

RUSH COUNTY  
AREA PLANNING COMMISSION MEETING MINUTES  
@ PRINCESS THEATER

JUNE 7<sup>TH</sup>, 2023

6:00 P.M.

President Marvin Rees, calls the meeting to order at 6:00 P.M.

**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, APC Director, Mike Holzback. Deputy Director, Linda Ashwill was not present.

**APPROVAL OF MINUTES** FOR May 3<sup>rd</sup>, 2023, meeting. Marvin asked if there were any corrections or additions. Hearing none, Denny made the motion to approve the minutes as written. This was seconded by Jeff. All were in favor. Minutes approved as written.

Marvin thanked everyone for coming and stated they wanted to hear what the audience had to say.

At time Attorney, Geoff Wesling went over the Rules and Procedures for this meeting. He stated ten (10) minutes would be allowed a group or two (2) minutes for an individual to speak with public comments. He doesn't want anyone to walk out of here and feel like they have left something on the table they wanted to say. The Naylor's has acquired council and they have requested ten (10) minutes. The Board agrees to this. We essentially advertised this as discussion on the Solar setbacks, but this is not to say if there is something else you want, that you think is important to this topic, you can't briefly discuss without discussion of any specific projects. Really don't go into any big-time specifics. Just talk about why you think the Ordinance should be changed regarding setbacks. This Board does not or can't change specific projects. They decide what the law in Rush County is to a small degree. The Commissioners decide what the law is to a large degree. They don't get to decide on specific projects, whether there are variances, specific expectations, setbacks, etc. In fact, a couple of these members are on the BZA as well, and if they hear any of that tonight, that may sway the BZA representation. If he hears any of this, he will be stern on this. Let's not talk about specific projects. We need to talk about this Ordinance in general, why you have any issues with the setbacks. That will be our pleasure tonight. If you have any questions, you can ask him. The Board is not on the stand to answer any questions. If they want to, they are welcome to, but they don't have. If you address a question and they don't answer don't feel slighted. When you approach the stand (podium) let's be civil and state your name and address. If you represent an organization, give the name that you want to speak on behalf of. There is a sign in-sheet, please give your name and address on that also. If at anytime you guys in back rows can't hear, just raise your hand.

Marvin address's the attorney for the Naylor's to please come to the podium.

Jason Kuchmay, an Attorney with the law firm of Snyder Morgan Federoff & Kuchmay LLP, 4211 Clubview Drive in Fort Wayne, IN, representing Curt Naylor and a number of other property owners in the county, obviously to address the proposed setbacks in the County Solar Ordinance. Some of his background, he states he has been heavily involved in Solar issues for several years in counties in Indiana, such as Madison, Pulaski, Elkhart, Noble, Howard, Porter, Delaware, Wabash, and other counties. He has been

involved in all matters of litigation involving solar issues, including resistance to Ordinances, tax abatements, special exceptions proceedings, matters involving Indiana regulatory commission, as well as a lot of other aspects. He has seen a lot of Ordinances. He has heard a lot of arguments. He has seen what commercial solar can do within a community. You will unfortunately see a lot of retention among the residents, a loss of jobs, removal of many thousands of acres of productive farmland removed from production. Once the project has been approved, he can guarantee it, here comes the next one, the next one and then the next one. Pulaski County alone, right now, has about 25,000 acres of farmland currently under contract. One of these projects alone, not anyone in particular, your average product, is going to cost thousands of acres of land and hundreds of thousands of acres of giant panels, substations, cables, converters, and everything else going into it. Make no mistake, he likes to tell everybody these are industrial solar plants. It's so important in your Solar Ordinance to protect residents. It's going to be very important, and setbacks are no small part of that. Yet I assure you no one is moving to the county hoping to be surrounded by a utility plant and having to deal with all the negative things impacted by it. Having an appropriate setback is a very important tool to migrate those damages and limit these damages. It needs to offer some level of protection for these adverse effects, whether it's visual, noise, flooding, and effects on property values. There are studies out there confirming properties within three miles of these solar plants have suffered high negative impacts on the property values. Obviously, it's going to be worse the larger project is and the closer the homes are to the project. When you have solar comments, it is very important to protect the providence. The neighbors didn't ask for this. When they bought their properties, this was never a concern. The Ordinance didn't anticipate someone coming in and putting in an industrial solar plant in their back yards. In addition, there have been studies and he has secured statements from several people and real estate brokers that live in Indiana that don't want to live near an industrial solar. They don't want to buy homes near them. There are brokers that have stated they are cancelling the viewing of properties near commercial solar. Everything you would expect with the negative externalizes. These are statements from Indiana folks not some other State, and not bias from local Indiana companies, but statements from local Indiana folks, like those here that live in Rush County, that don't want to live near industrial solar farms. Just like those here in Rush County, confirming people don't want to live here or purchase property here. The BZA when they were considering massive Mammoth Solar project request in Starke and Pulaski counties actually ended up finding "Quote it is undeniable and unavoidable a sufficient that the two hundred and twenty homes within one mile of the proposed site have seen a decrease in property values." In addition to devaluation of property, another project out in Starke County removed all the topsoil for the solar utility plant. They brought in heavy equipment and removed the topsoil to prepare the land for the solar utility plant. This is obviously destroying the farmland. Removing all the topsoil enhances all the flooding problems. Very foot of topsoil you take away he has been told; you are removing or taking away absorbing twenty (20) thousands of gallons per acre. Add to that the curious nature of the solar panels, the property owners are not going to be very happy. If these solar developments catch fire, which is not a normal fire, you can just doze water on and expect it to go out. Since the county is deciding to allow commercial solar, there are so many reasons to have an appropriate safeguard including proper setbacks. He believes it's thirty (30) feet in your Ordinance now, which isn't considered any real protection for a neighboring property. Not for the health and safety of the property, but flooding or any other adverse facts. In Pulaski County they require at least two hundred (200) feet from a property line to one mile from residence. It's not perfect but certainly better than thirty (30) feet. Shelby County requires six hundred sixty feet (660) from a residential structure. Franklin County requires six hundred &

fifty feet (650) From a residential structure. His clients would like to see a minimum of two hundred (200) feet from property lines and six hundred and fifty feet (650) from a residential structure. Frankly would like to see even more, but at least the minimum to be considered. Many of your Ordinances are to protect your residences. Residents were there before solar and are going to be there after solar. Some of the residents are still going to be there when the solar is up and gone. They didn't ask for this to be thrust upon them.

Mr. Kuchmay said there are some other important things that you may want to consider at future meetings, such as a property value guarantee. Put in Ordinances that will be approved from the Board of Zoning Appeals to protect your residents. Some solar companies may state they are not going to hurt property values. A lot of counties say, wonderful, put your money where your mouth is. You are not going to cause damage to the property values, so let's put a guarantee on them. Let's protect their value. There is a couple of ways of doing this. You get an appraiser and get a base line, etc. When you get down the road, he will be happy to share some of the ways to deal with this. The decommission plan is very, very important. You want to make sure you are well protected for the life of these projects. You don't want to be holding the bag. You need to have the solar developing company put up a bond. He thinks this bond needs to be at least one hundred and fifty (150) percent of whatever the estimated value is going to. Something he didn't see in there, this should be at least reviewed every couple of years, every two years, or three years for the life of these projects. The life of the project is usually thirty (30) years. What it is going to cost to decommission that project today, is going to be far less than what that cost is tomorrow or thirty years down the road. You don't **want** to be stuck with what that figure is today. This is something that needs to be frequently updated. Mr. Kuchmay asked if there were any questions that anyone may have. Hearing none, he thanked the Board for their time.

April Issacs representing pro Agi Rush & Henry County, representing her parents, representing forty plus farms that would be affected and the Glenwood projects as well came to the podium. Geoff asked if she was speaking for the group or just herself as individually. She asked if Philana Orme could join her, and they would speak as a group. She stated there were just some issues they wanted to bring to the Board's attention as you are thinking about changing the setbacks. There have been individuals that have been doing studies about the temperatures around solar panels are increasing. We are looking at that is having an adverse effect on crops, on living, the life the animals will have as well. So, we're always preaching a moratorium until things can be looked at and more research can be done. We have found that temperatures have gone up three to five degrees around these solar farms. They think that is something that needs to be considered. She had briefly touched on flooding. Drainage is something that we need to look at. Again, we talked about the toxic run off and the drainage on to adjunct properties. Removal of the topsoil is going to create this. She knows Curt has pictures with the issues in the Bellflower project. There is water everywhere. Maybe not right now, because we are in a little bit of a drought, but when it rained like it did a month or month and half ago there was water everywhere in people's yards of non-participating properties. Glare is another issue. She knows of two other residences in the Bellflower project that mentioned that there are glares off the inverters. The larger pieces of equipment glare throughout the day. A resident talked about the glare when he goes outside when they are shifting that there is a horrible glare for sure. This needs to be looked into. You are looking at thousands and thousands of panels that are going to be facing your properties. You're outside, the sun is going to be down baring off these panels. She knows what windshield glare is. Imagine what glare is off these thousands of panels. Sound is another issue. Not just the sound of the inverters but right now with

the turning speed, at thirty feet, we are going to be hearing things. Hearing a lot of things. They say between fifty (50) and one hundred (100) that is the margin where you might not hear sound. She knows Curt has video, that we can play if you like, that he was forty or fifty feet away, she was guessing, and the sound is unbelievable. So, if you are looking for thirty (30) feet for a setback, one hundred (100) percent of the forty plus property owners are going to be affected by this sound in hours once that is up and running. She watched a video, and the sound is unbelievable. When they are nailing the post in for the panels it is from morning to night the hammering noise putting the post in. Pound, pound, pound—that's what we are going to be hearing for two years. Nonparticipation owners didn't sign up for this. April stated she has lived on her property for over twenty-four years and has loved it. She is not going to love not being able to sit outside. Not being able to enjoy the outdoors and enjoy nature. Not being able to have peace and quiet of what living in the county is all about. We need to do a road study, before we do anything else. We need to look at the roads. What's going to happen. Right now, we have gravel on our roads. We have potholes on our roads. We drove around Bellflower and those roads were horrendous. They are not being fixed by the company. So, make sure you are protecting the people before, during and after. These are your residents. These are people that have voted for you to do what is right. She hopes that a road study gets done. Things are maintained. That you demand that these roads be good for people to go to work and live a peaceful life not have to deal with what people had to around Bellflower, and others as well. Not only do we need a road study but also a soil study. We need to know what is happening to our sub soil. During the process of installation, we need to check our soil. These panels are being made of hazardous material that is being mined and put into these panels. During installation if they are not properly done, those materials are going to leak into our soil. Those materials are going to become our soil to be hazardous, toxic, and not be able to be used again. You know and I know in New York and Seattle, have issues when they are making different things, illegal dumping of chemicals or whatever, these things are taking fifty, sixty, seventy, eighty years to clean up. I don't think you want to do that to your children, grandchildren, our grandchildren and future generations. We need to do a soil study before, during and after, so we can see that's happening. We need to ask in other places that already have solar panels, because they already have that data. We need to find that data. Don't make a mistake until you know the facts.

Philana Orme came to the podium. She lives in northern Rush County at 1100 North & Five Points Road, near the previous Children's Home or what she knows as the Children's Home. She is thankful to be here. She wants to thank you guys for opening the doors for us to come and share concerns and to give God the glory. She did that last time she spoke and wants to do it again. Thank you, guys. Within that though she wants to remind you that you are responsible for protecting everyone in the County. To protect the homeowners that are there and the property owners that are around us. She wants to remind them that we did vote for you and we trusted you and are continuing to trust you to make the right decision for Rush County. That means you have a lot of responsibility. She wants to lay this responsibility at your feet today to fully and wholeheartedly protect everyone in this County. So, thank you for that. For taking that responsibility. Her friend, April, brought up some great points, and she does want to ask that we continue to look at all these points. She challenges them to talk to counties around us that have had these installations put in. Find out what their benefits are. Find out what the challenges have been. For her, she knows you don't want to talk about a specific project, and she won't, however the projects that are out there now, that we have found out about, we have found out about through the dark. There has not been clear communication that these projects are happening. There have been gag orders put in place. If these are truly great wonderful things happening, you do them in the light. You do it out in

public and bring in the community to buy into it. If you are doing things wrong, you are going to do it in the dark. All things aside, if you are required to take a drug test and you won't take it, you are assumed guilty. You are assumed guilty if you won't take the test. The test is on you. Right now, again there is a thirty-foot setback. Philana proceeds to tape off with a tape, measuring just how far thirty feet in this room is and to show how little this is. She measures off thirty (30) feet and states this is the distance that from your property line a solar field could start presently. April had wonderful things to talk about. There are issues in these documents that need to be considered from the being to the end. You need to look at how the current situation is, what you need, and what you see. The roads need to be fixed. Who's accountable for these? They had done some research and over the course of it, and a solar project over thirty or forty years, has been traded over by different companies ten times. If it is not extremely clear what is in the very beginning of these documents and what the requirements are. 1. What is required by the county, what is required for the city, what is required from the company, it doesn't make it to that tenth owner. Those things will not happen. We say, oh yeah, they tell us about the roads, but if not written down clearly in those documents, it's not going to happen. Who's responsible for that? The taxpayers. It all comes back to the taxpayers. She wants to ask the Board to limit the extreme measure the allowance you give the taxes against these companies. Limit that as much as you can. Protect us, the taxpayers in your county. Again, Philana wanted to thank them for taking on this responsibility. There are a lot of people relying on them and wanting them to do the right thing. This is everyone's problem in this county. Not just the Naylor's, not just us, but just the homes over in Homer, this is everyone's responsibility that these regulations are taken care of. This is going to affect everyone in this County. She is obviously very passionate about how she is feeling right now. If there is someone pro solar, please come talk with them. Please share and tell them and inform them. Convince her. She invites them to get up today and be informative. This is everyone in this County. Not just the ones living on the outskirts. Everyone in this County needs to have an opinion. Please share it.

Dallas Harris living at 11702 North 100 East that lives next to the Bellflower Solar project comes to the podium. First off, he would like to thank the Board for listening to the people when the windmills came into Rush County for making the right decision by listening to the County residents. He stated they were going to put three in his block, and this didn't seem the right thing to do for the County. He made a little pack to himself that he would much rather have solar. He never dreamed that Bellflower would come up in his backyard, and he never said a word. He got very lucky that the Hiner farms around him were not involved in it. Probably about three tenths of a mile on two sides of his house he can set out on this deck and look out his kitchen window at Bellflower. He thinks it's the right thing to do for the county. He thinks they should take their time and maybe wait a year or two to see if this is what they want to do with our County. You have a lot of concerned people here. Might not be the show you had with the windmill, but there are still a lot of people in the County that are not really for this. The Bellflower project has been done since last fall, and our roads out there haven't been touched. He has to go to State Road #3 to get out to go to work yet. The road is closed between his house and State Road 40 now, due to a bridge project. He can't turn right to go to New Castle, these people have a lot to say about their setbacks. If he hadn't had the Hiner farm around him he would have had these wrapped around him, like his neighbor Mark has, maybe one hundred feet from his property. He thinks you need to take a lot of time and listen to your county residents like you did on the windmills. Dallas thanked the Board.

Jamie Doll, 9606 North 200 West, came to the podium next. She states she just feels like, and she doesn't know, if this solar has been proven to be efficient enough and not to be spending all this money

that is being spent. Also, she believes a lot of Federal money has come in from the last bill that passed in DC. She feels like her personal money that she has paid federal and State taxes, that the money is being used against an unproven entity. We don't know how efficient these solar farms are in Indiana and how to be putting trillions of dollars in this project. Also, it is for the people that live in these areas, it is a life alternating thing that is coming up. We moved out here, and she understands that the farmers that own the land as individual ownership, but they also own land, maybe not much of it, and in her opinion when she moved out into the county, she didn't know they were going to have to live next to a big solar field. She had never seen one before and she didn't realize how many panels there were. She moved out to the county to see the crops, soybeans and corn. Each year you look forward to the crop rotation. Are they having beans or corn this year. Once they put the solar panels in, you are going to have solar panels across from you, beside you, and behind you. Jamie stated she was sixty-one years old, and she would be long gone before they were removed. If you could just consider this, and she knows you will. It's the other individual people that didn't sign up and taking their lives and future into consideration would be appreciated. Try to come to a consensus, whether it be the setbacks or whatever. So, this would make life more livable than this mind-altering situation that none of us has asked for. She really does enjoy living in the country, what's left of it. Jamie thanked the Board for their time.

Jason Kuchmay, Attorney came to the podium again, stating he had one more thing to bring up. He said someone else had mentioned the concept of a moratorium. A year or two ago he was over in Delaware County, and they subjectively argued in favor of a moratorium there. Again, this is something that he thinks the Board might want to consider after this hearing tonight besides the issues of setbacks. There are a lot of issues that go far beyond setbacks that should be considered for projects of this nature. What they did in Delaware County they issued a moratorium. They put together a committee consisting of folks from the public, quote "anti-solar", and solar people, and different panels of people on the committee. They had all three groups represented, as we have here this evening. They all put out their concerns, meeting periodically. Collectively put their concerns out there and come together to draft a new Ordinance. You put it out there for a public hearing & public comment. You get it from all sides just not doing it from one side over the other. You're hearing from everybody, when you put the moratorium in place and hear from the statis que you would be doing it right. This is a very important issue and it's very important to do it right.

Dan Montgomery, 11359 North 200 West Knightstown, IN, goes to the podium next. Dan stated his wife, Holly, and two kids had moved into Rush County five years ago into the house they have now. It's a two bedroom and has been added to it making it three bedrooms. He's built a big barn on his property. It has really turned out to be a really nice place out in the middle of nowhere. He's a police officer full time in Avon, in a big city. When he gets home, it's nice not having any neighbors. His closes neighbor is half a mile away. The last thing he wants to do is come home from a busy day at work and pull into his driveway and be surrounded by a solar farm. If a solar farm comes in like they are talking about in front of his house and directly to the west of his house with just a thirty (30) foot setback when you pull out his driveway you are going to be looking at a solar panel every morning. He has friends that live at 1200 North and their house is fully surrounded by it. If this does go through for me and their kids, he and his wife have already made the decision and talked, already having realtors out to his house, and all three have said they are going to lose money if they find out a solar project is coming in next to their property. He wants the Board to think about this. Not only his family will be effect by this, but everybody else around him also. If you live in Rushville and want to live out in the County, you see the bean fields in

front of him are one of the most beautiful sites. Carl Martin is the one that cash rents the field and does wonderful work out there on it. His wife comments on it every year about the beans looking great. The farmer that farms the field around him is from New Palestine and if there is anyone in here that wants to rent their ground instead of putting solar on it, he is willing to speak with you if you want. He drives forty-five minutes to farm the seventy-five acres around his house. Obviously, Rush County has the best ground he has heard of. He thinks it would be silly to get rid of the ground and turn it into solar fields. Dan told the Board he appreciated their time.

Geoff stated in interest of efficiently, we need to treat this like a beauty pageant, if you are going to speak, to save time to come on down and sign in and be ready to go when the last speaker is finished if you would.

Melissa Meltzer, P. O. Box 117 Manilla, IN comes to the podium, just to say something about our farm ground in Rush County. It is becoming more and more limited all over the United States. This is for lots of different reasons, but the little that she knows about the solar farms and the toxic chemicals that April was talking about will ruin our farm ground forever. We will never be able to use that farm ground for ever. She doesn't know about you but living in a farming community this is a big deal.

Ron Andres comes to the podium stating he owns a farm south of Glenwood and there are going to be solar panels on three sides of him. They want to run electricity on him and want him to sign for it. He has been refusing. He is concerned about water drain tiles and field tiles. They are guaranteeing him that they will keep up the field tile. That all sounds good. The tile runs through the ground that they are going to put the panels on. He's not believing a word they say.

Brian McMinn, 5632 South 600 East, Rushville comes to the podium. He had a couple of questions about the setbacks and the safety and security he wants the Board to consider or think about. If you look on the internet you will find all kinds of videos and information about what happens to these things when they catch on fire. The toxicity that is produced from that to not only the air, but the ground water is something grief. It's intense. These things are burning up to eight to ten times hotter than a structure fire that occurs in a barn or a house. So, you must ask yourself if it burns eight times hotter, or ten times hotter, how's this going to be extinguished. Is it going to be a normal water truck from Glenwood or some of the other township's fire departments? Not to mention these facilities are going to be very secure. There's going to be a gate running around them with padlocks on them. The only people that are going to have access to these areas inside the fields are going to be the solar companies. So, one of these structure starts a fire, and you are talking two, three, four hundred acres, and it spreads like wildfire, and you have a setback of thirty (30) feet from the road or forty (40) feet from the side, what's going to happen to that personal property that's next door to it down wind? He urges them to think about that. Who is going to provide the training for the local fire fighters to deal with this? This issue when they catch on fire. Who's going to pay for the additional equipment that the fire fighters will need. It's not going to be a water hose and a truck that pulls up there and puts one of these fires out. If you do research on this, he thinks the current finding is, they let them burn until they extinguish themselves out. So, all the people downwind and adjacent property owners, what going to happen to their structures. Who's going to be responsible for that? Ask yourselves about homeland security. We have seen in the news recently, about terrorist activity that are going around shooting and tearing up all these electricity, the grids all these systems. So, has anybody asked Sheriff Rice if the county is going to provide additional funding or personnel to monitor and secure these facilities. What going to happen with the

additional attraction of terrorist activity. People wanting to come in and wanting to destroy these things and how's that going to be affected by the local police and sheriff department around them. These are just a couple of things he was thinking about, safety and security, that deals directly with these setbacks or lack thereof. Attending pass meetings- Geoff told Brian he was at three minutes. Brian wanted to ask for a show of hands from the audience, but his time was up. Brian said it's on the record then.

James Ramsey, 6964 North Morristown Road, Shelbyville, living in Shelby County comes to the podium stating he farms and owns ground in Rush County. He said Shelby County does have a current project that is going to be moving forward in Shelby County. Anybody that would like to talk, public or Board, that want to talk about issues, can call anytime. Just a few things to talk about with the thirty-foot setback, the average residential home we have out in the county the property is not large enough on an average home, to have a septic system. Ninety percent of all septic systems fail due to poor drainage. Cut off tiles, plugged tiles, tree roots or whatever. So, if you have a thirty (30) foot setback around this home, and they have no way anywhere to be able to buy land to improve or move that septic system. The system must be put on an old driveway or tearing down an old barn, anything like that. So, at that point with thirty (30) feet there is not going to be room to install a new septic system. There is very likeness that you are going to push these people into hardship and likely the property will be lost. These will go back to the bank or must be torn down because it won't be a livable situation. The other side of this is drainage mitigation. With thirty (30) feet from the road the property does not give you any room for a non-participating landowner to truly mitigate around the property. Those thirty (30) feet also involves other people's properties, tree lines, roads, so you don't get a whole thirty (30) feet to mitigate these issues. Flood tile, maybe someone wants to put in a better drainage system. The current existing tile isn't big enough. They must put in a bigger one. They don't have room to do that dealing with all the electric lines from the system. Another side is, we are installing, you guys are looking at a thirty (30) foot setback, what about the setbacks we have for livestock facilities. James stated he had set up a community board or group that was formed years ago that looked at livestock and Agri bases. Most of that did not go anywhere at the time, but just like the attorney mentioned, that group has been formed and a few of you that are on the Board were there and were part of that discussion. Why are we treating this as something completely different? We have livestock setbacks. Because this is livestock, some of us are seeing they effect it being around us. They are a fantastic facility. We need them and he does not object to hog barns, cattle barns, feed lots, any of that, but at the end of the day, why do we force them to be setback so far off the road and follow all these other rules because of public health. Yet we allow these solar farms to be that close to residential properties and the public roads. This is something he thinks we need to seriously consider, and we need to be looking at operating these as we do are livestock setback also.

Jake Hoeing, 1315 North 725 East, Glenwood, comes to the podium he states he has been a property owner for three years. He has been a farm kid since the day he was born. This proposed program would limit his options for any future expansion. If this current project goes through, and others come in, the other option is to put an actual cap on maximum acres that could possibly go into the county for solar farms.

Marvin asked if there was anybody else that wanted to speak. Hearing none, Marvin asked for a motion to close the public hearing. Tom Monka made the motion to close the public hearing. Virgil seconded this motion. All were in favor. Public Hearing was closed.



Marvin said he took it on himself last week, and nothing in stone-all up in the air, he shows this on visual his proposals for the change to our present Ordinance.

#### 6.3.16

##### **(b) Setback Requirements**

1. No stand-alone SES under twenty feet (20') in height shall be placed closer than one hundred fifty feet (150) from any non-participating property line and three hundred feet (300) from a residential home.

(A) No non-participating property will be bounded by solar panels on more than two sides up to one thousand three hundred twenty feet (1,320).

#### 6.3.17 Other Applicable Standards

**(d) Drainage** All drainage issued encountered in the installation of solar panels and their appurtenance shall be corrected as soon as the issue is known. This shall be for the life of the contract. This shall include drainage issues on non-participating properties that are bound to participating properties. If the drainage issue on the non-participating property is not caused by the solar company, the landowner shall correct the issue at his own expense.

**(e Drainage Plan** Only a Drainage Plan approved and signed by the Rush County Drainage Board and attested by the Rush County Surveyor can over-ride the conditions in 6.3.17(d)

**(f) Road Use Agreement Solar** companies will repair all roads used in the construction of their solar projects to pre-construction conditions and repair any drainage issues on said roads as per the Rush County Road Use agreement.

**(g) Buffers** - Approved, non-invasive fast-growing trees and shrubs shall be provided and planted by the solar company, on non-participating landowners' side of solar farm. All three shall be a minimum height of six feet (6) at the time of planting. All plantings are to be completed prior to the final construction of the solar farm. Any tree or shrubs that die throughout the life of the solar farm contract shall be replaced by the current solar company at their own expense.

**(h) Protection Solar** companies shall provide training, supplies, and information to all local fire departments to combat solar panel fires.

Geoff asked if there was any discussion on these proposals. Mary asked where did or how was the 1,320 feet come up with. Marvin said this was a quarter mile. He said he figured they had to have something around non-participating properties. Virgil asked if he was suggesting these 1,320 feet on all sides? Just one side and not the others? Marvin said on two sides.

Geoff said so all four sides surrounded by solar, two of the sides must be 1,320 feet from the property line from non-participating property owners. Geoff said they could clean up this language where it is crystal clear.

Mary said, so if the property is surrounded by solar, and you are saying the minimum on two sides would be a quarter of a mile then what would be the intent of the other two? Mary said so first come first serve. So, if someone wants to come in on 150 feet the other two sides would have to be a quarter of a

mile. Marvin said yes. Geoff said they could discuss this. He thinks his intention on this is for someone not to have all four sides with just one hundred fifty feet of allowance from the property line. He thinks the intention is that if someone is going to have this unfortunate situation of being surrounded by solar panels, they would not be surrounded on all four sides with just the 150-foot setback. Marvin said that was correct. Justin said this would be impossible without taking a specific spot or even being in another county. He thinks the Boards needs to see some examples of the specifically changed setbacks and make our own proposed project. Say a fifteen-hundred-acre project is somewhere and we propose these setbacks, then we need to take black markers for instance and say this is what these are. He sure setbacks can kill a project, but their intention as a Board, would be to consider there could be variables of how the setbacks could affect an individual project.

Marvin asked if there were any changes. Mary said she had concerns about the one hundred fifty feet or maybe three hundred feet. Geoff said both numbers must be met. This may very well be just three hundred feet from the resident's home. This is not combined or the minimum. Mary said if they have three hundred feet this doesn't give them much room to add to their house with that line. Geoff said this isn't a receptacle setback. Geoff said let's do any example of Marvin's proposal-hypothetically someone puts these up that would not restrict the homeowner getting closer. Mary said it would limit it if they bought the property thinking they were going to add on to it, and the solar panels come in first, they are not going to want to get any closer to the solar. Geoff said that's a different perspective, but if you eliminate that he didn't know who that would give extra protection. Mary said if you have three hundred feet set, then the property owner would always have those three hundred feet on their land. Mary said if you just scratched the residential house and had three hundred feet from the property line. Geoff said so you are wanting one hundred and fifty feet from the non-participating and just proposing three hundred feet from any property line. Mary said she was thinking more like two hundred feet. Justin spoke and said something that they had considered in the past was the concept of two hundred feet from an actual structure. Justin said he wants to make it clear to the Board and everyone here that he supports moving the setbacks out further for the protection of the homeowner. He knows setbacks may or may not kill a project, but he wants it known as a Board they need to see how the individual variables could affect a project and not just throw a number out there. He stated he really thought it was going to be hard to say what that number should be. It is going to be very subjective, so he thinks they need to take a little bit of time. He liked the presentation with the tape measure. He is a visual person and likes drawings and maps that make a projection so you can understand. That way you can see what a reasonable distance would be, because everyone is not going to be happy. Mary stated she agreed with Justin. She thought it would be nice to have different scenarios for the different situations so we could look at the "what if". We could study this better and see any flaws that are in it. Justin stated we need to understand how this is going to affect everybody. Marvin asked for an example. Mary said so like this situation where we have a cluster of homes in the county or an isolated one or have a farm, the different things that when a solar company would come in and would be beside them, if we had like Marvin is suggesting or whatever, how it would affect if something was a little different in the situation. Justin said we could take the example of what has already been built, right, and say like as three hundred acres of what a project would have been. Justin said that's another thing, we really haven't heard anything from anybody either representing solar on things. We're not getting any information that says this many acres are needed to make a project viable or how many in each tract. We don't have that information either. Marvin said since we are starting from scratch this was just an example. Mary said she believes they are saying they don't want to make any decisions until they know what the situation would be like. She said she was not ready to

suggest tonight without seeing how it would affect different situations. But that is just her opinion. Marvin asked if there were any suggestions as to making a sketch of this. Mary said she wasn't good at drawing, but she is willing to help. Justin said he would help also. Marvin said they could use GIS on this project. He would help also. Mary said that would be good. Jeff said if we are going to suggest or look at three hundred feet from a residence, he is thinking from the livestock side of this, we are a lot farther than that from a house. He would be in favor of scooting that back even farther. He's sure there are people out here that would agree. No matter how close you put them there are people out here who won't be happy. He can promise you that. Jeff said everybody must give and take in this thing. Jeff said the only problem he has is the quarter of a mile from the property line. You have an eighty-acre field, and your house is up in the front of this eighty-acre field, but the guy that has proposed a solar panel field is right up against you, he must stay a quarter of a mile away from your property line. He doesn't see how that solar field is going to be affecting your property that far away. Jeff said now the drainage, which Marvin has put on this proposal, we need to safeguard, and we are just looking about or talking about the drainage and the veins going through these fields they must be open. Where they can be fixed or replaced years down the road. If you got it, not a mine, but if your water goes through this field, wherever it goes, it needs to be, and we need to look also at that open gap of forty foot or sixty foot to get the equipment in. Water is only going to drain downhill. You can't stop it any other way. We should look at the drainage part too. He didn't know if you could help him with that or is drainage on the Board's table or is this just the Drainage Board? Marvin said he must go before the Drainage Board. Jeff asked, can we suggest to them? Marvin said oh yes. If there is a tile broken, they need to see that it is replaced. Marvin said he would presume this would fall on the Drainage Board or him. Jeff said if you have that path for them to go through because they are not going to take panels down for an escalator to come in. Marvin said probably not. Jeff said but they could work together the way he saw it.

Mary said basically they only must worry about the setback, but we as a Board or committee, but that is something to consider. The Board can have another public hearing for what we have put together. Mary said we could put one together and pick up a few other things with that.

Marvin said if he heard correctly, Mary, Justin, and himself are to meet and take the time to go over the scenarios with different setbacks. Justin said his goal when he sees these maps would be for the homeowner, the landowner, and somebody that is interested in pursuing a project. Because if somebody wanted to pursue on their property that they own, he wants to make sure that everybody in the room that is approached with solar or maybe approached by capitalists, or whatever an opportunity to earn income, on their property some people could argue that it is an agricultural use, he's not saying he believes that, but there is a land use component too. The point is, we need to make sure that they understand how it is going to affect everybody. Not just one party or group of it.

Marvin asked if there was any other discussion? Marvin said he would meet with Mary and Justin after the meeting and set up a time when they could get together. Marvin asked if there was anything else from the Board. Hearing none he goes on to reports.

## **REPORTS:**

Attorney: Geoff said he didn't have anything.

Director: Mike said he has read this sentence a hundred times regarding the setback of thirty (30) feet. It says from the most restrictive of property lines or Right of Ways. His contention is, or his

interpretation is, we have a hundred (100) foot setback, on the road and he considers that thirty (30) feet from those hundred feet. So, this would be one hundred and thirty (130) feet. That sentence just stops there without any further explanation. Geoff has talked about this also. He asked Geoff if he had any more thoughts on this. Geoff said we need to fix the language for sure. He doesn't think it is clear and he thinks as it is written, he thinks the argument is that it is just thirty (30) feet. Not in addition to the hundred feet. He doesn't know if that was the intention. He doesn't think there is anymore standing that knows for sure. We will make the language different. Mary asked if they had considered the State Law regarding the setback? Geoff on solar and asked Mary what it was. Mary stated fifty (50) feet from the property line. Mary asked if that overrode the County. Geoff stated absolutely. Mary said at this point and time-which Geoff said this wasn't an issue because he didn't think anything had been proposed for thirty feet anyway.

Marvin wanted to clarify regarding Jeff question about the drainage. He assumes the Drainage Board; it would be up to them to take care of that. This is something he needs to find out.

Marvin asked if there was anything else from the Board? Hearing none he asked for a motion to adjourn.

**ADJOURNMENT:**

Virgil makes the motion to adjourn. This was seconded by Denny. All were in favor. The meeting was adjourned at 7:15 P.M.

Marvin Rees

President

Kenny Aulbach

Secretary