

RUSH COUNTY
AREA PLANNING COMMISSION MEETING MINUTES

MAY 3rd. 2023

6:00 P.M.

President, Marvin Rees, calls the meeting to order at 6:00 P.M. Marvin reminded everyone to speak up so they could be heard.

ROLL CALL: Jeff Amos, Kenny Aulbach, Vice President Denny Corn, Virgil Bremer, Kelly Land, Tom Monka, Justin Orme, Mary Richardson, Marvin Rees, President. Also present were Attorney Geoff Wesling, AOC Director, Mike Holzback and Deputy Director, Linda Ashwill.

APPROVAL OF MINUTES for the April 5th, 2023, meeting. Marvin asked if there were any additions or corrections to the minutes. Hearing none, a motion was made by Denny to approve the minutes as written. This was seconded by Mary. All were in favor. Minutes approved.

APC Board needed to appoint a non-elected person to the Board of Zoning. Virgil made the motion to appoint Justin Orme. This was seconded by Denny. All were in favor and Justin accepted the nomination.

NEW BUSINESS:

1. APC-2023-16 Rezone

John R. Abrams Family Farm Inc. is selling a 3.5-acre tract of land to Jackman Animal Clinic.

This 3.5-acre tract is zoned partially residential and partially A-1. They are requesting this all to be changed to A-1R. Located north of the Current animal clinic and North of Church Street.
Parcels # 70-14-12-427-001.000-001 and 70-15-07-300-001.000-001

Marvin asked if there was a representative. Jared Baird came to the podium as the representative. Mike gave **Findings of Fact** as follows: Jackmans are buying this 3.5 acres.

1. Part of this 3.5 acres is zoned residential and on the East side is zoned A-1. A-1 adjoining A-1R is a compatible continuation of the agriculture zoning. Mike said the difference between A-1 & A-1R is a little more latitude for livestock. Not that they are going to keep livestock here all the time, but the facility that they are wanting to build is for that purpose.

2. This zoning change is to be able to construct an additional large animal treatment building. This is, as has been explained to him, as a drive through building. They bring the animal in, unload it, treat it, and load it back in and take it back home.

3. A-1R seems to be the most compatible zone for this use. It is for housing, livestock and agricultural activities.

4. Adjoins Jackman Animal Clinic and the unimproved portion of East Church Street in Milroy. This is North of their present building and just North of East Church Street. The unimproved portion of Church Street. Mike said he had talked to Jerry Sitton, Highway S Superintendent, and he is fine with this. This is up to the Commissions.

5. A fifty (50) foot easement on the West side to connect the residential zone is accounted for. This is just East of the school. There is also access to that residential zone North of the school coming off Walnut Street, which is the County Road that goes out to State Road #3 for access if that was to ever to come about.

6. All adjoining property owners have been notified by certified mail, advertised in the Greensburg Daily News, and posted on the bulletin board in the courthouse.

Recommendation: *Recommendation is to send a favorable recommendation to the County Commissioners.*

Mike stated that some of the maps do not scan very well. He brings the diagram up on the visual screen to explain the survey given to him.

Marvin asked Mr. Baird if he had anything to add to this. Mr. Baird said Mike covered this pretty well. The intent of this is for a larger facility to be built for hauling in larger animals, cattle, sheep, goats, etc... Mr. Baird stated they just need a larger facility to be able to service more and larger animals at the veterinary facility. Marvin asked the Board if they had any questions. Hearing none, he asked questions from the audience. Hearing none he asked for a motion for the recommendation to the Commissioners. Jeff made a motion for a favorable recommendation to be sent to the Commissioners. This was seconded by Justin. All were in favor. Motion carried for this rezone to A-1R.

Mike stated he would take this favorable recommendation to the Commissioners at their next meeting May 8th, 2023.

Marvin asked for a motion to close the public hearing. Tom made the motion and seconded by Kelly. All were in favor. Public hearing was closed.

OLD BUSINESS:

REPORTS: Director: *Mike Holzback Mike stated he had nothing.*

Attorney: *Geoff Wesling Geoff stated he didn't have anything tonight.*

Marvin stated there were two groups that wanted to discuss Solar issues tonight. He wanted to let them know that they would be allotted twenty (20) minutes each for these discussions. Marvin said just come to the podium and state your name.

Attorney Geoff spoke and said before we began these discussions, he was going to advise Justin and Vergil to leave the meeting. They are also on the BZA and he knows we are talking about the Ordinance not the specific application. He doesn't want them to hear any evidence at this point and time for this specific application. He does not want anyone to think they are not taking this seriously. We certainly are. He also stated there is a sign-up sheet, so anyone coming to the podium please sign in with your name and address Please speak up and keep it simple. As Marvin said you will be given twenty (20) minutes each. This was given to the Rush-Henry alliance but anyone wanting to speak afterwards is welcome to do so.

1. Roy Delay residing at 674 West 1100 West Knightstown, IN came to the podium. He thanked the Board for being able to speak before them. He stated he understood Solar is going to bring some revenue to the County. Solar is going to disrupt a lot of things. We are going to lose farm ground. This will result in 45 million bushels of grain lost in the next twenty-five (25) years. If the population keeps going on as it is, we are going to need more food. Solar is going to strip the soil of fertility. They are going to strip the topsoil off when they excavate when they put in these facilities. In 2022, the United States lost their surplus of grain due to drought and give away and what other things. We need 24 to 27 million bushels of wheat to meet our grain surplus. We won't have this if we do away with our farm ground to solar farms. If we are not going to be able to feed our people, we are going to have to get all this grain from other countries. Where are we going to get it? China, Soviet Union, or other countries. We are depending on China to produce the solar panels. They are the number one producer of such. These solar panels are known to catch fire. I don't know if you are a firefighter, but he has been told if a solar pane catches fire or something in the field or around, they are to do nothing until they get there. They will open the gates, disconnect the system and let the firefighters in, so they can actually put the water on the fire. How far could this spread on the solar field and how far could it spread outside the solar field? Our job is to keep it from spreading outside, but how knows where the nearest representative is to unlock the facility, this is a concern. We had high winds last year and drought. There were several field fires last year. If it's that dry it will spread out into the community. There's a lot to be concerned about. Drainage is a big concern. Who's going to fix it once they get the solar field up and completed. If you go out in the middle of the solar panels, they have holes where the tile has been broken down where they have punctured with the posts being put in the ground. You know this is going to happen.

2. Philana Orem 11006 Nort 5Points Road Knightstown: Philana said he was so proud to be here and she is thankful that you have given us the opportunity to get together about this. As a person that loves everyone and wants to understand everyone's point of view, the thought that a big ball of fire in the sky is scary. She wants to make sure we are using the ground to the best of our ability. Give God all the glory for this and pray that the County can figure this out. She was here to talk about their concerns today. One of the concerns is the thirty (30) foot setback. A thirty (30) foot setback for her which means they could put their solar panel thirty feet away from the property line. So that means thirty (30) feet from her property line I would have solar panels. Other communities that have solar panels have five times this. There are non-participating property owners that have different than the solar owners. She would like the community to understand that this isn't just a Glenwood problem, or northern Rush County problem. This is an all of Rush County problem. Everyone and every farmer in the community should be aware of this. Every property owner should be aware that thirty (30) feet away from your house, where your kids play, could be a solar field. She wants everyone to know this is about all of us. We need to take care of all of us. She also understands the

owners have their rights. They have the right to put it there, but she wants to have faith and trust that the people that can make these decisions are insuring her rights too. She has a right to live on her land and encourages others to have this right as well. Philana also stated they had spoken to real estate agents, in their area, Tucker Realty, and they came and gave an estimate of the value of your house. They were asked, OK so what if you look at the field next door, when solar field gets there will the value increase or what will happen. They were told the property value would decrease by at least thirty (30) percent. This is a big cut. They stated you own a property next to a solar field, it's very likely you will be unable to get loans, and insurance would go up, and your equality in your home is lost. Therefore, they believe they would be unable to build a better future for yourself and your heirs. Another concern, just looking at Greenfield, is we all came to Rush County or as she was born here. She left Rush County but chose to move back. She didn't come back so she could live in an industrial area. She has lived in Chicago, Dallas, and Toronto for fifteen years. She doesn't want to live next to a contraption next to her house. She came here to live in Rush County with her neighbors. This is a Rush County problem. She would like to ask that this be thoroughly and completely thought out by the Zoning Committee that are in charge of this. She wants them to ensure not just for the solar fields are under control, but you are doing the right thing for everyone. As of today, we had 213 people sign in on our Pro Ag Petition for Rush & Henry and Fayette countries that do not want industrial solar.

3. April Isaacs comes to the podium – She thanks the Board for letting them to be able to speak. Bob Lang is holding the map that shows 40 plus farms of non-participation dwelling locations. She states there are thirty such not just landowners that would be affected by the solar farm on the 1,500 + acres that is supposed to be coming into Northern Rush County. April stated she grew up in Carthage, IN and lived on a farm for twenty-two years there. She is here representation not only herself and the group Pro Rush Henry Alliance, but Curt's crew as well, and her parents also that live in Rush County. If this solar project goes through, they would be surrounded by four sides with the solar panels. She also lives a quarter of mile from where the solar panel would go. Another issue that we have is with a tax abatement. Surely to goodness Rush County would not vote for a tax abatement to give to the solar project. Rush County can't afford to lose those tax dollars. Another concern is the access value. Bellflower's land assessment in Henry County went from \$475 an acre to \$10,000.00 an acre just in three days in March 21st to March 24th. Surely you would want these solar companies to pay these Hugh extra tax dollars which could be used for schools, intra structure, county employees, your fire departments, highway department and more. Again, we are asking, do not give a tax abatement to the solar companies, and do not make the farmers pay those taxes. Make the solar companies pay those taxes. Another area we have concerns about is the loss of jobs that a solar company would bring to the agricultural business in Rush County. According to the current Purdue studies a 2,000-acre solar farm over thirty-five years would take thirty million one hundred seventy thousand dollars from local Agi businesses. You can't do that for them to be able to survive. Another issue they have is the Bonds that solar companies that solar companies pay. When you look at the inflation costs, she believes it is a forty million bond. When you look at the inflation costs after the thirty-five years for decommissioning it would take eighty-three million to decommission. Unless you can invest and make a lot of interest, Rush County is going to have to come up with forty-three million for the decommissioning.

At this time, we are asking for a public hearing on the following solar points. April gave the current Ordinance 6.4.16 Solar Energy Systems (SES) Siting Regulation: b. Setback Requirements. 1. No stand-alone SES under

twenty feet in height shall be placed closer than thirty (30) feet from the most restrictive of property lines or Right of Ways. She proposed these changes to this section of the Ordinance.

b. Setback Requirements:

1. No stand-alone SES under twenty feet in height shall be placed closer than one hundred fifty (150) feet from any non-participating property line and three hundred fifty feet from residential homes.

2. Any and all drainage and runoff issues throughout the length of the solar farm on land, side ditches, roadways, and non-participating properties will be repaired immediately by the solar company.

3. Solar panels can only be placed on two (2) sides of a house/property line.

4. Create a contract between the solar company and Rush County to guarantee non-participating property owners have two years after construction begins to sell their property back to the solar company for the appraisal value set before the solar farm construction began. Solar Companies will agree to buy the property at pre-solar appraised value. No solar company should have a problem with this since the land value should increase.

5. Push Pause – put a moratorium in place immediately. All of us (Rush County Commissioners, Solar Companies, and Citizens) need to see what happens with all the solar farm projects already in progress. Is this really going to benefit Rush County? Put the moratorium in place to give time to get real results and to do research.

6. Solar Company creates a contract with each property owner within 1.5 miles of solar panels for an inconvenience fee (and the company will also include the income tax on the inconvenience fee –to be included in this amount.)

7. Approved non-invasive fast growing (minimum height of six (6) foot tall at the time of planting) trees need to be planted (paid for and planted by the company) two (2) years before construction begins on non-participating farms on the sides where solar panels will be installed. Additionally, any tree that dies throughout the course of the solar farm's contract will be replaced by the current solar company owner, since they seem to be selling off the contracts quite often, at no expense to non-participating property owners. Currently, if you go by Bellflowers Solar Farm you are going to see that all those trees are dead. One question would be 1. Why are these trees dead? 2. Why haven't these trees been replanted? She really hopes Rush County thinks about these issues and providing some barrier between the properties and the solar panels.

8. After the solar farm contract expires, land returns back to the original zone status prior to the solar farm.

9. In a written contract, Rush County requires Open Communication between solar farms and all non-participating property owners within 1.5 miles of said solar farm 6 months before leases are signed with participating farmers. No more of these hush orders. An agreement was signed in

December 2020 with SolvEnergy, and no one knew about it until last summer June 2022. If Solar Farms are so amazing and great, why aren't they getting everybody on board. Talking with the neighbors. Letting everyone know what's going on. This deception needs to stop.,

10. Solar Companies need to chip seal (at the minimum) all grave roads before construction begins and need to maintain all roads throughout the construction process. Rush County citizens deserve to have clean air quality and roads that do not hinder their current health, their drives to work, to school, and to other needed destinations, or destroy their personal vehicles. With Bellflower, non-participating and property owners had issues with security. Literally the security person was telling them they were not allowed to drive down that road. Even though they lived on that road and had farm ground on that road. Again, we hope that you will care for your citizens and make sure that doesn't happen again.

April said they are asking for a Public Hearing. She asked everyone in favor of this to please raise their hands if you are in agreement of this proposal. April wanted to end saying she always told her kids while raising her kids, Quote "The decisions they make today could affect their future." She has said that in teaching the last thirty-four years. The decisions you make today are going to affect people forty years from now, fifty years from now. So the decisions you made today are the best decisions, not for just right now, but for years and years to come. April thanked them for letting her speak.

Marvin asked if anyone else had something to say.

4. Curt Naylor, 4944 West Columbia Road Connersville, IN came to the podium. He had been working with the group over here and they did a great job coming up with their presentation tonight. He stated what he would challenge this group tonight was to look around this room and look at how many hands were raised. Look at how many acres and tax dollars have been raised from the people here throughout the years. Everyone feels like this government is turning their backs on them as paying tax dollars. Nineteen Million dollars, but it's going to drain the community. Over nineteen million dollars was stated at the last Commissioners meeting that the nineteen million dollars was to remodel the third floor of the courthouse. So we are willing to give away or sign away over two thousand acres of productive agricultural ground over the next thirty to forty years, so we can have a nicer third floor here at the courthouse. Now think about that. When he pushes back or asks questions challenges county officials, and they say it's just two thousand acres. . There was a very slanted Farm Bureau survey, and he didn't see zero on that survey anyplace. The minimum was two thousand acres that you could choose in Rush County as the minimum. What you thought the right number was. Just think about that, two thousand acres of unproductive ground. What's two thousand acres when we have two hundred ten thousand acres. It's easy to look locally and put blinders on. You put that in as ninety counties. He knows a county up north had has twenty some thousand acres signed up. The solar companies make you believe that they are just coming, and they are here for us. Then you take two thousand acres and times that by ninety. That's one hundred and eight thousand acres of productive farm ground taken out of the state of Indiana. Then you take that time forty-eight states. All of a sudden you have eight and half plus million acres of productive farm ground that is taken out of production. We have signed this away. The challenge of having a surplus of food, as we are producing so much, is absolutely not true. He thinks everybody in the room would agree with that. He challenges everybody in the room to think about that. We

have landowner rights. He understands and respect landowner rights. Curt asked the question to Mike, if he needs to put a septic system in on my own property that I own, doesn't he have to get approval somewhere? Mike said yes, from the Health Dept. If I want to build a shop on my own ground that I own, don't I have to get approval. Mike said yes, you need a permit. Curt said, so what he is hearing, we have a right to own land, but we still must get approval from the government with everything that we do. Curt goes on the home values. We have heard over and over that home values may even go up. When he looks around as sees Hoosier Solar coming in and its outside investment money coming from New Orleans and New York, he's sure that's Hoosier pretty name on it. That they care about us. When you think about that, and it was truly going to hold home values or make home values go up, he would think they would be willing to invest more money and be willing to buy the homes that people wanted to sale at home value, because they are going to be able to turn around and sale them for one and a half more with the values going up. According to them or as much as they were worth when the solar went in. I don't see them offering to buy many homes right now.

Road maintenance-drive up north. Most solar projects take three to five years. The solar company signed up near the Homer area says in the brochure three to five years for completion. Do we want to drive through potholes or through people's yards like they are up north for that long since we didn't have a choice of what went in next to us. He sure doesn't. He doesn't think it's fair to the landowners or property owners who are paying taxes to have to. Curt thanked them for their time.

Marvin asked if there was anybody else that wanted to speak.

5. Brian McMinn residing at 5632 South 600 East Rushville comes to the podium. To touch upon a few things that have already been mentioned, the loss of Agi related revenue. Let's explore that a little bit more. You look at our local fertilizer use or production here on two thousand areas. In one year, you are looking at about one hundred fifty-eight thousand dollars in lost revenue in fertilizer. Over thirty-five years that's going to be about six million dollars. What about the chemicals and pesticides that we use as farmers too. That tallies up to about three.7 million or three .8 million over thirty-five years. How about the fuel that we use for applications of such. You are looking at about 1.6 million dollars lost revenue from the local folks here in Rush County that provide the local service. What about the mechanical repairs from Millers or some of the others like Fraley, manufacturers and producers. Over at thirty-five-year plan that is going to be about 1.4 million dollars' worth just from the Agi revenue This is just talking about Rush County alone. So over a thirty-five year commitment you are looking at about 18.5 million of local money, income. I'm sure a lot of you have spent money on drainage with some of you folks in here and to have my drainage system on his farms compromised by this installation is not going to make him very happy. Setback, he had talked with the previous APC Director many times that the 6.4 section that just don't add up right. When you are talking about thirty feet of setback that's less from this podium to the wall over there. You're going to be looking at six, seven hundred acres of solar panels that are stacked back-to-back in a sea of black. That doesn't look very appealing to him either. You asked about a decrease in property values. He just got done paying his taxes a couple of days ago. If our values go down thirty or forty percent, are our property taxes going to decrease. He doesn't think so. What about the exit plan that was mentioned earlier too? When these things are decommissioned in forty years where are we going to be. A good portion in this room, he hates to say it, won't be here, but our kids might be. Talking about tax abatements, a company depreciates this over a seven year plan then what they do is sell it to another company or form a LLC and pass it on and starts it all over again. That's a continuing thing, so he

again urges you of not giving abatements. This brings up another thing to about some of the fees on applications on solar farms or big conglomerations like this. What was that Mike about \$30 for an application fee? Mike said all he had seen was Bellflower and their permit fee was \$146,000.00. That's a lot better than the \$30.00 that he had heard was being paid. He wanted to urge the Board to seriously think about the citizens of Rush County and it's not all about the money that may come into the picture. Brain thanks the Board.

Marvin asked if anybody else wanted to speak.

6. James Naylor 1013 E Orange Pike Glenwood comes to the podium. The proposed site for this starts on the other side of Glenwood(west) and goes North. He and his wife own 162 acres on the south side of Glenwood on Orange Pike, and they will have five hundred acres of solar panels right across the road. He told his boys he wasn't going to speak tonight, but he can't keep his mouth shut. He's been told to keep emotions out of this, but he can't keep emotion out of this. He has been on that farm all his life, and suddenly because of a nineteen million carrot dangled on a stick in front of our county government his land values will suddenly depreciate. His income will be threatened. He will be a bypass of the Orange Pike for traffic. That road is heavily traveled. There is a lot of traffic on that road to get to Rushville, Shelbyville, and Indianapolis out of Franklin and Fayette counties. He's already told Kenny he is going to be calling him if they start using him a bypass. The first call will be the Sheriff's Dept. then he's going to call each one of the Commissioners then he will call the project managers. Doubt if he will get an answer from them. He has paid taxes in the County all his adult life. Never once has he defaulted. He understands we need taxes. We need to pay taxes to keep this county going. This nineteen million carrot dangled on a stick, trying to lead us down this road will disappear unbelievable fast. Nobody in this room is going to benefit from it. Ask yourselves, are our citizens going to benefit from this. He's seen several folks taking notes. He has asked the gentleman around the table at Commission meetings to do their research. Don't believe them, if you don't want to. Get on the internet. You have kids that can get on the internet or family. You can read a book of what is proposed of what is going to happen in this county. If you truly believe in this county, its residents, its farmers and agricultural, he implores them to do your own research on impacts that could happen here. He has already been told that his tax bill will not go down if my land depreciates over this. He was told that at the last Commissioners meeting. If my land value goes down, you are out of luck fellow. You are still going to pay the same taxes and see the same rises in taxes. He's going to go out on a limb here and say, he is willing to pay more taxes to keep his residence and our farm at full value, but he is not willing to pay more taxes to fund something that is going to take food out of his mouth, or this wife's mouth, his sons or his grandchildren's mouths Mr. Naylor asked if they had any questions for him. He had a question on the setback. Is that thirty (30) feet from the property line?. Mike said as it states in the Ordinance now it's thirty (30) feet from the property line. Mr. Naylor said he owns to the middle of the road. So this is going to be fifteen feet from the edge of the road so that they could put solar panels. Is this correct? Mike said he didn't think so. Mr. Naylor said Jerry Sitton told them that the road averaged thirty to thirty-two feet. So, if his property line is at the center of the road this puts the solar panels fifteen foot from the edge of the road by the setbacks today. Mike said you pay taxes to the center of the road but that road is dedicated to the county that has the right-of-way. Mike said he didn't have an answer right now. Mr. Naylor said he truly appreciates everyone in attendance tonight. He stated solar panels are not good for the county. They are not good for Indiana. The Midwest is under attack by the solar panels because our

Federal government is shoveling out money. Free money, free taxpayers' money to take up your food source. You are paying taxes to give away our food source. China is the number one producer of solar panels. China is the number one processor of all elements that go into the production of batteries that go into the electric cars and vehicles. Elements are mined mostly in African countries, under slave labor, but it is all processed in China, because it's a dirty process. It requires a tremendous amount of chemicals in China. Do we really want China to control our food source? He thinks not, or he doesn't. He can't speak Chinese and he doesn't want to have to beg or stand in line for food. He has been a part of this County all his life. Forty-two years ago, he brought a Fayette County lady into Rush County. She loved it just as much as he had, and now we are being threaten. Folks, he asks you to take a serious, serious look at this. That nineteen-million-dollar carrot is squat. It's not going to amount to a hill of beans. Who's going to want to live here, if you cover the ground with solar panels? Mr. Naylor thanked them for their attention.

Marvin asked if anyone else wanted to speak.

7. Josh Petry 8693 North 500 West, east of Carthage came to the podium. He stated he has lived in Rush County five years now. He farms in Rush County and owns a business. He has never met Jim before, but he thinks it's concerning you have a guy up here pleading that he is at risk of being on an island in a sea of solar panels. He referenced the nineteen-million carrot, can we reference a little fiscal responsibility. That nineteen-million dollars can be very appealing, but we really don't have any idea of the thirty-five- or forty-year term is going to look like. When he's potentially gone and I'm an old man or potentially gone, what we are leaving behind potentially is a defunct energy plan. You can hear all you want about this is friendly to the farms and friendly to the economy, and the idea of a home going up in value is laughable. People move to the county to escape. If you are a rural resident, you moved there for a reason. It's not convenient to live there. You don't want to look at an energy plant. Josh said he had spoken with his commissioner just a few days ago and asked some questions. It seemed like we hit a wall as citizens. We are fighting an uphill battle, because some of our elected officials are really rooting for this to go on. In fact, he knows there are several salaries for local people as a full-time jobs to be liaisons to these solar companies. He is assuming the solar people are the hand full of people that didn't raise their hand tonight for a public hearing. Based on money, he read the Indiana Digest recently and Mr. John McCann had said he was going to save us all twelve dollars annually in the county. Josh said he would flatly lay his twelve dollars on the table. He thanked the Board.

Marvin asked if there was anyone else.

8. Michael Turner came to the podium stating he was a local fabricator. His main concern was the loss of business from all this. He wanted to be told how many jobs this is going to create as to opposed as to how many it is going to kill, that's a number you all need to be looking at. He thanks them for their time.

Marvin asked if there was anybody else. Hearing no one else that wanted to speak he asked the Board's pleasure. Tom moved that they have a public hearing so they could get more information. There isn't a lot of information out there currently. Kenny seconds this. Marvin asked if there was any more discussion. All were in favor. Public Hearing to be scheduled for the discussion of solar panels. Marvin asked if this couldn't be scheduled at the next meeting. It was decided that next month's meeting, June 7th would be before this Public Hearing at 6:00 P.M.

Marvin asked if there was anything else to come before the Board. Hearing none, he asked for motion to adjourn.

ADJOURNMENT: Kelly made the motion to adjourn. This was Seconded by Denny. All were in favor. Meeting adjourned 7:00 P.M.



Marvin Rees

President



Kenny Aulbach

Secretary