

APC MINUTES**JULY 22, 2020**

Members present: Steve Hernly, John Reece, Andy Fahl, Tom Kerns, Don Calhoun, Gary Girton, Jim Hufford, Bob Lahey, Bryn Albertson

Members absent: Aaron Stephens, Amy Alka, Adrian Moulton, Terry Alfrey

Legal Representation: Jason Welch

Staff Present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Tom Sells, Ed Dunham, Jim Wallace, Mike Gable, Bill Richmond, Ed Thornburg, Claudia Thornburg, Brian and Tina Moreland, Todd Longfellow, Jim Schowe, Tom Chalfant, Bob & Sheri Lilly, Meeks Cockerill, Gary Friend, Ceann Bales, Lynn Humphry, Joan Ashley, Marc & Andrea Mote, Aaron Chalfant, Julie Borgmann, Kristopher Bilbrey, Steve Eberly, Kate Thornburg, Kathy Bond, Emilee Howell, Diane Howell, Bart Teeters

President Calhoun: It's 7 o'clock now so we will go ahead and start the meeting of the Area Planning Committee. Board members, you've got minutes from our May 20th Zoom meeting, we need to approve those tonight.

J. Hufford: I'll make a motion to approve the May 20th Zoom meeting minutes.

B. Albertson: Second.

President Calhoun: It's been moved and seconded that we approve the minutes from the May 20th meeting, all those in favor say aye, all those opposed no. Next was the minutes from the June 17th meeting and Debra doesn't have those done yet, she's still working on those. So, do all the board members have a copy of the draft that we have been working on for quite some time? Does the board have any questions they would like to bring up at this time? Ok, would the representatives from EDPR want to come up and the changes that you would like to make would you want to...

E. Bowser: You want us to come up there?

President Calhoun: Yes, come up and state your names.

E. Bowser: Ok. Hi, Erin Bowser, Director of Project Management for EDPR.

M. Price: Good evening, I am Matt Price, attorney at Dentons in Indianapolis, 10 West Market Street, Indianapolis, Indiana, Attorney for EDPR.

C. Beasley: Hey, Chris Beasley, Project Manager for EDPR.

President Calhoun: Ok, we've got the copy of the changes you wanted to make, would you outline those for us so we would have an idea of what those are?

M. Price: So, this is Matt Price again, and I'm happy to take you through kind of some of our, more in the nature of our quest for some clarification on a few points that we wanted to address as part of the

public hearing this evening. The memo I handed out is basically a summary of an email I sent last Friday that accompanied our proposed revisions and I am going to further distill this down to basically six categories out of the twelve. I would say four of the six of them I would say are in the nature of a clarification. So, I'll just lead off, I have one on the list which is that we provided some I would call "tweaking" to the language that Randy crafted that reflected our compromise regarding the five hundred foot separation requirement for a property in an AGL district not located within one mile of an incorporated area. So, I just wanted to clarify that language and make sure we were in agreement on the way that was being phrased. That's kind of item one. Item five, I'll skip down to that as the next area which is, we provided some, what I call "compromise" language with regard to the pollinator issue, which I believe it looked like the last draft I saw had been incorporated by Randy and staff. But, that's item two which is five or your list. Item seven is, this is very much into the weeds, I just wanted to raise it now, is that there is a reference in the ordinance to not being able to waive setbacks and buffer yards less than any transition yard requirement. And, I think we're fine with that, the only thing I wanted to clarify is that the ordinance is not trying as I read it, is not trying to say that the solar farm is subject to [anything] the transitional yard requirements generally. In other words, it is subject to it if it triggers the transitional yard requirements that are in the UZO today. But I wanted to make sure we're not saying that just by definition if you build a solar farm you are subject to kind of an independent set of transitional yard requirements. If that makes sense. I'll tell you why, the current ordinance that the UZO when it says, that a transitional yard requirement is triggered where a residential district, church, school or park property line adjoins a commercial or industrial zoning district. That's when there is a transitional yard requirement. We have absolutely no problem with that at all. We just want to make sure that it doesn't also imply that solar parks also trigger the transitional yard requirement. So, that's just a clarification. I have provided some language in bold you'll see there on page two that addresses that concern. And then the next point is item eleven, which is, we had not focused on this issue during our last discussion a couple weeks ago, which was I thought very productive, and dealt with more of the land use issues, this deals with a requirement, or providing language that says that the commissioners essentially are free to make the ancillary agreements with the developer that they see fit. And I will tell you what has caught my eye and has raised a concern with us is that the ordinance as it's currently drafted for example, does not permit the use of a letter of credit as the surety for the decommissioning obligation, and it also does not allow for the decommissioning surety amount to be net of the salvage value of the panels, for example. And those are major, big ticket items. We provided a material safety data sheet that says a sample for our panels, and our panels for example contain some silver in them. And are going to have significant value in our view. And we think that should be used in calculating the decommissioning amount. And that whatever the decommissioning amount, the commissioners ought to be free to set that. And so, we're just concerned that the language as it's currently drafted may constrain the commissioners a little too much as far as the contractual terms that they want to enter into. So, that's a request to I guess provide some, a little more leeway for the commissioners to negotiate the best deal for the county, without being prescribed what they have to have, for example the decommissioning agreement. The next item is just an item of clarification, it's item thirteen. And I just wanted to be careful about the phrasing in that section. There's a section in the ordinance that has to do with the calculation of impervious surface limitations and what I wanted to be clear on is that we are totally in agreement that the project needs to comply with the drainage ordinance, what I didn't want to have implied by that section was that somehow anything below a panel was considered impervious. And the reason why I was concerned

was that it has a phrase there that says “impervious construction materials within the commercial solar energy system” could mean, I want to clarify that that does NOT mean the panel itself as being included in that impervious material. And forgive me if I am worrying too much about that. I just wanted to be clear that, that we are going to comply with the drainage ordinance and not have some interpretation that the panel itself triggers an impervious surface limitation requirement. And then I will be very brief, the last two points are fourteen and fifteen. Fourteen is an indemnification provision kind of relates back to my point in section eleven, which is, I start looking at that indemnification language that’s in the ordinance and it’s, it is redundant of, it is not the same as, and it’s, in some ways it’s very narrow compared to the indemnification provisions that are in our other agreements with the county. And it just occurred to me that perhaps it’s better to have those indemnification agreements in a contract as opposed to having more of a blanket one that may or may not achieve what either the developer or the county have covered. So I am requesting that that be deleted. I think we would be fine with saying that the agreements need to contain an indemnification acceptable to the county, we have no problem providing an indemnity, we just think that’s something that ought to be reviewed by counsel as opposed to being set forth in the ordinance. And then lastly, is Appendix A, and I just wanted to be clear that so long as the project meets the separation requirement that we have set out for AGL, which I will say it was Randy’s idea and I thought it was, and I think it worked really well in terms of providing a balance here. We just want to make sure that as long as we meet that separation requirement it is a permitted use in the AGL. And I don’t know that we care so much how you say it, but we just wanted to make sure that that was clear in the final draft. I really think that’s it, there’s some other smaller points that I have just kind of dropped because frankly I don’t want to belabor the points, I will mention them just briefly, but I am not asking for any action to be taken on them per say. There’s a requirement for example that we provide a certification from various organizations about our panels and I have done some research on that. I did not know what that Norske Veritas was which I found out it is a Norwegian third party certifying entity that looked very professional. And they offer that certification as a service, I am sure that it costs something. I just don’t know whether our particular panels are certified by any of those organizations. My hunch is that they probably have some certification because I think they are state of the art materials. But rather than belaboring that I think we’re just going to move on and if we run into a problem we’ll have to deal with it at that time but I don’t think we will. And as I mentioned we provided the Material Safety Data Sheet. That’s really it, like I said it’s more in the nature of clarifications and I would be remiss if I didn’t say thank you to the committee and to Randy for the time and the effort that’s been devoted to this we sincerely appreciate it, I think we’ve made tremendous strides and we’d be happy to answer any questions that you have.

J. Hufford: Randy, did the committee get to see these?

R. Abel: No, not directly. They saw the letter you sent.

J. Hufford: Yes, I got that one.

President Calhoun: They basically say about the same thing.

J. Hufford: Hm?

President Calhoun: I think it says about the same thing so...

M. Price: I guess I could ask, if we think, for example on the AGL, I think we're all saying the same thing with regard to the separation requirement. It may be worth just kind of talking that out a little bit to make sure that it got written down the way everybody understands it. I don't think there's disagreement about that, and I think the same way about the transitional yards, I don't think that we're saying anything different I think it would just give us some comfort just to hear that. Or, if we are saying something different than your understanding then that would be something to talk about.

R. Abel: I will say I talked to that Son Blessed Farms. They finally called me back about 6... good timing I guess. And I did talk to her and they were fine with us putting that clause in there so if it's ok with everybody else, less than 33 acres. Remember the one we talked about Chris, that Ag Limited and do that restriction about, basically where it talks about...so basically what we had said was setbacks from solar equipment in Ag Limited which is not incorporated of Randolph County is described in 3.01.B1 shall be 500' from the property line of a zoned and we mentioned AR, R-1, 2 or 3 and C-1, 2, or M-1 or 2, parts of a campground. We also wanted to include in that subdivisions, because we actually have subdivisions in Randolph County that aren't zoned. That was one thing I wanted to put in there. But what I wanted to put in there was acreage less than 33 acres. Because we have one parcel that's next to Huntsville that is 34 acres, and it actually abuts the panels in their development plans. So, we don't want to exclude less than that, because there is one in Albany that's right beside a subdivision, and you can tell they are expanding that subdivision, and it's 32.6 acres. So, we're thinking if we write the language in there less than 33 acres it will exclude this one down by Huntsville and that individual was ok with that, that they don't have any plans for any residential uses on that property. To be truthful we don't know if that...it never went through a hearing, and so we don't know if it was originally zoned back in the 70's. We have no idea. Or if it was a mistake made by one of my predecessors who put it on the map accidentally. But there was no hearing on it. And she is fine with leaving that out of the protection that that 500' offers for that property. And there's no homes on it, it's all farm ground.

J. Welch: Matt, on number 11 and number 14 those are kind of issues that deal with county in regard to contract, have you had any discussions with the county's counsel about this? The attorney for the county?

M. Price: I have.

J. Welch: Ok, do you know the county's position or if somebody is here they could let us know, because it's kind of important to know the county's position on those two points I think for the board.

M. Price: I think that's a very good idea. I will not try to speak for the county's counsel.

J. Welch: I see Gary there, and Meeks Cockerill back here and Mr. Chalfant there, so if somebody could let us know the county's position on those two specific points.

M. Cockerill: I think the commissioners would want the most flexibility they can have with grants and stuff; indemnities and the decommissioning agreements. I do know there's lines of credit on the wind in the wind farm we have lines of credit and I do know we take in a consideration salvage value. So, that was a pretty intense negotiation with the wind farm, how we did that. And I think the county

would want the greatest flexibility. We also hire counsel from Indianapolis to help us with dealing with lines of credit.

J. Welch: So, the county would agree with the changes requested....

M. Cockerill: I believe so...

J. Welch: In 11 and 14, regarding indemnities and...?

M. Cockerill: Yes, we would like that, the county commissioners would like to see that.

J. Welch: Have you seen a copy of the proposed changes?

M. Cockerill: I have.

J. Welch: Ok, then the county has no objection to those or they are in favor of those?

M. Cockerill: Well, they're going to pass it, so! Yeah, I think they would want those in there, yes they want those in there.

J. Welch: Ok.

President Calhoun: Does any of the board members have any questions or comments?

J. Reece: I've got a question. You alluded to that there might be silver, in recovering these? Can you go to the discussion on the cadmium that could be in there?

M. Price: Yes, I'm glad you raised that. We provided the staff with a copy of our MSDS Material and as I read it, it does not reflect that there is any cadmium in any form in our solar panel.

J. Reece: And the country of origin is?

M. Price: I'm not sure, the address on this MSDS sheet is China. It's a Chinese company.

J. Reece: And there's no cadmium in them? You'll know that when you see them?

M. Price: Based on this MSDS report I think we know it now.

J. Reece: I've submitted it as part of our application. I just got it yesterday.

R. Abel: I got a call from a person from UL on another subject and so I asked them if they could identify these panels and tell me if they were UL certified or if they could tell me any other information about it, and I received an email back saying from the basically he stated that no authority has the jurisdiction that would allow a panel to be used in the county without being certified by one of those you mentioned before, either UL or that Dutch company we mentioned before.

M. Price: And I mentioned that we're not arguing that point.

R. Abel: He had trouble because there wasn't any model number on that SDS, when I asked him to identify if there was a UL listing, and he said, because it didn't have a model number on it he wasn't able to identify it.

E. Bowser: I'm sorry, but what is "u-l"?

R. Abel: Hmm?

E. Bowser: What is a ul?

R. Abel: Underwriter's Laboratory.

E. Bowser: Ok.

R. Abel: And he was calling me on another topic, they are going to come to the county and investigate something, and being the authority having jurisdiction which is the AHJ, he had to call me first and tell me he was coming into the county and doing all this and I said, what about solar panels and we got into that conversation.

E. Bowser: After the last meeting, we got the MSDS from Longi, that's the company where we're getting the panels. And it lists out the materials that are in the panels.

R. Abel: I saw that.

E. Bowser: And I just sent an email to our procurement manager to ask whether the DNV or another large independent engineer that will certify the panels but like our wind farm, for example, the wind turbine manufacturer gets their certification for their turbines from DNV, which is the long name none of us can pronounce. So, I will find out who specifically will be certifying these for the manufacturer.

President Calhoun: Anybody else got any questions? I've got two letters here, one's from the Randolph County Community and Economic Development,

"To Whom it May Concern:

I would like to encourage you to support solar energy development in Randolph County. Solar farms will bring many benefits to the county, including new jobs, millions of dollars of new tax revenue, and new opportunities.

Tapping into the county's solar energy resource will bring major economic activity during the construction phase of any solar project. This will drive up the demand for local products such as construction equipment, fuel and more. The hundreds of construction workers needed for each solar farm will bring an economic infusion to our communities as they look for places to stay, eat and spend their leisure time. Following construction, these solar facilities will bring new full-time jobs to work on the operational aspects of the facility. In addition, these solar projects will provide stable support to the county economy especially during times of economic hardship like we are seeing today with the COVID-19 pandemic.

These solar projects will contribute millions of dollars in property tax payments to the county to support schools, roads and other important public services over their project lives. Please help us make these opportunities a reality by approving a solar ordinance that facilitates the building of solar projects in Randolph County.

Respectfully,

Tina and Brian Moreland
 Gary and Donald Lain
 Jennifer Hasty, Courtyard Marriott Muncie
 Randy, Jane and Randall Beck
 Mark and Jane Miller
 Greg Beumer
 Wayne and Annette Miller
 Josh Gordan
 Phil Gordan
 Cassandra and Aaron Erwin
 Josh and Sarah Shaffer
 Clyde and Cindy Shaffer
 Jordan Shaffer
 Bob McCoy
 Phyllis Dragoo

And then the second letter in support of the solar farm, “I would like to encourage you to support solar energy development in Randolph County, basically saying about the same thing. Some of the names that signed it was Tina and Brian Moreland, Gary and Donald Lain, Jennifer Hasty, Randy, Jane and Randall Beck, Mark and Jane Miller, Greg Beumer, Wayne and Annette Miller, Josh Gordan, Phil Gordan, Cassandra and Aaron Erwin, Josh and Sarah Shaffer, Clyde and Cindy Shaffer, Jordan Shaffer, Bob McCoy, Phyllis Dragoo. So, there’s two letters that’s in support of solar farms, so.

R. Abel: Just to clarify on these transitional yards...

M. Price: Yes.

R. Abel: So, transitional yards are set up through the ordinance, and can only be changed by the BZA. So, if those yards are established, what basically that’s saying is, putting a solar panel in a commercial area, because most of this is commercial to residential or something like that. It’s not got anything to do with ag hardly, but this also addresses obviously those areas for non-commercial application but. But where you would put some commercial uses in next to a factory or a brown field or something like that, that’s what this addresses those. So, if you’re required to have four canopy trees, and 3 understory trees and 14 bushes, you can’t impose and take those away. You can meet your setbacks but you can’t go less than what’s required by the transitional yard. So, it really doesn’t get into your...

M. Price: So I am correct in saying that if you are subject to the transitional yard requirement under the ordinance, like in those Section 6, but it’s not adding additional transitional yard requirements.

R. Abel: No.

M. Price: Ok, then I think we’re fine with that. And, what about the impervious surface one, am I...

R. Abel: That’s just referring to roads, basically, because roads are considered impervious. If you’ve got a building sitting there, I suppose if the building were...but I mean obviously water is just going to run off these panels, it’s not like a building where it’s not going to go into the ground under it.

M. Price: Gotcha.

R. Abel: But that was the reference to basically, and I am assuming that it would just be driveways and stuff. You might have a building or a parking lot. I mean anything like that is considered impervious.

M. Price: Basically what you're saying applying the same standards as would be applied under the Drainage Ordinance.

R. Abel: Yes, the Drainage Ordinance is what controls that, we just want to make people aware, because we have people trying to put parking lots in, and thinking that doesn't take a building permit but then oh, you've got to go talk to Ed.

M. Price: We understand that. Ok. That's helpful, thank you.

President Calhoun: We'll go ahead and open up for comments, when you come up here please state your name and address. And we'll try to make your comments short please, since there's several people here I don't know how many people here want to comment, but we'd like for there not to be a lot of duplicate questions or comments, so, if anybody wants to comment, why, please come up. We've got the gentleman over here first. Go ahead and come up and sit down.

E. Dunham: Where do you want me at?

President Calhoun: Just sit here at the microphone so we can record you.

E. Dunham: My name's Ed Dunham, I've lived in Randolph County for fifty five years, I live at 802 Wedgewood Drive here in Winchester. Randolph County's got windmills, going to have solar fields. In 2018 Randolph County had 24,581 residents. Approximately 150 of those residents have profited from the wind mills and the solar farm that's coming, and that's good. If the county is going to get some money, I assume, out of this, and if our elected officials spends it wisely the other 24,000 should get some benefit from this. That's all good. Now the exception to it is, there's some people that's going to get trapped in this solar field down here, the residents are going to get trapped. They had no say so where the field was going to be put in. They had no say so about the setback, they've not had any say so, they've been trapped. Those are the people who need to be looked after. You know the ones who rent their land, I'm all for them, I think it's great. Randolph County needs money, it looks like they are going to get some money. I'm happy for everybody. But I think those people who got trapped needs to be looked after. It appears that in the meetings I've heard there's been talk of 40 feet, and a 100 feet setback. You know, that's not very much. There are some studies out that shows, kind of the importance of setbacks. One thing that's important if you got through and look at some of the information that's on the internet and analyze some of this stuff. It depends on who you ask the question and how you ask the question. A lot of these questions was asked if property values change. They've asked the assessor in the county. Well, the assessor said no! Well, the assessor's not going to go down to the solar field and tell those people who got trapped "we're going to lower your taxes, we're going to lower the value of your property because you got trapped." I don't think he's got the authority to do that, I think legally he can't do that. So, those properties when you ask the assessor, it's going to be the same. The real problem is, how you ask the question and who you ask it to. And how you get an answer. The studies that have been done, and I'll read off some of them here, you've probably all looked at these and analyzed them. But they've got one, there's a 182 acre one in Oxford

and the setback on it, 41 acres in Chicago, 27 acres in Phoenix Solar Farm, that one in Indiana, in Indianapolis is 134 acres, but all these setbacks on these, these farms, these properties that they've analyzed did the value go down or stay the same? The one at Rockford, it was 1800 from the property line to the solar panel. And they said that property didn't go down. But look at the distance. The one at up around Chicago is 41 acres, it was 257 feet to the property line. The one in, well, the University of Illinois' got one 20.7 acres, it was 552 feet. But as you go down through these, they'll all farther than what I have heard you people have been talking about the forty and a hundred feet. I don't know where you ended up on this, I got lost. I was sitting in the back and couldn't hear very well. But I got lost on where you ended up on that if you have ended up on it. I think the important study has been done though, it was done by the University of Texas in Austin. They did a study on estimate of property values and solar fields. They did one on 1.5 megawatts, and they did one on 20, and they did one on 102 megawatts. That's closer to what's going in down here but still far smaller than what's going in down here. They concluded that at one hundred feet, the property value will go down almost 25%. At five hundred feet about 20%, at half a mile it is still about 12%. At one mile it's even, it didn't go up and it didn't go down. And then it shows if you get out to three miles then your property starts to go back up. So, it appears from the studies and everything, that that setback distance is important. Now, there's another way that could be put in force, and I heard it at the last meeting that it could be done. And it's done all the time. You get two appraisals and set that value on those properties. You're probably only talking about 15 to 20 properties down there at this point that is really badly affected that something has to be done with. That's the value. Businesses do this all the time. If what I hear everybody saying that property value is not going to go down, or go up, then there's no problem. You've got the value set. But if the property is sold in two years, people get tired of looking at the panels, and the property goes down, say \$5,000 and the solar people picks up the \$5,000, makes those people even, makes them whole again. Again, those people that got trapped should not be penalized for a company coming in here. I have nothing against the company, don't get me wrong. But Randolph County residents should be first and the company should be second. And I thank you for the time.

President Calhoun: Next.

J. Schowe: I don't think I really need the microphone, I'm a big mouth. Jim Schowe, 9501 S 1000 W, Losantville, Indiana. We didn't get a copy of the changes that the attorney had about the pollinators, could you let us know what it says?

President Calhoun: I think we went down to 10%.

R. Abel: I think the only change that was made was down to 10% from the 20%.

J. Schowe: Well, we really need to jack it up to about 40% to 50%. Now, I know it's a lot of money, but if you look at total cost of the project, it's less than 1/2 of one percent to put all this land in wild flowers and natural forbs. You don't have to go from this area to see what pollinators could do, because Mrs. Wicks Pies is just down the street, and more than 60% of their product is dependent on pollinators. And with the changes in the weather, and I don't like "climate change or global warming" but weather patterns are changing, and with the more rain we get, the natural wild flowers, some of the roots go down 5 to 8 feet, where grasses only go down about 3 inches. That would hold a whole lot more water. That would be better for the farmers and better flood control. That being said, I would like

to see that, if we can't make it go up past the 20% I would like to see it not go down to 10%. Now, this is an article in today's Muncie Star Press, written by Seth Slabaugh, and the whole state is looking to Randolph County as to how we're going to work with the solar people about pollinators. Here's the article right here, it's in today's paper, and it's well worth reading, I think we need to be a standard bearer and show that the Randolph County people are really serious about the environment and trying to improve it. If you ever get an email from me you're going to see that in the bottom line... "you don't inherit the earth from your parents, you have it on loan from your children". Thank you.

President Calhoun: If I might make a comment on this, I've got a pasture that's roughly sixty acres. And it's been in grass for many, many years. I'm 59 years old and I never have seen it out of grass. And this spring I took the first cutting of hay off of it and it had a lot of grass in it and quite a bit of clover. I cut the second cutting the other day, and would I guess that 75% of it was red clover. I don't know where it came from but it was loaded with red clover. And I can see the same thing happening with the solar farm. Around the edges, this clover is going to come up. A lot of your honey is clover honey. I guess I am, I think that the 10% is good enough because I think that there's going to be clover that comes up over, after time. Is there anybody else?

J. Borgmann: Hi, good evening, my name is Julie Borgmann, I am the executive director of Red-Tail Land Conservancy. For those of you who don't know who Red-Tail is we are an East Central Indiana land trust. We have three nature preserves here in Randolph County, several in the surrounding counties as well as three conservation easements in Randolph County and they are all in eastern Randolph County. The mission of our organization is to preserve and protect natural areas. We do environmental education to connect people to nature. We strongly feel that, you know the work that we're doing now is similar to what you're doing. We're trying to plan for a future, to make sure that the future generations of people living here in Randolph County have these beautiful natural areas to experience. And so, I am really excited about the potential for this ordinance. In all, I wish I could tell you off the top of my head here in Randolph County, in all of the work that we've done here in the last twenty years, we have protected 2700 acres. And the impact and the opportunity you have here with this ordinance to make a huge change for nature and wildlife and the people is unlike anything that we could ever accomplish with what we're doing just with land conservation. So, we have protected 2,700 acres in twenty years, with this ordinance with the very first project it's estimated to be 1400 acres, right? So, to me it's such an incredible opportunity to be planning for the future to have an incredible impact with just this one thing that you're going to be doing here as a planning commission. It may be a greater impact than anything you do in your entire life for nature and wildlife and the people here in Randolph County. And I am not a dramatic person, I am not trying to over speak at all, it's just amazing what you could accomplish with this. So, what I am most concerned about and where I think you could have the greatest impact with this ordinance is with what the previous gentleman was speaking about with the language about the wildflowers and the native grasses that could be planted here. So, at 10%, and I don't disagree with you we do see creeping in both of the invasives and native plants. So you could say maybe 10% and it will continue to spread. But realize there's also gravel and if you have a lawn, it has to be mowed, it has to be maintained. There's a lot more maintenance involved with that. But with native plants as the gentleman previously spoke and I am not going to reiterate everything he said but they use less water. They actually outcompete, because they're local here, some of the other things that aren't helpful like the thistle and weeds that you probably would get

in your pasture if you didn't mow it on a regular basis, right? But with native plants you don't have to continually mow it to keep out the thistle and teasel and all the things that can take over. I would strongly urge and recommend you to strike the language requiring a maximum or minimum that has to be planted in the planting. A lot of solar farms and solar parks as they are called in some places in the country because they are just so beautiful, they're actually retrofitting and going back and putting in native plants because they have found they only have to be mowed once a year after Thanksgiving, after everything has already died out. After the bats and birds and bees have already gotten all the benefit. They're just flat out beautiful. If you go past a prairie it's absolutely beautiful. So you are enhancing the beauty of southeast Randolph County. And maybe there wouldn't be as much of a decrease in property values if it was a field full of wild flowers that attracted all kinds of butterflies and birds and bees and things like that. It might not be viewed nearly as negatively from a beautification standpoint and a property value standpoint. So, you know, I don't want to take up a lot of your time I just want to reiterate the fact that you have an opportunity to with one strike of the pen have the greatest impact both for both the people, the wildlife and the beauty of Randolph County. And on top of that to really be a leader in the rest of our state. One number really jumped out at me when I was doing some research. Because you know, part of it is, we can say well, if we plan it will it really make a difference you know. And the research is out there with other solar installations that it's not just that it looks pretty and we think that it will bring pollinators, they've shown an increase in abundance and an increase in diversity. So it definitely has an impact that 10% isn't enough. And while we may get some movement in of some other nectar producing plants, it's not the diversity that we need to really have the impact so, I would just strongly encourage you to consider striking that 10% and not putting a percent in there. Again, have done research and spoken with people and there is a solar installation that was just quoted a price of less than \$100 an acre for the seed mix to have all native grasses and wild flowers in it. So, if the cost difference really isn't even that much different from planting just regular turf, it's not. And in the long run, the decrease in maintenance because it doesn't have to be mowed, you don't have to... I believe there was a line in there about spraying and removing noxious weeds, you don't end up with noxious weeds in the native planting and it only has to be mowed once a year. And the beauty and the benefit to the surrounding neighborhood is, I think, overwhelming. So, even if you're not a lover of birds and bats and bees and butterflies, which all sounds pretty in flowers. It just could have such a huge impact by this one line in your ordinance. So, I just would strongly encourage you whether you're a fan of birds and bees and butterflies or like to eat food that's pollinated, it just could make such a difference for the future generations of people here in Randolph County as well as be a leader for the other counties across the state. So, thank you again, and I look forward to seeing the beautification and conservation of Randolph County.

President Calhoun: So, you're saying that we shouldn't even put a percentage on it, just leave it....

J. Borgmann: I would strike the percentage, because the cost of having wild flowers, forbs, native grasses versus turf grass is almost negligible. And the long term maintenance requirements are much, much less. In fact, a blade of grass holds a whole lot less water than does a native, actual plant or wild flower. And by holding on to that water it actually cools the temperature surrounding the solar panels to a more optimum temperature. So, there's just reason after reason after reason that most of the solar installations are going with, and it's not just you know, to kind of put lipstick on their project it's

because it makes a lot of sense financially, it makes a lot of sense for how their project operates, and it's incredible PR to have wild flowers growing around it. Thank you. Any other questions?

President Calhoun: Thank you. Anybody else that would like to speak.

M. Mote: My name is Marc Mote, I live at 6332 North 500 East, Union City, Indiana, and this is my wife Amanda. Several questions, the first question I'd have for you guys is I have heard there are several phases to this project, and I have been told that there's a project in our area too, and I'd just want to ask if that's true or not.

R. Abel: I'm not privy to that information. I know I've heard from individuals in this room that there's a number four, so I can guess where number four is, but I don't know where numbers two and three are, you'd have to ask the individuals from EDPR or one of the commissioners.

E. Bowser: Things are still in a pretty early state, but we can give you a general idea.

M. Mote: Do you know how long that would be, like, when we'd be notified before the project began?

E. Bowser: After this meeting, we can give you some idea and then typically a year before we start construction we do a lot of community outreach. We'll have to get neighbor agreements for the property close by. This is just the first stage, it's not like we're starting on them next year or even the year after, so you've got a year or two.

M. Mote: The main question I have is in regards to the first gentleman what he said was the property values. And I don't know if I understood you guys right, but a five hundred foot setback, is that what you were saying?

R. Abel: It's 40' to a property line.

M. Mote: 40.

R. Abel: And if you're within 400' of your house, that's a trigger setback, it's not a setback, but if you're within 400' of a panel of your house you get landscaping on that 40' setback.

M. Mote: Which would include, is that pine trees, or what is it?

R. Abel: It's basically equivalent of arborvitae spaced 4' apart, Green Giant arborvitae spaced 4' apart. That will attain the height of 7' in three years.

M. Mote: Just to be honest with you, and everybody knows that, and I don't have a problem with anybody bringing that to the area, or anybody making money off of it if that's what they need to do, but it's going to ruin property values, it is. And, a lot of us just don't want to live in the middle of it, whether that's going to happen in our area or not, but there's a lot of other people that don't have a choice about that either. And I just want to make it clear, that where we're at the farmer if it's going to go through offered to buy the house for us, but that's not really the issue it's the fact that you've got to move. And, on a personal level, I sell chemicals for a living, and a lot of stuff comes from China too in that industry. Agricultural chemicals is what our family business is. And a lot of stuff from China, the only difference between other stuff that's branded from the states, is the surfactants that they use in it

and they have no stipulations on what they use over there. So, that's not to say that this company has a bad product or not, but I think you need to check into it more before you do that. Say it contains silver, silver is not a big deal, you can spray silver on corn, the only reason we don't do it is because the plant never fully matures all the way which then increases the yield but then it comes through in the grain so we don't want to feed that. Is there anything else that you have to add? The other thing is, I don't know if it's going to happen or not, I don't want to be too upset about it, but it just kind of feels like, it's getting crammed down some people's throats before they're even being notified about it. And they're not really getting the choice which maybe that includes us or not. And I'd just like that to be rectified just so people have a choice in what they want to do.

A. Mote: Because it's not like our property is just down the road. Picture a U shape and we're right in the center and that's our home. That's where our children have been raised, that's where all of our memories are, and just buying the property from us is not enough. It's not enough. And we're not the only ones in that situation. So, I just want you guys to take that into consideration also. And again, like he said, you know the county will benefit from it, a lot of people will benefit from it. And I think it should be here, but, until you're in this situation you won't feel it.

M. Mote: The other thing is, guys, I know a lot of you personally, and agriculture is part of my living too, and that's the main thing we have in Randolph County. It's essential, it is. We had a hog barn go up a half mile west of us too, after we bought the property and we weren't notified on that, too. And it's not that I have a problem, I spread manure for a living too, but there has to come at some point where everybody else's considerations are taken in too. That's it, thank you.

President Calhoun: Thank you, anybody else, in the back?

G. Friend: I am Gary Friend, 7508 N 450 W, Ridgeville, Indiana and I serve on the Randolph County Council with Tom Kerns. And I understand everybody's concerns, everybody who lives in the agricultural community has had them. I have had my concerns with the development of agriculture and our infrastructure and my concerns went away after living there, it wasn't as bad as I thought it was. I am not down playing anybody's concerns. As far as the fiscal body of Randolph County, the assessed valuation of Randolph County serves a lot, in what we do to serve the people of Randolph County. We're not getting assessed valuation for our housing markets, we're having declines right now, and this is one opportunity along with two phases of the windmills that are going up to build the infrastructure into Randolph County and to build the assessed valuation which provides the services for your courts, your police, your ambulances, it affects the county in general, and it also affects the opportunity in the next few years as they start coming off of the abatements to roll down the circuit breakers. The circuit breakers are a complicated formula, even a more complicated [to speak]. The Randolph County Council this year alone will be working on dealing with a \$630,000 of loss of tax revenue at the circuit breaker level alone. And that's all generated through assessed valuation. So as the assessed valuations go up in time, our circuit breakers will go down in time. We are an agriculture community; agriculture is at least 40% I believe, of our driving forces, out here in Randolph County. We have to keep that in mind. I am not insensitive to the people who live around agriculture businesses, I alone will decide [inaudible], I alone was concerned. I have spoke to people who don't have no concern whatsoever with it now. It's agricultural. We live there, we do it. But if this county doesn't take steps forward to shore up the assessed valuation we are going to begin to lose our

infrastructure. We're going to cascade backwards. We cannot do that. We are losing about, I don't know, thirty to forty million dollars in assessed valuation this year alone, just by the devaluation of property in our communities that are cascading downwards in their value. So, I would hope that, as Meeks our attorney said, this is a commissioner issue, they are the executive authority, that you keep a lot of things as liberal as you can for them, maybe the word liberal is not right, but lenient. They are the elected officials, they are the ones who will make the decisions, the final decision after this board's approval of this ordinance. And I think it's got to have some consideration. I don't disagree, with all the things that are going on, I think. And I am a young beekeeper, I should say, I have been doing it for a year now, and I like pollination, but I don't want to get too wild on that either, because, you know, it simply doesn't affect pollination worldwide, it affects pollination within three miles around it basically. So, it's good for the environment, it's good for the community, but we can't get hung up on it. I would be very happy if it was 20%, but I wouldn't kill this project over that. It's necessary, and it helps, and it builds our rural communities. But, we've got to leave the leniency I believe with the commissioners to make the final decisions on what we are going to do. So, again, I appreciate everybody's concerns, I've had them, but once things are done, a lot of times the fears go away. I shouldn't say fears, but concerns mellow out, you find good neighbors and good community people and I am in favor of it. Thank you.

President Calhoun: Thank you. Anybody else? Ok, board members, we've heard from the public, is there some things that we think we need to change in our ordinance? We've heard on the pollinators, we've heard both directions, one said we need to take the percentage completely out, one said the twenty percent is not enough. I guess we can make a decision as to whether or not we want....

J. Hufford: You said it's at 10 % right now?

President Calhoun: That's what we put in was 10%.

J. Hufford: If we took it completely out, what would that do?

R. Abel: It would require them to do it all, 100%. It was 20 originally but we had discussed it in our committee that we would probably accept 10, and so when they came back with the 10 proposal I went ahead and changed the wording from 20 to 10, maybe I shouldn't have done that, because the wording was 20. But I guess I did it because the committee had had that discussion at one time. So, I probably should have went ahead and left it at 20 and brought it here before I changed it. I apologize if I overstepped my bounds there.

J. Hufford: Well, what's the rest of you think?

E. Bowser: Can I make a comment if it would help? Again, Erin Bowser from EDP Renewables. First of all, we are a wind and solar developer, so we are not specialists, yet, in the topic of pollinators and vegetative cover but we have learned a lot. The notion of a prescribed method percentage was only raised a couple of weeks ago at the last meeting. And when you get that specific, you know, a company that doesn't specialize in something that's going to be mandated to do something is going to panic and get more conservative because we're also very late stage in the game, on designing this contract. That

said, we've learned a lot, we've had conversations with Hoosier Environmental Council and other organizations that have come to you and talked about this even as late as yesterday trying to come up with language that we could all agree to. And, I think we're very close. And, our intent for this project is to have a vegetative cover that is non-invasive, native, although I have learned a lot about how "native" is defined, it can mean different things to different people. Is it what IDEM defines it as, or what somebody else defines it as? And then I start thinking, I have to show an investor that I did exactly this literal reading of the ordinance and I so if I don't know exactly what that is... then I'm going to reduce that percentage specific requirement. So, I guess I just wanted to say that our intent is to do a good amount of wild flowers, to do a good amount of native grasses, to not plant anything that's invasive, and you know, to maintain and make sure that there's not noxious weeds, and we just have a lot of work to do to research it and figure out with biologists and others how are we going to do it and where are we going to do it. So, that's kind of where we're at I guess I just wanted everyone here to know we're very committed to it and kind of figuring out this specific language in the ordinance is tricky and it's just mostly because it came up late in the game and I'm not an expert on it, and my company is not an expert on it either. We are committed I think to meeting the goal that everybody has, it's just making sure that the ordinance is not so prescriptive that I have to then get more conservative. Maybe I can answer questions or if I can help in any way I'd be happy to do that.

President Calhoun: So, if we took the 10% out, and didn't put a percentage in there?

E. Bowser: Well, we looked at that, but then to me that would mean it would require a hundred percent.

[Discussion, did not know who was speaking]

President Calhoun: So we should change it to a minimum of 10%?

J. Borgmann: I would just like to add that native grasses and native wild flowers, I mean that's what you want to plant for vegetative cover, so by putting a number in there, now you've got to somehow look at, I mean, because if you're not planting invasive non-native plants, you're planting grasses and wild flowers. So, if you're saying it only has to be 10%, well then what else would they be planting, because you're also saying in the ordinance that they can't plant non-invasives. So that's why I think it gets completely confusing. So, if you're using a native grass and wild flower mix, you can't plant invasives so I don't understand why there needs to be a number there. The whole idea was that it just not be grass, but there should be wild flowers in the mix.

E. Bowser: Yeah, and I think something that made me confused as I heard, well, there's actually only technically two native to Indiana grass options and those are really expensive, and I just need all of you to remember that somebody back in New York is going to tell me what they think of that decision after not being part of the conversation.

J. Borgmann: Sure, and in the ordinance I think that you specified that it was in conjunction with the state wild life, or the soil and water conservation district. So, I guess I'm just saying I completely understand and I think because it's the right way to do it, and it's cost effective, it's what you want to

do. But I don't think you should design your ordinance based on the sophistication and knowledge base of the renewable company. I think you should set your ordinance by what's best practice and how you want these developments to be done. And because it's the best practice, I completely agree that you are going to want to do it. I think you're the body that should be setting the bar where it needs to be.

President Calhoun: Let me read this to see if this would be something that would be favorable:

“A natural vegetative ground cover shall be maintained under and around the solar arrays. Post construction of the project, a non-invasive natural vegetative cover shall be maintained under and around the solar arrays. In the interest of protecting pollinators, seed mixes consisting of native meadow grasses and pollinator friendly wildflower forbs and or clover species shall be used in this consultation with a USDA Farm Bill biologist or a local soil and water conservation district professional. Maintenance shall include eradication of all noxious weeds and plants prior to the weeds seeding and spreading.”

Would that be, basically what I am doing is taking out the 10% area under the solar arrays. From what's in here.

[Discussion on terms follows between meadow grass and prairie grass, did not know who was speaking]

E. Bowser: And then just a question, I don't know who this farm bill person is, or would be? Could we just work with the local soil and water conservation district?

J. Schowe: You could also check with Pheasants Forever, they have biologists that specialize in this, Ball State University has over in Cooper Farms on Bethel Avenue where they have been for the last ten years trying to recreate the native prairie that used to be in this area. I'm sure they'd be a great resource for you. All you have to do is call the biology department over at Ball State and ask about Cooper Farms.

E. Bowser: Ok, I appreciate that, thank you.

J. Borgmann: I think that if you are a farmer or a landowner trying to do one of the farm bill programs like WRP, CRP, those, that's who you consult. So, that's probably why that person is listed in there.

President Calhoun: And I have no problem taking that out. I mean, it would just be with a biologist or a local water district professional. Does that sound better?

J. Borgmann: I think the key is that they are working with somebody local.

E. Bowser: You can leave the farm bill person in there, it leaves it open for more options.

[More discussion]

President Calhoun: Is everybody on the floor happy with that now? Ok. The other question that was brought up was about the setbacks. We've thrashed this around lots of times, trying to come up with a good number. We've tried looking at it from both ways, as the resident, the owner of the ground, the property that the panels are going to go on. We came down to what we've got in this, the commissioners, I think they seem to be happy with that. Like Gary Friend said, we need to bring revenue to our county. So, I guess I am in favor of leaving the setbacks of where we've got them. Does anyone on the board have any discussion on that? Does anyone on the board have any questions, comments to bring up at this time? Does EDP have any questions or comments that they want to bring up at this time? Does EDP have any questions or comments or are you pleased with what we've got now?

E. Bowser: Yes, I just want to thank everybody who came out tonight, and has been coming out to all of these hearing and I appreciate everybody's time and we're excited to get started.

President Calhoun: I guess I would be willing to accept a motion to give this a favorable recommendation to pass it on to the commissioners.

J. Welch: Don, you'll want to outline what amendments to the original document would be included in the favorable recommendation, whether that be the pollinator language that you just included and then some of the amendments made, those that were made by EDPR. There were six that they made also, so you want to address those to see whether or not you want those to be amended in the draft that gets sent.

President Calhoun: Ok. Do we want to make amendments as to the clarifications that EDP made on the page. The 1, 5, 7, 11, 13 I think it was. Do we want to accept these do I hear a motion?

J. Hufford: I will make a motion that we accept the 1, 5, 11, and 13.

President Calhoun: And 14.

J. Hufford: And 14?

President Calhoun: 1,5, 7, 11 and 14.

J. Hufford: Uhum.

R. Abel: Is 7 clarified enough or is that...on the transition yard?

M. Price: If I could summarize real quick. So I believe in the discussions, one, I think I saw affirmation that we are in agreement with the language and the concept there, 5, I think we just read it and made a change and everybody agreed to that language, 7, Randy clarified that we don't need any revision to that, and then I would say the same with number 13, so it's really just 1, 5 as we discussed, 11, 14 and 15. And 11 and 14 are the two that the county commissioners council spoke to.

R. Abel: So you're wanting surety back in and salvage back in?

M. Price: Yes.

R. Abel: That's 11 isn't it?

M. Price: Yes.

R. Abel: Is 13 ok the way it was worded then, impervious cover? Ok.

President Calhoun: So, do we want to make a motion to accept these now?

J. Hufford: You want a motion just on these? And how about taking out the 10%, did you want that out of there too?

R. Abel: You can just include all that in there. And include subdivisions that weren't zoned. Who would have thought you could find one like that but we have them.

J. Hufford: I make a motion to accept the amendments on 1,5, 9, 14 and 15 and also the one about taking the 10% out of vegetation.

President Calhoun: Is there a second?

J. Showe: Could you speak up, I didn't hear what you said about the 10%?

J. Hufford: It's being taken out.

J. Showe: Ok, thank you.

President Calhoun: Is there a second? So, we have a second, do we need a roll call vote?

J. Welch: What you're doing now is changing the language of the original ordinance.

President Calhoun: So we need a roll call vote?

J. Welch: Yes.

D. Johnting: Steve Hernly, yes, John Reece, yes, Andy Fahl, yes, Tom Kerns, yes, Don Calhoun, yes, Gary Girton, yes, Jim Hufford, yes, Bob Lahey, yes, Bryn Albertson, yes, and Terry Alfrey, absent, and Amy Alka, Adrian Moulton, and Aaron Stephens are absent.

President Calhoun: So, with those changes are we ready to....make a...

J. Welch: It will be a favorable recommendation.

President Calhoun: So we are ready for a favorable recommendation to accept this ordinance with the changes.

J. Hufford: I will make that motion.

B. Albertson: I'll second.

President Calhoun: It has been moved and seconded to take a roll call vote for a favorable recommendation.

D. Johnting: Jim Hufford, yes, Bob Lahey, yes, Bryn Albertson, yes, Terry Alfrey is absent, Amy Alka, Adrian Moulton, and Aaron Stephens are absent, Steve Hernly, yes, John Reece, yes, Andy Fahl, no, Tom Kerns, yes, Don Calhoun, yes, and Gary Girton, yes. Favorable recommendation.

J. Welch: So, this will be sent to the governing bodies including the county and I think the commissioners have a meeting in the next couple of days, I think maybe on Friday. So this board just makes a recommendation for the county to accept this so it's ultimately up to the commissioners as to whether or not to adopt the language.

President Calhoun: Is there any other business that we need to discuss tonight? Ok...

D. Johnting: There were no petitions filed for August so there will be no APC hearing next month.

President Calhoun: Thank you. I would like to thank all the members on the committee that met....yes?

J. Reece: The last vote we just took? I was not aware that we were voting to pass or...

J. Welch: We were voting to make a favorable recommendation to the...

J. Reece: No, I change my vote to no. I thought we were voting to include the vote prior to that, that we were going to change the language. I didn't know that was the roll call vote for the issue itself.

J. Welch: So you want to change your vote? So you didn't understand the vote, what you were voting on?

J. Reece: Right.

J. Welch: It's still going to be 7 to 2, so it won't change the outcome.

J. Reece: I just want to be on record voting no, I think we're leaving out a lot of people in this.

President Calhoun: Does that change anything? Ok. The committee that we've met for several months trying to get something drawn up, I'd like to thank everybody that's done that. The comments from the audience, thank you for coming and participating, we need input so we really appreciate it. With that said, I think we're ready to adjourn. Thank you for coming.

President, Don Calhoun

Vice President, Andy Fahl

Recording Secretary, Debra Johnting