

MINUTES

POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

THE POSEY COUNTY COMMUNITY CENTER
111 HARMONY TOWNSHIP ROAD
NEW HARMONY, IN 47631

MARCH 11, 2021
6:00 P.M.

MEMBERS PRESENT: Mr. Mark Seib – President, Dr. Keith Spurgeon – Vice President (via Zoom), Mr. Mike Baehl, Mr. Kevin Brown, Mr. Andy Hoehn, Mr. Randy Owens, Mr. Randy Thornburg, Mr. Dave Pearce, Mr. Hans Schmitz, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne –Executive Director, and Mrs. Becky Wolfe – Administrative Assistant.

MEMBERS ABSENT: None

APPROVAL OF MINUTES: Kevin Brown made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion was seconded by Mike Baehl (9-0) **Yes. Motion carried.**

WILDEMAN MANOR MINOR SUBDIVISION – TABLED FROM FEBRUARY 11 MEETING:

DOCKET NO: 20-08-S-APC
APPLICANT: Steve Noelle
OWNER: Mary Bittner Etal
PREMISES: Part of the Southeast Quarter of the Northeast Quarter of Section 22, Township 6 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. Containing 1 acre more or less. More commonly known as Wildeman Rd., Mt. Vernon, IN. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Preliminary and Final Minor Subdivision Plat in an R-1 Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

STEVE NOELLE: 3001 Blackburn Road. I am representing the Wildeman family. We are asking for approval for a minor subdivision, which is a one-lot, one-acre subdivision on Wildeman Road.

MARK SEIB: Okay, are there any questions for him from the Committee? Hearing none, you may have a seat. We will now open it for the public. Is there anyone here to speak for or against this proposed application? Hearing none we will close the public portion and open it for the board to discuss.

Mark Seib confirmed with Mindy Bourne there were no emails, letters, or phone calls.

MINDY BOURNE: In your folder, you have a report of the Subdivision Committee Review meeting. If you recall several months ago this property was brought before this Commission to be rezoned from Ag to Residential. So, you have seen this proposed plat before, but this is the final step to subdivide the property.

Kevin Brown made a motion in the affirmative to approve Docket #20-08-S-APC. Motion was seconded by Randy Thornburg. **Roll call vote (9-0) Yes. Motion carried.**

MINDY BOURNE: This is for the preliminary subdivision plat. We have to wait 30 days before we can grant final approval. If the board gives me authorization once the 30 days pass I can go ahead and sign the plat so the owner can get it recorded.

MARK SEIB: So, with that the statutory requirement requires us to wait 30 days to do so, but if we chose to approve and wait for those 30 days we can do so as well, or we can wait for him to come back to the next regular meeting.

Kevin Brown made a motion in the affirmative to let Mindy sign final plat after 30 days Motion was seconded by Mike Baehl. **Roll call vote (9-0) Yes. Motion carried.**

REPLAT LOTS 19, 20, 21 PLEASANT RIDGE II SUBDIVISION – TABLED FROM FEBRUARY 11 MEETING:

DOCKET NO: 21-01-S-APC
APPLICANT: Joe Kiesel-Kiesel-Wagner Survey, LLC
OWNER: Kimberly R. Collins, Timothy J. & Janet L. Weisling
PREMISES: Section 4, Township 7 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. Lot 20-1.52 acres more or less, Lot 21-1.53 acres more or less. More commonly known as 8911 & 8991 Ridgeview Ln., Mt. Vernon, IN. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Preliminary and Final Replat Major Subdivision Plat in an R-1 Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthia, the Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed that no one on the Board has conflict of interest.

Mark Seib confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

JOE KIESEL (via Zoom): This replat was replated by Mr. Weisling and his wife in 2019 and they would like to sell the west half to their neighbors.

MARK SEIB: Okay, are there any questions for the applicant from the Committee at this time? We will now open it to the public. Is there anyone here to speak for or against this proposed application? Hearing none, we will close the public portion.

Mark Seib confirmed with Mindy Bourne there were no emails, letters, or phone calls.

MINDY BOURNE: Once again, the Subdivision Committee Review meeting report is in your folder. The Committee recommends this replat be approved and there are no issues.

MARK SEIB: It is now open for the Board to discuss and take action as they see fit.

Kevin Brown made a motion in the affirmative to approve Docket #21-01-S-APC. Motion was seconded by Randy Thornburg. **Roll call vote (9-0) Yes. Motion carried.**

REZONING:

DOCKET NO: 21-02-RE-APC
APPLICANT: Matthew Nix, Superior Property Holdings, LLC
OWNER: Mary Catherine Schmitt Etal
PREMISES: South half of the Northeast Quarter of Section 18, Township 4 South, Range 12 West lying in Robb Township, Posey County, Indiana. More commonly known as Frontage Road, Poseyville, Indiana, containing 1.94 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from R-1 (Residential Single-Family) Zoning District to M-2 (Manufacturing Medium) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed that no one on the Board has conflict of interest.

Mark Seib confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

MATTHEW NIX: 9275 Showers Road, Cynthiana. We are requesting to rezone the property that you just described which borders our manufacturing facility on Frontage Road in Poseyville. This property sits immediately to the south of our property and it

squares up a corner that we have on the property. We are working with the Schmitt family to potentially purchase that if we can get it rezoned. We do not have any intentions to build on this site. We are in the process of doing an expansion to our facility on Frontage Road, which over the next few years would add about 25 new jobs. This property that we will be gaining will allow us to move our gravel yard into that field which will allow us to stage our materials and things as our building addition takes place. That is the purpose of why we are wanting to purchase the property and get it rezoned. I would like to point out that we are simply asking that it be rezoned the same as the property that is adjoining to the property that we are already operating on.

MARK SEIB: Any questions for the applicant at this time? You may have a seat. We will open this for public comment. Is anyone here that would like to speak for or against this proposed Rezone, please come forward?

LINDA REISING: I live at 8900 Highway 68, Poseyville, but I am speaking on behalf of my mother Irma Neal who lives at 321 N. Church which is the house nearest to the factory. I have lived here since 1980 and over and over I have heard people talk about how terrible it is that Poseyville doesn't have places for people to build new homes. I was really shocked to hear that the property right behind my mother's home, which is zoned residential, might be changed to manufacturing. When my mother moved here from Oklahoma, she wanted to live in that part of town because it is the nicest part of town. In order for her to live there, we had to not only buy a lot, which was hard to get, but we had to jump through numerous hoops. She couldn't just build an ordinary house, it had to be a large home. She couldn't build a house that had vinyl siding, she had to have brick or stone. She had to use a certain builder; she had to have the plans approved. There were many, many hoops that we had to jump through for her to be in the best neighborhood in Poseyville. We were just astounded when we heard that she might now be looking out at a factory in her backyard. They might say, "I am not going to build there", but I can guarantee you if that is rezoned manufacturing within five years there is going to be a factory behind the nicest homes in Poseyville. That property abuts some of the nicest homes in Poseyville. My mother is 90 years old and I have not had the heart to tell her that this might happen. I am begging you please, when you vote on this think what it would be like if you had just built this beautiful home and now it is going to have a factory behind it. Because, that is what we are looking at.

URBAN SCHMITT: My mother owns the property that they are speaking of. One of the main reasons we agreed to sell it to Matthew, if he gets it rezoned, is the traffic situation there on Fletchall to the west is terrible. It is just about 300 feet from the school. It is horrible and dangerous and this will alleviate some of the issue. That was one of our concerns and we thought it could help that situation. The factory is already there, and yeah there isn't anything that could stop them from building on it later, but the factory is already there and they are not going to build on it at this time. That is all I had to say.

MARK SEIB: Anyone else who would like to speak for or against the proposed Rezone? Hearing and seeing none.

Mark Seib confirmed with Mindy Bourne there were no phone calls, emails or letters.

MARK SEIB: With that, we will close the public portion and open it for the Board to discuss. I will add that we like to keep a buffer zone between manufacturing and residential. Are you planning on doing anything such as loud noises or anything such as that? Or is it going to stay exactly the way it is currently?

MATTHEW NIX: It is going to stay the way it is currently. I would also like to point out that the factory was there before her mother built the home. That factory been there since the early 90's. It was a run-down piece of property and an eye sore. We bought it and rehabilitated it. We work really hard to be good neighbors. We have been in this town for five generations and we are neighbors and friends with this community. It is manufacturing, of course there are noises from time to time but it will not be any different than what we are doing currently.

MARK SEIB: Can you enlighten us on what was on the adjacent property line? Are there trees?

MATTHEW NIX: There is a large row of Pine trees dividing the property and the subdivision. That was established when either the plant was built or the subdivision was built. They are well-established pine trees. We are willing to work with the community if something else needs to be established.

MIKE BAEHL: What are the hours of operation?

MATTHEW NIX: We are currently running a one-shift operation. Hours fluctuate, but they tend to start around 6-6:30 a.m. and run until about 3:30 p.m.

MARK SEIB: Any other questions?

ANDY HOEHN: With our current ordinance, won't we need a fence between those two properties?

MARK SEIB: A screening fence between the two zones, because the one is residential. We would require a solid fence. Is that correct Trent?

ATTORNEY TRENT VAN HAAFTEN: Yes, a solid fence or one with material.

MARK SEIB: If you put up a chain link fence you will have to put a screen through it to block it out the best you can. I think the best is the evergreens that are there now, that really hides it. However, if this is approved you will have to put up a fence.

MATTHEW NIX: We will be fine with that. I want to point out one more thing that Mr. Schmitt said. We currently have operations on Fletchall Avenue, which is on the same

street as the elementary school. It is very congested and our business has grown. There is semi traffic and vehicle traffic. The reason we purchased this property was so that we could transition our manufacturing operations out there. Unfortunately, there are a few houses out by us on the end of the road and we are on a busy street. This expansion is precisely so that we can continue to transition all of our manufacturing to Frontage Road. It is our goal in the next few years to completely vacate Fletchall in terms of manufacturing. If we continue to utilize it, it would be for like storage. This helps us in enabling us to do that. I truly believe it is better for the town.

MARK SEIB: Any other comments or questions?

KEVIN BROWN: Does the motion need to include the fence?

MARK SEIB: It is part of the ordinance.

Kevin Brown made a motion in the affirmative to recommend approval of Docket #21-02-RE-APC. Motion was seconded by Dave Pearce. **Roll call vote (9-0) Yes. Motion carried.**

Kevin Brown made a motion in the affirmative to approve Finding of Facts for Docket #21-02-RE-APC. Motion was seconded by Mike Baehl. **Roll call vote (9-0) Yes. Motion carried.**

MARK SEIB: Mr. Nix, this is being forwarded to the County Commissioners and they will take it up on their March 16th meeting. Mindy will be there to present it on behalf of the Area Plan. You should be there to answer any questions that they may have. 9 a.m. at the Hovey House.

REZONING – TABLED FROM FEBRUARY 11 MEETING:

DOCKET NO:	20-07-RE-APC
APPLICANT:	Justin Collins
OWNER:	Steven W. Collins Trustee
PREMISES:	Part of the Southwest Quarter of the Southeast Quarter of Section 26, and the North One-Half of the Northeast quarter of Section 35, Township 5 South, Range 12 West lying in Robinson Township, Posey County, Indiana. More commonly known as Downen Rd./Highway 66, Wadesville, Indiana. Containing 44 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).
NATURE OF CASE:	Petition to rezone property from A (Agricultural) Zoning District to B-3 (Commercial High Intensity) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed that no one on the Board has conflict of interest.

Mark Seib confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

MARK SEIB: Mr. Collins if you would like to come forward please. The attorney has pointed out to me that we have already had the public portion, we have closed the public portion and it has gone into the discussion among the Committee. At that point, the Committee decided to table it until the next meeting. That is where we are at. Mr. Collins, do you have anything that you would like to add?

JUSTIN COLLINS: Yes, I do. Per the request from the Commission, I have tried to get somewhat of a site plan drawn and I was able to call around to some other body shops and they have actually looked for the same thing and they gave me a layout. I made copies and I will give them to you.

MARK SEIB: Okay, this will be "Exhibit C" and it is 19 pages. (Exhibit is located in the Area Plan Commission Office for review.)

JUSTIN COLLINS: The first three pages are a rendering of an 80X100 foot building. Page four is an overall map of the property showing the potential sites #1, #2, and #3. They are in no particular order as far as #1 being in the top spot or anything like that. The following page will show site #1 coming off Highway 66, more in the middle of the property. The next page is site #2, the same thing just a different location. Showing at the northern most corner of the property, with the entrance being at the northern most point. Next page is site #3. At the bottom of the page, if you hold it sideways, is Downen Road. That would be the entrance on the bottom left of the property line furthest to the west. Everything after that is what I would call a CAD drawing of this potential shop. It shows you the buildings, the overhead layouts, office space, lighting, foundation, everything that is coming from a builder. It shows you all the layout specs. When you get back to the specification page, they actually have it laid out for you, as far as what the build would include. It goes from the site, to concrete, to the building, windows and doors, overhead doors, HVAC, electrical, pretty much anything you would need. It does not show the tow lot or any concrete or asphalt parking.

MARK SEIB: Any questions from the Committee at this point?

KEVIN BROWN: Does this need to be a B-3?

MARK SEIB: According to the ordinance, this qualifies for a B-2 and not a B-3. It could be either one. We have always tagged it for what the application is suited. We have never upgraded to the next grade. Therefore, a B-2 is what it is qualified for.

KEVIN BROWN: How much property do you actually need for this?

JUSTIN COLLINS: We do not know at this time. At the last meeting we approximated it around 5-10 acres. However, we did not know where we would put it. We did not want to go through the time or the expense of engineering and talking with the State on entrance and exit and get all of that done just to come to this board and have the board say "no we don't like that spot" and then we have to move it and go through the whole thing again.

KEVIN BROWN: I cannot see rezoning the whole thing if he only needs 5 acres.

MARK SEIB: Any other questions for Mr. Collins? Thank you and you may have a seat.

Mark Seib confirmed with Mindy Bourne if there were any phone calls, emails or letters.

MINDY BOURNE: They are all in your folder.

MARK SEIB: Open for discussion.

ANDY HOEHN: I went back and looked through the Posey County Comprehensive Plan. There are 17 recommendations that have come from the Planning Committee and they were great. #5 and #6 that we need growth in northern Posey County. In another questionnaire that went out, 186 citizens responded from across the county that there were five indicators that they strongly agree, Economic Development across Posey County and incentive to attract new industry. All of these were referring to the open area along Highway 66. You have EI out there, Parker Construction, Barton...it is the reasonable place to put a business. It is in the reasonable part of the county. I think this is something we should approve and go forward with. If there is a fear of issues down the road then you can deal with that at the site plan meeting when those issues come up. I don't think it is much different than what Mr. Nix just asked for. This is a county business with county citizens and they have been in Poseyville for a long period of time. They keep a pristine looking business. I drove by it myself. I am not familiar with the Collins', but I do know that they keep a neat shop. I applaud them for trying to grow in Posey County.

RANDY THORNBURG: I agree with Andy's thoughts and I will make a motion to approve his request.

MARK SEIB: A motion has been made. Does anyone second this?

Randy Thornburg made a motion in the affirmative to recommend approval for Docket #20-07-RE-APC. Motion was seconded by Andy Hoehn. **Roll call vote (3-5) No. Motion fails.** (Mike Baehl abstained)

Kevin Brown made a motion in the affirmative to approve the Finding of Facts for Docket # 20-07-RE-APC. Motion was seconded by Randy Owens. **Roll call vote (5-3) Yes. Motion carried.** (Mike Baehl abstained)

**PROPOSED SOLAR AMENDMENT SUBMITTED BY BRIAN A. GOEBEL,
ETAL.**

MARIA BULKLEY: I am with Kahn, Dees, Donovan, and Kahn. My address is 501 Main Street in Evansville. I am representing a group of landowners who have requested some amendments to the ordinance. I am going to speak for eight of our 15 minutes, so I am going to cram a lot of material in here really fast. We updated a petition in support of our efforts, it contains 1,627 signatures. We have done this before and our group of people just keeps growing showing their concern. We are asking for distance, in terms of green space and something about decommissioning will be provided as well. The next thing I would like to speak about, this is an exhibit that I have already given for the record. This exhibit is illustrating the danger, or concerns, that the residents have if we go forth with our current ordinance. This is what we could end up with if we do not make adjustments. It does seem like we are all on board with including some of the solar companies we have talked to. They are leaning away from the 100-foot setback. The current applicant before... the conversations we are having with that company are ongoing and we have a lot of peoples' interest to cover. I want to make it clear that just because we are here to try and amend the ordinance back to the 1,000 feet, which was originally put forth back in 2019, doesn't mean that we are not trying to make our community welcoming to all that are trying to come in. However, because the ordinance is the way it is we find it necessary to come before you and ask that something more favorable than 100 feet away from a residents home being considered for solar. Our group made you a model, it is to-scale and is over to my right. That model shows a home 40 feet from their property line. Under our current ordinance, solar panels could be on every single side of her home, 100 feet away. 100 feet is about the length of a basketball court. As you can see from the model, those are some short solar panels. Real ones would be about 25-feet high. What she is holding up next to her house is a short 15-foot solar panel. What you can see is the potential for an unsightly situation if we do not make some amendments to the ordinance and try to gain some more space between nonparticipating homes and the solar panels, and very importantly, include a green buffer. We have the ability to show you any distance you want on that model, so if at any point during your discussion you want to use the scale model and have it show you what something looks like, we can do that and it is to scale. Another exhibit I passed out, in your packet, is the November 20th, 2019 legal notice of public hearing and the reason I am talking to you about this is I want to explain how we got here. We didn't just wake up one morning and come up with the wild idea to ask for 1,000-foot setback. 1,000 feet is what was in the legal notice for the public hearing put forth by the Area Plan Commission for the public notice for November 20th, 2019. So, that is where we are getting the 1,000-foot setback request. That doesn't mean that we are not open to hearing the discussion about if green buffers are included. This is where we are beginning because this is where we began in 2019. It is our understanding that what happened is, five days after this public hearing on this ordinance took place, there was a special meeting and during that special meeting there was many things talked about, mainly wind. We know from reading those minutes and talking to many people there was no intention to change the ordinance in such a way

that it was a purposeful invitation to have industrial level projects come in and utilize it. It wasn't designed for that, it was simply a mistake. I do want to say for the record that I have brought that to the attention of Tenaska and I have had on-going conversations with their legal counsel and I have said "I want you to know that, that was not intentional. Our community did not purposely put a 100-foot setback in this ordinance with the intention of industrial size solar projects coming in and getting on top of people's houses without any trees." So, the setback was taken down to 100-feet, I believe inadvertently, and the green buffer was removed. I think that was also not done with an eye towards industrial solar. The only people that were at that special meeting were really small scale solar. In fact, that was 2019 and as of about 2017 there wasn't even this scale of solar projects in our state. It just wasn't anything that was contemplated. So, we are committed to working with you, we are committed to working with them, but we want to come here tonight to show you that we cannot have this. We did ask Tenaska's attorney yesterday and told them that we are in the process right now with our local government, we've got a huge problem to fix. If you hurry up and file your application you are going to have permission to be 100-feet from our landowner's property lines and we would really appreciate it if you would not try to slide in under, what you now know is a mistake in the ordinance, and do that to our people. The answer I was given, and I told them I was going to put this in the record, was a flat "no". They said "We cannot promise you that we will not try to take advantage of that ordinance." and that really bothers me. So, I want to make the record clear that we need your help and we need your help in fixing this in addition to you voting tonight on a more reasonable setback. We want you to communicate to the Commissioners that they continue the stay that has been put into place to allow industrial solar projects applications to be filed yet, so we can clean this up. We do think there is a win-win here. We think there is a way that they can be here and we can be here but not be surrounded like you see in this model. It is not fair to the people who have a big investment here. A person's home is their biggest asset usually. Their family, their home is so important in Southern Indiana. We need to keep our landscape green and clean. We can have green energy here and not do this to our folks. We appreciate you listening and helping us with that. Jerry Chastain is going to speak in just a minute about zoning classification and why we would like for you to at least consider making industrial projects, that are coming into an Ag district, have to get a rezoning. I understand that there is a big profit made and I have heard many times that if you make them go through a rezoning then it isn't profitable. Jerry will speak to that and then we also have a real estate expert by the name of Denise Spooner who has done a lot of study on this subject. She is going to come talk to you as well. The other thing, the current project developer that is coming to Posey County has indicated that they are going to withdraw their tax abatement application and so I do not know if they are still going to have to an economic development plan with you. If they don't then the way our ordinance currently reads is that they don't have to give a property value guarantee for people. We would like for you to consider a motion I am going to be making on the floor here tonight to go ahead and make that a requirement of the ordinance too. I don't want to see them come in and then take away a property value guarantee, in fact damage property values. Lastly, I would like to mention that another reason why a green buffer is very

important. On that phone call yesterday one of our constituents was asking about fencing and they are planning on putting a 7-foot high chain link fence around all of these panels with barbed wire at the top. This is going to look like a huge correctional facility covering 3,000 acres of our prime farmland if we do not implement the green buffer. It was in the ordinance that was circulated in 2019, it was taken out and we have got to get that back in there.

JERRY CHASTAIN: Darnell School Road. I was born and raised in Posey County and am currently raising my young family in Marrs Township. As a landowner and homeowner in Marrs Township, this project has shed light to me how easy it is for them to come in and it is kind of a one-way zoning. I am pro-growth for the community. I want to see good growth, but it needs to be the right growth. I want to talk about zoning for one minute. If anyone in this room leased or owned 3,000 acres of farmland and had intent to build an industrial facility on it and walked into the Area Plan office and requested to build this project, they would say that their first step is to rezone this property. If we told them that that didn't make sense and we couldn't make a profit they would tell us that they are sorry about our luck and go somewhere else. Now, I will talk about the downsides and the upsides to the permitted use ordinance. The pros, it allows anyone, anywhere, on any parcel of agricultural land anywhere in the county to put industrial solar, by check marking the boxes in the ordinance and pulling a permit. The landowner does not have to pay industrial taxes as it stays zoned Ag. The downside, zoning adds an extra blanket of security for residents surrounding the proposed project by first vetting the area with support, the level of industry, and puts controls such as screening, setbacks, watershed on a first side basis to mitigate and correct any issues prior to the construction phase. Another con is the landowner has to pay industrial taxes. In summary, us property owners in this room feel that if the utility company comes to our county then they should have to play by the same playbook as everyone else with no permitted uses. We are setting a precedence for the remaining agricultural land in our county for years to come.

DENISE SPOONER: My name is Denise Spooner. I'm a Licensed Indiana Real Estate Broker with 14 years of experience. I drove 4 hours from Madison County to give a 5-minute speech of my 2 years of research on Solar Farms. Terry Hall, one of your attorneys, represented our community against Lone Oak Solar in 2019 and our case is now at the Indiana Court of Appeals with different representation. Terry did a great job helping Madison County, but data was limited then. Everything we needed back in 2019 regarding more real estate studies, more reviews from MAI designated appraisers and expert Agricultural studies on the economic impacts has now been gained and it's all in your binders under the topics of Property Values, Agriculture, and Decommissioning. No solar farm exists in the United States on leased land that surrounds homes on 2, 3, and 4 sides. This is very important to understand! Nowhere in the United States is a solar plant that has been built on leased land where it singles out homes, individually, and surrounds them on multiple sides. Homeowners will be living inside industrial

power plants. Every door they exit and every window they look out of, their view will be chain link fence, barbed wire, and 15' solar panels! All real estate studies, including the ones from the Developer's studies, are mostly based upon small scale solar. They are 23 MW and 160 acres is the largest solar farm in that study. Rhode Island University have studies from Rhode Island all the way to Texas University. We have studies from North Carolina, Pennsylvania all conclude that negative property value impacts are associated with close distance, from 15%-30% in decline. We have more MAI appraisers now and a BZA member in Madison County testified that he called banks to find out if they would loan on homes that were surrounded on 3 and 4 sides with solar and was told that there would be concerns on property values and gaining underwriting approval. I have all of this in writing in those binders. The setbacks in Madison County are 500 feet and 650 feet in Shelby County. In conclusion, we have Universities and MAI appraisers and we have numerous statements and all of that is in that binder under "economic impacts". Madison County did the economic study of removing 1,890 acres of prime farmland from production for 35 years. Professor Steven Miller, Agriculture Economist from Michigan State University performed the study concluding an \$82+ million-dollar loss in direct, indirect, and induced effects. This is up against the Solar Developer's promise of \$24 Million in tax revenue. Now, think about this loss on top of all the affected homeowners appealing their assessed values.

Stephan Moore and Rodney Ritzert yielded their time to Denise Spooner for her to reread her entire speech.

DENISE SPOONER: No solar farm exists in the United States on leased land that surrounds homes on 2, 3, and 4 sides. This is very important to understand! Nowhere in the United States is a solar plant that has been built on leased land where it singles out homes, individually, and surrounds them on multiple sides. Homeowners will be living inside industrial power plants that are not just aesthetically affected on one side. Every door they exit and every window they look out of, ~ their view will be chain link fence, barbed wire, and 15' solar panels! All real estate studies, including the ones from the Developer's appraisers, are mostly based upon small scale solar. According to online sources, the final Phases of Solar Farm #7 in the Cohn Reznick study was not completed. Therefore, the largest, completed solar farm in the Cohn Reznick study is 23 MW on 160 acres. How can you compare that to the massive projects being proposed all over the Farming Belt in the Midwest? The TX Study mentions a 102 MW solar farm in their chart and concludes, "When averaging estimates across all respondents, the estimated impact was negative up to 1,000 feet, one half mile and one mile for 1.5MW, 20MW and 102MW facilities, respectively. The averages suggest that respondents estimate that greater proximity to utility-scale solar installations is linked to a more negative property value impact, and that those impacts would be

larger as the size of the solar installation increases.” This study would support a 1,000-foot set-back! “TX and RI Universities, are both peer-reviewed studies & BOTH conclude that negative property value impacts are associated with close distance. The RI study covered ALL of Rhode Island and Massachusetts and looked at 208 solar plants, over 71,337 housing transactions occurring within one mile, and over 347,921 transactions between one and three miles. The study found, “With respect to proximity, substantially larger negative impacts on homes located within 0.1 mile of solar installations suffered loss of (-7.0%, or \$23,682). These results suggest extremely large disseminates for properties in very close proximity.” and the largest solar farm in RI is 38.4 MW on 160 acres. The largest in MA is 7.1 MW, but the acreage wasn’t listed. And I could find no homes affected on 2, 3, & 4 sides. The North Carolina study stated in Clay County, residents appealed their taxes resulting in \$552,500 loss in assessed values. This was a 30.8% decline! In one sub-division, Real Estate brokers reported that “buyers are turned off by the solar array on the adjacent land, and they chose other lots without impaired views.” One buyer canceled a purchased agreement when the public announced a solar farm being built adjacent to the pending home. He commented the solar farm would be unattractive, and the view would not be complimentary to single-family dwellings. He mentioned he could not justify putting money in a dwelling that would be negatively affected by the solar farm for many years. When asked if he would reconsider if the purchase price was reduced by \$50,000, he said he would not even consider a more substantial reduction in the purchase price. The Pennsylvania study concluded that a good view (defined as golf course, Lakefront, Mountain, Panoramic, pasture, pond, river, scenic vista, trees/woods) added 10% to the value of residential property and that a loss of 15%-20% occurred for degradation of view. That appraiser also noted that, “Solar applications and proposed site plans encompassing some homes on 3 and 4 sides, reminds him of an era when there were no zoning regulations!” I could not agree more! How can Planning Associations and BZA’s believe this is acceptable to force homeowners to live inside industrial power plants? Who would pay the pre-construction appraisal price of a beautiful, rural home that will be surrounded in chain-link fence, barbed wire, and 15’ solar panels on every side? Another MAI appraiser has provided a study and findings on the “Good Neighbor Agreements” and states, “These can only be reasonably interpreted as a tacit admission of potential impairment.” A BZA member in Madison County testified that he called banks to find out if they would loan on homes that were surrounded on 3 and 4 sides with solar and was told that there would be concerns on property values and gaining underwriting approval. I now have the statement in writing of the Chief Underwriter of First National Bank opining that there would be marketability issues. I’ve spoken to 2 other local banks in my area, and they said the same! If these affected homeowners cannot obtain mortgages, how can they sell their homes? A MAI designated appraiser studied the sales of the North Star

Solar Farm in Chisago County, MN which was not built on prime farmland and the developer bought out all the homes that were affected by the solar farm. Once the solar farm was finished, the Developer listed and sold the homes. The appraiser noted, "It cost the North Star developer \$627,000 more to acquire these properties than the price for which they were sold." In Madison County, IN, a buyer testified to her home sale resulting in a 16.5% decline and the solar farm isn't even built yet! Twelve real estate brokers watched the market for 6 months and reported numerous feedback statements from buyers that were deterred & would not make offers on homes due to the impending solar farm.

MINDY BOURNE: I have "Exhibit A" 79 pages as the petition, the model as "Exhibit B" and the binder as "Exhibit C". (Exhibits are located in the Area Plan Commission Office for review.)

STEVE JOHNSON: I am the Senior Vice President at Tenaska and if you have interacted with anyone at Tenaska, at the end of the day they all work for me. I run our United States solar business and I am here tonight because this is a very important issue. It is very important for the community and it is very important for the project. I wanted to be here, to look at the Commissioners to let you know that this is important to me and we want to make this right for the community. I also wanted to be here because I wanted to be able to meet our project supporters face to face. I am glad that our supporters are out here today. They are a great bunch and I am very thankful for them. I am also here for one other reason and that is to meet with the people who do not support the project. I would really like to understand those concerns. I would really like to work on solving those. To date we have not been able to do that. What I am going to do is put my remarks into three buckets. One is how we got here today with this solar ordinance, second is the four requested changes to the ordinance, all of which would kill the solar project development in Posey County, and the last thing is, since I am willing and the decision maker here, I am going to make a proposal here tonight that I hope will go a long way with helping everything coexist. With that, we are here tonight to talk about some major changes to the solar zoning ordinance. When any business thinks about investing in a community, they do their research. They show up and they say "what do we need to do to be a great steward? What do we need to do to be a good neighbor? What are the rules that we need to abide by?" In this particular case, it was the solar ordinance and that solar ordinance showed the rules of the road and it was a good solar ordinance, very thorough, one of the best I have seen and it was very good and easy to follow. All along the way, we talked about the county leaders and they said "hey, we are not going to change the ordinance, so if you do that, that is what you have to do". So, here we are tonight thinking about a solar ordinance, and you may be thinking to yourself that if you want to stop the solar development then we will just change the solar ordinance and it won't be such a big deal. Maybe that is okay for some people, but if a couple hundred-million-dollar investment in a community is not good enough, okay. If 250 construction jobs, you know spending money in Posey County for a year is not good enough, okay. Whatever reason

you do not like the project just remember your decision is going to have implications because when the ordinance is out there you say "we are open for business and here are the rules", if you change them and shut down the business, think about the next investors. Those that would come into the community and would want to invest and to ask themselves the same question, "will the rules be changed on me at the end of the game?" I talked about how we got here with the solar ordinance and now I want to talk about the four requested changes. The first of which is the zoning. I am just a country guy from central Illinois, but to ask a landowner to have to reclassify his land just to be able to qualify to be in the solar ordinance is unnecessary. That is the point of the entire solar ordinance and think about the implications for a landowner that is big on property rights. If I wanted to make a deal with him and he wanted to make a deal with me and he has to go through and rezone his property before he even knows if this project would work. What this does is serve as an additional barrier and incentive to have landowners not work with me, even if they wanted to be. It is a disincentive and a way that you are trying to stop solar project development in the county. The second item is vegetation screening. The proposed solution is to put some sort of row of trees around the whole thing, and I doubt that any other project in Posey County had such an ordinance as this. Not to mention the cost aspect of that, which wasn't in the rules. I will say when I price my products, I include everything that is in the ordinance. The best way to go about this is to talk to the individual and find out what the individual impacts are. I have found that if you talk to them individually and understand what they are, then you get to a better solution. When I talk about my proposal here in a couple of minutes, I am going to expand on that. There is a better way to do things and we have been successful. The third item in the proposed amendment is the 1,000-foot setback from a property line. I hate to be blunt and direct, but if you redo that section then there will be no solar project development in Posey County, because you just can't do that. The last is regarding the bond for decommissioning. What you have in the document already is the industry standard. The Commission has the ability to actually choose a financial instrument. The only thing that the projected change does is add cost. What business can do that, what business can afford that? At the end of the day, I am farming solar rays, but I am creating a comity of electricity. I don't set the costs and I don't pass it through. There are certain laws of economics that we have to abide by and the only rationale for additional cost, in this manner for this project, is to stop solar development. Any one of these on their own has the potential to stop solar development, all of them completely stopping it. I have talked about how we got here today with the ordinance and I have shared my views on the four changes and the impact that they will have, but I am also here because I want to try and make something work. I am going to make this proposal; first, there will not be a tax abatement. We are pulling that off the table. What some of you might not have known is we were using that money to put back into the County for various things the County was asking for. Now, we honor our commitments at Tenaska and I am here to tell you that we are still going to honor those commitments and it is coming out of my pocket. What I am talking about is making volunteer measures above and beyond the solar ordinance. You don't need to change the solar ordinance, I will put this in writing. I will honor the commitment for the contribution of the \$25,000 to the Marrs Township Fire Department, upon commercial operation of the solar field and \$5,000 thereafter. I will

honor our commitment to train them twice a year. I will honor our commitment on the contribution up to \$225,000 towards new communication towers that will ensure reliable radio service for our first responders. I will honor our commitment for a 28-acre pollinator habitat within the project and we will not use solar panels containing cadmium. I will go even further; I will put into place a 250-foot setback for neighboring homes that supplements the ordinance standard from 100-feet from neighboring property lines. Yes, you get both 100-feet from the neighboring property line and 250-feet from the neighboring homes. I will also create a \$500,000 landscape and view shed enhancement fund for neighbors within 500 feet of the solar field. This last one is not standard, but I am putting it out here because I told my team I want to be here. I think this is a great community. I will create a good neighbor payment equal to, and I'll read this twice, 10 percent of the appraised value of a home for neighbors within 300 feet of a solar field. In addition, we will honor the commitment we already put out there of \$1,000 a year for those homeowners. In regards to this one-time payment, if you want to use it for vegetative screening, great, please do so. We are not putting any restrictions on that. If you want to fix your roof with it and that is what you want to do, use the money for that. If your daughter needs some assistance with college tuition, use the money for that. We are trying to be good neighbors by bringing in solutions that work for the community. Now I am sure you are all thinking, "why are you doing all of this", it is because we are good neighbors and we have been here since day one telling your County leaders that if you let us in, we are going to be your good neighbors. We are good stewards to the community and we are trying to prove it. I am here tonight trying to reinforce that particular bond. And these volunteer standards that we are living up to, we didn't just make those up. We developed those by constantly talking with folks in the County, the County Commissioners, the County Council members, the fire department, the landowners, these are things that they considered important and we listened. These voluntary standards, I must say, are much more favorable to Posey County than the Indiana House Bill that is currently being considered by State lawmakers in Indianapolis. So, I am honoring the commitment even if that bill passes, I am still going to do these things here in Posey County. I am mainly only focusing on the solar ordinance and not everything else that was discussed earlier. I have told you what I have thought about the four proposed changes to the solar ordinance and I have shared with you what I think will help us coexist here, because we do want to be here. We have acted with good faith and we have followed your lead and have followed the rules and now, we are even exceeding those and we ask you to do the same and leave the solar ordinance in its current form.

JOSH CHAVEZ: I am the Project Manager with Arevon. I do want to clarify on the panels here. How those are pictured, they are flat and I think that she said they are 25-feet tall. Our project is going to be no higher than 15-feet. We are thinking that they will likely be 12-feet. So, they will be 12-feet with 250-foot setbacks from the residents, so that is not an actual representation of what the project is going to look like.

MARK SEIB: Okay, now we are going to start the public portion of this. We are going to allow two minutes. Please try to stay within your two minutes. After the two minutes,

the microphone will go dead. Please try to keep this as current as far as information and do not repeat what we have heard before by somebody else.

WILLIAM GOFF: I have been a Posey County resident my entire life and my family has farmed for years, but we do not anymore. My concerns are with this farmland, that Centerpoint and Tenaska want to take up. The problem I've got with it is with generation farmers that are going to lose their property. My problem is, Centerpoint (aka Vectren) has a lot of property out there, why are they not utilizing that to put the solar panels on?

PAUL HERRENBRUCK: I live at 9200 Wolfinger Road. We own property on Caborn Road, which we have committed to the project. We feel like it is a good commitment to help the community with the increase tax base and the ability to keep the lights on. What I have to talk to you about is the setbacks. I have a 40-acre illustration with a 100-foot setback; you will end up with 28 to almost 29 acres of panels. If you go to 1,000-foot setback on the same 40 acres, you will end up with 3 acres a panel. It will be like setting one large house in the middle of a 40-acre field. Now, I have expanded this to 160 acres, with the 100-foot setback you will lose, almost 24 acres of land, and you will end up with 136.7 acres of panels. With the 1,000-foot setback, you will lose 98 acres of land and you will end up with 61.75 acres of panels. This is not a good use of our land to have this much setbacks. I am urging you gentlemen to leave the ordinance the way it is and to leave it with the 100-foot setbacks.

GLENN ANGERMEIER (virtual): I was born and raised in Posey County. I am standing to express my opposition to the proposed change in the solar ordinance in regards to the increase in the setbacks from 100 feet to 1,000 feet. The preamble to the ordinance clearly describes the purposes of the ordinance, which are appropriate for the protection of the citizens of Posey County. I would claim that the proposed change does not allow economic investment in any solar project. I believe the only possible goal of this change is to avoid the inconvenience to some County residents, which, for mostly personal reasons, oppose this project. The proposed changes to the setbacks are effectively rendering any solar project infeasible. I believe this proposed change to the ordinance would be an egregious misuse of power to suit the needs of a small minority of people at the expense of tens of thousands of Posey County residents.

Clarence Black and Matthew Gibbs – no shows on virtual

BLAKE NEWKIRK (virtual): I am with Shelby County, Indiana. I just have a couple of quick points for you. It was already mentioned that the setbacks be raised to 660-feet. We actually have a couple of landowners involved in solar projects that are on our Planning Commission and that went through unanimously. They agreed with the 660 feet to protect their neighbors. The other thing I want to point out is the "good neighbor documents" that he was referring to. You might want to take a look at that. The ones that I have seen, you have to find a way that you will never oppose the project or anything about the project, you cannot sue, so all of those benefits that were referred to, you sign away many rights to get those. The last thing is, him saying that the setbacks would be a

waste of land. If they put their fence back to where the setback is then that land could actually still be farmed. So, it would not be a waste of that land.

SHELBY LANG: I am 13 years old and I am an eighth grader at Mount Vernon Jr. High. I wrote an essay for my English class and this is a shortened version of my paper. I have lived in Posey County all of my life. Each day I watch the sunrise and the sunset over the fields. I ride in the combine tractor with family members and I love my life here. It is peaceful. However, it may not be like this for long. Instead of seeing corn, soybeans or wheat out of our windows, we could see solar panels enclosed in a fence. While the benefits of solar farms seem incredible, the negative effects are far more shocking. Solar farms create habitat loss and they inhibit the food process and overall a waste of valuable materials. The solar companies make you to believe that solar farms provide a clean and renewable alternative to fossil fuels. While this may be correct, they do not mention one of the biggest negative outcomes with solar energy, the abundance of waste from the panels. Research shows up to 78 million metric tons of solar panels will have reached the end of their life. This life shouldn't be taken away by a company that doesn't appreciate this land as much as we do. Putting solar farms on high producing land in Posey County will take away from the future generations that farm for a living or live in rural America. I am almost 14-years-old. Many of you won't be around for the end of the solar leasing period. You can make this decision for solar farms, but my generation will have to clean up the mess.

JESSICA LAWRENCE: I have lived in Posey County all of my 39 years. My husband and I along with our three children live on Lower Mount Vernon Road, not far behind Marrs School. I am a farmer's daughter and I am a farmer's wife. I do not like confrontation or public speaking, but when something in your gut does not feel right and is going to change lives forever, you have to speak up or I would forever regret it. Please make your recommendations based on what majority of the tax payers are asking, not a solar company who does not live here. They are going to put the project down, sell to Centerpoint, and they are gone. Once one solar company is let in, they will spread throughout our County like cancer. Metal, glass, concrete littered around our homes. Many young families are very involved with the Marrs School community, who are not only my neighbors, but they are my friends who have told me they will leave. Please do not drop a solar project in the middle of a very productive agricultural, residential community without giving the community the 1,000-foot setback. We are asking for the green screening to protect the homeowners who will be affected the most. We measured the other night, 15 foot is above the coils on the garage door back there, 12 foot is just above the garage door. So, everyone can see how high these solar panels are going to be around our homes.

MIKE WAGNER: I live at 6703 Wade Park Drive, in Wadesville. My wife and I have leased our ground to this project. It was not something we did lightly. We did worry about what people might have to look at. I would like to start by saying I like quiet neighbors and secondly, I like quiet neighbors that give me money. Neighbors that are quiet, give me money and provide for me and the community are my favorite. Our

County leadership saw all of this coming and adopted the strongest ordinance in Indiana. Their leadership should be commended for that. A 100-foot setback for a project that has no runoffs, almost no noise, no pollution or heat is more than reasonable. We have a company in Tenaska, which has voluntarily offered to move the setback to 250-feet from homes and that is a sign of a neighbor who is willing to listen and try and meet their neighbors half way. Neighbors willing to discuss the differences are good neighbors. Quiet neighbors who are willing to give us money, discuss any issues with any impacted parties, and respect the landowner's rights are trying to be the kind of neighbors I think most of us want.

Jarrold Pitts and Timberly Ross gave up their time – virtual

Mary Solada – no show on virtual

KAREN MOORE HITCHCOCK: I lived in Posey County most of my life. My address is 3700 Camden Highway in South Carolina. I am strongly opposing any changes in the ordinance. The people that drafted it in the first place can see alternative power in the future. The ordinance is to protect the County. If it is not broken, do not fix it. The company is volunteering to do good things and work with people. In addition, 1,000 feet is 30 football fields. That is a long way.

STEPHAN MOORE: I am 69 years old and I have been in Posey County for my whole life. I was at one point the second largest employer in this County. I have paid my dues and I have paid my taxes. This is a moving target. These people are slick and they didn't just all of the sudden decide to pick Posey County. They have done their homework. They knew who held the farm ground but don't even live here. All of the sudden this kind of thing springs up overnight. Their approaches are somewhat opposite from what the man is telling us, that he is willing to be the good neighbor. Again, I was the one who cautioned all of us about the ethanol plant, how it would work and what the man would do. We are that close to being left with a catastrophe and a nightmare for the County to clean up. We are lucky that we got someone to buy it. They got voted out for not listening to the people.

STACY WAGNER: I live at 6703 Wade Park Drive. I am not only a resident of Posey County but I am also a member of a family that owns property in three different townships in Posey County. I am also the local representative of the Posey Solar Project. I own 70 acres of prime farm ground on Caborn Road with my husband and my dad. Our family also owns a second smaller farm on Boberg Road and my dad lives on a small farm on Wolfinger Road in Marrs Township. We have lived in Posey County most all of our lives. Our family made the decision, which we did not take lightly, to lease off some of our farm ground for a solar farm in Posey County. A decision that will not only benefit our family but also benefit all of Posey County. The project has a not so large number of supporters. We have a "Friends of Posey Solar Group" that meets regularly to discuss the project. Our goal is to address questions and concerns of not only our supporters but also questions and concerns that we have heard in the community. Until just this week our

calls have always been virtual but this month we were also able to set up in person meeting with the option to attend virtually. Our meetings are always well attended. The big topic at our most recent meeting was the proposed change to the solar ordinance and the negative impact that those changes would have on the project if they passed, if not making the project impossible to complete at all. In addition to the project and a Facebook page, we also have a project website and a private page friends' group, that we like to refer to as our "safe spot". Here we can meet and discuss and share topics about solar projects. We have many supporters that have reached out to County officials about this meeting and we have a lot attending virtually that are not able to speak because of aggression that they have seen that the opposition presents.

KATHY WEINZAPFEL: My family has been here before Indiana was even a state. I would like to share a few points with you. I do agree with the double row planting standards from the screens and the panels for nonparticipating landowners, but I would like to include that public views should also be included from the roadways. We have very small communities scattered across the County such as Stewartsville, Griffin, Marrs ballfield behind the storage station. North Posey High School sits in the middle of fields, as does Marrs Elementary and Farmersville Elementary. We also have rural churches, we have cemeteries, like Mount Pleasant on the North end of the County. We have other places that could potentially be impacted by the growing solar projects. As quoted on the Inside Indiana Business, Mr. Deausk, the President/Chairman of the parent company of Tenaska "We have no reason to stop. We will take as much as they will let us have." That is in the September 2020 Inside Indiana Business. I would hope that you would consider also that around these plantings, the obnoxious weed control needs to be considered along the fencing.

MISTY BISHOP: Just to clarify, this ordinance is about what we need for our County and it has nothing to do with what Tenaska is proposing. We are here to talk about the current ordinance and what our County needs. I live on Lower Mount Vernon Road and my husband and I were both born and raised in Posey County. We chose our property for the beautiful view of the open farmland. This was our forever home to raise our children. My business, a hair salon, is in our home. We have invested so much into it. The thought of looking out my window and seeing a barbed wire fence with "caution high voltage" signs makes me ill. This is where my children play. I am 37 years old and in 35 years, I will be 72. That is the rest of my life span that these panels could be, per our current ordinance, 100 feet away from our property. Our security, the safety of our children, our home and our property value are all being jeopardized by this project. No one can say 100% sure what the effects of living so close to large scale solar could be for 35 years. What could it do to the health and the well-being of all of the residents? We do not know. They have not done enough studies. All the homeowners are asking for is more distance between us and the industrial solar projects, mature trees to block the unsightly views and to ensure more safety in our lives. This is not too much to ask for from Posey County residents and future generations, to keep them safe from large-scale solar projects.

RICHARD KINCADE: I live in Dover, Tennessee, but I do own property in Marrs Township with my sister. We did sign the lease option for this solar project. We did so with a lot of forethought and I think the biggest thing for me was trying to come up with something that I thought would benefit my heirs. I think this project would probably do that. I will also say that I read though your solar ordinance and I thought it was very well written. I thought it was very comprehensive and I appreciate all the work that you did to come up with that ordinance. One problem that I do have is with this requirement to rezone from Ag to M2, which is manufacturing industry. According to the ordinance, in the County, a business has to be zoned M2 if it emits smoke, noise, heat, odor, or vibration. I do not see where solar would do any of those things. I would like to encourage you to leave your ordinance as written to allow for permitted use of solar on Agricultural zoned property.

STEVE EBERLY (virtual): I am the director of a statewide organization called Hoosiers for Renewable. I started this organization back in late 2019. I spent 12 years as a County Commissioner and another 10-20 years before that in various forms of government and as a township trustee. I lived in a county with 8,000 people in west central Indiana. My grandkids are 6 generations on our farm and I am proud of that. I will tell you what I have seen. I am seeing more and more people who won't allow county improvements. It is getting tougher and tougher to get these people to stand with us. What happens in the "do nothing" option? What will happen to the two school corporations in your County? What happens to the one in mine? This is real money coming to your government and to your landowners. Some of that money has to stay home. Your County has lost \$40 million dollars in your assessed evaluation in the last five years. There is an opportunity here and I encourage you all to not turn your backs on something because really in the end we have to take advantage of what comes our way. Many times, it might not be pleasant.

KENDRA BISESI: I want to first address that I did make the model over there. I will say that the solar panels are actually 15-foot, which is what we were given by the company. We didn't know the tilt or anything like that. The model right next to the house, the small one, is actually 25-foot. That is just showing what is in our ordinance. I am a member of the Marrs Elementary PTO and I have served on the board for the past four years. I have three children, all of whom will go to Marr Elementary next year. When I saw the project and the map, I immediately noticed the proximity to Marrs Elementary. As a mom, I started to research and one of the biggest things that I found was the fire risk. That really concerns me. I found that solar panel fires are not actually put into a category labeled as "other", which leads to no statistics, no real risk. What happened if one of those solar panels caught fire? With the wind out at Marrs Elementary it can be crazy sometimes. We have dry fields. What happens if a fire spreads? What would we do with 300 children if that fire spreads? Would we take them across the already dangerous highway 62? We have already had a parent death there. We don't need another danger for our children. When considering this ordinance, I am asking, on behalf of other parents and teachers, please keep these things away from our schools. I have two nephews that will be going to North Posey; we don't need these near our children.

TERRI ASH: I am a property owner with my brother Rick Kincade. I do not live in the area. I live over in Edwardsville, Illinois. I was dumbfounded by the drama with solar panels because over in my area, it is accepted and everyone loves them. It is becoming something here and I was very excited. I had the opportunity to look at a documentary called "Kiss the Ground" and I encourage everybody in the room to get on Netflix and take a look at that documentary. I am probably one of the only ones who is seriously concerned with climate change and I think that renewable energy is absolutely a part of the solution. I am a farmers' daughter. My dad farmed, but as he farmed, he also had a full-time job for all of the years that he farmed. Part of what we do in farming, and everybody in this room that farms knows exactly how environmentally responsible we can be because we also have to make an income.... mic cut off.

Tom Verkamp yielded his time to Stephan Moore.

STEPHAN MOORE: One thing I didn't get to cover was they are coming around offering \$1,000 hush money to people to not oppose them and to sign a contract. Is this the type of people that you want to do business with? I am not against this situation, what I am saying is it is the wrong thing at the wrong time for Mount Vernon. What's going to make Mount Vernon grow is a business that employs 400-500 people and that is going to start up new housing additions and that is going to double or triple your tax abatements, not something that is going to employ 4 people. It is a bad use of 3,000 acres and when that is established out there you just nailed the coffin for a big business that might move in. If the County is going to gain something then I would not fight it, but this here is not worth the tradeoff.

SAUNDRA HADLEY: We have lived in Marris Township for 23 years. Our home is on Lower Mount Vernon Road and will be directly affected by this project. Developers claim that solar panel plants do not negatively impact property values, but provide no independent impact studies. It is just words. I urge you please...the binders that Denise Spooner gave you has hours and hours of research and information by independent people that were not paid by a big company. Please, open those up and take a look at it. You might find some tidbits in there that are interesting to you. I would also like to say that the property value guarantee needs to be addressed. This is our home and is our asset. When I moved here from California, a city girl, I said "hell no" to Newburgh and no to Evansville. We came to Posey County and have sent our child to Marris Elementary, then to MV Jr. High, then High School to graduate. We love it here. Please help us.

SUSAN WILSON: I live in Kentucky, but our land here in Indiana has been in my family for over 125 years. My brother and I have possession of our property. I am not going to beat a dead horse here, because that is what I hear happening. The main thing is the ordinance. I am here to object any ordinance change. I think people involved can get in a room together and talk. I don't think that other people that are not involved in this and don't have direct involvement need to be coming in to those discussions.

KIRK WILLIS: I have lived and worked in Posey County my entire life. My main concern with this solar project is the 1,000-foot ordinance. I think we absolutely need the 1,000-foot setback. If it is not passed, I am afraid that our County will become covered with these solar panels and these solar panel projects. I am afraid that these solar projects are taking advantage of our County and taking advantage of our residents.

CINDY NAAB: My address is 2319 Westridge Drive, Mount Vernon. I am here as a landowner who has knowingly and voluntarily leased my land to Tenaska. I have worked in Posey County at the Posey County Coop for 22 years. I am married to Charlie Naab who has been a lifelong farmer here in Posey County. We also have a son that farms. I have been in the Ag industry, as far as my work, my entire life. Our property is located on Benthall Road, which would be on the northwest corner of the site map. I would like to voice some concerns about these proposed changes to the zoning ordinance. There have already been a set of restrictions put into place to address solar energy, which are the most stringent in our state. This, in my opinion, was a good thing. You, as our Area Plan Commission, have planned for the future of our County by putting these in place. I applaud you for this. Now, we have been presented with a proposal to change these restrictions when they already go way beyond any others in our state. Do not show doubts with the restrictions that you have labored to put out there. I am asking you to stand your ground. Changing the rules midstream does not make sense and is not the business for our County. These new proposed restrictions are way too excessive. In fact, they are downright unattainable. These are not compromised; they are a slap in the face to you as an Area Plan Commission. Are they telling you that you did not do your job well enough? Let's not be mistaken with these proposals. The only reason they have been proposed is to put a stop to this project. It is not to come to any compromise or anything like that.

DEBRA HEAD: I have land and am building a house on Caborn Road. Someone else was talking about the fire incident and we are not just here to stop the project, but also for the safety of Posey County residents. I am not a fireman or a solar expert, so I relied on other research. PV Solar magazine did mention that solar fires do not have a category, so they all go under "other". Therefore, there is not any real data. Then if you look at it, there are different instances where there was a situation that a bird flew into the system and caused a fire that was over 1,000 acres that caused 8-9 million dollars in damage. In Japan when the typhoon came though, there were solar panels that caught fire, of course we don't have typhoons here, but we do have tornados and between 2000 and 2015 Posey County had 11 tornados come through. The National Fire Protection Association said, "While there are efficiency and green benefits with PV systems, these alternative energy systems also pose risks to buildings, occupants and fire responders. With these systems the likelihood of a fire significantly increases". We don't want these systems near our homes, our schools or where our families are.

KATHY BIGGS: I am for the Posey County solar project because I think it is a good thing for the environment and for the future of Posey County. There are many benefits from approving the solar project. As a landowner, I decided to go along with that project

for that reason. Posey County will benefit from it for many years to come and I do understand that it will take away from the farmland. Many people are misinformed. Ultimately, when I was approached, well over a year ago, I declined to sign the contract. I said, "No, farmers in my area would be interested." However, I was wrong. It is a great benefit for many land owners and a good investment for various reasons whether it is financially or sentimental. In my opinion, Posey County comes out ahead. Our environment comes out ahead. Landowners come out ahead. It is our land and I believe we chose what to do with it. It is a future for our children and, I too, am a third-generation farm owner.

JULIA VANTLIN: I live at 5640 Caborn Road. You will have to excuse me, as I am very passionate about this and do not like confrontation at all. I applaud all of you for doing this job; I would not want your job. Our culture provides 992 million to the economy each year. Thirty-one million acres were lost between 1992 and 2012. That equals 172 acres per hour. Indiana is so blessed; we are one of the three states in the United States who has over 50% of its land calculated as prime farmland. We are so blessed to have that. In Madison County... I applaud Denise Spooner for coming down and helping us with this. She has been living this for two years. She is a relator and has become an advocate for this. Madison's bond that they received was \$5.6 million dollars. After calculating what they are probably going to need, it's going to need \$13.2 million to get rid of what they created. They are still fighting the fight. To properly restore the farmland, they needed an additional \$1,780 per acre. You guys do not understand that if you are not planning on living next to one of these, you do not understand what this is going to be like. Every time I walk out my door, I am going to see this. It is going to be in my face. For these people who are going to be surrounded on three sides, I am just so passionate for them. So please, reconsider.

TROY HUBBARD: I am an outsider unlike many here. In 2017, my wife and I moved to Indiana upon acceptance of my new job as an aquatic biologist. Shortly thereafter, my wife accepted a job as a chemist and we moved to Mount Vernon. It was a move that would put us closer to her work place and the comfort of a smaller town. That year we welcomed our daughter. My wife and I are originally from West Virginia, surrounded by miles of untouched forest. However, when I started undergraduate research at my college in West Virginia, I saw the impacts of coal and the impacts of not moving forward and progressing. I do not want Indiana to be the same as West Virginia. I want us to progress to accept businesses and to move forward with economic gain. In 1889, many were opposed to electricity and the lightbulbs. Even today, we warrant off vaccines and 5G towers. There will always be opposition for progress when there are few that understand the technologies and the scientific method. However, we must not let this hold us back. Research shows that this is the best source of energy and the cheapest source of energy for our customers. Driving into Indiana at the age of 22, I can tell you that a county full of solar panels says that there is a future for the county and they have an open mind and are willing to take in businesses. This is likely what other businesses and younger people, like myself, will see when they come into Indiana and see these solar panels. I am against changing the ordinance.

KATHY YEARWOOD: For the past 22 years, I have called a 4-acre parcel of land located at 8820 Darnell School home. Tonight, I am here to lend my voice in support to all of the proposed amendments to the ordinance, in particular to the change in language for the setbacks and the screening. I believe that these changes will help protect us today as well as tomorrow, which is the most important thing when the next company comes in knocking on our door. I believe that majority of landowners in our rural community invest a significant amount of time and financial resources in maintaining their shared property line with the farm fields that they adjoin. Their efforts also contribute significantly to keeping 100% of the tillable land in production. In my case, for 22 years I have maintained 1,200 feet of my property line that I share with a 65-acre farm field. This property line consists of 50 mature trees as well as a small grass buffer. So, I ask you, what incentive is stripped from each nonparticipating landowner to maintain their shared property line if a seven-foot-tall chain-link fence is topped with barbed wire potentially adorns it? What incentive is stripped if no vegetative screening is there to work in contingent with their own plantings to provide esthetic qualities that we desire from our community? With 22 years invested, I am not ready to stand down on this topic. We need these setbacks. We need screening to keep our property and to keep an attractive county for people to live in.

BRAD ELLSWORTH: I did not sign to oppose or endorse. I work at Vectren. I am in charge of local government and community affairs for Indiana. I came tonight to offer my assistance to both you the Commission, you the audience, as well as to the group, that if this project is approved, will own and operate in agreement with Tenaska. Several months ago, Vectren, Center Point, put out a RFP anywhere across the US, that we would be willing to purchase, or to do an agreement, for solar power or renewables. It is no secret that we are adding renewables to our portfolio. It is what our industrial customers are demanding and our residential customers are demanding. We are not getting rid of coal, we are not getting rid of natural gas, but we are adding renewables to our portfolio in a bigger way. We have 2 megawatts on Morgan Avenue and North 41 and 50 megawatts currently going up in Troy. Tenaska was one of 60 proposals that we got. It was in our own footprint and we knew it would be the least expensive project that we could add in. If it passes, we will be a good neighbor. If it does not pass, then we are going to add solar from somewhere to our portfolio. I did step outside with Mr. Goff to clarify some things. He asked "why not on AB Brown property?" AB Brown moving from coal to gas has nothing to do with this solar field.

JD HOEHN: I am a resident and a farmer of Posey County. I want to speak about the setbacks on the ordinance. Few people in this room and few people in this County want solar panels within a hundred feet of their property. Tenaska has offered to stay back 250 feet and that is great, but that does nothing for the other solar companies that are coming to this County. We need more than 100 feet and we need it to be known that no other solar company can come within 100 feet of our property line and our houses.

VINCE FRAZIER: I live at 3965 Caborn Road. I have a few points that I would like to touch on. Touching on the property value mentioned earlier. My wife and I moved to Posey County in 1992 to raise our family in a rural community. We could not have made a better choice. We have been extremely happy with that. The impact on property value though, is simply this, has our property been in the middle of a solar farm in the 90's we absolutely would not have moved here, not at any price. Regarding the questions of zoning, my recollection is that Posey County was completely zoned in the late 80's in response to a proposed landfill that was near North Posey High School. It is clear that zoning laws are intended to protect the community against the greed and opportunism of the few. I call on this body and other Posey County officials to protect our beautiful farming community against unwanted and unnecessary industrial solar farms. Furthermore, regarding economic benefits, over the next many years, Tenaska said that they are going to employ up to five people. I can tell you for sure that if my house is surrounded, as it is on the map, my son and I will take our two small businesses, with our 1 million dollar yearly gross sells, somewhere else. Therefore, there goes 60% of your gained employees when I leave. I would like to thank the Committee.

KENT JOURDAN: I live on Highway 62 and Davis Road. I would just like to point out to you I would like for you to change the ordinance. The vast majority of the people coming up here talking to you about keeping it the same, don't live here. They live out of state. It is out of their minds except for when they get to walk to the mailbox and collect that check. They are not taking into count the farmers that are going to lose income to support their families all because greed has taken over. They don't have to walk outside their house and look at these eye sores over and over again. Because they are not here and they are not looking at it. Thank you.

MARK SEIB: That is the last that we had signed up to speak. I want to thank each and every one of you for being here tonight and talking to us expressing your views and your thoughts. I will tell you that there is a stack of correspondence that we received from the people showing how they feel about this situation as far as the zoning change. We have not had a company that has filed. With that being said, not having a company file and not being able to go through those. We did look at them and read through each and every one of them. With that being said, I want to thank you again for being here tonight and I am closing the public portion. Now it is up to Committee to set and decide...first off it is 9 o'clock. Does the Committee want to continue or do you want to table it and we will have a special meeting later? I will leave it up to the Committee to make that decision.

ANDY HOEHN: I would like to table it so I can read the information given to me.

A motion was made in the affirmative to table the meeting until March 18th by Hans Schmitz. Motion was seconded by Randy Thornburg. **Roll call vote (9-0) Yes. Motion carried.**

MARK SEIB: This meeting has been tabled until March 18th at 6:00 pm at the Hovey House. It will be given to the papers as well, but I am announcing it now. It will be to

only discuss this ordinance and that is it. We will post everything on our website.

COMPLAINTS:

MINDY BOURNE: 904 ½ W. Second Street, Mt. Vernon, IN. That complaint has actually been taken care of. I have photo proof that the camper has been removed.

ATTORNEY TRENT VAN HAAFTEN: 515 Locust Street, Mt. Vernon, IN
The complaint letter to the property owner is still being sent out. So, no real progress. It has not been resolved. Tabled until April.

DIRECTOR'S REPORT: None

APPROVAL OF PAYROLL & BILLS: A motion was made in the affirmative by Kevin Brown and seconded by Mike Baehl. **Roll call vote (9-0). Motion carried.**

APPROVAL OF COLLECTIONS: A motion was made in the affirmative by Hans Schmitz and seconded by Dave Pearce. **Roll call vote (9-0). Motion carried.**

CITIZEN CONCERNS: None

ADJOURNMENT: Kevin Brown made a motion to adjourn the meeting at 9:08 p.m. Mike Baehl seconded the motion.



Mr. Mark Seib – President



Mrs. Mindy Bourne, Executive Director