

APC MINUTES

June 17, 2026

Members present: John Reece, Tom Kerns, Don Calhoun, Coy Applegate, Jim Hufford, Abby Journay, Amy Alka, Steve Hernly

Members absent: Will Greer, Terry Alfrey, Adrian Moulton, Jason Brewer, Todd Holaday (left with family emergency)

Legal Representation: Jason Welch

Staff present: Debra Johnting, Area Planning Director and Kristi Halloran, Recording Secretary

Others present: Roxanne Lewis, Connie Stump, Jared Ogden, Christie Ogden, Debra Morehous, Brad Dilger, Trene Roudebush, Troy Prescott, Someone from Summers Pointe, Bruce Morehous, Thomas Cowan, Nicole Cowan, Deborah Hart, Vickie House, Robert Cook, Don House, Cynthia Burrows, Monte Burrows, Dan Freer, Chuck and Lori Overmyer, Jon Peacock, Darrell Ridgeway, Andy Fahl, Scott Jessee, Larry Jessee, Darla Shore, Joy Bowlin

President Calhoun: The clock says 7:00 o'clock so we will go ahead with the June 17th Area Planning meeting. First on the agenda is approval of the minutes from the April 22nd meeting. Has everybody had a chance to look at the minutes?

J. Hufford: I'll make a motion to accept the minutes as presented.

Vice President Applegate: I'll second.

President Calhoun: It's been moved and seconded we accept the minutes from the April 22nd meeting. All those in favor say aye.

All: Aye.

President Calhoun: All those opposed no. Motion passes. Okay a little bit of housekeeping for tonight. Petitioners will have 15 minutes to present their petition. During this time there will be no interruptions or questions. After the presentation, the board may ask questions. Anyone wanting to speak for or against will have three minutes each. And then the petitioner will have an additional five minutes to respond to comments. Section 7 subsection 6 states the maximum time period for any meeting shall be 90 minutes. Therefore, in the event that the meeting has been convened for 90 minutes all business that has not been completed, all unfinished business shall be continued to the next regular meeting of the Area Planning Commission. One other thing with the weather tonight, if we are under a tornado warning the meeting will automatically dismiss and we can all go down to the basement in this building. Hopefully that doesn't happen but I want to make sure that was clear so if it did why we know

where to go. With that first on the agenda is APC2026-16-Z, Bob Cook for Bethany Villages, Inc. You want to come up, state your name and address, and go from there.

R. Cook: Thank you. My name is Robert Cook. I'm an attorney in Winchester, Indiana. My address is 116 East Washington Street in Winchester. I'm here representing Bethany Villages, Inc. My client is requesting a change in zoning of approximate 7-acre tract from R-1 to R-3. The purpose of this rezoning is to develop age-restricted senior housing for individuals 62 years of age or older. Part of that project will be serving those people that are over 62 with incomes less than 30% of the area median income. You have in your packet are an artistic rendition of the proposed facility. They will consist of approximately 45 units located in a one-story facility will have a frame on slab with brick exterior and asphalt shingle roofing. The living units will be organized around the central common area. There will be sufficient room on the south side of this property for a proposed city street one-half of which will be on our property and one-half of which will be on adjoining property. The real estate is located near existing legal drain and is sufficient in size to handle stormwater drainage issues either through a detention or retention pond. Any required utilities are available on or near the site. The projected cost of this proposed facility is \$13,000,000. My client will be forming a limited partnership to develop this project and over 95% of the funding for the project will come from developer equity, bank financing, and federal subsidies. As part of the financing the limited partnership will present their application to the Indiana Housing and Community Development Authority. That authority has provided substantial incentives for the development of age restricted senior housing in rural counties. Our application is due on or before July 27th with awards being made in November. To be eligible for an award from this authority we must show in our application that we have received the proper zoning for this project. If the limited partnership receives an award from the Indiana Housing and Community Development Authority, construction will begin in the fall of 2026 and hopefully would be completed in the fall of 2027. My client and/or its affiliates have previously developed other senior housing development properties in Portland, Parker City, Yorktown, and Muncie. And so the real estate formally contained the skilled nursing home facility and on March 14, 2024 it was severely damaged by the tornado such to such an extent that it was permanently closed. As part of this project we're going to demolish that nursing home and get rid of that eyesore. The use of this real estate for age-restricted senior housing would be less intensity than the former nursing home when you take into consideration reduced occupancy, reduced traffic flow, reduced parking demand, and reduced staffing levels. Staffing levels will depend on the final operating model and licensing requirements but we don't anticipate there be anymore than six employees. So our purpose here is to request the Area Planning Commission give a favorable recommendation to the Winchester City Council to rezone the the track of real estate R-1 to R-3. I would be happy to take any questions.

President Calhoun: Anybody on the board have any questions?

J. Hufford: I got a question. Shouldn't this be going into a commercial?

D. Johnting: No, R-3 is multiple family residences and apartments.

J. Hufford: Okay.

D. Johnting: I mean yes it's considered commercial property as far as if they're making money off of it but as far as zoning it should be alright.

J. Hufford: Okay. All the zoning will be R-3 on all of it.

President Calhoun: Anybody else on the board have questions? Is there anybody from the audience would like to speak for or against this project? You come up and state your name and address.

C. Overmyer: Chuck Overmyer, 530 Lissarron Drive. This wanting for rezoning from R-1 to R-3 makes zero sense to us that live back there. If it's going to be less people for eternity or whatever, because there's no timeline of changing it. If they want multiple high occupancy and they're stating it's going to be less people and less employees and it makes no sense to have the R-3 rezoned because later on they may build a ten-story high apartment complex and we live there. Or Summers Pointe. They don't need any extra people messing with them. They're all back there and old and nobody bothers them. They don't need no riff raff or whatever.

President Calhoun: Thank you. Is there anybody else in the audience would like to speak for or against? Any other questions from the board? Seeing none I'd entertain a motion.

J. Hufford: I'll make a motion for a favorable recommendation.

T. Kerns: Second.

President Calhoun: It's been moved and seconded for a favorable recommendation. Roll call vote.

K. Halloran: Amy Alka, yes. Adrian Moulton is absent. Will Greer is absent. Steve Hernly, yes. John Reece, yes. Abby Jounay, yes. Todd Holaday, stepped out. Don Calhoun, yes. Tom Kerns, yes. Jim Hufford, yes. Jason Brewer is absent. Coy Applegate, yes. Terry Alfrey is absent. That's eight.

D. Johnting: It's a favorable recommendation.

President Calhoun: So it will go to the City Council meeting.

D. Johnting: Winchester City Council at their next meeting.

R. Cook: Thank you very much.

D. Johnting: You're welcome.

President Calhoun: Next on the agenda is 2026-3-A Article VIII, Flood Damage Prevention Ordinance. Deb do you want to present that?

D. Johnting: Certainly. You have that in your packet. We discussed this last month. In 2024 they asked us to approve a new Flood Damage Prevention Ordinance which we did. DNR looked it over, FEMA looked it over. I asked them specifically this covers the county and all the cities and towns and they said yes. And it didn't. And they just found that out. There are a few small changes you have a list of errors mostly housekeeping but the main thing now it lists specifically all the towns and cities and the county so. We were in danger of being taken out of the National Flood Insurance Program and so they asked me this week how we have progressed on that and I said we should have a recommendation tonight. So I need a recommendation to send this to the Commissioners and all the towns and cities for a repeal and replace of the 2024 ordinance.

Vice President Applegate: I'll make that recommendation.

J. Hufford: I'll second that.

President Calhoun: It's been moved and seconded to recommend this. Roll call vote.

K. Halloran: Steve Hernly, yes. John Reece, yes. Abby Journey, yes. Todd Holaday, stepped out. Don Calhoun, yes. Tom Kerns, yes. Jim Hufford, yes. Jason Brewer is absent. Coy Applegate, yes. Terry Alfrey is absent. Amy Alka, yes. Adrian Moulton is absent. Will Greer is absent. That's eight yeses.

President Calhoun: Okay. Next on the agenda is the amendments to Article XIX Solar Energy Systems Siting Regulations presented by the solar committee. A couple months ago I formed a committee, a subcommittee I guess would say to look at some of the things in our solar ordinance to see if we need to do some changing of some things brought to our attention from people from Union Township. We had six or seven meetings. We had lots of discussion. Some of it was positive and some of it was negative. I guess it depends on which way you want to look at. Not everybody was in favor of what we come up with tonight. So we'll go ahead and present what we came up with through the committee here and see what we want to do. So first would be the screenings, notifications, and hearings. As far as the screenings you've got a couple of different pieces in your packet tonight that talks about screenings. Some of this was just gave to us a couple of days ago so it's kind of new for everybody to look at. The one talks about a minimum of three different native evergreen species installed in two rows staggered arrangement to provide year-round visible visual buffering. No single species shall comprise more than 40% of the total trees installed. In all trees will approximately be four to eight foot in height at the

time of installation. And space provided for full screen by using trees specific crown spread information. Species selected shall be appropriate to the local climate and soil conditions insuring long term survival in spring and effectiveness. All dead trees shall be replaced during the following planning season (Spring or Fall). An alternative native tree species may be considered if available native species are incompatible with portions of the project. That's the one. The other one is a lot more detailed. Some highlights, plants and other materials are qualified and summarized for the convenience of the owner and jurisdictional species only. Confirm and install sufficient quantities to complete the work as drawn. You know it looks like some of them are bigger trees. They are not staggered but just in one row but then there's others that are staggered within the arrangement. The contractor shall weed, water, and maintain all plant material until the end of the required maintenance period and final acceptance by the owner. Contractor shall guarantee and warranty plant materials for a period of one full year following the planting substantial completion. Planting beds and tree mulch rings shall have a shoveled out spaded edge vertical cut to a depth of 2 inches. Planning beds shall be covered with 3-inch shredded hardwood bark mulch. Mulch shall be approved by landscape architect and the uniform in color and texture. Lawn seed and sod limits are appropriate so seed or lay sod to limits of grading and disturbance. Contractor shall be responsible for restoration of unauthorized disturbance outside construction limits.

B. Dilger: Excuse me Don. One clarification, what you're reading from is something that generally people don't have. This was just provided as a potential plan. Not as anything that was part of the ordinance but I think it's just confusing for people who are following along with the actual ordinance. And you're reading from a landscape plan. I don't think people understand that.

President Calhoun: Okay. Another part of the ordinance are notifications and hearings. Proposed amendment number one. Article 19 Section 19.7 Commercial Solar Energy Systems Applications for C-SES as follows. The paragraph the way it was before Randolph County Board of Commissioners shall hold a public meeting within 45 days to consider whether to propose C-SEC site is appropriate and whether it should be approved. We're replacing that by changing the within 45 days to 60 days. More of it, applicant shall provide within notice of time, date, and location of public hearing by certified mail to all property owners within 1,000 feet of the proposed site at least 20 days prior to public hearing. The notice should include the legal description and/or a GIS map describing the area of the proposed site. That would be replaced with adding certified mail or other trackable mailing method. And at least 30 days prior to the public hearing. We'll comment on those. If anybody on the board has any comments on those as to what we need to do.

C. Shaffer: And the subcommittee was unanimous on this one.

President Calhoun: Yes, the subcommittee all agreed with what this should the changes to this.

D. Johnting: If the 45 days works that's fine. There's an extra 15 days just in case there's no hearing or someone is not available. In the 30 days prior to the public hearing. They can send it as soon as they are ready to send it. It doesn't mean you can't do it sooner but that gives us a little more cushion and a little more time for people to get their notifications. We've heard last time that there were some people that didn't get them. And the other trackable mailing method would be FedEx, UPS, or certified mail.

President Calhoun: Any questions from the board? We'll go ahead and vote on this. The amendment number one and number two.

D. Johnting: This is all in two. So that really should be really Part 1, Part 2, Part 3, and Part 4.

President Calhoun: Okay, so we want to go ahead and...

D. Johnting: Yes, Part 3 kind of also goes along with notification. Instead of the 5 days it is 45 days.

President Calhoun: Okay.

D. Johnting: They don't meet 5 days later.

President Calhoun: So I guess the number 3 which is on the back of the one page I didn't see. The way it is now Randolph County Board of Commissioners help provide the Director of the Area Planning Commission with written notice of the decision within five days. We will be changing that to 45 days or within the next two hearings following the public hearing, whichever comes first. And then.

D. Johnting: And then last part if the visual barrier.

President Calhoun: Number 4 would be the visual barrier. We would be changing it as used in Article 19 it is a density of landscaping equal to an arborvitae and/or red cedar with a total of three different species planted in two rows that are spaced four feet apart with the trees planted eight feet apart staggered to obtain desired density to be submitted to the Area Planning Director for approval. If desired an alternative landscaping plan may be submitted to the Board of Zoning Appeals. Initial planting size and density is expected to obtain a height of seven feet in three years under a normal growing condition. A minimum height of 15 feet is to be maintained thereafter. The intent is to completely exclude visual contact with the solar panels and equipment. So is there any comment from the board about that?

A. Alka: So on amendment 4, is this landscape plan of that amendment 4?

D. Johnting: So this is actually amendment 2 and those probably should read item one, item two, item three, and item four.

A. Alka: On this. So these two go together is what I'm asking?

B. Dilger: I can answer that. It's different. So that was our plan that we came up before, like it was dated last year. We've done some comparing to come up with an alternative to what's currently in the ordinance as an option. So I provided that just as a visual or like an option but what's in the ordinance as proposed is different than what's depicted.

A. Alka: Okay. My concern with the white pine. It might be native but it does in windy areas it gets west side winter kill bad. I just wanted to tell you so take that into consideration. Then I saw red cedar and it's probably a better choice.

D. Johnting: In our ordinance now it's so very specific and extremely tight to fit in anything else. Looking for something that has direction but thinks outside the box and allows them like this to bring in something totally different and say we think this is what's going to work in that area and it would be like bringing in a subdivision. It's not a matter of yes or no, it's okay yes but let's change this and do it as the projects are brought in. We wanted some flexibility to say okay you have to plant these in June and it has to be this one particular tree. And we just got both of these things yesterday so.

B. Dilger: It's just an example it's not a ...

D. Johnting: Right. I had already kind of and this is just what I wrote up from the meeting with the solar committee. It's I'm not...

T. Kerns: Both of the other examples came from two different solar companies of what they had presented.

A. Alka: I just wanted to express that I think the white pine, we will be disappointed in their performance. Especially in windy areas.

D. Johnting: There were just things that we liked in both of these. The three native evergreen trees...

A. Alka: Yeah, all of that, that's my jam.

D. Johnting: I don't know how we pass this and still leave it written. I'm sure that someone else can make this more...

J. Welch: If you pass this, this is what it is unless there is some kind of amendment to it. So if you pass this tonight, this is what the language will be.

T. Kerns: Can we amend it and still pass it tonight?

J. Welch: It's better if it's specifically written. It would have to be very specific in the amendment. If it was a small amendment because we were we would not want any ambiguity. It would have to be written out to give to the county. So the answer is yes but it'd have to be very specific on the amendment.

T. Kerns: Because I like the idea of the no more than 60% or was it 40% of one variety of tree which makes sense if we ever have a disease issue.

D. Johnting: I can add that.

T. Kerns: Just that and three separate varieties. Just that part of that other, I'd like to see it added.

D. Johnting: We would include no more than 40% of one particular type of tree and instead of... Well, I've got with a total of three different species with the two rows staggered.

T. Kerns: I struggle I go back and forth with the staggered. If we have the density just because of if it's there and we have the setback anyways. If we staggered it takes up more farm ground that somebody could be farming. So that's a conversation to be had with the staggered or not staggered but it is only a four-foot staggered. So it doesn't take up much but you know if it's somebody's going to farm the setback, you know I just want to put that out there.

J. Ogden: Jared Ogden, address 5230 South 100 West. Who's going to be holding them accountable for the landscape?

D. Johnting: Me.

J. Ogden: Because on 100 W they just got done. A lot of trees they planted are already dead. If you go down 600 South trees are already dead. Honestly they're not picking good trees.

D. Johnting: They're picking what the ordinance says they have to choose right now and.

J. Ogden: So what is the timeline between then replaced? Because they just replaced them and they're dead so you've got we've got neighbors I drive by it every day. I've got neighbors that are surrounded by these dead trees. They're not here but I bet if it was me and I was surrounded by a bunch of dead trees I wouldn't be very happy. So who's going to hold, I mean. Are we going to send out code enforcement? Make sure they drive around every one of these solar fields and make sure that the trees are in good condition and they're not dead and they're getting replaced at the right time? So there was a lot of that are already dead on the brand new Spectrum the thousands of acres they just did. There's a lot of dead trees.

T. Kerns: I think on the current solar fields and I think Brad can talk to that. They have been constantly replacing any trees that have died on the first solar fields.

B. Dilger: Yes, within that they're under warranty so you'd have to talk to the landscape contractor and figure out when the best time to plant those trees are those replacements. They were restarting and like the growing cycle again so it's going to be hard to maintain those heights as if the tree does die. They were just planted for sure and we just need to see how they react this first growing season. We can work with you and Deb on the timing of that.

J. Ogden: Some of them were actually dead when they were putting them in.

B. Dilger: That's an issue with the contractor. I mean I'm happy to follow up with you and Deb on that.

T. Kerns: I think you have replaced quite a few trees even on the first solar fields.

B. Dilger: Yes, on the operational ones. They have been replaced. I don't know the number but as they die off from disease or other factors. Deer like to eat them as well. So those are replaced when you know when they're found.

J. Hufford: Is a local contractor doing this or somebody else?

B. Dilger: I mean we use a local contractor based out of Union City. We like using those guys because they want to see them grow as well.

A. Fahl: Andy Fahl, 6194 South US 27 Lynn. Thanks for what you're doing, volunteering your time trying to move the country forward. I'm one of I think four people here tonight who wrote the original ordinance—John Reece, Deb, and Don Calhoun. At the time we didn't know what we didn't know. We put one row staggered in and we can do better and we need to do better. So I'm glad the Commission is reviewing this. I agree with a lot of what you said. I think the staggered is the way to go. I'm going to add one important thing and hopefully it can be amended in but the research I've done to help the county, to help the Commission, is I feel that this screening needs to be planted first and not last. So in research of other solar parks the fence and the trees are put in first. Then they are maintained for during construction and if there's deadlines, etc. somebody is there every day taking care of them. They can be watered. They have a head start to have the outcome that the ordinance is intended to have. Makes sense? So I will tell you one other thing. I've been over every acre of the solar we have in the county. Two things against whatever you plant out there and however pattern you plant it. Two things is the farming industry. So obviously the trees are out there for an intended purpose but they're unprotected so they can accidentally be snagged with a piece of farm equipment. Probably more so they can accidentally be sprayed. No one intends to do it but it happens. That's what I've seen out there. The other thing is the deer and Mother Nature. The deer eat these things like candy and there's a

gate on 300 West Carlos Road. There's a row of 78 trees. They're appropriate. The company replace them and I'm going to say within six weeks 14 of them have been chewed off by the deer. So regardless of what we do we live in Randolph County and that's what's happening out there. I've seen it with my own eyes. So I just want to throw that out there. So to sum up I think you're on a great path. I would go with the staggered pattern but I'd also make it seasonal or weather permitting that they'd be planted first and not last.

D. Johnting: I have a quick question for Amy. So in this one it says planting in the spring or fall. Is that a good recommendation or is I mean they die in July you turn around the next day and plant one. Is it going to survive?

A. Alka: This spring would have been a good time to plant. You wouldn't have to water them. It's all weather. But typically fall or early spring.

D. Johnting: So if the plants are dead in January, we're not going to send a crew out there to replant until.

A. Alka: Until March or April, whenever.

T. Kerns: If we're going to put something along that line in there, so you just put appropriate planting season for the species.

A. Alka: I think that sounds good.

President Calhoun: It was brought up at our solar committee about planting first and then the fences go up and then plant trees. I know that the array of the solar panels sometimes changes. Is that going to be difficult to know where we're going where they need to be planted.

B. Dilger: I didn't introduce myself earlier. Brad Dilger, EDP Renewables. Regarding process and timing of tree planting and construction. I mean the construction crew goes out there initially and puts out the silt fence for limits of disturbance. Like they cannot go beyond that. It's also an environmental best management practice for stormwater control. It would be a timing of when they put up silt fence, limits of disturbance and where the fence is relation to those things and when the trees could be planted. I can't say like it can definitely be done because I think the timing and the construction and where those things are placed would become problematic. Then crews would potentially be plowing over the trees that were just planted. That's why they are typically planted at the end of the project for when fences are complete. They're starting to pull out the silt fence and the DMP's so they can have clear access to the planting area outside of fence. So that's why we always do it at the end of construction. I mean us, EDP, I don't know how other companies do it but. Again it's just because of the construction process that's how we proceed. Any other questions on the process? Thank you.

President Calhoun: Have you got what you think you might need?

J. Welch: There would have to be a motion made. If there were going to be amendments made to this when it gets passed you would move to pass the amendment subject to these two amendments and they would have to be stated what they are going to be before the vote happens.

D. Johnsting: Forty percent of one species...to appropriate planting seasons and then whatever you consider on the planting ahead or planting after.

President Calhoun: Anybody on the board have any questions going forward of the planting time?

A. Alka: There are trees out there that deer do not like to eat. They can choose red cedar and what they have on the list here. Deer do not like to eat that. There's spruce. They don't like to eat that. That might deter them from eating and just causing more problems.

D. Johnsting: Up until now they've been pigeonholed into the one type of tree.

A. Alka: I don't know that we have to get specific on the species but maybe just include a deer resistant tree. There are several out there, several options.

B. Dilger: When we worked with the plan that you're looking at as an example the landscape architect was trying to find things they were deer resistant. That's why we ended up with grasses on there.

A. Alka: I think it looks great. I really do.

B. Dilger: And the white pine was suggested because that's what is used over at Best Way. And those have really grown well over the last 20 years. We're trying to follow what was already around but based on your recommendation it shouldn't be white pine.

A. Alka: You know if we have mild or moderate winters until they get established we'd be good to go.

President Calhoun: Is there anybody in the audience would like to comment on the screening or the amendment 1, 2, and 3 as far as the 60 days and 30 days and the 45 days.

J. Peacock: Just a question. Are you going to consider what Andy suggested on trying to do the trees beforehand because it would give you a chance to plant them in undisturbed soil. And that should increase the chance of them surviving. Is that something you were willing to consider or? I can understand Brad's point. It's easier to put it in when you know where everything really needs to be. They survive better if you plant them on virgin soil.

B. Dilger: Most of the stuff on the outside of the fence is still virgin. They don't disturb outside of that berm of disturbance. Construction crews can not go beyond that. When they are setting the silt fence, that's where they are setting it. They are not supposed to go beyond that and we have measures within the contract if they breach that limit of disturbance.

President Calhoun: I see both sides of it. We did discuss that in the solar committee so.

J. Welch: Well, it depends on which of these amendments you want to consider. If we get too many it's probably better to rewrite it, bring it back next month and have a fully finished draft for you to vote on because if you get to make a motion and you have three or four different amendments. And then you go straight to the county that you might not be exactly what you intended. It's always cleaner we have a full draft before you actually vote on it's my opinion. Unless there's one small thing like that 40%, of no more than 40% of any one species that's pretty specific. We get into deer resistant trees then we don't know. Are arborvitae, are they?

A. Alka: There are some.

J. Welch: There are some. This says you can use this so we would. Have to we would have to?

A. Alka: I mean that's what it says in the tree books. But you know deer don't read those books. (Laughter)

J. Welch: I think we would have to redraft this slightly if you wanted to include that language and that's something that I don't think we can cleanly amend tonight. If you wanted to include something like that, I think we should redraft it and bring it back next month to see, make sure it's exactly like you want it before we send it off to the county. That's my opinion.

D. Johnting: I have a question on what everyone thinks about if all else fails and they have a different kind of plan they think will work for a particular solar array they could also go to the Board of Zoning Appeals. That wasn't an option before. Something like this picture maybe not staggered but, in the lines with grasses and things.

T. Kerns: And also available within the ordinance is they can negotiate with the homeowner that's next to it like Meeks stated is always available that can be negotiated with the homeowner with the screen.

J. Welch: So I guess you have to decide if you want to include deer resistant language then I think we probably need to rewrite it. If you don't want to include that or the planting ahead or those type of things and you just want to include one minor amendment at this point. I think you could probably move forward with the vote on what you have there. It's not something you have to decide what you want to do. We've got three other ones to look at tonight so.

President Calhoun: So what's the will of the board? How do we want to go about this?

D. Johnsting: I think we could improve it and make it better if we had more time. I would definitely recommend the 40% of any one species and the appropriate planting season. That's been part of our problem. Planting ahead, planting afterwards. We've wrestle with that since beginning and the deer resistant tree was something I didn't even know was a thing. Maybe if Amy has a few minutes to look over it we can work on it.

A. Alka: And the deer resistant tree, when they first put it out they might eat it off the new growth. It's pretty soft. It's the mature growth that they don't want to eat.

B. Dilger: But from nurseries you're not going to get mature trees.

A. Alka: No, no, and every spring they add new growth.

B. Dilger: So they are always going to be tasty bits.

A. Alka: The cedar and spruce. They have an aromatic deterrent to the deer. Now again, you know, the deer like it but they're not supposed to.

B. Dilger: I think anybody who's wanting to plant trees out there like all of us have planted things. You want it to survive. We have no interest in planting trees every year just to make sure that the screening is there. So we want to get the hardiest of plants that are out there and whatever is going to have the best chance of surviving year after year. Our approach, another developer I would hope that they would have the same mindset like I want to plant something once and yes there may be some plants that they'll survive but just from the labor and cost standpoint you don't want to plant those trees every year.

A. Alka: I think that landscape recommendation on how to plant them and keep the mulch back. I've read through all that and it's all good.

T. Roudebush: Trene Roudebush, also with EDP Renewables.

Don: Can you come up here? We can't hear you.

T. Roudebush: I've worked with a number of counties across the state and in the Midwest on ordinances and kind of compensating the same question. Many have addressed this as the landscape plan should be developed in consultation with the Ag Extension Agent. So at least at that point you have an opportunity to weigh in to revise the specific plan for that specific project of that specific location. Look at which parcels are going to be heavy wind and you know not to put the white pine. But it gives that flexibility for that project to come forward so it's not super restrictive, gives you flexibility, and you don't have to overthink it tonight. Just a suggestion.

President Calhoun: So do we want to wait and see what we can come up with for the next meeting for the...

J. Hufford: I think we should get a draft to bring to the next meeting.

President Calhoun: So that would what would be on the first page, amendment number 1, 2, 3, and 4.

J. Welch: You'd have to vote to table that until the next meeting.

A. Alka: I move we table this amendment until further review.

President Calhoun: Is there a second?

J. Hufford: I'll second.

President Calhoun: It's been moved and seconded that we table this until we get more information. All those in favor say aye.

All: Aye.

President Calhoun: All those opposed no. Motion passes. Okay next would be proposed amendment 2026-4-A. Deals with caps on solar energy by township. There's lots of discussion at our meetings, where we needed to put that at even if we need to put a cap. This is what we came up with. A cap and commercial solar energy systems for each township of Randolph County of 5% will be established on the date of approval of this amendment. This includes Franklin Township, Green Township, Greensfork Township, Jackson Township, Monroe Township, Stoney Creek, Union, Ward, Washington, Wayne, and White River Townships. The cap will be based on total assessed acres that particular Township in Randolph County. Assessed acres per Township will be provided by the Randolph County Assessor's office for written request. And a petition for a variance to exceed the maximum allowed acreage per Township may be brought before the Board of Zoning Appeals. So like I said there was lots of discussion on this. This is what we came up with from our subcommittee. Do any of the board members have any comments? Seeing none is there anybody from the audience that would like to come up and talk. Yes back there in the back. You have three minutes.

Unknown: I just have a request, a general request over all of these ordinances because it keeps coming up that bringing back to the panel for ordinance altercations or something that varies. We're leaving lots of leniency for EDP to do that but when we're carving out no discretion to notify the homeowners. So we have no idea when EDP is going to make a discretion or need to deviate from the standard ordinance as homeowners. So if it's going to affect neighboring homeowners within that ordinance I think something needs to go in here is that local homeowners are notified that EDP is bringing something outside of the ordinance to the panel so that we can also make an appearance and speak for or against it because otherwise we would have to show up here every month.

D. Johnting: If they bring it to the BZA anyone in that area and that project gets notified.

Unknown: How is that? Is that through certified mail? How are we notified?

D. Johnting: Certified Mail.

Unknown: Okay. So that's if like this any other, the last discussion that we had any deviation that was.

J. Welch: That is totally different. If the ordinance is already in place right and somebody in EDP bring something forward different and they ask for a variance than anybody in that surrounding area would be notified by certified mail. What we're doing now we're amending what the actual ordinance says. So that will be done. Once that's done here will be a recommendation made. That will go to the county and the cities and then they'll adopt those and once that's adopted if they do anything different than that then you would get notice as a homeowner.

Unknown: But each topic I've heard different points being made that there may be certain circumstances. So just as a homeowner asking to make sure we will be notified so we can make an appearance at the hearing. Okay, thank you.

T. Prescott: Troy Prescott, 4131 North 100 East. Pass them down. Me and my wife were actually involved with a solar project up in Jackson Township and I tried to be a part of this committee and did finally get invited to the last meeting but to me the committee when formed should be about moving things forward in a positive manner for all concerned I mean. He had land owners, homeowners, county taxpayers, and developers. And the first thing is with these projects, you have to have the infrastructure to support it when you bring them in so they're only going to go where the major power lines are. And then the second thing to do is that the developers are going to build infrastructure. And once they build that they want to be able to use that its maximum potential too. So like to stop River Start II once they've already put into transmission line and substation and all that I think is a tough piece there. The problem I had then too is you get onto the caps. Says like the individual townships that you've got a smaller county widening you have the townships so that means eventually some township are going to get locked out of this even if they have the proper infrastructure because if you've got a smaller or larger township cap than overall cap there's no way you're ever going to, you got to get the county to fight for that. Some townships will never get it so. The example I got in the last few pages there the committee had two different sets of numbers. This is going to be a bookkeeping nightmare for the developers for one of these projects takes years to do so how's one company know what another company is doing their planning on their long-term plans but in Union Township the first page had that there was only 41,300 acres and the second page has 45,863 so I don't know how this change has got in there. My point is there's the committees saying there's only 1,725 acres in

Union Township at this point and EDP says they've got 2,223 already. And I knew something wasn't right because each one of these solar farms takes about a year and 1,000 acres and there's three already built and you've only got accounted for 2,000 acres in here between Washington Township and Union Township. So I think you it's a bookkeeping nightmare and I think you got to at least figure out on these acres who's right or wrong and the amount of acres already built because if they do have 2,223 and you go to 5% cap there's only 70 acres left in Union Township. There's no way they can do River Start II. On the landowner side of this was about our property rights as landowners. You know if we want to sign our farm up to do that that's our choice. You want the best financial return you can for your family or partner whoever you're dealing with. Its financial diversification for our farms. It's guaranteed income. It's non-farm income. I did a lot of replanted corn and soybeans in the last couple of weeks I don't think EDP's replanted one solar panel. I think panels are alright. Anyway when we signed up with EDP to do ours. They are one of the companies that do good neighbor agreements. We could have got more per acre if we had signed with some other companies. We already knew people in the southern part of the county that have dealt with EDP. They told us they got along fine with them. That was one reason we chose them but the biggest one is because they do good neighbor agreements. We felt like we were sharing with our neighbors. Also there's discussion like Tom brought up about they can negotiate out of these screening agreement so that the landowner to get that homeowner or the homeowner to get that money. I'm a big advocate for that but you know I've said to some of the ones up our way if EDP gets out of the screening, our permit is already done so the 500 foot setback didn't count it there. They can negotiate closer than 500 feet I think also. So instead of doing 30-year contracts that are small amounts each year. They maybe get a lump sum payment like 50,000 grand or whatever up front. It depends on what that screen cost that they save is.

President Calhoun: Your three minutes is up.

T. Prescott: Alright. Thank you.

President Calhoun: Thank you. Dan.

D. Freer: Dan Freer, 1631 South 1200 West, Losantville. I was part of the committee and with regard to what Troy was talking toward. We struggled a lot on the caps with trying to determine what basis to set for the caps. What we went with the numbers that are listed there are the numbers from the county assessor so that is the acres within the fence that's what the assessor supplied us with so it looks fairly small compared to what EDP is reported but my guess is EDP is reporting more of the overall of the project with regard to green space and the like around in certain parts of the farm but that's why we went with the assessor's numbers it's verifiable. We don't have to rely on an outside source. We don't have to rely on an independent company to

provide those numbers. They come from the assessor of our county. With regard to that that's why we went with the lower cap numbers and I support the cap numbers. I'm trying to look out for the county long term as has been mentioned they EDP would like to do a Project II in Union Township. The cap numbers we presented still allow them to fit under that, under that level with my understanding or at least very close to it. We weren't happy about that as a township but we're trying to work with what was already started and move forward as a county and we just feel that the saturation in certain parts should be trying to be limited as much as possible and spread around the county like was mentioned in with and this is just specifically speaking with township caps so I can speak to the county cap later with regard to how that number was assigned also. A quick thing with regard to the county cap. Currently there's around 2,200 acres developed under operation. I know some others are in development but that's how much is under operation. The 2.3% cap for the county would allow three times as much as what's already in operation. The first projects took about six acres to develop with twice as much capacity already left my guess is that's going to take a little longer than six years so if we go you know six to eight years. That's enough time spent. If we still like the energy projects we can reevaluate at that time. Thank you.

President Calhoun: Thank you. Brad.

B. Dilger: Just to kind of follow up on those items. Again any business is going to build their business around the infrastructure that suits the business. Trucking is going to be near the interstate. Generation is going to be near the transmission lines in Union Township and Washington and Stoney Creek. They have multiple transmission lines going through there. There's also a transmission line over on the eastern part of the county as well and that's where those projects are going to be focused like our projects are any developers project. They're going to be trying to be close to that interconnection point. Union does have a lot of those aspects out there and our private transmission line going from Headwaters I to the Losantville switchyard. When we build for, if River Start II is built, that will be at capacity. It can't handle anymore. The 345 line going you know down the diagonally across the bottom part of the county. That's nearly at capacity now. I can't speak to the 138 over near the eastern part of the county but I know that there are some other projects planned that aren't ours out there. That is a newer line so you may see more development on that line and then the older 138 that goes through down to Modoc up to DeSoto that's an older line I think that's basically at capacity as well. So there are a lot of capacity limits that the transmission owners already know that are inherently there. So regarding Union, River Start II is the last project that we will be developing there. Any other project that would attempt to come in would need to attach to one of those lines and the capacity is just not there. So we're already at I think what the transmission lines can accommodate and again we see and we hear what the community is saying out there and we

understand that. There isn't the appetite for any more solar and River Start II is the last that we are pursuing out there. So caps are confusing I think. Dan talked about the different acreage numbers. I think just trying to figure out like the specifics of that and just understanding like is development still possible in Randolph County or is the door kind of closing. It's just I think what needs to be figured out and the caps definitely inform that.

President Calhoun: Thank you, Clyde.

C. Shaffer: Clyde Shaffer, 7963 up in Green Township area. What Troy referred to is I was on the solar committee. The one paper that we that we received for it has Green Township at 16,788 acres. Another sheet we got has Green Township at 18,922. So the numbers are just not the same and they were provided to us, to the committee but I mean these are what they emailed us and they're two different numbers. Beyond that, I'm going to speak to the caps right now, Union Township and White River Township. They are huge. They're in the 40,000 acre field. Smaller townships for example, Franklin, Green, Monroe, Stoney Creek, those townships are over by me we're small in acreage and the caps could make it so solar could never be built in our areas or they'd have to overlap townships and then you'd hope that another township didn't already have acres. For example, Stoney Creek, right now has according to what they give us, 165.8 acres of solar panels. So, if you take Stoney Creek with a 5% cap not even addressing that give every count every Township 5% but the county only has 2% at some point the numbers don't work they just don't make sense. But when you look at Stoney Creek that would leave Stoney Creek with 440 acres left that could go under solar panel. No solar farm is that small so basically we've told the people from my side of the county that sorry because of the caps you guys aren't eligible for solar. Green Township. You know we're only sitting with depends on which number you use 18,000 or 16,000 acres. If we go with the higher number at 5% percent, we've only got 946 acres. The caps are, they pick winners and losers and I do not think that is something that Area Planning ought to be involved in is picking winners and losers. You should be making rules which protect the neighborhoods and promotes business within this county and caps do not.

President Calhoun: Thank you, Clyde.

C. Shaffer: Thank you, Don. Andy.

A. Fahl: I'm going to bring a little different tone to this and I'm going to suggest an option for the Commission is no caps. And Jason or Tom, correct me if I'm wrong, but we don't cap any industry or any business in this county currently. So two points have been made. Every industry caps itself. We're not capping Ardaugh and how many bottles they can make, how many acres of farmer can farm or how many caskets Astral can make. Each business per say caps itself. Ardaugh can only make so many bottles. If they want to make more they have to do something

different. That's what the renewable company just spoke to, that we're at capacity. Never say never. The grid can be upgraded but we have no caps on anything. And to Clyde's point, you've got people in certain townships that would not be eligible and if that doesn't create a huge infringement on your property rights I don't know what does. So I would urge the Commission no caps on townships or the entire county. Thank you.

N. Cowan: Nicole Cowan, 9532 West 700 South, Modoc. A rebuttal to that argument is Ardaugh's production doesn't impact our daily life. It doesn't impact our investment of homeowners. We've invested our entire life savings into our home. That's where we plan to raise our family. That's where we plan to retire. It impacts our life. None of that production impacts our life. So these caps protect our investment. They protect our lives. They protect our children. They protect our land. They protect all of our investments. A lot of us invest. A lot of us have protections. We have people there to help us support that. Without these caps there's nothing there to help back us or support our investments of our own. So these caps are important because you're allowing one industry to come in and saturate and impact the lives of people who have no control. Thank you.

J. Bowlin: Joy Bowlin. I live at 10138 West 1050 South in Losantville and I completely agree with what she's saying. I see certain perspectives of both sides but I choose to live in rural Randolph County. I drive more than 30 minutes one way every day to work. I work in a different county. I live where I live for a reason. Those of us who choose to live there from the farming perspective. We have rights too so. And this is not just like going to impact a day or a week or a month. This is looking at decades. It's going to impact people's lives. And a lot of this is it's completely irreversible like you know they could say there's not that much environmental impact. I really don't see much to support that because you can't go and change it that much of the natural landscape and make it that unnatural and not see long lasting impact for decades and so at some point, if I had a say I'd say let's cap it where it is. Like why does EDP need anymore. Like there's enough. At some point enough has to be enough. I think that there needs to be some kind of respect for an individual landowner and what your rights are maybe if you don't want to go along with more utility scale companies coming into rural farm areas. Also I was going to mention this company is not a US company. The majority of the company is owned from foreign companies. So look that up. I mean how is that impacting law abiding, taxpaying citizens in rural Randolph County? How is that in our best interest? Thanks.

President Calhoun: One comment that what you were talking about Clyde and Troy, there is always a petition for a variance can be filed where the smaller townships can you know if there's a group of farmers that decide that they want it, it can be brought to the Board of Zoning Appeals and voted on as to whether we can go ahead and make that opportunity to add more to that township. Jon.

J. Peacock: Jon Peacock. 3761 E Greenville Pike, Winchester. We each have a different reason for being here. Everybody who's here besides the Commission and I think property rights is something we need to consider. Individual homeowner rights is something we need to consider. And finding a compromise that's what we tried to do, Don. In these committees that this is the second one where we tried to update the solar ordinance and I think we've made progress. People will argue what progress is and I'm just glad we're having the discussion. Okay, I think the thing we need to do as a county is look long term. What do we want our county to look like in 30 years? in 50 years? Is it wise to continue with no restriction? To let companies keep coming in because we know lines can be added Andy. They can be. It may not be economically feasible to add more transmission lines but things can change. I am one that doesn't want to see good farm acres continually lost to solar. I don't want to see that but I'm just one person and I appreciate that there are differences of opinion here. But I think we need to listen to the individuals because solar is supported a lot by tax dollars so every person does have a very valid say in what is happening with the acres that are allowed to be developed in this county. So as far as the caps, Dan put a lot of time into trying to figure out something that every township could have some. And the numbers that were we had two or three different sheets presented with numbers. Okay. It's confusing when we look at all those different sheets. That's not all of those. That's not what is being proposed tonight. Correct?

D. Johnting: Correct.

J. Peacock: There's one sheet with caps that are set on acres that our county government is taxing. Is that correct?

D. Johnting: What we ended up with.

J. Peacock: So yeah it's different than what EDP might put but we're trying to come up with something that's consistent. And not hidden agenda. This is something that both sides can look at and come up with the numbers that do have a cap because some of us don't want to see this just continue to happen. Thank you for your time.

C. Shaffer: So Deb which numbers are you getting because you provided us with two different sets to us.

D. Johnting: There were several different sets. Whether we want it inside the fence? Do we want it just every acre that's out there?

C. Shaffer: The township numbers. How many acres are in a township? We have the committee received two different sheets with two different numbers and basically?

D. Johnting: I apologize. I don't have those right in front of me. I know George was asked for several different numbers whether it was tax roll panels.

C. Shaffer: Here's the sheet you sent to us. And this sheet right and this sheet right here. I have two. Green Township alone is about 2,000 acres variation.

D. Johnting: Smaller acreage as a share of total vacant AG acres by township and the other one is solar use by Township, so it was two different things.

C. Shaffer: So which one are you guys.

D. Johnting: The committee decided taxable, what they're being taxed on. Not extra land not the land outside fence.

C. Shaffer: Is that the 18,000 or the 16,000?

D. Freer: Is it Green that you're asking for? It's 18,922.

C Shaffer: So it's the 18,000.

D. Freer: It's the total acres in each township. Even though all the acres are not developable there's still the total acres for each township.

D. Johnting: So I think we have three different steps that George said that can do it this way, I can do it this way, I can do it this way and whatever it is will be determined by the assessor and it will always be done the same way it will and we determined taxable panels. Not if you have, I mean sometimes you may only use half of the 40-acre field for the project it's not that entire 40 acres it would be just whatever is on that parcel. We do the permits by parcel. That is taxable. Does that sound fair? We're interested in finding the clearest number of what the space the panels take up, not are you have you got a contract for 40 acres are you leasing 40 acres and maybe only using 37?

B. Dilger: I think if you're looking for an answer from me now I cannot give that to you. We at the very end were part of the conversation. Don reached out to ask about it, so not knowing the specifics of what the committee shared like I can't really react to that. Or at least given final answer on that. I mean I can give reaction.

D. Johnting: I don't know if what the numbers and I'm not sure that I even got the numbers that you had they talked about that but. We can get taxable from the assessor. If we can't get taxable from him we can't get from anybody so.

B. Dilger: Jon you mentioned having a conversation, like let's have a conversation. If you want to talk about specific numbers then have us come and we'll talk about specific numbers. At the moment like those numbers like I haven't seen those before. I haven't seen George's numbers. I can't really give a yes or no. If it seems fair or not fair, it's just like it gets confusing. Obviously like we're having a discussion about this. Clyde has mentioned what numbers are we using and

Dan's done a lot of work on figuring out those numbers. So I don't know if this is the venue to discuss those numbers right now. Seems like there's a lot of uncertainty on those specifics but I'm happy to participate in the conversation.

D. Johnting: I didn't know there was until just now so I apologize. I thought we were all set at taxable is the most fair to everyone. Not to say you've got 15 acres fenced in and there's nothing there so we're going to count that as panels.

B. Dilger: Sure, so again I think there's more to be discussed it sounds like.

T. Kerns: Let me say something. The whole idea of Area Planning is for permittable use of land or property or what's going to be next to everybody. With these solar fields there's two land owners. Even though you know the idea is to put parameters in place to kind of protect both. That's the idea of the setbacks. The landowners are not EDP. You have homeowners or then you have individual farm and we're trying to protect both sides. Even though we're saying you know came up and said you know you could be affecting our home value and that's a possibility. You're also definitely affecting the income for the landowner next door which is very measurable. So the whole idea of this is to find that balance. And really that's what the setbacks and the screening stuff does to kind of set that balance.

B. Dilger: Sure yeah and I mean I totally appreciate you know all the work that you know the original group put into the ordinance the committee last year the committee this year like. We will follow the ordinance. You know to becomes too complex I mean that's problematic but you know this is our rule book for any developer coming in here so we totally understand that. Jon mentioned just long-term planning. So one thing that you know I follow pretty closely just as you know. We you know put money into as the county covers as part of the economic development agreements and we kind of track where that money you know how it's spent by the county. And it's just I don't think generally people know where that money goes. Like it goes to roads and bridges and you know emergency equipment and like sewage treatment facilities and water like infrastructure. I encouraged county residents to go to the auditor's office and pull that information. See where that money is going. It's not just disappearing. It's bolstering the county's ability to fund projects and again if you think about long-term planning that's long term planning. Bolstering your financial state. I appreciate what Jon is saying like what is it going to look like in so many years but you also have to think about how the county is going to fund itself for that number of years and what is being done to bring in that funding.

President Calhoun: Our 90 minutes is just about up. Do we have any direction from the Board as to. Do you want the subcommittee to meet a couple more times to try to figure some of this stuff out that we've talked about tonight. I don't know that we're any where close to wanting to try to vote on anything tonight. What's the will of the committee? Well I guess what we'll do is take

this back to our subcommittee. Have another meeting or two and try to get some of these questions decided and have that where we can come back next month. Does that sound reasonable for everybody on the board?

J. Hufford: Sounds very reasonable.

J. Welch: You need a motion to table this till the next meeting.

President Calhoun: Do I have a motion to table this until the next meeting?

Vice President Applegate: I'll make that motion.

J. Hufford: I'll second.

President Calhoun: It's been moved and seconded to table this to our next meeting. All those in favor say aye.

All: Aye.

President Calhoun: Motion passes.

A. Fahl: Don, I'd like to volunteer to be on that subcommittee.

D. Shore: We have enough people on there.

A. Fahl: I don't need a vote but I'd like to be in the room for that just for experience and knowledge of what I've been through with all this.

President Calhoun: I think we'll stick with the same committee that we've had and see if we can get these hashed out. Appreciate both of you offering.

B. Dilger: I also volunteer like there any questions like feel free to reach out like I think everybody has my phone number or e-mail address. If you want to if there's a discussion about acres or if I need to talk to George about acres like please let me know.

President Calhoun: Appreciate everybody coming tonight, comments.

C. Ogden: I'd like to say something. My name is Christie Ogden 5230 S 1100 W, Modoc. I understand I mean they've done so much for our county and I agree they've done a lot of funding but one thing that he just said is something that I think we all need to think about. He said what happened for the next 30 years if we don't do these projects. My bigger concern is what happens after the 30 years when we can't do these projects. I have two children. My daughter is currently trying to find a home in Union Township or land to purchase. She can not. She wants to live here. Sorry I have a cold. But she wants to bring her family here. We have a declining population in Randolph County. It's not a secret. Every school is losing in enrollment and part of the reason

is we have no housing. We have a lot of young kids who want to live here but if we don't have our kids living, here we don't have our kids paying, getting payroll taxes so we're not getting the payroll tax revenue. I mean that's how our county is going to survive by having generation after generation choose Randolph County. If we take all of the land without caps and now we've got solar panels everywhere yes for the next 30 years we're going to have money. We're not going to have our kids and we're not going to have the land and after 30 years what do we do? We can't just keep putting band aids on things and that's essentially what this does unfortunately. And I want people to think about your children and I know the one side who financially is going to benefit from this are the farmers that are getting the money. The other people who aren't going to get the money and their kids aren't going to live here and they're going to like three or four counties away for affordable housing are the ones that are going to lose. So I just want you guys to keep that in mind.

President Calhoun: Thank you. I would entertain a motion to adjourn for the night.

J. Hufford: So moved.

President Calhoun: It's been moved and seconded that we adjourn. Again thank you for everybody that's come, comments.

D. Johnting: I just wanted to say one quick thing because we were asked about notification. If there was a variance or special exception on landscaping, fencing, anything like that anyone in that area will get a certified letter. If there is a meeting like tonight it will be in the newspaper. I know a lot of people don't take it but that's where it will be. It will also be outside on our door out here or you can call our office and find out if there's going to be a discussion. And on the county website. The July meeting is a different week than it normally would be because of fair so we will have the meeting back here next month on the 15th.

President, Don Calhoun

Vice President, Coy Applegate

Recording Secretary, Kristina Halloran