, more questions on the Zoning Maps came up and that much of the work coming before the BZA & APC in that last year are due to Zoning Map Errors.

9 Solar Ordinance Review

- 9.1 Mr. Briede noted that his goal tonight, as former president, was to have a discussion with the APC only, as we have had four months of public input, to get the Solar Ordinance to a Public Hearing in April.
- 9.2 Mr. Briede noted that he has had discussions with Director Malott on the several number of ways thru out the State that the Order of Approval is done. Director Malott had compiled a list.
- 9.3 President Maynard had a couple of questions for Director Malott, he started off with why we were measuring by MW’s instead of Acres now.
 - 9.3.1 Director Malott noted that thru Draft #4, measurements/size was Acres, it was recommended to change to MW’s. Director Malott’s noted, his notes stated that is should remain Acres.
 - 9.3.2 President Maynard asked about the “BZA Decision” Section of the proposed Ordinance. Stating that his interpretation of this section was that if the Solar Company got everything in the

- Ordinance done, then BZA would just have to except it and move on. He felt like the BZA could not say "No" to it.
- 9.3.3 Mr. Hartman read the "BZA Decision" Section of Draft #6. Mr. Hartman stated that this section is stating "if they conform to the Ordinance, if they filled out the application correctly, the BZA has no choice other than to issue direction for the Executive Director to go ahead with the project". Mr. Hartman stated that that is bad language, it needed to go. He stated that it had been added but never talked about. He asked where that language came from, he stated he felt the public wants to know where the language came from.
- 9.3.4 Director Malott noted that it was from Franklin County's Solar Ordinance. Mr. Hartman stated that "it sounds like Solar Company Language to me". Director Malott interrupted, stating it was out of the Franklin County Ordinance while also noting that it was Mr. Hartman who recommended that Grant County use Franklin County's Order of Approval.
- 9.3.5 Mr. Hartman then stated that he felt we should move away from Draft #6 to an Ordinance that he had put together & that was based off of Adams County. He noted that Pat Hess, attorney, had reviewed the Ordinance, he is familiar with Adams County's Ordinance because he works for Adams County. He believes that this Ordinance could be moved forward rather quickly without a lot of editing as it had been reviewed and there were no problems.
- 9.3.6 Mr. Briede stated he felt Mr. Hartman's Solar Ordinance was very well written in some respects, but Mr. Briede reads Mr. Hartman's Ordinance, that "you do not want solar energy at all in your counties". Mr. Briede personally feels that Grant County is in favor of Solar Energy with some controls & limitations. He stated that we could rush in and adopt Mr. Hartman's Solar Ordinance, but we would be saying we do not want solar in our town.
- 9.3.7 Mr. Brankle asked, "What causes us to say that?"
- 9.3.8 Mr. Briede noted that there has been no solar development where this Ordinance is in place.
- 9.3.9 Director Malott noted that he has spoken to Mark Wynn, Adams County Director & Author of the Adams County Solar Ordinance, he noted when the 1,320 setback came up before and noted according to Director Wynn they have had zero development since the ordinance was passed and they have zero development currently in their county.
- 9.3.10 Mr. Brankle stated that that was not the County's Fault.
- 9.3.11 Director Malott noted that it is just what Mr. Wynn stated about Adams County's ordinance.
- 9.3.12 Mr. Brankle stated that Grant County is not adhering to a Solar Company. He said that if the Solar Company want to come in,

they can adhere to our ordinance. He doesn't believe there is anything in Mr. Hartman's Ordinance that says we don't want Solar. He stated that "we just want protection for the farmland and the homeowner".

- 9.3.13 Mr. Briede noted that he agrees with the protections, but the Ordinance also states that we are not going to set unrealistic expectations or restrictions. Mr. Briede stated that in his opinion, Mr. Hartman's ordinance does so (set unrealistic expectations or restrictions), stating "that is what that is".
- 9.3.14 Mr. Briede went on to discuss that the State did move forward SB 411. President Maynard concurred. Mr. Briede noted that it did not put a time limit on us to get an Ordinance passed.
- 9.3.15 Director Malott noted that it is a "voluntary" ordinance.
- 9.3.16 President Maynard noted that it comes into effect July 1st and he feels the Governor is going to sign it. He feels that the States Ordinance has nothing to protect the Homeowner, noting the 150' setback between equipment & dwelling. He noted the average that Director Malott put together (from 32 counties, 228') it's less than the average of most counties. He noted that we need to have something in place before July 1st, we would have to go with it.
- 9.3.17 Director Malott reiterated that the State's Ordinance (SB 411) is a voluntary ordinance.
- 9.3.18 President Maynard noted that if the APC doesn't get an Ordinance done, the State's Ordinance could be out there for the Commissioners to adopt.
- 9.3.19 (Mr. Atkins started handing out copies of Mr. Hartman's Ordinance), Director Malott asked President Maynard for his approval to allow Mr. Atkins to hand copies out, directly to the board. President Maynard asked the APC and it was allowed. Director Malott noted that in the past, the APC has asked that this not be allowed, he was just seeking President Maynard's approval.
- 9.3.20 Mr. Hartman discussed Solar Farm locations within Square Mile grids, with a setback of a quarter mile (1,320'), it would leave a half (1/2) mile wide x 1 ½ mile long area for a Solar Farm. This would leave a good distance around the residences and it could still be farmed around the Solar Farm. He stated the Solar Company would not have to lease the areas that are still farmland, just the area where the Solar Farm is located. He feels that it is not impossible, but obviously would be more difficult.
- 9.3.21 Mr. Hartman noted that a lot of the Counties that went ahead with small setbacks and added a Solar Farm have residents that are mad & suing. He noted Madison County went clear to the Supreme Court, although the residents lost, he noted that they were that mad and spent that much money even though they

lost. He asked, "is that what we want here?" He feels we wanted to avoid it & that this is a way.

- 9.3.22 Mr. Hartman noted that Grant County may not be first, that the less restrictive Counties will be first. He feels that once it's started, that more will come in, cause it's easy. He feels if this is really a good plan, it will be a good plan a couple of years from now, five years from now. The APC could also "ease it off" (the restrictions) in the future to get more Solar Farms in here. He noted that we have the high-power grids running thru this county, so Grant County has a good potential for Solar Farms now or in the future. Mr. Hartman stated, if you (the APC) want to sit back a little bit and restrict it so it's possibly not so much trouble, Mr. Hartman's Ordinance might be a good way to go. He noted again, we could ease off later.
- 9.3.23 Mr. Hartman stated that Property Value Guarantees are only good if the property is devalued. He stated that the Solar Companies tell you that it won't affect property values, so he feels they should not object to a property value guarantee.
- 9.3.24 Mr. Hartman noted that in his ordinance the 1,320 Setback, the Property Value Guarantee, Recycling, No Slave Labor, established protection for the homeowners. There were not in the original draft. He is asking that his ordinance is considered as he feels that it does not have problems in it.
- 9.3.25 Mr. Hartman noted it has a different order of approval; It starts with the Area Plan Office, from there to the BZA. If the BZA Approves, it comes to the Area Plan Office for the Development Plan, then onto the Area Plan Commission for Development Plan approval. The APC has the final say, the Commissioners part of this is that they approved the Solar Ordinance. Mr. Hartman claims that the Commissioners have no say in zoning law.
- 9.3.26 President Maynard asked the APC what they would like to do.
- 9.3.27 Director Malott stated that he has a question for Ed on the Order of Approval. Director Malott showed IC 1400 Series (IC 36-7-4-1401.5 (a)) on the projector and read the Code which states, "A legislative body (commissioners) may, in a zoning ordinance, designate zoning districts in which a development plan is required. If a zoning district is designated under this section, the plan commission must approve or disapprove a development plan under this series for real property within the zoning district".
- 9.3.28 Director Malott then noted IC 36-7-4-1401.5 (b) stated that "the plan commission has exclusive authority to approve or disapprove a development plan for real property located within the plan commission's jurisdiction".
- 9.3.29 Director Malott's question is if the BZA disallows a project as a "Special Exception", what keeps the legislative body from

saying “that is fine” we’ll designate it (rezone it) for Solar as the code allows. He noted that he has spoken with several other Directors, it seems several have the same question as Delaware County is also considering this order of approval. Director Malott noted he spoke with Marta Moody, Delaware County Director for almost an hour discussing and debating orders of approvals.

- 9.3.30 Mr. Hartman stated that the APC could bring his lawyer, Pat Hess, into an APC Meeting. Mr. Hartman stated that Commissioners are not involved in BZA decisions by Indiana Code. He stated there only involvement is in rezoning and ordinance amendments. He stated his lawyer noted that we should not be interjecting government bodies into processes that do not involve them under the planning and zoning act. Mr. Hartman noted he is aware that there are other counties stumbling around trying to figure this out.
- 9.3.31 Mr. Hartman reminded us that we were looking at Franklin County’s Ordinance thinking it was a good way to go, only for Mr. Hartman’s Lawyer to tell Mr. Hartman, absolutely do not do that.
- 9.3.32 Director Malott reminded Mr. Hartman that Franklin County’s Order of Approval was in Draft #5 (and #6) because of Mr. Hartman’s recommendation to add it, and was given to him.
- 9.3.33 Mr. Hartman reiterated that once it was put to an attorney, his attorney says no, don’t do it.
- 9.3.34 Director Malott asked Mr. Persinger’s opinion, Mr. Persinger stated that he has not read Draft #5, but the APC would have the authority to use their own discretion. The APC is the policy maker, he noted that the only people with authority are the APC Board Members. He noted that the Public could give input, but do not have authority over the APC. It is the APC’s sole discretion.
- 9.3.35 Mr. Brankle stated that he was glad to hear that.
- 9.3.36 Mr. Persinger noted that the APC has taken public input, but only has to allow public input at the “Public Hearing”. It is up to the Appointees (board members) to do their duties. There is some inaudible discussion by a resident that did not come up to the podium. Mr. Persinger again noted by law there has to be public input at “Public Hearings” only.
- 9.3.37 Resident Andy Ellis thanked everyone for their due diligence. Mr. Ellis stated that the people in the audience felt like “we need some legal counsel”, that was more familiar with Solar Power Ordinances. He discounted Adams County having no solar development or interest, he believes it is all evolving. He sees more people trying to do the right thing and strengthen the languages to build around, that community can support. Mr. Ellis noted that he hasn’t had a chance to read the ordinances

but if it is Adams County and we are concerned with time, we might as well use some of the homework that someone else has already done.

- 9.3.38 Mr. Ellis went on to state that the public (“this group”) has spoken about their concerns and they are asking you to look at it. He feels like when he comes to this meeting, there is always “push back” from individuals stating that there is some good language, but we are telling everyone that we don’t want Solar. He stated that is not what they are saying, they want to be respectful to the community as decisions that are made will affect generations. He feels that we should go with Mr. Hartman’s Ordinance if it’s completed, instead of beating Draft #6 to death, and we should be out in front of the State’s Ordinance.
- 9.3.39 President Maynard again asked for the APC’s opinion & thoughts.
- 9.3.40 Mr. Brankle stated that these Farms and Homeowners are wanting a good ordinance. He believes that Mr. Hartman’s Ordinance may work well. But Mr. Brankle says that every time the APC gets close, former President Briede says the Commissioners are not going to approve this. Mr. Brankle directed the question to Mr. Mowery, “Why not?”
- 9.3.41 Mr. Mowery stated that Mr. Brankle was asking him a question that he was not prepared for as he was in the restroom.
- 9.3.42 Mr. Brankle noted at the last meeting it was stated that the Commissioners were going to tear apart the APC’s recommendation, he wants to know why.
- 9.3.43 Mr. Brankle went on to say that we need a commissioner here all the time so that we can work this out, he then asked Mr. Mowery, “Why are you against the Farmers and the Homeowners... Two Commissioners?”.
- 9.3.44 Mr. Mowery stated that he could not speak for the other Commissioners
- 9.3.45 Mr. Brankle said, “well there is three, but Mike Burton, he’s no problem”. Mr. Brankle noted that he felt Mr. Burton would work with the homeowners and the farmers. Mr. Brankle then added, “but you and Bardsley”, Mr. Mowery interjected and stated, “Don’t put this, you and Bardsley...”, Mr. Brankle stated, “well, I am Ron”, Mr. Mowery stated, “no you’re not, it’s not going to work”. Mr. Brankle stated, “Well you heard it, why haven’t you been here to help us put this ordinance together” Mr. Mowery noted that he could not answer that, he explained that he has had injuries & surgery and the he hasn’t been doing to well. Mr. Brankle asked why he couldn’t do it on Webex. Mr. Brankle again re-iterated, “that we get something together that everybody likes, then here are the two commissioners up here (pointing upward) that is going to trash

can it". Mr. Brankle noted we have an ordinance from Adams County that "everybody" likes, he asked if we could move this on or back to Draft #6 and work on that, then send it to the commissioners to tear apart.

- 9.3.46 Mr. Brankle again asked what Mr. Mowery & Mr. Bardsley have against the Farmers and Homeowners.
- 9.3.47 Mr. Todd asked Mr. Brankle why he thought the Commissioners wouldn't like Draft #6
- 9.3.48 Mr. Brankle said it's not just Draft #6 but the previous Drafts also
- 9.3.49 President Maynard noted that previously what he has heard, in different meetings, that feedback from Director Malott's Office and Mr. Briede noted that they felt the Commissioners would not accept the ordinances, they will tear them apart.
- 9.3.50 Mr. Todd asked, what part are they going to tear apart.
- 9.3.51 Mr. Briede brought up the example of the size of the setbacks (1,320'), he stated "that is not going to fly". Some of the other language we are talking about is probably acceptable, but he feels the big one is going to be the setbacks. This is what he is hearing. He suggests that the APC could present it and pass it, it's our opportunity to make here, but they can adjust it. Mr. Briede stated that he feels 1,320 is too much, but he hasn't pushed it, he listened to the group when he was President.
- 9.3.52 Mr. Brankle asked why the Setbacks. Mr. Briede stated that it is because, he feels, it will drive the Solar Companies away. Mr. Brankle stated that if they don't like it, let them go.
- 9.3.53 Mr. Mowery stated he didn't hear Mr. Briede, Mr. Briede reiterated 1,320 would drive them away, Mr. Brankle stated that we are not writing a Solar Ordinance to make the Solar Companies happy. Mr. Briede stated that we need to find a balance.
- 9.3.54 Resident Jackie Sheets stated that as far as she is concerned, Draft #6 is trash. She brought up a change in the Setback back to 250'. Director Malott noted that it was put at 250' for "Minor" SFES. That the Minor & Major SFES has to split out as a 1,320' setback would negate all Minor Solar Farms. He also noted at 250', 3 out of the 4 current Grant County Solar Farms would be in violation currently. Mrs. Sheets stated that she thought Mr. Hartman's Ordinance was the best plan and that is the one the APC should be talking about. Mr. Mowery ask Mrs. Sheets her name as he didn't hear it.
- 9.3.55 Mrs. Sheets then stated that she was going to have to call on Mr. Mowery to resign from Public Office. She stated that Mr. Mowery does not take his position seriously. She noted that Maybe he has been ill, if that is the case maybe he should step down. Mr. Mowery stated that he was not going to step down and that his intention was to run for office again when the time

comes. Those who don't want me (Mr. Mowery) here, have the choice. Mrs. Sheets then stated that public ballot says to pick 3, but there is only 3 to pick, there is no choice if there is no one running against you. She again stated that if Mr. Mowery is in bad health, he should think about stepping down. Mrs. Sheets left the podium while Mr. Mowery was stating that he was on the mend.

- 9.3.56 President Maynard redirected & again asked the APC for their direction.
- 9.3.57 Mr. Brankle made a motion to move on with the recommendation for Adams County Ordinance that the BZA, Ed has worked so hard on, with attorneys and everything. He stated "that if it's good for the Farmers and Homeowners he believes it is a good thing to have. If we don't have a threat over our heads that the commissioners are going to can it so that the Solar Companies can come in." Mr. Brankle noted that if the Solar Companies don't like it, they can move on. He stated that he feels like they are going to sell it in a year anyway, we've got to protect our homeowners, our farmland, and everything else. He stated that we are not working for the Solar Companies.
- 9.3.58 President Maynard noted that we had a Motion and asked for a 2nd. Frank Hix 2nd. Roll Call: Myron Brankle, Jerry Caudill, Jared Florence, Frank Hix, Rex Maynard, Ron Mowery, Tyson Nuckols, Jim Todd, Chuck Briede all voted Yes. Heath Crouch voted No. **Motion passes 9-1**
- 9.3.59 In Mid vote, Mr. Florence still had some questions. Mr. Florence asked about going back to 250' for a Setback. Director Malott explained that was in Draft #6 to split out the Minor & Major Solar Farms as a 1,320' setback in the Adams County Ordinance would negate most Minor Solar Farms including all those currently in Grant County. The Adams County Ordinance size cut off is at 5 Acres, most are at 10 Acres, some are at 15 Acres. Director Malott noted that at the 250' setback, the current Grant County Solar Farms would have setback issues also.
- 9.3.60 Mr. Florence then asked, once the Ordinance is moved forward it goes to the Commissioners. President Maynard noted they can make changes and send it back to us. Then we send a recommendation back to them, then they can do what they want.
- 9.3.61 Mr. Crouch asked if he could say something mid vote also. Director Malott noted that it was not appropriate to have discussion mid vote, comments should be held till the end. President Maynard concurred and proceeded with the vote.
- 9.3.62 Mr. Briede noted that this will now go to a "Public Hearing" for the April Meeting.

- 9.3.63 Mr. Crouch asked President Maynard if he could speak. Mr. Crouch noted that he spoke to a local farmer and said that he would be in support of the 1,320' setback. He wanted that local farmer to know he did support it.
- 9.3.64 Mr. Crouch then stated that thru out the entire process, that Ed "has done quit a bit to fight against Solar Farms and he has brought to us an ordinance from another County, we are taking one man's word and passing an ordinance on. What should have happened was the attorney that drafted this come in and at least explain the thought process and go thru some of the details. To just bring it up in this forum and to have it pass, in my opinion, is inappropriate. We are taking one person's word on what should be done, and we are pushing that forward. We spent how many months developing these different drafts and come in in one month and push another County's Ordinance. That makes no sense at all. I do support the large setbacks, I do support the farmers, but we need broad language to say that we support all farmers, there are farmers out there that want to rent their land out to solar. We are stepping on their toes. We can all have different opinions, but in my profession I work with enough farmers that there are a lot of farmers that don't want to be told what to do but now we are going to tell farmers what they can't do. So, I think we should have taken it under more advisement and at least allowed the attorney to explain this ordinance (Mr. Hartman's) over this Draft (#6).
- 9.3.65 President Maynard stated that he understands what Mr. Crouch is saying.
- 9.3.66 Mr. Nuckols asked if that could be done at the Public Hearing.
- 9.3.67 Mr. Crouch asked why do we need to? "We just voted on it".
- 9.3.68 Several members were talking over one another. Inaudible.
- 9.3.69 President Maynard stated he asked the APC what they wanted to do, and two people made a motion. He believes we ended up here because after last meeting we was told that we didn't follow APA or the State Guidelines on starting this draft. He believes that a lot of the Board Members had questions, so he believes that is why they are sitting the way they are.
- 9.3.70 Mr. Crouch stated to be clear, he may be able to stand behind the Adams County Draft, that's not the point. It is the process.
- 9.3.71 Mr. Brankle asked, "you said we are taking one man's opinion on this?". Mr. Crouch answered, "yes, Ed has been the one pushing hard on this". Mr. Brankle noted that Mr. Hartman has contacted an attorney. Mr. Crouch stated that he would still like to hear from the gentleman who actually drafted it.
- 9.3.72 President Maynard clarified that Mr. Crouch would like to hear from the Adams County Attorney. He noted that "we" did ask last meeting if we wanted it but no one said anything. It was brought up and no one said anything so that is where we left it.

- 9.3.73 Mr. Crouch noted he is unsure what we can even afford to do, he does not know what the procedures are for that.
- 9.3.74 Mr. Hartman stated that his lawyer, Pat Hess, will come but he is not here now.
- 9.3.75 There is some additional, inaudible discussion.
- 9.3.76 Resident Jason White asked for a show of hands of how many farmers present were against Solar Farms. Mr. White stated that he feels if farmers wanted Solar, they would be here saying that they were for Solar. He said they're not here, they're not in Delaware County. He noted that his life is consumed with preaching to the APC that they (people in audience) don't want Solar.
- 9.3.77 Mr. Crouch stated that he is against solar, that he feels it is a waste of time. But stated that there is a libertarian part of him that doesn't want to step on another person's right to do what they want with their land. Mr. White stated that is why he is showing up so that the APC won't step on his feet. Mr. Crouch noted that there are several farmers that were Pro Solar (have already signed leases) that would not be welcome at these meetings. Mr. White said he would walk in here.
- 9.3.78 Mr. Crouch noted again that there are many farmers that have signed up for Solar, they are just not here. There is a lot of people speaking, some inaudible.
- 9.3.79 President Maynard ask that we move on, he stated that this is going to go to "Public Hearing" next month.
- 9.3.80 Resident Randy Atkins noted that he passed some information out to the Commissioners earlier in the day. He asked if the APC was aware that Grant County has a comprehensive plan. Director Malott showed Mr. Atkins that we had it present. Mr. Atkins noted that he not against solar but believes there is a proper application for it. Mr. Atkins noted that he watched Director Malott's video of a trip to Randolph County's 200 MW Solar Farm. He talked about the I-69 & SR 26 interchange and what that area would look like with Solar Farms. Mr. Atkins has a list of who he believes has signed up for Solar in his area. If he is correct, he will see for 2 miles nothing but Solar Panels from his house. He asked if that dense population of Solar Farms is what this county wants.
- 9.3.81 Mr. Atkins asked Mr. Briede about where Chuck was getting his information, he wanted to know how he has information that no one else has. Mr. Briede stated that he has spoken to a commissioner in a meeting, his take from that meeting on setbacks was that 1,320 did not set well with that Commissioner.
- 9.3.82 Director Malott noted that was also said in a Commissioners Meeting in January, they basically said that we are not going to adopt the most restrictive ordinance in the state, speaking on

Setbacks. Mr. Atkins asked if Mr. Mowery thinks that's fair before he has heard the patrons of Grant County. Mr. Atkins read from the APA and asked Ron if he has reflected on the "Local Tolerance" of Grant County People. Mr. Mowery stated that he is going to listen to a cross section of people from a cross section of this County and act accordingly, yes. Mr. Atkins thanked Mr. Mowery. Mr. Atkins does not believe that the intense amount of Solar that could occur in this county would be accepted by this county.

9.3.83 Mr. Atkins noted that Ed Hartman has done the greatest research on this, he is more educated on Solar than anybody setting in this room. Mr. Mowery stated that he hasn't spoke to Ed, but he would like to get his input. He stated that he will listen to everyone that has input into this process and act accordingly.

9.3.84 Mr. Atkins stated that in his 22 years as a principal, he told his teachers he would not blaze the path, there is too much risk involved with the education of children. Solar is a new innovation, he asked if Grant County wants to blaze the path. He suggested a conservative path and protect the residents and landowners.

9.3.85 Resident Linda Morgan thanked Director Malott for all of his work on this (solar).

9.3.86 Mrs. Morgan had a question on application and annual fees from Adams County. She also asked about a lien on Real Estate. No one had an answer as Ordinance had not been reviewed.

9.3.87 Mrs. Morgan asked if old factory type lands could be used.

9.3.88 Emily Williams with Geenex Solar introduced herself to the APC. She noted that Geenex has been engaged in Grant Counties Solar progress from the beginning, by really just listening to comments and learning. She stated that Geenex tries to harmonize with the surrounding communities on these projects, so they feel it is really important to be involved in the process. She noted that they are early on in the development stage in Grant County, she noted that the leasing landowners generally don't come out at this early stage. She spoke on HB 1381 & SB 411.

9.3.89 Mrs. Williams spoke on Mr. Hartman's Solar Diagram, she said all developers look at the existing transmission line infrastructure, that is what drives where a solar farm can be. Once you file or propose a project in a certain area, that is your spot and it can't move. She stated that those rules are tightening on the Solar Companies and all electric generation. We (solar company) can not propose a project here, then move it 2 miles somewhere else. This is the same for all Electric

Generation. She noted, she was a part of building the first Gas City Solar Park.

- 9.3.90 President Maynard asked if Gas City was going to sell off their new Solar Park like they did the first one. Mrs. Williams pointed out that the Solar Parks are owned by I&M to be a wholesale power provider to Gas City. She recommended talking to Dick Justus in Gas City. President Maynard stated that he is concerned that the Solar Farms will be sold off to certain entities, like non-profit people, and then they don't pay taxes. Mrs. Williams stated that is incorrect, she noted that all of these sites have to pay personnel & real property taxes regardless.
- 9.3.91 Mr. Brankle asked if it would be easier if the County had a Solar Ordinance before Geenex came in? Mrs. Williams answered that if there are development standards then there is a plot forward, that would be the case for any kind of development. Mr. Brankle again stated that it would be easier for the Solar Companies to look at the ordinance if it was in place.
- 9.3.92 Mrs. Williams stated that she was not going to lie, this ordinance with the setbacks will make development in this County very challenging. Mr. Brankle asked why is that? She stated that because of where the transmission line infrastructure is relative to where farms can be developed, those areas would be limited, and they have to assume the people in those areas are interested in leasing their land. She noted, although people in this room are not interested, there are equal folks in those areas that are interested. So, if those setbacks are placed, it will be challenging.
- 9.3.93 Mr. Brankle noted that we have not had farmers come in here and say that they promote solar and that setback needs cut back. Mr. Brankle stated that it doesn't matter to the APC as the APC wants protection to the Farmers and the Homeowners. She noted that those who wish to lease, generally have those conversations with the APC later (during development, not ordinance creation). She stated the reality of setbacks of this scale is it either makes it very challenging to the point that it does not make sense. The County must look at all sorts of things with these projects. She stated that she hesitates to go down the money road but it's a tremendous economic gain for the County without any services asked of it. That it is funds that County's don't get to see very often.
- 9.3.94 Mr. Brankle stated that he has measured 1,320' from his house to a property line, he doesn't feel that's too far. She understands his personnel feeling, it would still be challenging for Solar Companies, the other reality is you just have to cover

- more land for a project. So, the projects get even more spread out, and she doesn't feel that Counties really think that thru.
- 9.3.95 There is an inaudible question from Lois Jones. Mrs. Williams said that some contracts are shared. There is another inaudible question from the crowd, Mrs. Williams offered to get back with the Resident. Mrs. Williams went on to say that the Solar Company takes on the taxes and any increase that comes from the addition of the Solar Farm which will occur due to the land being re-assessed at a greater tax rate & commercial use.
- 9.3.96 There was an inaudible question from Resident. Mrs. Williams stated that she would like to see Brown Sites used, but the truth is most are nowhere near the transmission lines, many of them are small & split up. So, it doesn't really allow for an efficient build. The Cost & Insurance is also dramatically greater.
- 9.3.97 There was an inaudible question from Resident. Mrs. Williams stated the closer the Solar Farm is to the Grid is better for all involved. A Resident stated also the substations. Mrs. Williams noted that they would have their own substations, they need connection to the Grid. Additional discussion was had, much was inaudible from the Residents over substations. Mrs. Williams noted that this is more of the Development Stages.
- 9.3.98 There was a question about Delaware County and tax revenue. Mrs. Williams noted the Solar Farm pays more taxes, which makes everyone else pay less. She also touched on Economic Development Agreements. She spoke again about Solar Farms, getting reassessed at a high tax rate.
- 9.3.99 Mrs. Williams noted that most Counties require an Economic Development Agreement from the start (going in). She again spoke on Tax Caps & spoke on the Counties capturing the money in the Economic Development Agreements for a wide range improvement.
- 9.3.100 Mr. Hartman stated that you don't have to lease the land outside of the Setbacks. Mrs. Williams noted that the odds of the Solar Companies getting the Square that Ed used for an example would be extremely rare, it would also have to be for several areas. She explained that in Counties with large setbacks, your forced to dodge those setbacks and end up with a large, sprawling site. Ed stated again that Solar Companies don't have to lease the Setback Area. Mrs. Williams agreed, but noted Ed's Example, that perfect scenario just doesn't happen. Ed said that you could negotiate with whoever owns the land. Mrs. Williams again said that it would become a spread out, sprawling situation.
- 9.3.101 Mr. Hartman brought up Madison County (much inaudible), Mrs. Williams stated she could not speak for Madison County.

She stated that she could only speak for her Company and their project, her hopes were just to open up the conversation. She is hoping to speak to the surrounding neighbors & communities to harmonize the project.

9.3.102 Mrs. Williams noted that these talking points of surrounding Homes is concerning.

9.3.103 Mr. Hartman is speaking but is mostly inaudible, something about Invenergy. Mrs. Williams said that she understands & does not want to speak ill of anyone else in the industry, she feels the industry are good people trying to do a good thing.

9.3.104 Mrs. Williams stated that she would hate for good development to be restricted from coming into Grant County, that would benefit a lot of landowners and really the whole County. She spoke of the revenues, the construction jobs, operational guys, union electricians, etc. She would hate for it all to be restricted because of some bad information.

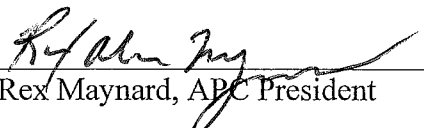
9.3.105 Eric Wright spoke on the lose by local seed & farm suppliers, this it is going to hurt them. He feels it might help one side but will hurt the other. Some of this was inaudible. He noted that Seed & Farm Retailers are local retailers also putting money back into the community. He stated that all of it needs to be taken into consideration. He feels that it should be a compromise. Mr. Wright stated we are not saying no, we just want restrictions.

9.3.106 Mrs. Williams responded discussing lease rates being paid by acre on 35-year basis is an infusion of cash to the people of Grant County. Mr. Wright noted that not all landowners are local, many live out of state or county. So, he feels that is not allows true. He understands that there are some who have family not willing to take over the family farm. Mrs. Williams noted there are a lot of landowners that they work with that say their sons or daughters don't want to farm but they don't want to give up the farm either.

9.3.107 President Maynard interjected that it was 9:00 PM. He asked if there was any other discussion.

9.3.108 Motion made to Adjourn, Mr. Nuckols. Several 2nds, Meeting Adjourned at 9:00 PM

9.3.109 Next Meeting is April 4th, 2022 at 7:00 PM at 4-H Fairgrounds.


Rex Maynard, APC President