

## MINUTES

### POSEY COUNTY AREA PLAN COMMISSION SPECIAL MEETING

MT. VERNON HIGH SCHOOL AUDITORIUM  
700 HARRIETT STREET  
MT. VERNON, IN 47620

AUGUST 15, 2022  
5:30 P.M.

**MEMBERS PRESENT:** Mr. Mark Seib - President, Mr. Mike Baehl, Mr. Kevin Brown, Mr. Andy Hoehn, Mr. Randy Owens, Mr. Dave Pearce, Mr. Randy Thornburg, Dr. Keith Spurgeon, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne – Executive Director, Mrs. Becky Wolfe – Administrative Assistant

**MEMBERS ABSENT:** None

**FINAL DEVELOPMENT PLAN:**

DOCKET NO: 2021-01-SECS1-APC

APPLICANT: Posey Solar LLC

PREMISES: The Posey Solar SECS project area general location (approximately 1,400 acres inside project fence):

1. Project area generally bounded by Darnell School Road on the south, Barter Road on the north, Green Valley Road (Private) on the east, and Gun Club road on the west.
2. Western Marrs Township -- Sections 5, 6, 7, 8, 9, 10, 11, 14, 15, and 17 in Township 7 South, Range 12 West.

**APPLICANT OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:**

Applicant requests Final Development Plan Approval to develop a Solar Energy Conversion System (SECS) -- Tier 1 (Greater than 20 acres).

Mark Seib confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Mr. Seib then confirmed no board members had a conflict of interest.

**MARK SEIB:** Mary Solada, the applicant, is here to speak. She will have a maximum of 30 minutes.

**ATTORNEY MARY SOLADA:** I am an attorney based in Indianapolis and I have worked with Tenaska and their team on the Posey Solar project. First of all we very much appreciate the effort and time and commitment on the part of the Plan Commission in reviewing this Site Development Plan application. Secondly I just want to say we believe that the legal notification

requirements have been met. Those were sent by certified mail to nonparticipating property owners. There was a legal advertisement at least 10 days prior to the meeting. There were signs posted on participating properties. Unless Mr. Van Haaften tells me otherwise, I believe we have met the legal notice requirements of tonight's proceedings. We have many details that we have spent the past 11 months developing and have been happy to do so.

I am going to turn this over to Chris Matthews, Director of Development.

**CHRIS MATTHEWS:** I am the Director of Development for Arevon Energy. Prior to coming into our project details and our application, I just want to go over the partnership structure of the project as well as introduce some of our team members. Posey Solar is currently owned by Arevon, however we've been developing this project with our partner Tenaska since 2019. Together we have been overseeing the development process along the way. We will continue to do so all the way through construction. Once construction is completed, Arevon will then transfer the ownership over to CenterPoint Energy.

With me here this evening are members of the team from both Arevon and Tenaska as well as Mary and Stacy. Also with us here this evening that have played a vital role are members of our consultants and experts that have helped us along the way. This team that you see here tonight have been working diligently for a number of years to get us to where we are today and continue to do so to make sure our project is successful.

**JOSH CHAVEZ:** I am the Project Manager with Arevon for Posey Solar. I am just going to go through a few items. In terms of a project update, we are currently looking at building a 200 MWac project. This is downsized from our original application that was 300 MWac. That is a reduction of about 40% of the overall footprint of the project. We have gone down from approximately 2400 acres to approximately 1400 acres. In downsizing the process it was coordinated with CenterPoint and it was primarily due to supply chain and escalating commodity costs issues. We did take community feedback into consideration during that downsize process. Some of those items with eliminated development was north of Highway 62, the array just south of Marrs Elementary. We reduced the overall amount of public roads utilized and also reduction in size is also a reduction in overall construction timeline.

It has been a long process from start to where we are at now. 2019 was when we initially submitted the Interconnection Request. In 2020 was when we first started the outreach, agreements to neighbors and local leaders. April 2021 was revisions to the Solar Ordinance as well as when we filed our preliminary application to the APC of which we had multiple hearings. September 2021, the APC approved the preliminary application with conditions. In October 2021 the Variances were approved by the BZA. Then July 2022 we had our final Transportation Plan hearing and approval by the County Commissioners as well as submitted our Final Development Plan.

Not on the slide is our anticipated construction. We are currently anticipating construction to start in 2023 at the end of the first quarter. Operation is projecting for the second quarter of 2024. This is still dependent on finalizing construction details, designs and supplies and it is of course contingent upon getting approval here today.

Looking at some of the benefits throughout Posey County, we are impacting less than 1% of farmland in Posey County. We are projecting \$162 million in economic investment. We are estimating approximately \$40 million property tax revenue over 30 years. In terms of jobs, we are estimating 212 direct jobs as well as 79 indirect during construction. During the operation there will be up to 5 direct jobs plus 8 indirect jobs. The lease payments to landowners over 35 years will be an estimated \$80 million.

**KYLE GERKING:** I want to go over a few of the Final Development Plan. The first slide is the Site Plan. This is part of our application. The cover sheet which is shown here including sheets on existing conditions. An overall site plan, the detailed site plan sheets and a plant schedule. It also included a summary of the changes from the Preliminary Development Plan that was approved last September. This is the overall site plan and this shows the course of the project that is the western half of the project. This reflects some of those details that Josh referenced regarding the project downsizing. So remember those parcels that were on the northern portion of the project, north of Highway 62, have been removed from our application here. This is kind of the eastern half of the project site. You can see the proposed facilities in that area. This is just one reference detailed planning sheet. It shows the proposed facility. You can see the tracks, the access roads, fencing. This particular detail sheet was chosen because it shows the interconnecting switchyard which is a facility that is owned by CenterPoint as well as the substation. These have now been relocated to the eastern side of the project adjacent to CenterPoint's existing 345 kb line where the project will interconnect. The significance of that is that we will no longer have the essentially located substation which would have required an overhead 345 kb line from that location to the interconnecting switchyard as it was depicted in our Preliminary Development Plan Application.

This slide shows the vegetative screening or the landscape plant schedule that is included in the development plan. This, in conjunction with the site plan, meet the requirements of providing a landscape plan. This includes the Ordinance requirements, vegetative screening plant schedule, the plant materials and other information regarding the selection and planting. The projects application also referenced included CenterPoint's vegetative management plans, the vegetative screening and screening buffer in areas outside of the project fence as well as those areas within the proposed secured areas. The County Extension Agent also... we've coordinated with them. They have reviewed and approved the proposed seed mix that we plan to use in that setback buffer area. They have reviewed the species of plants to confirm they were natives of Indiana and not invasive.

The plan was another submittal item to the Final Development Plan Application. In accordance with the Ordinance, the project submitted this Drainage Plan which was reviewed and approved by the District Technician with the Posey County Soil and Water Conservation District as well as the independent hydrologist obtained by the APC. It demonstrates the compliance with the local stormwater requirements and the final Drainage Plan requirements that were adopted by the county of which includes the requirements that the peak stormwater runoff rates be less than or equal to the preconstruction existing conditions for the 2 year, 10 year and 100 year design storm limits.

The Decommissioning Plan was submitted in accordance with the Ordinance to ensure the proper decommissioning of the facility at the end of its useful life that the site's return to its preconstruction land use. The plan was reviewed by attorneys representing the APC. The plan obligates the project provide financial security to the County to ensure that those restoration obligations are fulfilled. That decommissioning security will be provided prior to the start of construction to ensure the county is never exposed to any decommissioning risk.

**JOSH CHAVEZ:** We prepared the Transportation Plan which included a Road Use Agreement. We submitted that to the SECS Transportation Committee and held three hearings with them. We took a lot of feedback from the community and incorporated those into that plan. Some of those items that were considered and added were additional preconstruction and post construction testing as well as how those repairs are going to be made in collaboration with the county. Additional third party reviewer of our plan as well as inspections during construction. Communication protocols to the public regarding potential construction delays and road work as well as text messages and messages with first responders and dispatch to ensure there are no risks with emergency services. An extension of the financial security for three years post construction in case any issues were to arise down the road as a result of the project that were not found immediately after construction. There will be security in place for three years after construction is completed for the county to be able to rely on, although we will still be responsible for any damages and costs.

Additionally we submitted a Safety and Security Plan. The outlines security protocols and guidelines during construction and operation. It outlines cooperation with outside entities to develop an Emergency Action Plan in case of any emergencies. I want to reiterate, there has been a lot of previous discussion about fire risk. The risk of fires is extremely rare. We do have a safety system including sensors in the field that would notify the facilities who will remotely turn out the power and isolate the project and notify fire services. We have met with Marrs Fire Department leadership. We will be working closely with them to develop an Emergency Action Plan. We will also be working with them to provide training to be sure that they are adequately prepared in case an emergency arises.

The next item is the Construction & Operation Bond. This is the slide on how we address the requirements of the Ordinance for construction and operation bonds. It outlines our obligations as well as CenterPoints to maintain financial security through the tenth year of operation of this project. This is in addition to other financial securities such as the Road Use Agreement Bond and the Decommissioning Agreement Bond. It also outlines how we met the Solar Ordinance requirements regarding the funding of the project, any required financial securities or guarantees from major equipment suppliers as well as warranties and ensuring we have adequate insurance.

**ATTORNEY MARY SOLADA:** We worked very closely with your legal counsel and Executive Director to make sure that we have complied with every element of your Solar Ordinance. I wanted to briefly summarize some of the other submittals that are in your packet.

Given that the project did not seek tax abatement, the Economic Development Agreement requirement is not applicable. Secondly, we submitted document called the Additional Assurances which is meant to provide a statement that in the event of any possible transfer of the

project to other ownership, that these are the conditions we are going to talk about and all of the other requirements of the project that must be met regarding successors to the project.

The next document is Affirmations of No Additional Impacts. That of course is the result of the downsizing in a statement from Arevon that all of these former studies that you reviewed in September 2021 are valid except what is noted. We submitted a project summary, application, and affidavit of consent indicating our legal right. Lastly, we resubmitted a letter from CenterPoint which essentially says that they will be bound by the conditions that we submitted, and we will talk about that tonight, and it would not be immanent domain to expand the project further.

That takes us then to the proposed conditions. Right now we are up to 24 conditions. If you would like for me to read them for the record, I can. There is a new condition. These conditions are the same conditions that you saw in September 2021. They have been modified to reflect the downsizing in terms of acreage. The reference to the Building Code has been updated. We have added a few new ones.

I will just briefly summarize them. When I get to the end I will explain where we are headed with the additional conditions.

The project will maintain the buffer and vegetative screening areas shown on the site plan.

There will be a 20-acre pollinator area installed within the project area.

There will be barbed wire used in areas where required by law. Hopefully that will only be the substation area. Otherwise the fencing will be agricultural in appearance.

The project will not use solar panels containing cadmium telluride in the construction or operation of the project.

No solar panel at maximum height shall exceed 15 feet.

There will be a contribution of \$25,000 to the Marrs Township Fire Department upon commercial operation with an obligation of a \$5,000 per year thereafter. If this is accepted, we would provide training twice a year with the local fire departments.

A representative of Marrs School shall be invited for pre-construction meetings.

Security cameras shall not be directed toward non-participating neighboring homes.

The project will cause reasonable compliance with the various recommendations set out in the filed Telecommunications and Wireless Signals report.

A contribution of up to \$225,000 toward new communications towers will be made by the project within 45 days of commercial operation.

The project will maintain a local office in Mt. Vernon with a local representative. She will be there during scheduled hours.

Tax abatement was indicated earlier. We are not seeking tax abatement for this project.

No more than 1,400 acres or 200 MWac exclusive of any battery storage, which is not proposed at this point, will be developed.

No lighting will be installed or operated on the project site other than as needed for safety and operational purposes.

Trash and debris will be collected. The number of dumpsters shall be limited to 2 and shall be placed where they are not visible to the public. Pick-up is sunrise to sunset.

During its ownership of the project, CenterPoint shall provide to the Executive Director contact information where inquiries can be directed.

There are restricted hours of operation. It is basically summarized sunrise to sunset with some wintertime allowances.

The project will comply with the Drainage Plan approved by the Posey County Soil and Water.

The project shall comply with the Spill Prevention, Control, and Countermeasure (SPCC) plan required by the Indiana Department of Environmental Management.

The project will cooperate with any future easement request of public utilities.

Project collector substation(s) shall be screened from the view from public roads.

The project will comply with the International Building Code (2012) and the 2014 Indiana Building Code Amendments.

These conditions shall run to the benefit of a non-participating landowner who have received legal notice of the project and shall run with the land.

The new condition that the project will comply with the Transportation Plan Agreement as approved by the County Commissioners.

There are two other conditions. I am going to ask Mike Schopmeyer to come up and discuss those. I am very happy to report that Mike and I have been in communication with our client groups. I think we are very close to having an understanding as to a covenant agreement going forward. It will require some more legal documentation that I think we can accomplish in the next 30 days. We are working closely to have a private contractual understanding. He will go through the other two proposed conditions which should further provide protection particularly to those parties that are joint property owners.

I will talk very briefly about Findings of Fact. Indiana Statute requires in an adoption of a development plan that a plan commission adopt Findings of Fact. I'm sure you are aware of this. We did submit our Findings to the case file. There are only two Findings required. The first is that the Final Development Plan is consistent with the comprehensive plan. 90% of the county has been set aside for Ag and we believe that the project can be transitioned back to agricultural re-use.

Number two is the Final Development Plan satisfies the development requirements specified in the zoning ordinance. We have worked very hard to make sure we are truly compliant with every element of the ordinance. We feel that we are.

The conclusion is that we thank you. We recognize how much effort has been put into review of all of these materials. We have devoted substantial resources to the application. Our application has been reviewed by your experts. We believe we comply with the ordinance. In that regard, we would ask for your favorable vote this evening. We would be happy to answer any of your questions.

**MARK SEIB:** We will now open the public hearing. There is a two minute countdown clock behind me. You will be able to see this as you give your speech. We will start with the list of people that signed up to speak. Mindy will announce the one who is speaking as well as the one on deck. We will not be answering questions. At the end, the committee can ask questions to get more clarification if they need it. There will be no yielding your time to anyone else. There will be two minutes per person.

**KEN PFINGSTON:** 8440 Ford Road South. This has been going on for a long time. It is hard to turn farmland into a solar project, but the value to the economy I think is worth it. It is definitely worth it to me and my family. I don't want to sell the property and with this I can keep it in the family and all enjoy it. I'm all for it and I think it is a good deal.

**STACY WAGNER:** 6703 Wade Park Drive. I was born and raised in Posey County. My husband and I are co-owners of a 70 acre farm in Marrs Township on Caborn Road that we have entered into an option to lease with Posey Solar. I am not only a lifelong Posey County resident, I also serve in the role as the local representative for the Posey Solar Project. During my time in the role, the project has been paying rent and utilities in Mt. Vernon, I've used the local print shop, I've shopped at the Mt. Vernon establishments for needed supplies and we have used local venues for meetings with participating landowners. I am encouraged to use local goods and services as much as I can. The companies working to bring the Posey Solar Project have been working hard in our community since 2019. The project has done mailings to every mailbox in Posey County and has placed countless advertorials in the local newspaper. We maintain a project Facebook page which shares a lot of information regarding the project. We have a Friends of Posey Solar Facebook group that offers an open forum for supporters to share information about the Posey Solar Project, renewable energy and other solar developments in adjoining counties or across the United States. Just this last week in our private Facebook group, I shared a couple of stories about a developer breaking ground on a solar park in Ohio to supply Verizon and another story about a major renewable energy deal to power Ford's Michigan plant. Businesses are asking for renewable energy. Counties all around us are saying yes to renewable

energy. If we say no, we might just be left behind or passed up by businesses that want or need renewables. It is a known fact that people resist change. I know. I have been guilty of this myself.

**PAUL HERRENBRUCK:** 9200 Wolfinger Road. I, along with my daughter and son-in-law, own 70 acres on Caborn Road that has been committed option for the project. It means along with the other owners support the project. What I would like to call everyone's attention is that there is a government program that is called CRP. This sets the land aside to preserve the land and make the overall benefits of the land better. It enhances wildlife and it prevents erosion. Most recently there has been over 2 million acres in this program in a given year. We don't hear anything about people starving, about additional impacts of flooding and erosion or anything that has been heard in regards to this project... this CRP program. Nobody objects to it, but that program is out there. It's a good program. The likeness of this project is that it is going to be virtually the same only there will be solar panels on the CRP ground.

**FRANZ COSTELLO:** 707 E. Inglefield Road, Evansville. I am not a resident of Posey County but my best friend is. I have done some observations over the past year and as an agricultural country, this is the best. I've noticed the roads are busy in spring and fall. There's a lot of things shot into the ground like chemicals and things. I don't see how the solar project will bring those problems around. Although, we all have to live together. Everybody has to make a living. I don't see a reason why we shouldn't go ahead with this solar project. It would be good for Posey County.

**ATTORNEY MICHAEL SCHOPMEYER:** We've been involved in negotiations with Posey Solar as counsel by the petitioner. We would like a little extra time and I hope as the chair you will allow that. There were a couple of additional items that we would like. We are confident with negotiating. As you recall, when this project began, there were to be no covenants. As you see, there are 24 covenants that all of our hard work has brought. I hope you respect and appreciate that. The Road Plan needs to be included. We've spoken about that. It is a good written plan. The Decommissioning Plan needs to be incorporated. They agreed to pick up fees and loss incurred by the remonstrators in pursuing these many, many changes. Let's touch on a few of these changes. You saw the 24. Those are very important to these people who are remonstrators to your community. The no tax abatement or tax phase-in... we spent five or six meetings in which the only way this project would go was for that project is going without it. The project has been downsized. We asked for that. Setbacks have been increased. The Landscape Plan is enhanced. The fence, lighting, trash, all of those items are items we worked for. They have worked with us and we have done a lot of work. The covenants which are permitted by Indiana Land Use Plan and Zoning Law was put in place in recordable form with some compensation for all this work we have done on behalf of our clients and tax payers. The CenterPoint waiver, if you will, for imminent domain needs to make sure that it is extended in the event that CenterPoint would ever sell the power plant. I think we have an agreement on that. There are still some of those details that have to be worked out. The hours or construction we've addressed. When you represent a large group as we do, you can't make everyone particularly happy, but we've worked hard to try to come up with a good compromise. We work on disputes all of the time. Sometimes the best resolution is that both sides leave with some



disappointment. I hope everyone will recognize that we've balanced some issues out and we've achieved what could be a win-win solution for everyone.

**MISTY BISHOP:** 8520 Lower Mt. Vernon Road. I live within the solar project area. I am here to bring up a very serious concern that has never been completely addressed during this whole process. Solar panel fires have been on the rise in the last few years. We asked why did Tenaska say during the meetings that they would let it burn if a fire occurred? I've put a lot of time and effort into all of this. It is very dangerous to fight a fire caused by solar panels. They burn so hot and they are nearly impossible to put out and that puts our firefighters in danger. When these fires occur, toxic gases, sulfur dioxide, hydrogen chloride and hydrogen cyanide are released into the air. Hydrogen chloride is highly corrosive to tissue and can actually decalcify bones. After inhalation, pulmonary injury can occur even leading to respiratory failure. If it gets into the eyes, it can cause permanent visual damage, blindness or total destruction of the eye. Think about those residents that live within feet if there was a fire and if we had to get out in it, what it could do to someone. To me that is why projects like this do not belong anywhere near homes, schools or businesses of this magnitude. Especially those that will not benefit from it and did not ask for it. This endangers Posey County citizens who live within the project. Whatever you decide today will affect our county, rural community and future farming generations for the rest of our lives. This is a permanent change to our prime production farmland. If you can try to envision what this will look like, think about what it has already done to divide neighbors, cause mistrust in our community and cause extreme stress to everyone involved. This is really what is best for our Ag minded county. Thank you.

**MARIA MILLER:** 607 Wessel Lane on the Westside of Evansville. Thank you for allowing me to speak. I grew up, born and raised on a farm which was the best life ever in Posey County within 2 miles of a coal burning power plant. In the prime of my 32 years I had three children and went to nursing school and I was working at my love job as an RN in a NICU. I was diagnosed with Multiple Sclerosis, I went to a specialist at IU who when he asked my history. The fact of being exposed to what the coal power put out likely the environmental facts likely could have caused my MS. The reason I am asking to approve we need to try to clean up. I think everyone knows that we have one of the highest percentages of cancer or autoimmune in the whole country. And we need to try get clean energy for our grandkids. I am the first one to say I love farm life. But I think we need to be smarter than that and look at. I mean everyone knows someone who has had cancer. When I was in nursing, I had a professor say our area had the highest incidents, highest percentage of patients with cancer to St. Jude in Memphis came from right here. Just the small part that solar can help with cleaning up is a start. Thank you.

**GREG PATZER:** 8800 N. Gainey, Evansville, IN. I defer my time.

**CATHY BIGGS:** 2008 E. Chandler Ave., Evansville, IN. I was born and raised on Ford Rd. I just wanted to say I am for the Solar Project. This is good for me and my family and my grandkids. I also feel it is good for Posey County and I urge you to vote yes. Thank You.

**AGNES YORK:** 121 Cub Cove, Evansville, IN. I appreciate all of the time the Area Plan has devoted to the Solar Project during the past several years. Yes, I Agnes York currently live at 121 Cub Cove, Evansville, on the west side. At 80 I was born in Posey County on a farm the

majority of my life. After marrying we moved to Evansville after my husband was diagnosed with Alzheimers. So my residence is in Evansville, but my farm is still in Posey County. The heat we have had this summer was horrible, I think we can all agree to that. I was fearful of getting Posey County involved in brown outs like the large states of California and Texas have. We don't want that, we need to get on board with solar. Everything that I have read about solar have been very positive. As a matter of fact for those of you who have read the Posey County Newspaper a few weeks ago, there was a letter in there from a Miss Doland, she wrote a beautiful letter and I was so appreciative that someone took the time to investigate every avenue that had been brought up negatively or positively about solar. I am sure hoping that tonight you will vote positively for solar.

**KENDRA BISESI:** 6200 Randall Lane, Mt. Vernon. I am first and foremost a mother of three. My husband and I have three children in the Mt. Vernon school system right now. One just started at the Junior High and two kiddos at Marrs Elementary. So, I am also a volunteer at Marrs Elementary, I have served on the PTO board for the past five and half years. So, I have a great relationship out there. Teachers and staff have fallen in love with this community over the years. But one thing I haven't talked about with you all is the fact that I am also a licensed real estate agent in this area. We serve the tristate and just this year we closed over 10 million dollars' worth of real estate. Multiple of those listing have been right here in Posey County. One thing I find interesting, every single listing I have I try to have an open house and get out and talk to the people and interact with those potential buyers. One very common question that I have had this past year. Where is the solar project in reference to this property? I have to pull out maps from the website, I have to show where it is. Want to talk about property values. How desirable will our real estate be? It is going to affect us. If we are going to grow, we need more people. This project is going to turn potential buyers away. I want you to consider that to grow we need this real estate market to grow in Posey County. Thank You.

**MARY SOLADA:** I signed the wrong list.

**BEN MORGAN:** My name's Ben Morgan. 7516 Meinschein Road, Mount Vernon, Indiana. I'm not going to sit here tonight and beat down the whole project like I've done for a long time. But I am here to talk to you about the 96 acres that are still in a flood plain, much of which surrounds my home. I'm not sure I understand why a project that was once 3,000 acres, now 1,400, needs any acres still in a FEMA floodplain. Mark spoke about this earlier, still has to go through other entities such as DNR, FEMA, and all that but when we talked to them you guys also have the power to say let's look at this a little more and not have any in a floodplain. I also took the time and spoke to Mr. Chavez over here, and he assured me that they do not intend to build in the floodplain even though it's still 96 acres in a floodplain. Maybe he can elaborate on that later at another time, but that's what he assured me, so I brought it up to him, "Why is it still on there if they don't intend to build down there?" And he spoke to me a little bit about it. Like I said, maybe he should elaborate on that later. Why that's still on the one proposal if they don't necessarily intend to build on the floodplain. This is not some foreign floodplain. This is floodplain with over a dozen houses that surround it. So, I don't think it's anything to experiment with. I think you all know if I wanted to build a home out there, I would have to bring the grade up and be improved on that and we know we can't bring the grade up and do all that. So, should

we allow something else to build on a floodplain? And that's the point I want to bring up tonight. Thank you.

**DAVE DAUSMAN:** Hello, my name is David Dausman. A lifelong resident of Posey County. The last 30 years in Marrs Township. I've spoke before you all before, you know I'm in opposition to the solar farm, and my main reason for being in opposition is I'm a businessman. I've been in construction for 40 years, heavy industrial, 25 of those years owning my own business. I don't know how many people in here have read this, but this is an economic impact study that Arevon has done summarizing the impact that this project will have on Posey County. And I blew holes all over it. I'm a construction manager, I know what things cost and I know how construction works. I have done my own impact study that I can't do in 2 minutes, but I have forwarded that to most of you on the board. I hope you read it. I have also sold my business and decided to get in local politics because I want to grow this county. This county has the highest paying wages in the state of Indiana. We have no housing. No housing. My goal is to put housing on the main corridor between Mount Vernon and Evansville. Can't do that with solar panels. Won't happen. So, I know we have legal counsel talking across the table. Mr. Chavez maybe we could talk across the table. And of these, in one term, let's keep these panels off the highway because we need housing. We have a new commission coming on. I've talked to them. We're going to get housing in this community. You can't do it with solar panels on the highway. Another thing I'd like to talk to you about is the 212 full time workers that are going to spend \$21 million at Mount Vernon in 14 months. I love my little town. I don't see \$21 million spent in Mount Vernon in 14 months. Thank you.

**JULIA VANTLIN:** Julia Vantlin, 5640 Caborn Road. My biggest thing is agriculture. You are getting ready to take more land out of production. Agriculture contributes \$992 million to the American Economy. Each year 31 million acres is lost between 1992 and 2012. That's 175 acres per hour. I know they're talking about a very small portion of our little county, but Indiana is one of three states that over 50% of our land is labeled as prime. We are blessed to have prime. I think it would be a waste to put solar panels on any of our prime farm ground. We need to look at other counties and some of those mistakes that they've made along the way. Poor Madison County collected a bond of 5.6 million. They later found out they needed 13.2 million to decommission and to correct the land. They keep saying they will return it to farmland, they need an additional \$1,780 per acre to do that because the land will definitely be in a lesser state. To paraphrase the rezoning questions– “Will it have a positive impact on the current conditions in the area?” No. “Is the proposal consistent with the development or growth we need in the area?” No. “Does the proposal address the goals of the comprehensive plan?” No. Our main goal is to protect our farm ground. “Does it protect property values in the jurisdiction?” No. “Does it present most desirable use for which the land is adapted?” No. I ask you, please, do the right thing. Protect our farm ground and protect Posey County. Thank you.

**STEPHAN MOORE:** 6620 Carson School Road, Mount Vernon, Indiana. You've read in the news in the last two or three days that they are expecting a worldwide food shortage. And I have to ask, and I will give it to the master group, they seem kind, they try to do things right, they give concessions, they act like they're people we should work with. But I go back to the point that I made in the early stages of why such productive farm ground, when Vectren or used to be– I think they go to Vectren, we spent millions of dollars to make changes to clean up those plants

where they could burn coal clean. Now, all of a sudden, we got to subsidize this deal and we're getting nothing out of this. We're the taxpayers, we're getting nothing out of this. We're losing this farm ground. And they have the acreage back here that's already cleared at that far plant they could put this on. Why the land grab? Why? I just don't understand the consideration or the thought process of it being that way. And it's easy. I hear these people talk about coming here, "Oh, yeah, I've got acreage here, but I live in Evansville." Yeah, they'll sign their acreage and walk off and leave it. They don't have to be faced with it or confront it on a daily basis. And it's one of those deals where you back up with, "Yeah, we all grew up in Posey County." You have consideration for your neighbor. You don't do stuff to them that's going to harm them. They're going to have to live with the turkey farm/pig farm in their backyard things of this nature of what they're asking us to do here. Again, I'm not bashing these people. I think they've done admirable it's just in the wrong spot, the wrong place, and Posey County gets zero out of it. Not like Alaska. When that pipeline went through Alaska, those people are still getting like \$3,500 apiece for using their ground. We're getting nothing, not even a reduction in our electric bill. You know? I thank you.

**RODNEY RITZERT:** 4820 Caborn Road. I feel that the job of the Area Planning Commission is to protect the county and its residents from the development that is not included in the county's comprehensive growth plan. According to the county's comprehensive growth plan that was put in place by the county geared to protect our county's rural agricultural landscape and protect our prime farmland. This kind of development should go on unproductive ground around reclaimed coal mine ground/CRP ground to make it productive again. I'm not against smart development that creates jobs long-term, but all ground is not created equal, and we better start doing a better job of protecting our highly productive farm ground, or someday our kids or grandkids will have electric but won't be able to eat. Thank you.

**TOM SOMMERFIELD:** I live at 2700 Blackburn Road here in Mount Vernon. In its simplest form, zoning is a legal protection and application of land use. So, I want to thank the members here for serving on the commission, it's a tough job. Landowner rights are a basic promise to liberty but have responsibilities to neighbor. If I were to impose restriction of planting of corn on my neighbor's property because I have an allergy to corn pollen, that would be an unfair ordinance because it would place an undue restriction on the landowner rights. We regulate development for the benefit of all and with fair application of legal statutes. I am in favor of the proposed application of the solar farm. It represents a balanced fair approach to regulate the development for solar energy fields. With compromises imposed on both landowners and the nearby neighbors and the developing company. Thank you.

**KEELY BURKHART:** I reside at West Copperline Road. Tonight, I'd like to present to you some research that I found regarding carbon absorption from crops in comparison to carbon absorption with solar panels. In this study, they found that corn sequesters 36,000 pounds of carbon per acre per year, whereas an acre of, say, grass in which you put the solar panels only absorbs 920 pounds of carbon. Therefore, that acre of land has a net loss of 35,080 pounds taken from the atmosphere. So, let's relate this specifically to the solar project. The project currently encompasses 1,400 acres, so if those acres were covered in solar panel instead of productive corn crop our county alone would be at a net loss of 49,112,000 pounds of carbon that could be taken from the atmosphere in a year. But let's not forget the life span of 30 years that this project is.

Imagine the impact this 1,400 acres will have on our atmosphere in that time frame. So, from the sound of these numbers, putting solar on prime farmland instead of the many other places that it's better for, sounds like a great way to contribute to global warming. As many times we have said before, the majority of people are not completely opposed to the solar energy but using our county's prime farmland isn't the place for it. There are far too many places better suited for this project and our land is far too valuable. I appreciate your time and your careful consideration on this difficult decision as it will impact our county today, as well as all of our future generations to come. Thank you.

**DEEANN JONES:** 4172 Nation Road. I'm a lifelong resident of Posey County. I'm also a small business owner and own some commercial properties as well as productive agricultural ones. I come from a long line of farmers. My father and grandfather were farmers in this county from about 1939 until their deaths. I'm here because I'm opposed to this project. As a landowner, I understand landowner's interests and the large profits that are being touted if they lease their lands for building these large solar projects. In this economy, it'd be hard to turn down that kind of money. If I didn't live here, I wouldn't care what impact that leasing of the land would have on this town. The one gentleman who said that this was the way to keep the land in his family, well, my family kept the land in our family, even though we would farm it. There are ways to do that. However, there is more at stake in this county than just mere profits. The large expanses of productive farmland that is going to be taken out of production will hurt Posey County in many ways. You cannot take thousands of acres of farmland out of production without hurting our local economy. It also hurts our country's agricultural production. We cannot keep taking farmland out of production without great consequences to our ability to produce food in this country. And this is just not this area, this is everywhere. It takes many years to make ground productive to produce crops. When that ground's taken out for many years, it takes time to make it productive again. So, there's 30 years after 30 years, you're going to have to try to turn that back into productive ground. By allowing these companies to lay this ground fallow for decades you are going to cause long term damage to our agriculture community for a long time to come. The farmers who farm these thousands of acres will lose that ability to farm. They can't just turn around and get extra ground. The ground is already being farmed. The loss of income extends to not just farmers, but all types of businesses in this county who rely on the farmers. Please, I urge you to vote this down. Thank you.

**BRIAN DUBOIS:** 4841 South Bohleber Road. I have talked about this a little bit in the past, but my sources were not listed last time, so I'm going to spell those sources out for you all. The first one is going to be from Central Intelligence Agency, World Factbook. I used to use that in college quite a bit. The very thing it talks about is our autonomous zone that is in the Zhejiang Province of China. These are political prisoners based off their religious beliefs. They are literally slaves building these solar panels. They are forced to do drugs. They are forced to comply to the Chinese way of thinking. They are forced to learn Mandarin Chinese. They are held at gunpoint. They are literally living in a prison. Everything they do is controlled by the government because of their religious views. Also, Christians are persecuted in the same manner. Another source is going to be from the Bureau of International Labor Affairs, the US Department of Labor. Entitled, "Against Their Will: The Situation in Xinjiang." One of the very things it talks about they produce over there with slave labor, primarily in the Xinjiang Province, are solar panels. That's not just the Xinjiang Province, there are several provinces in China that do this.

Another source is going to be from the State Department. Very similar, talks about how they're doing the same thing of having the population make these. They are tortured, sometimes raped. All kinds of horrible things going on over there. The other source is the Customs and Border Patrol Agency. They just got a similar matter. And I don't see that we should be buying anything from China, especially considering that a lot of our drugs in this United States are from China. Fentanyl, precursors for methamphetamine, etc. So, people are overdosing in this country. We're going to bring all this stuff from China. Doesn't sit well with me. Also having zoning is kind of against the whole idea because it's kind of like communism. The government controls the means of production. Thank you.

**GLEND A ELPERS:** Hello, my name is Glenda Elpers. I was Glenda Angermeier, and I was raised in Posey County and my family has owned farmland for over 100 years. And I was always raised at the farm and my dad was a farmer. As a landowner, I believe I should be allowed to financially benefit from my land without interference from others. Solar energy is a definite part of the future. The power plants are being phased out. Therefore, I would encourage the Area Planning Commission to approve the area plan for all the economic benefits it would bring to Posey County. I believe that Posey County can be on the cutting edge of the future of solar energy if this plan is approved and I thank you for your time.

**BRUCE WRIGHT:** 4005 Herrmann Road. I'm a retired seventh grade science teacher. When we had our unit on energy, I would explain how carbon dioxide affects the temperature of earth. In fairness to fossil fuels, I would say that we as a society are not ready to give up fossil fuels this instant, but we have to start moving towards renewable energy. There would always be a kid that would not understand the relationship between excessive carbon dioxide and temperature. And I would use this analogy— I'll run down to Rural King and I'm going to buy you all these insulated coveralls. Let's put them on in the classroom. Let's see how you're doing in a few minutes. But, of course, they'd overheat. But it's not the overalls that are producing the heat, it's the bodies. You've heard of the side effects, the effects of global warming. The heatwaves, the floods, the melting of polar ice. You've heard this again and again because it's happening. These 1,400 acres becoming a solar field will produce electricity with zero carbon dioxide. On a global scale it's a small field. And will it make a major change in earth's environment? No, not a major change, but a little change. It would be a step in the right direction. Thank you for your time.

**MATHEW SEIFERT:** Mat Seifert, 7150 Allison Lane of Mount Vernon. "There's a little slice of heaven in southern Posey County." This is a quote from Mr. Dave Pearce's article, which he wrote on my family's farm this summer in The Posey County News. Three years ago, I started my farm, Family Tradition Farms, in hopes that my future children will be able to continue our family tradition of production agriculture in our area. Shortly afterwards, I caught wind of a proposed solar plant possibly going in on surrounding property. Although this is alarming, I was not overly concerned because I had faith in my county officials— You all. Because not long before this, you all had made the ethical decision to keep wind turbines out of our property and out of our county. It was not long though that I realized that my trust had been betrayed. I began to hear things like, "It's okay as long as it's not in my backyard." And "Well, they have to go somewhere." My farm's main attraction is our sunflower patch. Which local photographers are encouraged to come out, free of charge, to take beautiful photo sessions, as well as take cuttings

home to decorate their houses! Everyone I've talked to in the patch has commented about how peaceful and tranquil our area is and how they love watching the deer in the fields and the wildlife roam free. Another quote for Mr. Pearce is, "On a quiet day, you hear bees buzzing, see butterflies and birds flying around the field." It is with a heavy heart this year that I had to tell my customers that this might be the last time that they get to experience this because this whole area might be covered in solar panels. Now, that won't make a good backdrop for your pictures. I have planted my roots in Posey County, both figuratively and literally, in the way of wildlife habitat, pollinator habitat, and my family's home. I'm going to leave you with one question— Why is my little slice of heaven in southern Posey County less important than your little slice of heaven in northern Posey County? Thank you.

**KATHY YEARWOOD:** 8820 Darnell School Road, which is right at the corner of Ford Road and Darnell School. And tonight, I'm here to share with you my concern about the impact to drainage that this project would have on the area that I live. Currently, my property accepts water from the east side of Ford Road and carries it across my property, underneath Darnell School, on down to the river. In a two-inch rainstorm in the middle of the winter, I will have five feet of water on my property anywhere from 24 to 72 hours. If, though, the river rises above 45 feet and starts backing up into the river bottoms, the water will back onto my property and even go across Ford Road onto Brian Morgan's land. As we look at this project, I've read every document they've submitted, and I am still very, very concerned that our watershed is going to be negatively impacted further by this project to where, as the years continue on, the erratic rainfall continues on, that we'll see more and more flooding. Not just for me, but for all of my neighbors on Darnell School Road. Thank you for your time. I would appreciate a no vote tonight.

**ROGER NURRENBERN:** 7700 River Ridge Lane in Evansville, Indiana. I am a third-generation farm landowner in Posey County. I could potentially be one of the last generations to kind of walk the beans and go down the rows with a hoe and take out all those weeds. As we raise our two teenagers, we sometimes take a drive down through the bottoms and we explain the dynamics of how things function. I would cover like the AB Brown plant, the crops grown, and harvesting. We cover different structures like the oil well structures, cemeteries, fire stations, how subdivisions are formed. So, we are in support of the solar project for several reasons. First of all, green energy. Green energy is ever most important to our world to help mitigate global warming for our future generations. We continue to use more and more electricity in our homes and need to produce more electricity in a more efficient manner. Now we see some of these electrical vehicles coming out and people are like, "Well, let's just use a little bit more electricity. It's a little bit more electricity." This project will help inject funds into Posey County in several ways. First, until our economic development, landowners are going to receive greater revenue. They're going to take that revenue, which they have to pay taxes on, they're either going to spend it locally or donate it to their charity that they're with or organizations that they support. They might also venture out and then reinvest those funds as well into the local economy. The county also gets increased tax revenue above and beyond what they normally would get on regular farm ground as well. So, if we as a county reject this project, I think it's a huge opportunity cost for down the road. So, thank you for your time.

**DEBRA HEAD:** My name is Debbie Head. I live at 5930 Caborn Road North. So, a couple of things, I just want to because we can't ask questions to propose that you guys take notes is a couple of things on the 24 different things they use "up to" twice a couple of times, which that means that could be none when I think of "up to". So, I think that, at least, they should do training up to twice a year and they should at least say "at least once a year the price of the contributions for the communication towers" that they shouldn't say "up to 225,000". It should say something like "from 150,000 to 225" because "up to" could be zero or \$10. Another part that I read on the Tanner Engineering Drainage Plan, which was in our plan for this, it says "repair of all drainage and ditches and tiles." And then in parentheses it says, "if in the public right of way." Well, a lot of where the solar panels are to be, they're not in the public right of way. So, if they damage those tiles in these people's land, that they're putting it in and it goes out into the public land, then that's an issue. So those should be anywhere that they damage any drainage it should be repaired, whether it's in the public or the private. So, these are some things I think you should look at. The last thing is that I've been to a lot of your Area Planning Committee meetings, and I know that there's times when they're rezoning, people asking for it, and some of them have been denied because of several different reasons. Safety. For whatever the people are building. Noise. "No. The neighbors aren't going to like the noise." Aesthetics. "No, I don't like the fence or it's a body part. I don't like the cars out there." "Is it giving back to the community?" "Is it depreciating the property?" All of these things right there. This isn't following it. I know we're not rezoning it, but these are all against the neighbors that are around in our community. Thank you.

**WILLIAM PLATZ:** Hello there, Bill Platz. 706 East Tenth Street, Mount Vernon. Just a question, I'll put it in a different form. Let's make sure that these stations or locations around the project are monitored for any negative impact to the environment on an ongoing basis. Your regular power plants are heavily regulated. They provide for such things, but I don't know if solar is that far along to have developed the same nature. So that's just something to think about.

**MARK SEIB:** Okay. That's the last person who signed up. If we have someone here who did not get a chance to sign up that would like to speak, I will grant that to you at this time. So, if there's someone here that did not get a chance to sign up, that wishes to speak, please come forward at this time. Okay. So, no one coming forward. We're going to close the public portion of this at this time. We're going to ask our experts that we hired from within the county that looked at these proposed plans and different things and allow them to come up here and present their findings and their thoughts as well. Carrie, would you like to come out? Carrie Parmenter, we had asked for it to be included in this. John Stofleth, also included, is a hydrologist, worked with the state of Indiana and was on the project for our State Highway 62 and worked with that with the flooding and those kinds of things. So, we felt that these two people were very qualified and very familiar with the lay of the land and what was the issues in those areas. And we asked them to be a part of this, to give us a recommendation and to review the plan and tell us what they think. John cannot be with us tonight. So, he is with us on Zoom, and he is listened to



through Zoom. And I will give him a chance to say something here. And after Carrie does so. Carrie, would you please?

**CARRIE PARMENTER:** I just wanted to say that we reviewed the drainage plans that were submitted, and we spent several months going through every detail of them, in every field, looked at every drainage possibility that could be impacted by this project. We had a lot of back and forth with the company to get it to a point where we were satisfied with it. And we have not seen the final drainage plan so the plan that has been approved has been approved on conditions. So, if this condition is existing then this condition will happen. So, we have gone through just about every scenario that we could possibly think of and with the drainage plan that has been submitted I do not see that there will be a negative impact on the drainage in that area. We should have less drainage coming off of the fields than what is currently. And there have been assurances that if there are any drains or any structures in the fields that are damaged during construction or found that are not already on their plans. They have maps of where they know that there are tiles, but that there are existing tiles that they are unaware of, that they will repair those so that there should not be any impact as far as the drainage goes in the fields. So that's all I have to say.

**MARK SEIB:** John go ahead and say anything you need to add.

**JOHN STOFLETH:** Yeah, Carrie did a pretty nice job summarizing the processes that we went through in development of the end review of the Drainage Plan. The only thing I'll add is that through this process we did develop a list of additional requirements and we ask that the drainage plan be revised in accordance with recognition of those requirements. And so, as we move forward in the design process to a final design, we need to ensure that those requirements are to be met in the final design of the project.

**MARK SEIB:** Next we have Barry Tanner.

**BARRY TANNER:** So, I've been asked to take a look at the preliminary and now final review plan and make sure to kind of look at it from a technical standpoint to make sure that all plan's requirements have been met according to the ordinance. So, I've looked at the plans that Tenaska and Arevon have submitted for the final plan review and compared it with the requirements of the ordinance to make sure that all the requirements have been met. As far as I can tell it looks like everything has been met. But I have made some comments in my report, some legal documents that still need to be executed that I did not see on the SharePoint site. They have been submitted and as far as I know, they have been approved. So, you should have the report in front of you. I submitted it, I think, last week or two weeks ago. And I'm here for any questions.

**MARK SEIB:** Do we have as far as the community, any questions for the experts or anything such as that? I'll give you some time to put those together. But if you have anything for Carrie. And I know Carrie can pretty much answer saying that we would have. And John and Barry, you can ask them as well. So, are there any questions at this time for any one of our experts? Okay. That being said, now we will move into the committee. The committee will talk amongst themselves, and they can ask questions of anyone that they would wish that they had even more

information from whether it be the solar company or one of our experts. So, it will be up to the committee and then they'll take action as they see fit. Discussion?

**MIKE BAEHL:** With the Indiana DNR not approving this yet, how can we move forward?

**ATTORNEY TRENT VAN HAAFTEN:** Like the stage we're at tonight is approval or disapproval of the Final Development Plan. If you approve it, that doesn't end anything. The next step is the company has to acquire all state and federal permits, approvals, and licenses. They then have to comply with all state and federal statutes and regulations. They then meet with a pre-construction meeting with the executive director, Area Plan President, and the Building Inspector. All of that takes place before construction can commence or an Improvement Location Permit can be granted. So, waiting on another agency does not stop you from taking steps. One of the suggestions that have come up, if you approve it, you can approve it with reasonable conditions and provisions. I think when the preliminary was approved, you approved it subject to them completing a few other items. So, although the ordinance still requires them to get the DNR permit before doing anything else, you could, if you approve it, add that as a condition. "We approve it subject to receipt of the DNR permit."

**MARK SEIB:** Any questions? If you have questions let's get a mic to you so everybody can hear. Do you have questions? Discussion?

**KEITH SPURGEON:** Question here. So, we've talked about DNR, so if we're going to put that condition, we wouldn't just limit it to DNR, but are there other entities out there. That we might want to make that condition broader. Like Carrie brought up about, they approved 'of conditions'. So, do we want to make that a little bit broader than just say DNR?

**ATTORNEY TRENT VAN HAAFTEN:** What I would say is the ordinance already makes that general requirement or puts that general requirement in place that they have to give it. But again, you could less specifics, DNR, Soil and Water approval, and all other permits, licenses, approvals required, just as the ordinance says.

I've got two questions. First question directed towards Mary. And the question came up from an audience member in regards to damage to tile on private landowners' property. Obviously, we're not privy to any of the individual leases or agreements entered into with private landowners but do you know, and if you do can you share, whether those private leases have any provisions for repair of damage on that private land, such as to tiles?

**ATTORNEY MARY SOLADA:** It is an excellent question, Kyle's got more knowledge about that.

**KYLE GERKING:** So, the short answer is yes, the lease does require us to repair the damage. One other aspect of that, I guess, is the Indiana drainage code requires us to maintain anything. If it's coming from a neighboring property and conveying through a participating property, in that case, we would have to ensure that that is either rerouted or maintained functional. So those instances will obviously be repaired readily by the project. Anything in the public right of way, as was mentioned. I think that's the main one. Those will be repaired. But we've got the great

expanse in the development period to identify where those tiles are, what's out there, and to find a plan to repair that tile as necessary.

**ATTORNEY TRENT VAN HAAFTEN:** So Mary, I guess I do have another question for you. Is it your position that the Indiana Code requires APC to make Findings of Fact?

**ATTORNEY MARY SOLADA:** Well, I found those somewhere in your general ordinance. I know it's not in your Solar Ordinance. I believe that statute says that they shall make findings.

**ATTORNEY TRENT VAN HAAFTEN:** You and I might be reading it differently, but in terms of moving forward, if it is to be approved, would you prefer that findings remain?

**ATTORNEY MARY SOLADA:** Yes.

**ATTORNEY TRENT VAN HAAFTEN:** Then my final question is for both you and Mike. You mentioned you're in discussions with the conditions that talked about covenants. What I wasn't clear about, were you guys talking about putting the Transportation Plan and the Decommissioning Agreement into those covenants? Because my concern is those are agreements with the county, not with the individual landowners, whether they're participating or not participating. So, I have questions about whether you can pull others into that agreement.

**ATTORNEY MARY SOLADA:** Well, I think the intention is, first of all, to finish up the conditions document that's discussed tonight and to add a few things, clarify a few points, good points that were made by the public. I think the intention is to simply say we will abide by the agreement asked for by the Commissioners. We will abide by the Decommissioning Agreement, as is in the case file. That's it. We're not asking for cross enforcement. I think the other thing, just so that it's clear, the Road Use document with the Decommission Agreement will be executed I believed was raised in Barry's report, at the time of the Improvement Location Permit. Mike is there anything else you wish to say?

**ATTORNEY MICHAEL SCHOPMEYER:** It's very important as you talk about the conditions of the permits from DNR, that in whatever motion is made that these covenants and conditions that we put in the record will want to copy the recording of this. And that over a three week period you're going to be involved in that, too, because we're all three parties to it. Our clients have worked hard on the Road Agreement. I mean, we've been remonstrating not just here with you, but with DNR. They've been involved in that process. So, we think they should be in there and enforceable. And not everyone here will be a party to the covenant, but certainly the adjoiners will be and those that signed. And our clients will sign a release of the litigation against the County so that there'll be a clear path for this project. It's part of the quid pro quo that's going on. So, I emphasize that it's very important that whatever motion is made it include what's been alluded to, but also these conditions, covenants that both of us have put in the record. It's very important that in three weeks we'll have those. I mean, we've been doing a lot of work over the weekend. We spoke last week with you, both of you. And so, I'm confident we'll get to a solution that we can all be happy with.

**ATTORNEY MARY SOLADA:** Yeah. And I guess thank you, Mike, because I think it is important that the record is clear about this. I don't think there's a legal obligation to submit to my final conditions simply because they're voluntary on our part. So, our goal is by September 7th, to provide to you for your legal review, the final version, which will talk about some of these enforcement issues and clean up a few things. So that would happen before the expiration of any judicial appeal for one thing, right? And then also that it's in recordable form ready to be recorded at the time of the Improvement Location Permit. So again, because it's voluntary, and it's all a blur if you look at this language, I think that we don't necessarily have to have every word buttoned down tonight.

**ATTORNEY MICHAEL SCHOPMEYER:** I'll be generous as well—I don't think the findings have to be done tonight. I would agree that those likewise can be part of this process we're talking about. If indeed we need to work through the findings, we will work together on that. We believe those two can be so you don't have this long process. But I just want to emphasize whoever makes a motion to advance it, make sure that the road plan you guys have worked hard on, I mean, it's a good road plan, decommissioning. There's still some things that need to be done. Drainage, all of those need to be part of this, as well as the commission's covenants that we've spent a lot of time on. So, you agree with me on Findings of Fact that we can we can do that, it can be deferred?

**ATTORNEY MARY SOLADA:** Yeah, that's right.

**ATTORNEY TRENT VAN HAAFTEN:** I just wanted to make sure you weren't going to put the County through something that it wasn't a part of.

**MARK SEIB:** Okay. Other questions? There was a question, and Mary if you want to stay there for a second, it came up earlier in the stages, along with the tile, along with the removal of soil or movement of soil and in the agreement and this is the book here that gives us all of what we're coming together for tonight concerning the topsoil. And the topsoil is very important, we just don't generate that over a period of time. And it's in the book and it is part of the language that we have here. So, Mary, would you just briefly give a summary of what that is?

**ATTORNEY MARY SOLADA:** Yes. The decommissioning document has attachments A & B, and both of those attachments discuss the topsoil. And Kyle step in if I get this wrong, but basically the topsoil is removed as part of construction, it's stockpiled on site, and every attempt will be made to stockpile it on that particular parcel. And at the end of construction, it will be moved back somewhat near where it was before. Whatever topsoil isn't needed at that time will be set aside on a project site, never removed from the project for ultimate decommission. And that's the short version but I can read the actual provisions.

**MARK SEIB:** The soil stays with the property. A little history, the Area Plan Committee has had these books for two weeks. They've had the time to go through each and every page. Review it. This committee as it is right now we're minus one. And Hans Schmitz, who was the County Extension Agent, by virtue of his office, was sitting on this committee as well, and he has moved on to other divisions of Purdue Extension. And so he is no longer able to be here with that. We are working on with Aaron taking his place, but Aaron just got recently put on. And then we ran

into a little bit of a problem with, you've got to live in the County with the County Extension Agent being there and if it's not, then there is a process that we have to go through by state statute to have someone to be able to vote for the extension seat that's there. So, we have not been able to fill that that. So, I guess what I'm saying here is that every one of these members that are here are the ones who have been here from day one. They've heard all of the testimony. They've heard all of the discussion. They went through every piece of every information that we through this whole process. I believe this is what the third book that we went through with this. And I am very proud and humbled that this group has done as much work on it as they have and being well informed and going on from there. So with that, I'm just saying to the residents of Posey County, this area Plan B is doing its work. With that, is there any other discussion? Any other comments? Questions? With that being said, is there any action?

**ATTORNEY TRENT VAN HAAFTEN:** And I just want to make a reminder to the Area Plan, under the Solar Ordinance, Section 153.124. The approval process is covered there, and it allows you to consider everything you gathered, heard, obtained materials, etc. You can make a motion to approve the Final Development Plan. Again, all you're doing is approving the Final Development Plan. You can just straight approve it, or you can approve it with reasonable, rational, conditions, or provisions not otherwise covered in the ordinance. If there is a motion, it should cover approval, straight approval, or if it's approval with conditions. We've heard tonight from the attorneys wanting to incorporate or create some conditions. Keep that in mind and then if there's any other conditions you want. I want to repeat, that if this Final Development Plan is approved, what happens then if there's conditions, obviously they have to be met. And then Section 153.125 in the ordinance requires that the applicant obtain all state and federal permits, approvals, and licenses, comply with all state and federal statutes and regulations, obtain liability insurance for property damage, bodily injury, and environmental contamination. The details are outlined in the ordinance. Establish the 24-hour toll-free phone number for calls to complaints, inquiries, and concerns. That number be posted at different areas of construction. They attend the pre-construction meeting with the executive director, Building Inspector, or agency president or any other official deemed necessary for that meeting. And they have all their fees paid. Then if an Improvement Location Permit is obtained, then they can commence construction. So, I just want to emphasize already in terms of what the ordinance covers and then what you may consider in terms of a motion.

**MARK SEIB:** Okay. Any questions? Is there a motion?

**MARK SEIB:** This is the final for this project. And I had the office send an email to the members that each one of the members can give a brief summary of why they're voting the way they're voting. So, I allow that to be done because this is obviously not anything to do with the ordinance. This is not to do with the setbacks. That's all been done. That's all passed us. We did. What we're trying to get accomplished here tonight is that they met the requirements of our ordinance. That's what we have to vote on. Have they met the requirements of our ordinance for them to come into the county? And so that's the thing. And I have allowed for each one to speak briefly how they wanted to vote. All right. Is there a motion?

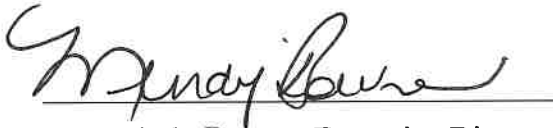
Keith Spurgeon made a motion pursuant to Section 153.124 of the Solar Ordinance, I move to approve the application of The Final Development Plan filed by Posey Solar LLC as application

2021-01-SECS1-APC subject to the following restrictions and provisions. Number one, subject to receive DNR permits and all other permits and approvals as required, including but not limited to Construction Storm Water General Permit. Number two, any conditions in addition to conditions 1-23 shall be subject to approval by APC Counsel and the Area Planning Commission at a public meeting. Andy Hoehn Seconded the Motion. **Roll Call Vote (5-3) Motion Passed.**

**ADJOURNMENT:** Andy Hoehn made a motion to adjourn the meeting at 7:50 p.m. Motion seconded by Keith Spurgeon.

A handwritten signature in cursive script, appearing to read "Mark Seib", written over a horizontal line.

Mr. Mark Seib – President

A handwritten signature in cursive script, appearing to read "Mindy Bourne", written over a horizontal line.

Mrs. Mindy Bourne, Executive Director