

**MINUTES**  
**CASS COUNTY BOARD OF ZONING APPEALS**  
**MONDAY, November 22, 2021**

Fred Seehase called the regular meeting of the Cass County Board of Zoning Appeals to order at 6:30 PM at the 4H Community Center, 2281 E. CR 125 N., Logansport.

Members present: Fred Seehase, Bob Barrett, Stacy Odom, Dave Shepler and Randy Pryor

Members absent: Jim Donato, Alternate

Staff present: Jamey Harper, Arin Shaver, Ashley Rowe, Peggy Dillon and Jeff Stanton, County Attorney

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of October 25, 2021 were presented. Mr. Pryor made a motion to approve the minutes, Mr. Barrett seconded the motion and all were in favor.

Mr. Seehase asked if any Board members have been in contact with the petitioners, advocates or opponents in regard to today's cases. Mr. Pryor and Mr. Seehase stated they were contacted, and they told the citizens to come to the meeting with their concerns, all others replied no.

Staff informed the Board that proof of notification has been met for this case.

Mr. Seehase swore in all in attendance.

**PUBLIC HEARING:**

CCBZA #21-07: A petition of Appleseed Solar LLC for a Special Exception and various variances to allow a Commercial Solar Energy System. The properties are zoned AG, Agricultural.

Mrs. Shaver introduced the petition and stated that a solar farm is allowed in the AG as a Special Exception and gave the following information:

- This will be a 200 Mega Watt (MW) solar farm
- Approximately 675,000 solar panels
- 50 acres with a substation and access roads
- The CSES layout, design, installation and maintenance will meet all applicable standards
- When possible, on-site utility, transmission lines and conductors will be placed underground if, not conduit will suspend lines
- Owners will provide written confirmation of clearance with DUKE to connect into their lines
- A 14"X20" sign will be constructed out of 25 year life material: containing the company name and address will be for the particular site: Variance is needed due to this type of sign not allowed in AG district
- Glare from a CSES is prohibited directly towards vehicular traffic and any habitable structure
  - A study provided did not specify no glare on adjoining properties in general: Variance is needed
- Noise shall be no greater than 60 decibels measured from the nearest property line
- 1500 acres will be developed; conforming
- Contact information will be provided to the public and the Planning Department
- Economic Development; Drainage and Maintenance Agreements must be approved by the County Commissioner before a building permit is issued
- Decommissioning Plan that meets standards will be provided before a building permit is issued
- Setbacks of equipment will be 50ft from property lines of non-participating property lines and edge of road; 150ft from all property lines of residential properties; 75 ft. from any drainage in the area
- 6 ft. fence will enclose all ground mounted CSES; variance is needed for 3 ft.; Barbed wire around substations
- 2 X's a classification V buffer shall be provided in area abutting residential properties
- Warning signs placed at transformers and substations
- Flood lights will be full cutoff; LED placed at 25' to 35'
- Vegetation will be ground cover around and under the panels where possible
- Solar panels shall not exceed 22'6" in height; standards are being met

- Variances are needed for:
  - Multiple panels on a lot
  - Height of fence allowed around resident's property
  - Setbacks for side and rear where properties within the overall project
  - Lot coverage exceeding 10% standard
- Will meet flood plain standards
- Panels at full tilt will be 12'; in height meeting standards
- Parking will have 5 – 6 spaces; conforming at substation

Mrs. Shaver turned the meeting over to the petitioners.

Matthew Johnson, Project Manager for Appleseed Solar Farm, LLC, introduced all members of the team.

Mr. Johnson gave a presentation on the Appleseed Solar project that included:

- History of the company
- \$230,000,000 will be invested in this project
- Construction will be completed in approximately 12 – 14 months
- Working with Duke Energy for distribution of energy and approvals
- Described the panels
- Decommissioning – they will leave the land as is or better than it was when the project started; they will obtain a bond/letter of credit and have it re-assessed every 5 years
- Native cover crops will be under the panels; maintained for life

Mr. Johnson introduced Mary Solada, Attorney for applicant. Ms. Solada explained the following:

- Decommission agreement is currently being reviewed by County Attorneys
- The Findings of Fact were summarized
- Reviewed the variances as:
  - 7ft for the fence; standard is 6ft
  - Multiple principal buildings on each parcel site
  - Lot coverage exceeds 35%

Andrew Lines, commercial real estate appraiser, stated the following:

- All evaluations are subject to uniform standard appraisal practices
- They have studied the impacts of over 25 established solar facilities for the past 5 years
- Analyzed sales of farm land adjacent to solar facilities and those not near a solar farm
- They have determined that there is no conclusive evidence of a negative impact of property due to their proximity of an existing solar farm

Mr. Johnson explained that the map is showing potential solar projects only.

Mr. Seehase asked for questions from the Board.

Mr. Pryor asked what other projects this company is developing. Mr. Zach Melda described several projects in other counties that included Jasper, Starke, Pulaski and Pike.

Mr. Pryor asked where the panels are being made. Mr. Johnson stated in Ohio, Florida and S.E. Asia.

Mr. Pryor asked where the electricity will be sold and Mr. Johnson stated that it will stay in Indiana.

Mr. Pryor asked the life time of a panel and Mr. Johnson stated 20 years plus the time it takes to decommission the panels.

Mr. Pryor questioned the natural habitats impacts. Jayme Huston explained that they will work with Biologists to make sure they utilize the right species in these areas. They also look at animal habitat and try to mitigate issues.

Mr. Odom clarified that a non-participating property owner should never have noise that exceeds 60 decibels. Mrs. Shaver stated yes, after construction is completed.

Mrs. Shaver questioned the signage at substations.

Brendon Jack explained that signage will be on the substations and there will be parking for the employees.

Mr. Seehase asked for further questions from the Board, there were none.

Mr. Seehase asked for questions or comments from the public and stated that each speaker or correspondence will be limited to 3 minutes.

Brad Lowe, 5278 E. 600 S., spoke against the project stating that he moved here 3 years ago to get away from developments; he feels that this will devalue properties, he would have never moved here.

Tim Harshman, 475 E. South of Anoka, questioned the rezoning of the property and the reassessment of taxes. Mrs. Shaver explained that the zone is not being changed and taxation is based off the use of the property; she cannot say what the assessment of taxes will be.

Connie Neining, White County, Hoosiers for Renewable, spoke in favor stating that economic development provides benefits to a community, tax rates might go down; increased revenue will be a benefit to the whole county; we need energy diversification; the income per acres is increased.

Chet Fincher, 304 Longtree Lane, spoke in favor stating that a project will provide land owners more income and is a great opportunity for Cass County.

Jonathan Kapp, Indiana Land & Liberty Coalition, spoke in favor stating this project will provide \$30,000,000 in tax revenue; energy will be used here in Indiana; will not have a significant impact on farm land.

Lora Redweik, 5524 N. 600 E., spoke in opposition stating that the Comprehensive Plan states farm land is vital; this project is taking away from the aesthetics of the county.

Dave Kitchel, 1423 North St., stated that if the Board agrees with the Findings of Fact, they must vote in favor; the county needs this project for the increased tax revenue.

Steve Eberly, 2741 E. Akers Rd. Pine Village, IN, Hoosiers for Renewal, spoke in favor stating that this will benefit the farmers and the need for renewal energy.

Mr. Seehase asked for further questions or comments from the public, there were none.

Mr. Seehase asked for written correspondence, the following letter were read:

- Michael Roush, Tipton township, not in favor stating concern of destruction of existing farm drainage; farm land lost and tax consequence
- Teresa Jay, 4114 E. 450 S., wrote in favor about soil rejuvenation and energy diversification
- Martha Shultz wrote in favor because solar energy will reduce greenhouse gas emission and generate income in the county
- Joe Rush, 8133 E. SR 218, wrote in favor because farmers need a diverse source of income
- Brenda Rush, 4127 N. Royal Center Pike, wrote in opposition because she feels farmland should stay farmland
- Crystal Beckham, 540 S. Lucerne, wrote that this is a great opportunity for Cass County
- Gary Hostetler, 1511 Michigan Avenue, wrote in support due to the tax revenue providing funding
- John Grant, 4124 S. 800 E., wrote in support to make our farm and county better and help energy problems
- Duane Sailors, 4276 E. South River Road, wrote in support for no worries of the farmers for income; farmers are dealing with rising costs; Cass County needs the money

Mr. Seehase asked for further questions from the Board, there were none.

The following conditions of approval were read:

1. That all proposals be made conditions of approval.
2. That all other standards of the ordinance be met.
3. That all applicable state and local permits be obtained and proof be given to the Zoning Administrator.
4. Applicant agrees to comply with the terms of the Decommissioning Plan Agreement as submitted to the case file.
5. Applicant shall comply with Indiana Code requirements regarding legal drains except as otherwise approved by the County Drainage Board and any other necessary bodies.
6. The project drainage plan shall be approved by the County Drainage Board.
7. Applicant shall cause repair or replacement of any drainage tiles damaged as a direct result of the Appleseed Solar project within a period of three (3) months after receipt of written, reasonably detailed notice of such damage, weather permitting on participating properties.
8. No lighting will be installed or operated on the project site other than as needed for safety and operational purposes, including 1) emergency responses, 2) within the substation or switchyard parcel footprint, 3) inspection/repair purposes, 4) internal lighting and external down-lighting of the O&M building, 5) security, and 6) as otherwise required by applicable law.
9. Post-construction, a representative of the operator will conduct training and drills with local emergency responders.

10. Any noise emitted from the project (during the hours of 10:00 pm to 9:00 am) shall not exceed 60 dBA at the property line of a non-participating property line. A request for a sound measurement shall be reasonably exercised and adhere to the best practices in the industry.
11. No above-ground project facilities shall be located within (i) 150 feet from a non-participating property line and (ii) 150 feet from a non-participating residence.
12. As demonstrated in the visual representation, solar panels will be 5-6 feet in height when sun is set or overhead. Due to tracking technology of solar panels, top edge of panel will vary in height as panel tracks the sun from east to west during the day but will reach an approximate height of nine (9) feet at full tilt. Slight variations to panel height are possible due to specific technology installed, under no circumstances will the panels exceed twelve (12) feet in height.
13. The fence height shall be seven (7) feet.

Mr. Seehase expressed concern that the noise conditions might not be met during construction.

Mrs. Shaver recommended the following change:

10. Any noise emitted from the project after completion shall not exceed 60 dBA at the property line of a non-participating property line. A request for a sound measurement shall be reasonably exercised and adhere to the best practices in the industry.

The petitioner agreed to these conditions of approval

Mr. Seehase asked for further questions, there were none.

Mr. Pryor motioned to bring this case to a vote. Mr. Barrett seconded the motion and roll call vote was as follows:

Mr. Shepler, yes; Mr. Odom, yes; Mr. Pryor, no; Mr. Barrett, yes; Mr. Seehase, yes. The CCBZA #21-07 was approved.

Mr. Seehase explained the appeal process.

**REPORTS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

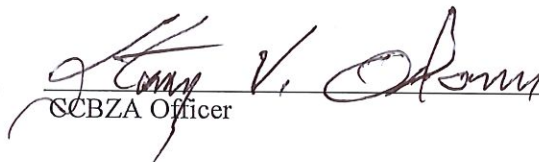
None

**PUBLIC IN ATTENDANCE:**

No one spoke to the Board.

There being no further business to be brought before the Board, the meeting was adjourned at 8:32 PM, November 22, 2021.

  
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CCBZA Officer

  
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CCBZA Officer

  
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Ashley Rowe

  
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Peggy Dillon, Recording Secretary