

In the Matter Of:

Shelby County Board of Zoning Appeals

TRANSCRIPT OF HEARING

March 12, 2019



CONNOR REPORTING

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<p>1 2 3 4 5 BZA PUBLIC HEARING 6 7 8 9 10 11 12 Shelbyville High School 13 2003 South Miller Street 14 Shelbyville, Indiana 46176 15 Tuesday, March 12, 2019 16 17 18 19 20 21 22 A STENOGRAPHIC RECORD BY: 23 Rhonda J. Hobbs, RPR 24 Notary Public 25 Stenographic Reporter</p>	<p>3 1 (Time Noted 7:02 p.m.) 2 PRESIDENT CARSON: Good evening, everyone, 3 and welcome to the Tuesday, March 12th, 2019 4 Shelby County Board of Zoning Appeals Meeting. 5 Desiree, can you do the roll call, please. 6 PLANNING DIRECTOR D. CALDERELLA: Yeah. 7 David Klene? 8 BOARD MEMBER KLENE: Here. 9 PLANNING DIRECTOR D. CALDERELLA: Doug 10 Warnecke? 11 BOARD MEMBER WARNECKE: Here. 12 PLANNING DIRECTOR D. CALDERELLA: Kevin 13 Carson? 14 BOARD MEMBER CARSON: Here. 15 PLANNING DIRECTOR D. CALDERELLA: Jim 16 Douglas? 17 BOARD MEMBER DOUGLAS: Here. 18 PLANNING DIRECTOR D. CALDERELLA: Rachael 19 Ackley? 20 BOARD MEMBER ACKLEY: Here. 21 PLANNING DIRECTOR D. CALDERELLA: And 22 staff, Desiree Calderella. 23 PRESIDENT CARSON: Okay. Previous to 24 tonight's meeting, you have been distributed a 25 copy of the February 12th meeting. Has anybody</p>
<p>2 1 BOARD OF ZONING APPEALS 2 3 Kevin Carson, President 4 5 Board Member Rachael Ackley 6 7 Board Member Jim Douglas 8 9 Board Member Doug Warnecke 10 11 Board Member Dave Klene 12 13 Mark McNeely, Counsel 14 15 Desiree Calderella, Planning Director 16 17 18 19 20 21 22 23 24 25</p>	<p>4 1 had a chance to review it? I'm sure everybody's 2 had a chance to review it. What do you say? 3 BOARD MEMBER: I move that we accept the 4 minutes. 5 BOARD MEMBER: Second. 6 PRESIDENT CARSON: Motion seconded. Did 7 anybody find any additions or corrections? 8 (No response.) 9 PRESIDENT CARSON: If not, everybody in 10 favor, say aye? 11 THE BOARD: Aye. 12 PRESIDENT CARSON: Opposed, same sign? 13 (No response.) 14 PRESIDENT CARSON: Those minutes passed. 15 We have no -- we have no old business for 16 tonight's meeting so we're going to go through 17 the protocol of tonight's meeting. We are 18 normally a five-member board, and it takes three 19 votes either to approve or disapprove a 20 petition. So we have all the members here 21 tonight. 22 The protocol meeting, we will ask Desiree 23 Calderella, our Plan Commissioner Director, to 24 read the motions and the variances requests into 25 the record. We will ask for the Petitioner to</p>

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5 to 8

<p>5</p> <p>1 stand up and speak about their petition, then we 2 will ask if there's any remonstrators or anybody 3 who have any questions thereof or about the 4 petition. 5 We have one motion to come up first, but we 6 won't have the public speaking because we have a 7 couple of requests for a change of continuance 8 or dismissal. We will have -- we want everybody 9 to be polite and orderly tonight. If you've not 10 had a chance to sign up to speak, if you want to 11 speak, you need to sign up now, so we can have 12 you on the list -- I guess we have a sign-up 13 sheet -- so we would like for everybody to try 14 to stay to the facts as they are. 15 If somebody else has already gotten up and 16 spoken what you would like -- a point you would 17 like to bring up, let's try to cut the time on 18 that and everything. Let's not be redundant on 19 what we're talking about. Along with that 20 tonight, we would like to keep it down to a 21 short time frame so that not everybody's here 22 until midnight. We would like to keep the 23 speakers down to two minutes or less. 24 We will watch -- if you're near the end of 25 your statement and you have to run a little bit</p>	<p>7</p> <p>1 make a vote to vote. 2 Now, when we have voted, does not mean we 3 have voted yes or no in the petition. That 4 merely means that we are ready to take down our 5 ballots and actually write down and have a vote 6 taken. And once, again, it takes three out of 7 five votes to approve or disapprove. Anything 8 further? 9 (No response.) 10 PRESIDENT CARSON: Anything further? 11 (No response.) 12 PRESIDENT CARSON: With that being said 13 let's start with the first petition on record. 14 That would be Briane House. 15 PLANNING DIRECTOR D. CALDERELLA: So 16 there's a request for continuance or a dismissal 17 of this case, the Speedway Solar Case. 18 Mr. Briane House is representing Nathan Brian, 19 is going to make that request. 20 MR. HOUSE: Thank you. 21 PRESIDENT CARSON: Now, Mr. House, make 22 sure you state your name for the record, and 23 we'll trying to hold down this portion to five 24 minutes or less for your request for -- and 25 you're doing inclusively your request for either</p>
<p>6</p> <p>1 over, we will -- at two minutes, we will ask you 2 how close are you to being through, and if 3 you're five minutes away, well, then you're two 4 minutes off. If you're 15 seconds away, we're 5 going to let you have a few more seconds and go 6 on, so we'll try to be reasonable with this. 7 Is there anything we missed, Doug? 8 BOARD MEMBER WARNECKE: Well, the -- make 9 sure everybody understands that, once -- 10 PRESIDENT CARSON: Oh, yeah -- well, then, 11 yeah, yeah. We'll have the -- we'll have the 12 Petitioner come up and speak, we'll have any -- 13 anybody that has any questions about the 14 petition for or against, whatever, if they want 15 to speak about the petition, they speak, and 16 then we'll have the -- the Petitioners will have 17 a rebuttal period to answer the questions of 18 anything brought up from the -- from the 19 audience. 20 At that point in time, we will shut off the 21 audience portion of the conversation and the 22 Board Zoning of Appeals will take up the matter 23 with the Petitioners. So there will be a point 24 in time that we will -- we will possibly apply 25 stipulations to the petition, and then we will</p>	<p>8</p> <p>1 A, a dismissal, or a continuance; correct? 2 MR. HOUSE: Yes. I can make it very 3 simple. Mark said I have two minutes. 4 PRESIDENT CARSON: Okay. 5 MR. HOUSE: There's no reason to hear this 6 petition tonight. Whether you view my motion as 7 one to dismiss so simply summary -- summarily 8 deny this petition, the outcome should be the 9 same. Why? Because this matter has been heard 10 and decided. The Judicial Doctrine of Res 11 Judicata prevents redos and mulligans, and that 12 is exactly what this is. 13 The Doctrine of Res Judicata is recognizing 14 what's known as the Broughton case, and it has 15 been specifically applied to decisions of zoning 16 boards of appeals. It is true that in certain 17 circumstances a petition may be resubmitted but 18 only when there is a change in conditions or 19 circumstances. 20 Let me address both. First of all, I 21 looked at the Farm Grant today. It's beautiful. 22 It's vast. It's expansive. I'm sure it's just 23 pretty much the same as it was in November. 24 What is a change in circumstances? A change in 25 circumstances is a change in the law.</p>

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9 to 12

<p>9</p> <p>1 There's one case that deals with that and 2 allowed a petition to be reheard after denial 3 years later because environmental laws had 4 changed as to the signing of asphalt plans. 5 They were more restrictive then the Petitioner 6 made. 7 What Solar Speedway proposes tonight as 8 change in circumstances is, well, we've lost, 9 and we should have brought more evidence. 10 That's not the way the law works. Even the case 11 they cite, MicroVote makes this very clear, in 12 that the Doctrine of Res Judicata applies when 13 there's been a full hearing, a fair hearing, and 14 I think their arguments about due process are 15 ludicrous. 16 They've got 166 pages of due process fair 17 hearing. The Board voted. The Board applied 18 the law. The Board denied. I think it's 19 important to recall how that meeting concluded. 20 Your chairperson said, "Before these votes are 21 read, I just want to you know that this has been 22 a project that we have not taken lightly. As 23 board members, I think we've spent hours and 24 hours studying this case. I have -- I 25 personally know I've spent much of my time</p>	<p>11</p> <p>1 materials so...basically, we filed a joinder in 2 that motion. I don't want to add much. My 3 question is: How many times do we have to go 4 over this as far as the repetition, when does it 5 stop, when do the neighbors have to stop 6 addressing this -- you know, we've got limited 7 means. We're not -- my clients aren't a 8 company. My clients are individuals that are 9 addressing this. 10 With respect to the changes put forth, if 11 you look back at the findings of fact that you 12 folks previously adopted, the core of those 13 findings haven't changed. This is still putting 14 an industrial project in the middle of an 15 agricultural area. Nothing's changed about 16 that. 17 If anything, by my math, the project has 18 actually gotten bigger, and, therefore, we join 19 in the motion to dismiss on grounds of res 20 judicata, which I think is a valid legal 21 doctrine that has been -- that Mr. House has 22 correctly applied as it applies to 23 administrative law and to boards of zoning 24 appeals. 25 (Applause.)</p>
<p>10</p> <p>1 thinking about the implications of this petition 2 and studying, you know, the impact, that we have 3 on the county positively and negatively, and I 4 prayed over this, but -- and I think I speak for 5 all board members, we don't take this lightly." 6 There's a lot of experience up here. So 7 these votes are read, that is the final vote, 8 and that's what happened. This petition should 9 be summarily denied. There is no reason for 10 this hearing tonight, and the arguments I make 11 are completely consistent with applicable 12 Indiana law. Thank you. 13 PRESIDENT CARSON: Thank you. 14 (Applause) 15 MR. REEVES: We filed a joinder in that 16 motion, but just very briefly, I will be joining 17 that as well. 18 PRESIDENT CARSON: Rick, would you state 19 your name? 20 MR. REEVES: Grant Reeves. 21 PRESIDENT CARSON: And who are you 22 representing? 23 MR. REEVES: My clients are listed there in 24 the appearance we filed on the record, so you 25 should have that on reference. We filed all the</p>	<p>12</p> <p>1 PRESIDENT CARSON: Thank you. I believe 2 think Ranger Power has a response to this. 3 MR. J. LEE McNEELY: Yes. We have filed a 4 written response, and I think the Board has it 5 and had an opportunity to review it and we stand 6 on our written response, which is proper for us 7 to continue with this hearing at this time. We 8 ask for a decision in that regard. Thank you. 9 PRESIDENT CARSON: Thoughts or concerns 10 from the Board? 11 BOARD MEMBER: Move to vote. 12 PRESIDENT CARSON: Got a motion. Is there 13 a second? 14 BOARD MEMBER ACKLEY: I have a second. 15 PRESIDENT CARSON: All those in favor of 16 voting on the request to dismiss or continue, 17 say aye? 18 THE BOARD: Aye. 19 PRESIDENT CARSON: Take out your ballots 20 and vote. 21 BOARD MEMBER: Folks, David Klene, no; Doug 22 Warnecke, no; Kevin Carson, no; Rachael Ackley, 23 no; and Jim Douglas, no. 24 PRESIDENT CARSON: So we've voted 5-0 not 25 to dismiss or continue this petition. Now, we</p>

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13 to 16

<p>13</p> <p>1 are going to move to the Petitioner item. 2 Desiree, would you read the petition into the 3 record? 4 PLANNING DIRECTOR D. CALDERELLA: Sure. So 5 the petition is BZA Case 19-01, Speedway Solar, 6 LLC. The petition is for property located 7 between Roads 500 North, 800 North, 500 East and 8 County -- and the county line, for approximately 9 1,792 acres. 10 There are actually three requests that the 11 Board is going to hear tonight. The first one 12 will be a special exception to allow for a 13 development of 199 megawatt 1,925-acre 14 commercial solar energy system, with a panel 15 area of approximately 1,014 acres, and in A1, 16 agricultural district, and in A2 agricultural 17 district. These Unified Development Ordinance 18 only allows a special exception in those 19 districts for solar facilities. 20 The next request is a variance of 21 development standards, to allow for the start of 22 construction of the facility to occur more than 23 two years from the date of special exception 24 approval. 25 And the third request is to allow for the</p>	<p>15</p> <p>1 be here prepared to answer any questions that 2 you might have concerning the details. 3 Before we get started, Pete, do we have 4 some books to pass out, and for the record, 5 Desiree, I'd ask that all the material that 6 we've previously given to the Board, which you 7 have reviewed the reports, et cetera, et cetera, 8 be entered into the record, so in the event of 9 an appeal, there will be a complete record; 10 okay? 11 PLANNING DIRECTOR D. CALDERELLA: Yes. 12 Yep. 13 MR. J. LEE McNEELY: Very good. As Desiree 14 has indicated, this is -- Speedway Solar is the 15 Petitioner. Ranger Power is the organization 16 which has been moving this process forward. I'm 17 Lee McNeely. I'm the attorney on behalf of the 18 landowners and Ranger Power, and we're here 19 tonight to speak about our special exception and 20 our two variances. 21 The issue was brought up about how this is 22 different than what we heard in the fall, and 23 we've got a panel here that -- there's a slide 24 here that talks about the substantial changes 25 since the initial hearing. Because of the</p>
<p>14</p> <p>1 facility to exceed the maximum lot coverage 2 requirement, which is a 15% lot coverage 3 requirement in A1 and A2 zoning districts. So 4 that is the case, and I will pass it back over 5 to Kevin. 6 PRESIDENT CARSON: Lee, do you have someone 7 here to speak on behalf of Ranger Power? Do you 8 have anybody to speak on behalf -- we might go 9 back to dismissal if you don't speak. 10 MR. J. LEE McNEELY: Kevin, I've never 11 passed on an opportunity to speak. 12 PRESIDENT CARSON: State your name for the 13 record, please. 14 MR. J. LEE McNEELY: I'm Lee McNeely. I'm 15 from the firm of McNeely Stephenson here in 16 Shelbyville, and I represent several 17 participating landowners, as well as Speedway 18 Solar, and Ranger Power. 19 With me today is -- at the table is Mary 20 Solada, who's an attorney from Indianapolis, 21 Indiana; Aaron Svedlow, who's with D.E. Shaw 22 Renewable Investments, who is the investment 23 group behind this project; Pete Endres, who's 24 with Ranger Power; and John Priebe, who's with 25 AECOM, a consulting engineer group, and they'll</p>	<p>16</p> <p>1 feedback that we received from the landowners 2 and the people who are involved with this 3 project, we've made significant changes in the 4 design and the scope of this project. 5 We've increased the total area of solar 6 panels in the project. We've increased the 7 project area to allow for increased setback line 8 and enhanced buffer areas, and we've given you 9 information, such as landscaping plan, 10 decommissioning plans, soil restoration plans, 11 community approval survey, et cetera, et cetera, 12 all of the information on that slide, and that 13 is information that you have that has been 14 presented to you in this matter. 15 Let's talk a little bit about Speedway 16 Solar. Speedway Solar is the current and 17 long-term operator/owner of this project. 18 Ranger Power is the developer of the project. 19 Some issue has been raised, or comments 20 have been made with regard to the experience of 21 these two organizations, and we've looked 22 towards a solar farm in Shelby County for the 23 first time. I think it's important for us to 24 keep some of this in mind. 25 Ranger has an established team with a</p>

17
1 proven track record of developing utility scale
2 projects across the country. They have
3 experience with over 3,500 megawatts of
4 development. Keep in mind, that's 3,500
5 megawatts. This project is 200 megawatts. So
6 you can see the difference in scope of what they
7 have done, what we're doing here, and renewable
8 energy projects of approximately 3,000 megawatts
9 under investment.
10 The financial backing of this is
11 substantial. The development backing is from
12 D.E. Shaw Renewable Investments, and as I've
13 said, Aaron Svedlow is here from that
14 organization. They own and operate 31 wind and
15 solar projects across the nation, and they have
16 over \$50 billion in investments in solar
17 projects.
18 We are here because you passed an
19 ordinance, or Shelby County passed an ordinance,
20 encouraging the development of solar power in
21 Shelby County. That's Ordinance is 2018-07. It
22 amends the Unified Development Ordinance to
23 allow construction of a solar facility in an
24 agricultural area. That's exactly what we're
25 talking about doing here today.

18
1 This was adopted or recommended unanimously
2 by the Planning Commission and adopted by the
3 County Commissioners. The ordinance became
4 effective on April 2nd of 2018, and that is what
5 have encouraged the landowners in this area and
6 Ranger Power and Speedway Solar to begin
7 conversations and negotiations with regard to
8 this project.
9 That's why I was first brought into this,
10 is I had clients who were interested in
11 participating in this, and then more clients
12 came along. We engaged in extensive
13 negotiations with Ranger Power and Speedway
14 Solar, to make sure that the interest of the
15 landowners -- and that was my primary concern
16 there, that the interest of the landowners were
17 protected, with the understanding that this
18 would be a project that would eventually return
19 all of this farm land back to agricultural use,
20 which was the goal of my clients, and is a goal
21 of the overall project.
22 This ordinance presented a real opportunity
23 for farmers in this area, for landowners to
24 utilize their land in a new and unique way.
25 This offered them an enhanced economic

19
1 opportunity. Farming is not an easy project, as
2 we all know, a busy occupation, and it -- also,
3 one of the things that affected many of my
4 clients was the ability to think that this would
5 guarantee -- their participation would guarantee
6 that this land would remain in their family for
7 the next 25, 30, 35, 40 years, and that they
8 would have some economic opportunity during that
9 period of time.
10 What I'm going to talk about today is the
11 current use of the land, how the land will be
12 managed, and then the eventual use of the land.
13 As you are aware, there are five criteria
14 to be considered by BZA. I won't bore you by
15 going over the five criteria. You're very
16 familiar with them. You've applied them every
17 time you have special exception or a variance,
18 but these are the five matters that we will
19 talking about today.
20 And I'm going to start through them one at
21 a time, and will just be discussing each one.
22 We'll also be prepared to have expert testimony
23 during the question and answer period, to give
24 you enhanced answers to any questions that you
25 might have or anybody in the audience might

20
1 have.
2 First of all, the project is located in an
3 A1-A2 agricultural district, which is exactly
4 what the ordinance said. The ordinance
5 expressly provided that that's where this is
6 supposed to be. We emphasize on this, that is
7 also a temporary land use. We're not talking
8 about bringing a Honda plant to Shelbyville.
9 We're not talking about taking 1,800 acres and
10 taking it out of agricultural production
11 forever.
12 We're talking about renewable clean energy,
13 which is something that will be economically
14 beneficial to Shelby County, would be
15 economically beneficial to us as we try to lure
16 new and additional investments into Shelby
17 County, but also provide us with a situation,
18 where at the end of the term, this land reverts
19 to the -- to the situation that it's in right
20 now.
21 We think that this project highlights the
22 farming as an economic component of Shelby
23 County. It provides landowners with stable,
24 above-market land payments, which helps them
25 diversify their income, supports their continued

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21 to 24

<p style="text-align: right;">21</p> <p>1 ag operations -- I think that's important 2 because very few of the participating landowners 3 put all their land in this project. 4 For instance, if you have 500 acres, you 5 might put 150 acres or 200 acres into this 6 project. So the income from this project helps 7 support your overall agricultural operation. 8 Also, to consider here a fact, that these are 9 not newcomers to Shelby County. Most of the 10 families involved in this project are 11 multigenerational landowners, and this preserves 12 their land for their family and for the future. 13 We think it encourages business diversity 14 and focuses on economic development, and as your 15 ordinance says, promotes protection and 16 enhancement of local air and climate resources 17 because solar generation is a renewable, clean 18 energy recourse. It seems to be at this point, 19 and you'll hear from experts with regard to 20 this. This is going to be, we believe, the wave 21 of the future. 22 There is always a question when you -- let 23 me get where I'm supposed to be now -- my wife 24 says I have flippant finger when it comes time 25 to -- that's always the problem -- did I get</p>	<p style="text-align: right;">23</p> <p>1 This is a slide which gives you an 2 understanding of what a solar panel looks like. 3 It's aluminum frame with sealing and glass with 4 EVA with cells. And EVA is ethylene vinyl 5 acetate, and Bruce Thompson would be proud of me 6 because he was my chemistry teacher here in 7 Shelbyville High School, and I will tell you 8 that's a co-polymer, which is all I remember 9 from that class. But I think there have been 10 comments made in opposition of this, talking 11 about runoff and the dangerous chemicals, et 12 cetera, et cetera, with regard to solar panels. 13 If a panel breaks, there's some type of liquid 14 that flows into the soil, et cetera, et cetera. 15 That's not the case here. This is the 16 solar panel. This is what it looks like, and 17 this is what -- in the event that it's damaged, 18 that's what we will replace. 19 I believe we have submitted to the -- to 20 Desiree, and we have a letter from Madison 21 County, and this is important, we believe, 22 because in Madison County, they have an existing 23 solar project, and it's surrounded by a 24 residential area, and this came from the Madison 25 County Health Department, and they have not</p>
<p style="text-align: right;">22</p> <p>1 this -- at the end of 2018, there were over 2 60,000 megawatts. Now, keep in mind, we're 3 asking for 200 megawatts here -- 60,000 4 megawatts of solar panels installed in the 5 United States. 6 Installations date back to the 1970s with 7 no known health or environmental risks, and the 8 solar panels being used in this project are 9 simply silicon wafers layered between glass and 10 plastic, and many of us are familiar with what 11 silicon is. 12 The panels used in this project, there's 13 always a question, what happens if there's a 14 dramatic event that occurs in Shelby County, 15 with regard to the injuries to the health and 16 safety of the community? 17 The panels in this project are designed to 18 withstand winds of up to 140-miles per hour and 19 to resist hail and other debris. This is 20 important -- if damaged, this is tempered glass, 21 similar to a car windshield, which keeps panels 22 intact and prevents small pieces of debris. And 23 our agreement with the County, if we are given 24 this special exception, is the panels that are 25 damaged will be removed and replaced.</p>	<p style="text-align: right;">24</p> <p>1 received any complaints regarding the health and 2 safety of the solar-powered facilities in 3 Madison County, right up the road, in Anderson, 4 Indiana. 5 Now, in addition to that, the Board has 6 been given a report from North Carolina State 7 University's Clean Energy Technology Center 8 regarding the potential health and safety 9 impacts of this project, or other similar 10 projects. 11 What that study found was -- and I'm 12 quoting, "The health and safety impacts of 13 hazardous materials, electromagnetic fields, 14 electric shock and arc flash, we have found to 15 be negligible." So these are studies that have 16 been conducted, so we have -- for Madison 17 County, we have the real life experience here in 18 Indiana, and from North Carolina State, their 19 studies shows what we have just indicated. 20 We believe the project is in harmony with 21 the current uses and district character. Keep 22 in mind, this is a solar farm, and we're 23 harvesting the sun rather than harvesting crops. 24 Let me get to this for a second -- the land will 25 be an energy production similar to growing crops</p>

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1 to being used to produce ethanol. There's
2 always a question of when we take any type of
3 agricultural land out of production for food,
4 what happens to that? Well, it happens all the
5 time. We have situations where -- because
6 ethanol and because of other situations where,
7 in fact, land is taken out of purely
8 agricultural food use but put back into other
9 use, which is just as important. Energy is the
10 driving force and mechanism for all of us -- for
11 our homes, for our hospitals, for our
12 businesses.
13 And speaking of that, go back to the solar
14 panels. Solar panels, where do you find them?
15 You find them in solar farms like this. You
16 find them in solar farms like Madison County or
17 up in Minnesota. But where else can you find
18 them? You find them at airports, you find them
19 on schools, you find them on hospitals, and you
20 find them on homes. So that's -- that's the
21 type of project that we're talking about.
22 Keep in mind, that the ground under the
23 panels will remain vegetative with significant
24 spacing between panel arrays. There'll be
25 buffer strips around and within the project that

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1 can be planted and farmed, and in this
2 particular slide, it shows sheep grazing.
3 This is a generic shot showing a typical
4 large solar farm. And the reason that's here is
5 to give you some idea as to what the spacing and
6 buffering -- internal buffering and spacing of a
7 solar farm looks like. And as you can see, it's
8 replete with vegetation, and we have experts
9 here to talk and answer any question you would
10 have in that regard of what is planted and what
11 is the other use of the land.
12 We have a gentleman from AECOM -- actually,
13 two individuals from AECOM with us today. AECOM
14 is a global network of experts working along
15 with communities and colleagues to develop and
16 implement innovative solutions to most complex
17 challenges. They're in Indianapolis. They're
18 in Cincinnati. They're all over the country, as
19 a matter of fact.
20 The gentleman who's with us today is from
21 Cincinnati. They're globally ranked among the
22 top design and engineering firms. They will be
23 the firm that will be tasked with the
24 opportunity and the challenge to handle the
25 drainage and the layout of this farm and they

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1 will be responsible for that.
2 An issue arose, and we want to address it
3 here and ask AECOM to do a study with regard to
4 impact in this area on wildlife from the
5 implementation of a solar farm. AECOM found
6 that the project presents no significant risk to
7 local wildlife. The engineers performed field
8 surveys and corresponded with state and federal
9 agencies during the summer of 2018, and
10 identified no high quality natural communities
11 or natural habitat for endangered, threatened,
12 or rare species that will be disturbed by the
13 project.
14 Fences around the project will have spacing
15 wide enough for passage of small animals and
16 increased setback from the roads to provide
17 adequate passage corridor for larger animals.
18 In addition to the study that we asked them
19 to perform, with regard to wildlife, we also
20 asked them to perform a study with regard to
21 sound. In this area, AECOM found that the
22 project will not result in any increase in sound
23 levels, and in the limited circumstance where it
24 does increase sound level, the increase is
25 significantly less than a whisper.

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1 Engineers measured the ambient sound and
2 predicted the project sound levels, finding the
3 project is compliant with all applicable sound
4 level thresholds and no sound reduction measures
5 are necessary or recommended. Noise-emitting
6 equipment, even though emitting a whisper level
7 are, also placed in the interior of the project
8 so there is essentially no sound impact from
9 this project.
10 Moving on to No. 4. We want to talk a few
11 minutes about how this does not adversely alter
12 the character of the district. And I think it's
13 important for us to talk about it. If Shelby
14 County passes an ordinance and said we want to
15 have a solar farm, or you can have a solar farm
16 in Shelby County, then the natural question is
17 where should we have it?
18 We should have it where it is consistent
19 and works with the other areas of the county.
20 This is the area where the solar farm will be
21 located. If you look at this picture, you see
22 what is already there.
23 The site of the project is near an existing
24 345 kilovolt -- 345 kilovolt window or
25 substation. It's near two 345 kilovolt

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1 high-voltage transmission lines, and one 745
2 kilovolt high-voltage transmission line. There
3 is the substation that already exists in that
4 area.
5 So if you're going to put it in Shelby
6 County, where should you put it? You should put
7 it where you already have electric transmission
8 lines, an electric substation, where an area has
9 already been determined; then, if we're going to
10 be dealing with this, this is where it should
11 be, and this is precisely where we're located.
12 And I have a map here, which isn't a very
13 good map, now that I look at it, but in your
14 booklet that you have, it shows better than
15 that, and it shows that the footprint of the
16 solar project is smack dab on top of the
17 transmission lines and the substation.
18 And if I were essentially to draw a circle
19 around that intersection -- and this is the
20 substation right there marked in red
21 (indicating), if I were to put a square around
22 that, that is essentially where the footprint of
23 this solar farm is.
24 So if you're going to have a solar farm,
25 where in the world would you put it? Well, you

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1 put it in an agricultural district and you put
2 it where there already is an electrical
3 presence, and that's precisely what we've done
4 here.
5 One concern of neighbors, which is
6 understandable, is will this project negatively
7 affect my property value, which is No. 5 of your
8 criteria. We've gone through the other four
9 criteria. The BZA has been given -- and I think
10 you've already reviewed -- a property value
11 impact study that was performed by CohnReznick
12 Valuation Advisory Services.
13 This study evaluated 89 sales transactions
14 from seven utility scale solar farms, and found
15 there is no difference in plies, marketing
16 periods, or demand for the homes directly
17 adjacent to the solar farm facilities.
18 Proximity to the solar farm has not
19 deterred sales of nearby agricultural land and
20 residential single family homes, nor has it
21 deterred the development of new single family
22 homes on adjacent land.
23 Now, there's always an anecdotal concern,
24 well, what's going to happen with my property?
25 What's going to happen with my house, and I

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1 don't want to live across from there, or even in
2 the vicinity of a solar farm because I'm afraid
3 it will decrease the property value of my house.
4 And I've heard -- I used to represent the
5 Board of Zoning Appeals -- I did that for 35 to
6 40 years, and we've heard it time and time
7 again, whenever anything would come into the
8 community, sometimes it was active, sometimes
9 it's not active. It depends on what you're
10 doing.
11 The question is what happens with regard to
12 a solar farm? And all we can tell you is you
13 can have all the anecdotal evidence that you
14 want, or all the concern that you want, or all
15 the neighbor talking to neighbor, but at the end
16 of the day, if you do a scientific study and you
17 look at utility size solar farms and you look at
18 actual sales that have occurred by those solar
19 farms, and you find that there's been no
20 measurable impact on either the value, or the
21 price, or the timing of the purchase of that,
22 then you -- on the one hand, you've got
23 anecdotal concerns; on the other hand, you have
24 a scientific study.
25 Now, in addition to that, we have contacted

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1 Nancy Smith, a local Realtor, and had her
2 research this and talk to her cohorts, and she
3 has probably as much experience as any Realtor
4 in Shelby County, talking about residential
5 properties, farms, et cetera, et cetera, and
6 this is the letter that she submitted, and I
7 believe -- Desiree, I believe this has also been
8 submitted to you?
9 PLANNING DIRECTOR D. CALDERELLA: Yes.
10 MR. J. LEE McNEELY: The landscape plan for
11 this project is certainly very extensive, and I
12 feel will allow more than ample screen,
13 plantings to any of the adjacent properties. I
14 was unable to find any data that showed that
15 there would be either positive or negative
16 effects on property values.
17 So I have the study that was commissioned,
18 on the one hand. I have one of the -- of the
19 premier local Realtors. And what happened here
20 was your staff took the initiative -- there's a
21 large solar facility, it's called the North Star
22 facility, and Desiree and her staff contacted
23 the director of environmental services of that
24 existing solar farm, and we're not talking about
25 it could be this, or it could be that, or what

33

1 if, or what if, we're talking about a large
2 project similar in size to this one, maybe
3 slightly larger than this one in Minnesota, and
4 this is what the director of environmental
5 services told the staff, "The solar farm is a
6 benign land use that tends to blend with the
7 landscape over time. Several homes near the
8 project sold before and after installation of
9 the solar farm, and the county assessor found no
10 change in property values." He also found, and
11 I guess this would lead into another one of our
12 slides that I'm going to be talking about, in
13 constructing the panels further back from the
14 road, mitigates the esthetic impacts more
15 effectively than landscape buffering, but we're
16 going to do both here. We're going to have
17 landscape buffering that exceeds the
18 requirements of Shelby County, and we're going
19 to have setback lines that exceed the
20 requirements of Shelby County.
21 So this is real life. This is what
22 happened in Minnesota. Your staff found this,
23 your staff checked this out, and this is the
24 information that was given to them.
25 So we've gone through the five criteria

34

1 considered by the BZA. See if I can get this
2 next slide. Now, we want to talk about how the
3 land will be managed during the project. So
4 let's talk about this project specifically.
5 The project is 199 megawatts with a
6 footprint of slightly over a thousand acres, or
7 less than one half of 1% of Shelby County's
8 agricultural land. The project will provide
9 enough local renewable energy for more than
10 35,000 Hoosier homes, or that's three times the
11 number of homes in Shelby County currently.
12 The annual offset, if you're concerned
13 about the environment or concerned about
14 emissions and concerned about the future for you
15 and your family and your children and your
16 grandchildren, this project is the equivalent to
17 eliminating 71,000 passenger vehicles or
18 37 million gallons of gasoline each year, or 32
19 million, almost 33 million gallons of diesel
20 fuel -- and here's the important part, at the
21 end of the day, Indiana needs power, Indiana
22 needs electricity, and rural Indiana needs it
23 more than anybody else.
24 I don't know if you -- I think you probably
25 do understand what the transmission and

35

1 distribution of power in Indiana is. We have
2 Hoosier energy in the southern part of the
3 state, and they deal with Rush/Shelby Energy,
4 and things of that sort, and they distribute
5 power through REMCs to rural areas in the
6 southern part of the state. We have Wabash
7 Valley Power in the northern part of the state
8 that distributes power to REMCs, such as
9 NineStar, Hancock County, things that are
10 adjacent to Shelby County, and we're at that
11 magic little point where Rush/Shelby does
12 business in Hancock and those counties, and
13 NineStar and those places do business down here.
14 So what happens here is we take this
15 energy -- and there was a big question I
16 remember in one of our meetings, well, why are
17 you doing this in Shelby County and shipping
18 this energy out to Virginia or Oregon or
19 something like this?
20 This is a project where Speedway Solar has
21 contracted with Wabash Valley Power for 35 years
22 for delivery of electricity to Wabash Valley,
23 and that will be used, to be distributed to
24 REMCs, to heat and cool and provide electricity
25 to rural families in the state of Indiana.

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1 We have 17 different leaseholders in this
2 project, representing 28 individual property
3 owners that are participating, and as I said to
4 you earlier, most of them are multigenerational
5 families here in Shelby County.
6 What Ranger Power has done on its community
7 outreach here is attempted to meet with the
8 members of the community and discuss this.
9 We've held over 80 meetings with neighbors to
10 the project, with community members, and other
11 project stakeholders. We have neighbor
12 participation in this project.
13 There are 37 abutting landowners to this --
14 neighbors to this project. Ten of them are
15 participating leaseholders, and 11 more are
16 participating neighbors in this project. So
17 actually we say over 50% -- didn't quite get to
18 60%, it was 59.45%, and we couldn't round up.
19 But, essentially, 60% of the people
20 directly affected is either in the project --
21 they were abutting the project, are involved in
22 this. Ranger Power listened to the community
23 and addressed their concerns in the following
24 way: We have increased setbacks -- I'm going to
25 deal with that more specifically -- and

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1 increased landscaping.
2 All the new setbacks and landscaping
3 standards are above the minimums required by
4 Shelby County. We've also submitted documents
5 and plans that normally would not be required at
6 this time. Normally, you get your special
7 exception and then you go out and submit your
8 plan, which are reviewed by your technical
9 advisory committee, et cetera, et cetera.
10 We've already given you the drainage plan.
11 We've already given you the decommissioning
12 plan. It's there for anybody to look at. It's
13 been signed off by you and signed by us and we
14 are committed to it. We have given you a visual
15 impact assessment. We've given you a landscape
16 plan. We've given you the acoustic assessment,
17 and we've given you the wildlife impact
18 analysis.
19 We know how the surrounding neighbors are
20 involved in this, but we also wanted you to know
21 in general what does Shelby County residents
22 think? So we commissioned a scientific polling
23 group to come out and poll 300 Shelby County
24 residents of various socioeconomic and political
25 background. It was a pretty mixed bag group --

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1 I can tell you that -- on the rights of the
2 landowners, in general.
3 I think -- Desiree, I think on this one
4 also, you've been given all the details --
5 PLANNING DIRECTOR D. CALDERELLA: Yes.
6 MR. J. LEE McNEELY: -- of the poll, and I
7 think the Board has it?
8 PLANNING DIRECTOR D. CALDERELLA: The Board
9 has it.
10 MR. J. LEE McNEELY: The Board has that
11 also. And these are the responses: In general
12 support of landowners' rights, 80% positive
13 response in favor of the rights to landowners to
14 do what they want to do with their land,
15 providing that they live up to the safety and
16 health.
17 But, specifically, with regard to -- this
18 is just general how do you feel about
19 landowners' rights, and we're pretty independent
20 here in Shelby County, and that's probably a
21 pretty good reflection of the attitude of the
22 citizens of Shelby County -- with 45,000 people
23 who aren't here today, but to allow -- support
24 to allow local landowners specifically to lease
25 their farmland for solar power, total was 75%,

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1 and you see the chart, somewhat, many strongly
2 support that, and others somewhat support it, so
3 that's 75% in favor. And on the opposition, a
4 very small amount, less than 10% strongly
5 opposed to that.
6 So we want to kind of put it -- I don't
7 want to get into what is the silent majority and
8 things of that sort. Having represented the
9 Board of Zoning Appeals for so many years, we
10 always kind of kept in the back of our mind, you
11 know, there are a lot of people who say, oh,
12 that's fine with us, and then they don't show up
13 to the meeting.
14 So who shows up to the meeting? Well,
15 people who are directly involved, who are
16 legitimate people to be here, they are, and
17 people who are directly opposed, and that's
18 legitimate, and they should be here to do this.
19 But keep in mind that, in general, what is the
20 support for leasing land for solar power -- 75
21 to 13.
22 Now, in addition to that scientific poll,
23 what you have in front of you is you have a
24 signed resolution from Shelby Eastern School
25 Board in favor of this project. You have a

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1 signed resolution from the Morristown Town Board
2 in favor of this project. You have 171 letters
3 in support of this project, and you have 416
4 postcards in support of this project. So 589
5 people have taken the time and taken the effort
6 to write a letter or fill out a postcard and
7 send it back and say we're in favor of this
8 project -- specifically, this project.
9 There are additional benefits to Shelby
10 County. I think you know all about this, you've
11 read it in the paper, but let's go over it. We
12 have 175 to \$200 million investment coming into
13 Shelby County -- did you bring the check with
14 you -- so we have 175 million to \$200 million
15 dollar investment in Shelby County. At least
16 15.7 million in property tax revenue contributed
17 as a result this project.
18 If the tax proposal is approved, there will
19 be a \$600,000 payment to Shelby Eastern Schools,
20 and a \$1 million contribution to Shelby County
21 general fund. We're not asking Shelby County to
22 build us any roads. We're not asking them to
23 put in any sewers. We're not asking them to
24 condemn any land, and do this, or that, or the
25 other.

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1 This is a project that Ranger Power and
2 Speedway Solar is saying we're going to take our
3 money, we're going to bring it to Shelby County.
4 We're not asking you to assist us in that way.
5 We'll manage this project. We will build this
6 project. We'll design this project and we'll do
7 it all up front. And that's another interesting
8 thing that should be kept in mind. People have
9 talked about, well, why -- you know, are they
10 going to be around for 35 years?
11 Well, there's two answers to that question.
12 The first one is they've entered into an
13 agreement with Wabash Valley, and I can
14 guarantee you Wabash Valley & Power is going to
15 around for the next 35 years. There are going
16 to be REMCs around for the next 35 years, and
17 five years beyond that.
18 So there will be a stream of info into
19 there project to support it during that period
20 of time. The other thing is the investors in
21 this project are putting everything up front --
22 all of the investment, all of the panels, all of
23 the drainage, all of the redesign, everything --
24 all of the landscaping, everything that's being
25 done, is up front.

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1 Well, let me tell you, once you do that and
2 once the electricity starts flowing and once we
3 are interconnected with the substation and now
4 shipping power off to Wabash Valley, the last
5 thing in the world Speedway Solar would want to
6 do is abandon this project and close it down.
7 How do you get your money back if you don't
8 do that? So a lot of the, well, what happens if
9 this, what happens if that -- if you think it
10 through, it just doesn't make any sense.
11 Because once we know that Wabash Valley is
12 involved in this, and once we know we have the
13 contract, and we once we know we have the
14 commitment to supply 199 megawatts to them over
15 a 35-year period, this project is going to last.
16 Now -- and that's what I just said. So
17 they contracted with us to sell the -- we will
18 sell the full power -- the full output of power
19 to them. Hundreds of jobs will be created
20 during the construction period. That will
21 support local restaurants, hotels, equipment
22 suppliers, quarries, et cetera, et cetera, and
23 the project is expected to be operational in
24 2023, and as we discussed it, I hope you
25 understand why -- why don't we go out there

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1 blind and put those panels out and pull the
2 switch and start using the electricity -- it's a
3 lot more complicated than that, as you're very
4 well aware.
5 Oh, that was such a great slide -- oh,
6 there it is -- and each home represents -- each
7 house in that represents 1,000 Hoosier rural
8 homes that will be supplied electricity as a
9 result of this project. 35,000 Indiana
10 households powered by this project delivered in
11 this state, sold in this state, used in this
12 state, so that answers some of the complaints, I
13 think, or concerns that people had about this
14 early on.
15 (Video was played.)
16 MR. J. LEE McNEELY: There were a couple of
17 things in that that I want to emphasize and talk
18 about. It's natural for people who live in that
19 area of the county to wonder who are we doing
20 business with, and a lot of reference -- Peter,
21 you're from New York, New York State, aren't
22 you? You've been pretty well aligned,
23 apparently not real crazy about doing business
24 with some people in New York State, but the
25 natural concern is implied, that somebody comes

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1 in from out of town and wants to sell you a load
2 of, you know, and that's what people are
3 concerned about.
4 So I think the Wabash Valley, which wasn't
5 in a position to -- couldn't be announced.
6 Wabash Valley is important here because what she
7 just said is that, even though Peter happens to
8 be from New York State, Ranger Power and
9 Speedway Solar and the investors have done
10 business with Wabash Valley before. They've
11 done business in Minnesota. They've done
12 business in 31 other major areas. They've done
13 business where there's 35,000 megawatts there,
14 and under development, 3,000 megawatts over
15 there, but what's important here is they've done
16 business with Wabash Valley Power, and Wabash
17 Power said if we're going to enter into a
18 35-year contract for the generation, production,
19 and distribution of power, we want to do it with
20 Ranger Power because they have a track record.
21 So that's what I think should put people's
22 mind at ease. This is not a fly by night. You
23 don't have billions of dollars invested in this
24 type of an industry unless you know what you're
25 doing and you want to do it the right way. And

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1 I can say to you that the last thing that Wabash
2 Valley Power or Hoosier Energy, for that matter,
3 would want to do, is get into business and get
4 into an agreement with a group that doesn't live
5 up to its commitments and doesn't do it the
6 right way.
7 So I think that Wabash Valley is, to a
8 certain extent, a good housekeeping seal of
9 approval for what we're trying to do here in
10 Shelby County. And if you're going to do
11 business with somebody, you want to do -- and I
12 was told this by my opponent of the project, he
13 said you want to know who you're doing business
14 with. Well, you're doing business with Speedway
15 Solar, but you can be confident of Speedway
16 Solar because they're doing business with Wabash
17 Valley and Wabash Valley has confidence in them.
18 Now -- and one of the other slides
19 indicated, in order to maintain property value
20 and not adversely affect the value of your
21 neighbor's land, there's two things you need to
22 do. You need to have landscaping and you need
23 to have buffering areas.
24 So let's talk about the landscaping. The
25 ordinance and Unified Development Ordinance

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1 require a Buffer Yard A, and you know what
2 that -- those requirements are because you deal
3 with it all the time, between subject parcels
4 and adjacent parcels. This is what we've agreed
5 to do. We're required to install Buffer Yard A.
6 The project will use Buffer Yard C landscaping
7 and Buffer Yard C Plus Landscaping for adjacent
8 non-participating parcels.
9 As I said, some of the adjacent owners are
10 participating. They will get C Landscaping.
11 They're satisfied with that. We're satisfied
12 with that. But in areas where people aren't
13 participating, probably opposed to the project,
14 and we understand that, well, we will do more
15 for them in the landscaping than is even
16 required in the Landscaping C area.
17 The Buffer Yard C and C Plus are 300%
18 respectively and 400% improvements over your
19 required standards that you have. There was an
20 issue of fencing that was brought up at a
21 meeting, I recall. This was at the -- in front
22 of the county council. We have fencing similar,
23 Desiree, to the Minnesota project. And you've
24 already -- I see you're nodding. You've talked
25 to the director and the people up there. We

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1 have fencing around the project with wooden
2 poles with wire fencing, okay -- similar to
3 what's happening in Minnesota, where you've got
4 the report from the director of environmental
5 concern, that we saw no adverse impact on
6 neighbor land sales.
7 This is a simulation. AECOM did this, and
8 it's in your book, and it probably shows up
9 better on some of the screen -- it shows up
10 better on that, but what we've done is -- and
11 John is here, what we've done is say in a
12 landscaping area where C Plus, which is what it
13 is, a canopy tree every 45 feet of boundary, 1
14 ornamental tree every 18 feet of contiguous
15 boundary, and this equals 8 trees per every
16 100 feet.
17 And this is a simulation of what it would
18 look like when it's grown to maturity. I don't
19 want to misrepresent anything to you. I can't
20 give you a time frame that shows trees growing,
21 et cetera, et cetera, but I can tell you that
22 we -- in our landscaping plan, we have outlined
23 the size of trees, the size of canopy trees,
24 2 inches in diameter, the size of evergreens
25 that we're going to put in there and grow and

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1 continue to grow. So that's an example of
2 Voluntary C Plus. So we've offered a 300% and
3 400% improvement over what we're required to do.
4 With regard to project setbacks, you
5 require 100 -- I mean 300 feet from any
6 residential dwelling. We voluntarily increased
7 these setbacks to the greater of either 300 feet
8 from a non-participating residential structure
9 or 150 feet from a non-participating property
10 line -- I guess the property line is not -- it
11 doesn't have to be that far back. The project
12 is also designed to maintain 100 feet between
13 the solar panels and public roads. Now, what we
14 have here is a visualization of looking on
15 700 East, and this is a current picture of what
16 it looks like -- not now, but maybe -- but the
17 point being this is that area.
18 Now, this is a simulation. This gives you
19 an idea on the left-hand side where the solar
20 panels are, so this is what you would be seeing
21 as you ride down the road. You would be seeing
22 the buffer zone with grasses in that area, and
23 then you would be seeing the solar panels that
24 far away, and then we have two houses in the
25 distance with landscaping around them under

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1 either C or C Plus Landscaping.
2 So this gives you a visualization of what
3 it was -- what it was and what it will be. We
4 have another one, which is current, 600 North.
5 This is 600 North with landscaping. Now, we've
6 done everything that we think is reasonable,
7 with regard to setbacks and buffers and barriers
8 in order to mitigate any concerns about the
9 neighborhood visual effects.
10 But, now, we are also in the process -- we
11 will be in the process in our management of
12 mowing, snow removal from access roads, and
13 maintenance of all landscaping. We will have --
14 a native slow-growing seed mixture will be
15 planted to limit the frequency of mowing
16 required. And while repairs are seldom
17 necessary, the project will have 24/7 remote
18 monitoring to quickly identify potential
19 problems and maintenance staff will visit the
20 project weekly.
21 So this is the visualization of existing
22 solar panels in other projects, and this is --
23 that's the spacing in between them, that's
24 the -- it gives you just some frame of reference
25 for what am I looking at here and what are we

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1 going to be looking at in the future.
2 Drainage is a hot button issue in a farming
3 community, and I've represented the Drainage
4 Board -- I know that. I think -- and one of the
5 reasons -- I'm pleased here we have
6 representatives with us. Keep in mind that this
7 is not a project where, if you approve it,
8 somebody is going to run out with a bunch of
9 solar panels and start willy-nilly putting a
10 pole in the ground and, oh, my God, I hit a
11 drainage tile. What am I going to do now? Oh,
12 well, that's their problem, not mine. See,
13 that's not how this works.
14 What happens is that this will prove that
15 we have a -- I should say AECOM will be there,
16 we will have someone go out there, and we will
17 prepare -- we will locate all current tiles in
18 the footprint of the project. We will overlay
19 on that where we're going to put the solar
20 panels, we will see where that is a conflict,
21 and then we will re-drain those areas ahead of
22 time with a new drainage program that says the
23 drainage is maintained, the drainage is
24 protected, and it's as good as it was, if not
25 better, than it was.

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1 And then when it is time for me to go out
2 there some Saturday and start putting those --
3 well, I guess I wouldn't be doing that, but
4 somebody will go out there and put those solar
5 panels in the ground. We won't be sticking them
6 into existing drainage tiles. Now, what happens
7 if we do? What happens if something goes wrong?
8 We have committed to -- prior to construction of
9 the project, new drainage systems will be
10 installed as needed to accommodate the project
11 design.
12 Now, accommodate the project design means
13 this is -- this is where the solar panels are
14 going to be. Let's make sure the drainage is
15 going to be somewhere else -- identification and
16 replacement of existing facilities, a new
17 pattern of installation, water control
18 structures as needed, and any damaged tile or
19 drainage issues, either on or off the site, will
20 be repaired, and that's our responsibility, and
21 we understand that.
22 So we we've got almost 60% of the abutting
23 landowners on board with this project. We've
24 got setback lines far exceeding what your
25 requirement is. We've got a landscaping planned

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1 that far exceeds what you require. We have a
2 drainage plan program that will eliminate the
3 concern for your drainage, and an understanding
4 that if there are problems with that, as set
5 forth in our plan that we've submitted to you,
6 that that will be our responsibility.
7 All right. Well, what happens 35 years
8 from now when we're done? Well, we decommission
9 this project. Decommissioning is not a new
10 concept. It may be new to many people. It may
11 be new to agricultural areas that aren't
12 familiar with it, but the concept of
13 decommissioning a project is not something that
14 we just brought up last weekend. People have
15 been decommissioning projects with county
16 involvement and state involvement and IDEM
17 involvement and the core of engineers'
18 involvement for decades.
19 And so what we've agreed to on the
20 decommissioning plan -- you've been provided
21 with a signed decommissioning plan which
22 details -- with the details of facility removal
23 and restoration of the agricultural soils. We
24 will post a bond prior to construction -- now,
25 keep in mind, once we get approval from you that

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1 there are still other steps that need to be
2 taken before this project gets going, and part
3 of that will be the design of the drainage and
4 things of that sort.
5 But before we actually begin constructing
6 this, we will post a bond in the size determined
7 by a neutral engineer paid by us but approved by
8 you who will come in and say we want you to bond
9 the decommissioning of this project for X
10 dollars, and somebody is going to say how much
11 is X dollars, and my answer is I don't know
12 because he hasn't told me yet and he hasn't
13 studied the project.
14 But people know how to do that and there
15 are people that do that for a living and that
16 will happen in advance. And if somebody thinks,
17 well, you can say that, but that won't really
18 happen, well, the answer is yes, it will,
19 because if we don't post a bond, we won't begin
20 construction. It's just that simple.
21 So there will be a bond. It will be
22 posted. It will be of size that guarantees to
23 the best of people's knowledge at this point
24 what Shelby County needs as a requirement, but
25 the decommissioning plan that we've agreed to

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1 goes over further than that. We've agreed that
2 every five years, we will pay for another
3 engineer to come in and reevaluate, should the
4 bond go up or have improvements in technology
5 said that the bond can go down? I don't know
6 what the answer to that is, but I know Shelby
7 County is protected at each five-year interval
8 that that assessment will be made. So the
9 independent engineer will determine that.
10 Shelby County can act on the bond if the
11 decommissioning plan agreement is not followed.
12 That's our responsibility. Now, once, again,
13 you're dealing with an organization that has a
14 backing of D.E. Shaw Environmental Investments
15 with billions of dollars invested in these type
16 of projects. They're the owners of Speedway
17 Solar, and Wabash Valley Power is our partner
18 for the use of this electricity.
19 If our decommissioning begins, it must
20 begin within 12 months after the end of the
21 project. During decommissioning, what happens
22 is you take the steel, the aluminum, and the
23 copper, and you take it to a normal recycling
24 place -- they exist in -- up the road in
25 Indianapolis, wherever you want to go.

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1 Panels will be recycled at an existing
2 industrial facility, and the experiences that
3 there will be a 85 percent recoverable yield on
4 that because it's being done now and there are
5 places now. Now, you know and I know that 35
6 years from now, this will be a much more mature
7 industry than it is today. There will be more
8 solar panels. There will be more solar farms
9 like this, and there will be more opportunities
10 for recycling and disposal. So that's what
11 happens on the decommissioning plan.
12 This is an opportunity for the project, for
13 30 years, to people who own this farmland and
14 who continue to farm much of the land adjacent
15 to it will have a stream of input that will
16 assist them in keeping this land in the family.
17 We will plant native grass fixtures and we will
18 maintain the nutrients in the soil. The plan
19 will allow for drainage conditions to improve, a
20 lot better drainage than we have now, and we
21 have -- this with have a significantly lower
22 environmental impact than modern farming
23 practices.
24 So those are the three things we said we'd
25 talk about. We're asking you for the special

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1 use exception request to be approved to allow
2 for the development of 199-megawatt commercial
3 solar energy system in a A1 and A2 district as
4 your in ordinance.
5 We're also asking for two variances. The
6 first variance is to just extend and start date
7 from two years to four years. This is a
8 complicated projectment. Our goal is to have it
9 operational by 2023, but we're just not going
10 out and building a facility, et cetera, et
11 cetera. There are a lot of things we're going
12 to have to do and a lot of them are weather
13 control.
14 We have to design drainage plans, we're
15 going have to handle the drainage, and we're
16 going to have to do all that type of thing. So
17 we need the additional two years in order to do
18 that. We don't believe that would be injurious
19 to the public health. We don't believe that
20 the -- it affects the value of the adjacent
21 property, and we don't believe that a strict
22 application would result in are we duplicating
23 things -- a strict application would result in
24 practical difficulties in a project of this
25 magnitude. And so we ask you to approve

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1 Variance Request No. 1.
2 Now, candidly, we don't think this variance
3 request is needed because it was raised to your
4 attention that if this was an impermeable
5 surface, that it exceeds the 15 percent coverage
6 area. Well, this is not a parking lot. This is
7 not the Walmart parking lot where we're worried
8 about runoffs. These are solar panels where the
9 rain hits them, it goes into the ground where
10 the grasses are growing, et cetera, et cetera.
11 But having said that, we understand that out of
12 an abundance of questions, we probably should
13 have an approval of this variance.
14 So let's say what they'll be asking for
15 with regard to this variance? Well, we had
16 AECOM go out and do a specific study of this --
17 the footprint of this project, and say assuming,
18 which we don't agree to, but assuming that the
19 solar panel area is an impermeable surface, what
20 is the current lot coverage? The current lot
21 coverage is 17% of the footprint of the project.
22 Some parcels, it's as high as 27%. Some
23 parcels, it's as low as 0%, but taken as a
24 whole, across the entire project, it's 79%.
25 Gee, I saw a picture of that solar park.

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1 It seemed like a whole lot more surface than
2 that. Well, it's not, because the areas in
3 between panels, the buffer areas, driveways, and
4 things of that sort, the buffer area, so what
5 we're asking you for here is a variance of 2% of
6 the coverage requirement in this area.
7 And for a 175 to \$200 million investment
8 with all of the benefits to the landowners, to
9 the school districts, to the county, to the
10 taxpayers a 2% variance should not stop the
11 project. I can't imagine we're building a
12 factory and I found out that the parking lot has
13 to be 2% bigger than what it was going to be,
14 then you would nix the entire project because of
15 that.
16 So we ask you not only approve the special
17 conditions but to grant us the two variance
18 requests. We've also, at the request of your
19 staff, I suppose some of that is feedback from
20 the board, they have asked for voluntary
21 conditions and we have included this in our
22 findings of fact that we've submitted to you.
23 And these are the nine voluntary conditions
24 that we have agreed to adhere to, and they speak
25 for themselves. So we feel that we have met

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1 every one of the five criteria that you
2 considered. And we're prepared to answer any
3 questions or concerns that you or objectors to
4 the project might have. Thank you.
5 PRESIDENT CARSON: Thanks, Lee, for this
6 part of the presentation. Now, we will ask if
7 there's anyone in the audience, if you want to
8 sit aside and takes notes, if there's anyone in
9 the audience that wants to speak in favor of,
10 opposed to, or any questions thereof, then we'll
11 come back with a rebuttal period, then we'll
12 have questions for you later.
13 MR. J. LEE McNEELY: Thank you. I
14 appreciate it.
15 PRESIDENT CARSON: So at this point in
16 time -- I don't know what we did with the list.
17 Did I -- did I hand it down? We'll have the
18 attorney for the Remonstrators go ahead and
19 speak. Keep in mind, we're going to -- the
20 attorneys, we decided to let have up to five
21 minutes, and any speakers other than that, will
22 be held to around two minutes, okay.
23 MR. REEVES: I was led to believe that
24 there were not going to time limits tonight
25 based on several emails that I had back and

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1 forth with the office.
2 MR. HOUSE: And I would add, as eloquent as
3 a presentation as it was, Mr. McNeely spoke for
4 over an hour.
5 (Applause.)
6 PRESIDENT CARSON: What is the --
7 PLANNING DIRECTOR D. CALDERELLA: Huh?
8 PRESIDENT CARSON: What is the --
9 PLANNING DIRECTOR D. CALDERELLA: I would
10 recommend that they have more than five minutes,
11 just given the fact that there was so much given
12 to the Petitioner. That's just my
13 recommendation.
14 BOARD MEMBER DOUGLAS: My opinion is cover
15 the thoughts that you need to cover. If it
16 become excessive, then Kevin or I or somebody
17 will step in. Take your time. Take the time
18 that you need to support your clients. That
19 would my opinion.
20 PRESIDENT CARSON: The only reason that was
21 being discussed earlier is that we didn't know
22 if you had any discussions with Desiree. We
23 discussed what we're -- so...
24 MR. REEVES: And we're well aware of
25 that -- conscious of your time. Mr. House is

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<p>61</p> <p>1 here as well. We have Mr. Niley (Phonetic), 2 working with him to prevent duplication so that 3 we can keep things moving along. 4 With that said, on our presentation, I'm 5 Grant Reeves, Barada Law Offices. Paul Barada, 6 my colleague, is actually going to lead up off 7 briefly, and then transition over to me, and 8 then Mr. House will get up and speak. 9 MR. BARADA: Good evening. I wanted to 10 start off -- 11 PRESIDENT CARSON: State your name for the 12 record, please. 13 MR. BARADA: I'm sorry -- oh, yes. My name 14 is Paul Barada. I'm with Barada Law Offices 15 over in Rushville, just down the road here. I 16 wanted to start off this evening by joining and 17 incorporating all of the materials discussed and 18 presented By Mr. House this evening who would 19 also like to incorporate by reference, all of 20 the testimony, as well as the exhibits presented 21 the last time we were here -- the first time we 22 did this back in November, so we would like 23 those all made a part of the record, if we 24 could. 25 I want to start off by remarks this evening</p>	<p>63</p> <p>1 Industrial solar power plants are not farm 2 ground. And I think that the overarching point 3 that I want to make with you tonight is that. 4 I also want to point out, too, when we 5 start talking about solar energy -- now, this is 6 not a referendum on solar energy. This is not a 7 referendum on whether or not solar energy works, 8 whether or not it's good, whether or not it's 9 economically feasible, whether or not it's going 10 to be used in Indiana or out of Indiana or 11 wherever else. 12 To say no to this proposal doesn't mean 13 you're against progress. It doesn't mean you're 14 against solar energy. It doesn't mean you're 15 against clean energy or the environment. It 16 means that you don't want that plant right 17 there, right in the middle of historical farm 18 ground. 19 And to impose that on the other people 20 around that place that have lived there just as 21 long as a lot of the folks that want to have a 22 power plant there, they don't want to stare at 23 it every day. 24 And so I think that that's an important 25 thing to remember. This isn't a referendum</p>
<p>62</p> <p>1 by emphasizing and I think getting into the 2 comprehensive plan. This is an agricultural 3 community and, more specifically, this is an 4 agricultural community with a specific area in 5 the comprehensive plan dedicated to the 6 preservation of agricultural purposes. 7 And, you know, calling an industrial solar 8 power plant a farm don't make it agriculture, 9 okay. 10 (Applause.) 11 PRESIDENT CARSON: Hold off on the 12 applause and get to the point. 13 MR. BARADA: We could -- we could call 14 Knauf an insulation farm, but it doesn't make it 15 agricultural either. The point is that this is 16 an industrial power plant right in the middle of 17 beautiful farm country, farm country that 18 Mr. McNeely pointed out, has been part of the 19 community for generations, and it is important 20 to be part of the community for generations to 21 come. 22 There is a great photograph there of 23 700 East. It doesn't look too much different 24 than a lot of my favorite stomping grounds in 25 Rush County, and that is farm ground.</p>	<p>64</p> <p>1 on -- on solar power. I mean when you start 2 talking about polls -- I don't think we were 3 provide any polls or how they were conducted and 4 the questions that were asked. I do a lot of 5 criminal defense work. You could ask, well, are 6 you against crime? Well, sure, I'm against 7 crime. Do you support law enforcement? Well, 8 of course, I do -- I need to slow down, I guess. 9 THE REPORTERS: Yes. 10 MR. BARADA: I go a little fast for the 11 court reporter. Do you support law enforcement? 12 Are you against crime? Are you against 13 punishing people that commit crimes? Well, yes, 14 sure, I am. Are you in favor of incarcerating 15 people that commit crimes? Well, of course, why 16 not? Why wouldn't I be? Some people belong in 17 jail. 18 Well, what if we build that jail around 19 from your house? Wait a minute, wait a minute, 20 wait a minute. Well, why don't we build it next 21 door? Better yet, what if the -- what if the 22 recreational yard abuts your back door, how 23 about that? You can tell all the inmates when 24 they come out and play softball while your grand 25 kids play on your swing set. Now, wait a</p>

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1 minute. Maybe I've got to rethink.
2 What's my point? My point is -- you know,
3 the old joke is statistics can be used to
4 preventing -- 83 percent of all people know
5 that. So when we start talking about polls,
6 let's -- let's look carefully at the questions
7 that were asked and the people that were talked
8 to, and even if there is a -- even if there are
9 a significant number of people in Shelby County,
10 Indiana that'll sign a piece of paper or fill in
11 a little dot on a Scantron form saying, sure,
12 landowners rights, we're all for them, that's a
13 little bit different than getting up every day
14 on your homestead, on your family's farm ground
15 looking out the back door and seeing some sort
16 of industrial power plant where there used to be
17 soybeans, there used to be corn, there used to
18 be a row of trees.
19 And I think filling out a form from a
20 neighbor that lives -- or a Shelby County
21 resident who lives who knows where, and getting
22 up every day and seeing that, are two entirely
23 different things. So I wanted to point those
24 things out in response to Mr. McNeely.
25 I think that we have to remember, too, the

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1 enormity of this project. Well, we see solar
2 panels on schools, on hospital. We see them at
3 airports. In order for this to be on a school,
4 this school would have to be equivalent to 43
5 Lucas Oil Stadiums. That's how big the
6 footprint of this project is -- 3.2 entire
7 Indianapolis Motor Speedways, that's a big
8 school.
9 We're not talking about a house with five
10 or six panels on the roof here. We're talking
11 about -- we're talking about 1,791 acres from --
12 with 700,000 up to a million, a million solar
13 panels. This is not the country schoolhouse
14 with a couple of solar panels on the front where
15 the kids do their science project. This is a
16 massive -- this is a massive industrial project
17 with a square footage in miles, bigger than New
18 Palestine or Morristown, okay. Bigger than the
19 town, is the size of this project.
20 Now, I'm going to address one of the five
21 criteria. We don't think that any of the five
22 criteria can be met for the granting of the
23 special exception in this case. We said that
24 the last time we were here, and we're going to
25 say it again tonight. We think that much our

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1 argument remains the same, so I'm going to hit
2 it very briefly.
3 My portion of this presentation has to do
4 with keeping in line with the comprehensive
5 plan, and if you'll review the materials, and I
6 think everybody's got a book tonight, there are
7 17 different components, different places in the
8 comprehensive plan that talk about maintaining
9 the agricultural integrity of the community, and
10 that is -- and I'm not going to read those to
11 you, but I would encourage you to review those
12 prior to making any decision tonight, that
13 simply in the comprehensive plan, the references
14 to maintaining the agricultural integrity of
15 this area, or areas zoned in this fashion, is a
16 drum beat. It's a repetition. It goes on and
17 on.
18 And I think that to put an industrial power
19 plant in the middle of an agricultural zone
20 cannot possibly be consistent with those
21 precepts. So with that -- we're a little bit
22 short on time, so I want to pass this over to my
23 colleague, Grant Reeves. I appreciate your
24 considerations. Thank you.
25 (Applause.)

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1 MR. REEVES: I'll address the remaining
2 factors. Frustratingly for us, we're here
3 again, so several of you have heard much more I
4 will say already, so I'll try and keep it brief.
5 On the surface, the next factor I'll
6 address is that this would not be injurious to
7 the public health, safety, morals, and general
8 welfare of the community. On the surface, it's
9 this, you know, solar energy. Everybody thinks
10 that clean and green. As I said last time, I'm
11 fine with solar. I've got solar panels on my
12 roof. I drive a Chevy home. We're not going
13 down to a green meeting here tonight. That's
14 not what we're here for. We're here to
15 determine if this particular industrial solar
16 facility meets the Comprehensive Plan of the
17 zoning ordinance in Shelby County, if they've
18 met those special exception criteria.
19 As we provided with -- just by way of
20 background, the applicant's white paper
21 expressing that this is safe came from an
22 environmental advocacy group that supports green
23 power. Of course, they're going to determine if
24 green power is safe.
25 We talked to Dr. Eckelman, who's also

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1 associated with NC State as the author of their
2 white paper list, and he indicated that there
3 are more problems that we don't know about that
4 are going on and have been going on.
5 There are issues with potential metal
6 toxicity. There are issues with a chemical
7 called GenX. It appears to be just developing.
8 Many of these panels are brought in from other
9 countries that don't have the best environmental
10 track records. Each member are outsourced from
11 China -- or in-sourced from China, and I think
12 we've all heard those scares. You have 20
13 panels as I do, or roughly 20 panels on my roof,
14 that's a controllable problem. It's a small
15 area. We're talking, again, 700,000 to a
16 million panels. We don't know the exact number.
17 I think they must have the exact number, because
18 they calculated the panel area, but I don't
19 think they've shared it with you yet, but we're
20 talking magnifying that and putting it into the
21 same Blue River Water Shed.
22 I grew up playing in Little Blue River in
23 Rush County. I happen to love Little Blue and
24 would love to protect it. To me, that is an
25 environmental injury as well, and that's a fact

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1 that you have to deal within Shelby County and
2 your task of taking care of that.
3 Again, if we have a few of these, okay, if
4 we have a small project. We're not talking
5 about a few panels. If there's even a small
6 runoff from these panels, it's going to be
7 magnified a million times.
8 Next, they presented a decommissioning
9 agreement. It's still basically an aspirational
10 statement. It says a lot of things that are a
11 lot nicer than what they said at the last
12 hearing, but they still have not told us
13 anything about what this is going to cost.
14 Your -- the plan in the Zoning Ordinance state
15 that they must tell us what's that's going to
16 cost.
17 The only estimate we got was from our
18 expert, Dr. Eckelman, that included that it's
19 someplace in the neighborhood of 15 to
20 30 million, but he's just guessing based on
21 publicly available statistics for a project this
22 size, but nothing has been decommissioned, that
23 we're aware of, of a project this size, which is
24 another issue.
25 But you've got to make absolutely certain

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1 that is buttoned down 100% because they want you
2 to think you're dealing with Wabash Valley
3 Power, but I don't believe they said they're
4 selling the project to Wabash Valley. They're
5 selling the power. We still don't know who
6 you're going to be dealing with in 40 years as
7 far as who is the actual owner of this project.
8 The next factor is the proposed special
9 exception, is harmony with all adjacent land
10 uses. We put in statements from the neighbors
11 that other than the one substation, which is
12 conveniently what they mostly showed you, this
13 area is entirely agricultural and residential.
14 The substation is, in fact, the only industrial
15 commercial facility of any type of which the
16 neighbors we spoke to are aware.
17 This is -- moreover, it's a 2.5 square mile
18 industrial facility. We started to see some of
19 the landscaping plans tonight. Although they
20 are certainly not of the quality that you would
21 expect in the project development of a store or
22 a Walmart, they appear to be hiding behind the
23 fact that they have a right to make an enormous
24 project -- they gave you sparse landscaping
25 plans at this point, but we still don't know

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1 when Joe Sixpack is standing on his porch,
2 what's his life going to look like when he wakes
3 up in the morning and looks around.
4 The -- somebody from someplace else may not
5 appreciate the value of flat land with corn on
6 it. I know my wife, the first time she came out
7 to my parents' house, thought that she was going
8 to fall off the earth because there was nothing
9 to hold on to because it was so flat and open.
10 I happen to like that. That happens to be
11 what I grew up with. My mother would stand at
12 the kitchen window, and loved that. You're
13 fundamentally altering the character of over 2.5
14 square miles of this county with this project,
15 or, rather, the applicant is, and that's not in
16 harmony with what's out there.
17 This is an industrial facility. It's going
18 to be covered with a sea of panels. It's going
19 to be covered with fencing. Apparently, I might
20 have overstated last time what the fencing was,
21 but I still don't really have a grasp for what
22 it's going to look like. They can still put
23 some relatively unattractive fencing on wood
24 poles, as far as I know.
25 In addition to that, we are concerned about

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1 the drainage issues in the surrounding
2 properties. Again, I think Mr. House is going
3 to address the drainage in more detail, if we
4 have time. But the drainage study is more of
5 how to drain? We still don't have a drainage
6 plan, as far as what they're going to do. It's
7 a list of promises.
8 If they screw up the drainage in that area,
9 we have farmers that have stated that's going to
10 affect the value of their property. It's going
11 to affect the value of the adjacent farm ground
12 there and going to cause a real problem with
13 runoff and potentially, if they pull drainage
14 lines that we don't know about, that's going to
15 lead to collapse on down.
16 They can say, well, great, we know this.
17 We know what we're going to hit. We all know --
18 we don't know where the tiles are out in this
19 field, that almost impossible to locate, until
20 you fall in the hole as you're walking along.
21 The next factor to hit is that the proposed
22 special exception would not alter the character
23 of the district. This will turn the character
24 of the district -- at least as far as those
25 neighbors, on its ear completely. Again, it's

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1 an industrial facility.
2 I'm curious, they asked the polling
3 question, which the polling is really
4 irrelevant, but I'm curious, did they ask would
5 you like to be surrounded by a 2.5 square mile
6 industrial solar facility on any of those
7 questions?
8 I don't think they did. They certainly
9 didn't provide that answer if they did. I
10 understand where they're coming from generally,
11 but this is -- we're dealing with that local
12 area and the character of that area.
13 Moreover, they keep stressing that this is
14 a temporary facility. If they're going to have
15 their facilities in the ground there, what's to
16 keep them from extending on down the road, as
17 far as, you know, refurbishing that, rolling it
18 over, or keeping it? It would certainly make
19 sense, when we already have the posts in the
20 ground, if they have rusted off to do that.
21 Additionally, I know for now, they have
22 committed that they're not going to expand in
23 Shelby County, but they certainly can request a
24 variance for that in 30 to 40 years. And from
25 the -- I looked on sunpower.com right now, they

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1 are estimating that their panels 40 years out
2 will be producing 70% of the current power.
3 If they're at 70% of the current power,
4 those are still operational panels. They could
5 easily come in with a couple of hundred more
6 acres -- Presto Change-O, they've got a whole
7 new project that they can roll over for another
8 extended period of time. We'll just gradually
9 drop up in productivity like this project, and
10 they can be there for much longer than this
11 temporary use that they're championing.
12 The final factor that we'll hit is the
13 proposed special exception will not
14 substantially impact the property values of the
15 surrounding property in an adverse manner. This
16 is the applicant's burden, as are all of these
17 factors. They have to provide the evidence to
18 you, and they have to meet the burden. It's not
19 my job to refute them. It's their job to prove
20 to you that they are meeting this burden.
21 They have presented a cookie cutter solar
22 residential value study that has been used in
23 other locations. That study has one solar farm
24 of comparable size, it was in Minnesota. Even
25 in that study, as our expert, Michael Berkowitz

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1 (Phonetic) attested to, or -- or drafted in his
2 letter, they had a large block in the center of
3 the project that was sort of surrounded by the
4 project, but all of the homes were contiguous.
5 There was still a large group. There weren't
6 isolated homes scattered about like there are in
7 this circumstance.
8 Almost all of the homes in that project,
9 the developer actually bought, which to me
10 screams at the potential to manipulate those
11 values pretty easily. I can only see that there
12 were two that the developer was not actually
13 involved in buying, which brings up another
14 point here, if they are willing to say that the
15 value of these homes will not be affected and
16 the value of the surrounding property, they can
17 easily guarantee that, because if they're right,
18 that's a free promise.
19 They haven't done that because they're not
20 willing to do that because I don't think they
21 believe in their own study. It could be simple
22 enough for them to do and not cost them a dime
23 if these property values are not going to
24 decrease.
25 In addition, they -- they presented a

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1 report from a local Realtor Nancy Smith. Nancy
2 Smith's own report says there's not enough data
3 for her to determine if there's going to be a
4 positive or negative effect based on this
5 project. She says it in the report. They put
6 it up on the board for you. They admitted their
7 problem. They cannot, as our expert, Michael
8 Berkowitz, attested to, they can't say that
9 they're not going to adversely affect the
10 property values here because there's not enough
11 data out there, particularly, with respect to a
12 property of this size and a project of this size
13 and one that is literally surrounding individual
14 homes.
15 Nothing in their -- even their study is
16 comparable to that. They simply cannot come up
17 with enough data for that. They also have
18 literally provided no data on the value of
19 surrounding farm properties at this point.
20 They -- everything that they have presented to
21 you deals with residential property. If they
22 start screwing up the drainage, they start
23 contaminating properties, all of that -- that is
24 going to affect the surrounding property values
25 of those farms, and they have not presented any

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1 evidence with respect to that.
2 I'm clipping along at a pretty good place
3 because I want Mr. House to have time. I know
4 that he's worked hard to provide some particular
5 details about different areas of the
6 application, but I also -- I want to stress
7 again that they have the burden of meeting all
8 five of these criteria. They haven't met any of
9 them. They simply cannot meet some of them
10 because they are attempting to put an industrial
11 facility in an ag area.
12 They had one crack at this already. You
13 guys did an excellent job with that. Mrs. Sipes
14 did an excellent job running that meeting, but
15 somehow we had to come back here and we are
16 doing this, again, unfortunately.
17 Apparently, we may be back here again based
18 on circumstances, and if we have to, I guess we
19 will, but it is starting to put a real strain on
20 the neighbors trying to keep going coming up
21 with this and to keep going forward with.
22 Finally, you know, we believe that this
23 matter should be dismissed on res judicata, as
24 we initially stated, but if not, we do believe
25 that it should be denied for each of the reasons

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1 set forth above.
2 At this time, Mr. House is ready. I will
3 turn it over to him. I may want -- I think he's
4 going to address the variances, since they were
5 on the table, but I would like to reserve a
6 couple of moments to come back and touch on the
7 variances after he's done, and it really won't
8 take me very long to do that.
9 PRESIDENT CARSON: You're doing pretty good
10 time wise.
11 (Applause.)
12 MR. HOUSE: Thank you very much. My name
13 is Briane House. I'm representing the
14 remonstrator, Nathan Nye (Phonetic) right over
15 here. Mr. Gibson is going to hand you a couple
16 of thins. The first thing I'd like to ask today
17 is that I provided this booklet to this staff
18 director, and you all have it?
19 PLANNING DIRECTOR D. CALDERELLA: Yeah, we
20 all have it.
21 MR. HOUSE: All right. That's a good sign.
22 I may refer to a few pages. All right. I'm not
23 going to repeat. Obviously, that would be --
24 it's very counterproductive, but what I do want
25 to do is bore down on a couple of significant

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1 points that require really very detailed
2 analysis.
3 First of all, let's talk about the fact
4 that this proposal is consistent with your
5 ordinance. It's not. Your A1 plan, which
6 covers most of this area, which you can see,
7 states that it is to conserve prime agricultural
8 ground. It seems an afflict (Phonetic) to me to
9 the fact that taking 1,700 plus acres out of
10 production is the preservation of prime
11 agricultural ground, it's not, and that is
12 important. They characterize this as 0.05% of
13 the agricultural ground in Shelby County, but
14 what's interesting about Shelby County is that
15 it truly is a farming dynamo, and this ground,
16 in particular, is particularly so.
17 So you've already carefully considered and
18 zoned it A1 predominantly and A2. Mr. McNeely
19 says, well, this fits here. Well, no, it
20 doesn't. It's a special exception to A1. And I
21 submit to you that the focus of your inquiry
22 tonight should be whether you do what your
23 ordinance says, preserve and protect prime
24 agricultural ground, or do something else.
25 Generally speaking, Shelby County averages

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1 production of 178 bushels of corn per acre, but
2 our information indicates that actual production
3 on this ground is 200 bushels per acre. By
4 comparison, Shelby County ranks No. 10 out of
5 the 92 counties in Indiana for corn and bean
6 production, and across the United States, this
7 is very impressive, ranks 248 out of 2,638
8 counties in the United States. If you're
9 looking for prime farm ground, this is it, and
10 there's no reason to cover it over with solar
11 panels.
12 The diagram that Mr. Gibson gave you here
13 is particularly interesting. This comes from a
14 Bloomberg study that was done in 2018, and the
15 URL address is shown on this. You can look at
16 it yourself. I think unless you're really
17 intimately involved with farming, we think that
18 the United States has vast areas of crop land.
19 But look at this. The ground indicates crop
20 land. We don't.
21 And, in fact, this study goes on to say
22 that the food production in the United States
23 occurs on an area that is essentially equal to
24 Indiana, Ohio, and half of Iowa. Taking out
25 even 1/2 of 1% of prime agricultural ground in

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1 Shelby County and covering it with solar panels
2 is inconsistent with the intent and foundation
3 of your ordinance, and that's the intent that
4 you should be supporting.
5 But let's go on. Is this in harmony with
6 the area? I find the fact that they introduced
7 their visual impact study as being particularly
8 interesting because it essentially makes the
9 case that it's not. On pages 5 through 7 of the
10 submission, we quote extensively from that
11 study. First of all, existing, there are,
12 quote, few distinct visual elements within the
13 agricultural landscape. If you've seen the
14 ground, and I assume you have, that's exactly
15 what you have, really vast farm land.
16 In fact, we did extensive analysis, again,
17 on how prime this ground is. These farming
18 plates, if you will, are very large. This
19 ground has been masterfully managed. It's not
20 per-versed by drainage, but it's well drained.
21 The drainage is as to the size of the area, and
22 it's significant.
23 They talk about maybe the barrier or berm
24 areas will be farmed or utilized in some
25 fashion. Anyone who knows anything about

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1 farming knows that today some of the
2 agricultural equipment will cut a 60-foot swath.
3 I'm sure there are farms out -- farmers out
4 here, and they're not going to be interested in
5 farming that ground.
6 But, again, back to the visual impact
7 study, this is on page 14 of their study, viewer
8 awareness for residence will typically be high,
9 especially for those with foreground views as
10 they have long-term exposure to the site and
11 would be observing this view from their homes.
12 The view group will have high sensitivity
13 change.
14 Now, the fella who wrote this is quite the
15 wordsmith, but what he's really saying in a very
16 eloquent fashion, is if you're living in the,
17 midst of -- around a solar farm, it's going to
18 be in your face 24/7. He also says repeatedly,
19 and I'm on page 6 of our presentation, that it's
20 going to create a developed industrial esthetic,
21 and it will. It's referred to time and time
22 again as mechanical and industrial.
23 Page 29, smooth dark gray solar panels in
24 flat geometric shapes of the facility would
25 contrast with the form, color, and texture of

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1 the existing landscape. The gray color in the
2 panel is different than the typical colors of
3 the fields, and they are in contrast --
4 contrast, his word, not mine, with the
5 surrounding rural setting.
6 Bottom line, if you grant this special
7 exception, you are converting agricultural
8 ground to something very different than what it
9 is, and that has repercussions. Because if you
10 do that today, what's going to happen tomorrow,
11 or five, or ten, or 15 years out?
12 When your Solar Ordinance was passed, your
13 then planning director observed that it's a good
14 thing we get this on the books because there are
15 at least three companies interested in potential
16 projects in Shelby County.
17 If you want to open the door to more and
18 more rapid loss of your prime agricultural
19 ground, then this is the way to do it tonight.
20 But there isn't any reason to do it tonight
21 because they had their chance. They presented
22 their petition, and having lost, they filed a
23 petition for judicial review, still pending, but
24 they came forth with more studies, more
25 evidence, if you will, that's not the way this

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1 works.
2 In our materials, we compare this site to
3 other sites cited in their study. None of their
4 comparables are really -- in any instance,
5 really comparable. They're much smaller.
6 They're much different. The county in Minnesota
7 where your primary comparison is located is much
8 different agriculturally.
9 Rather than being prime farm ground like
10 Shelby County, that county ranks extraordinarily
11 low in the counties of Minnesota, and the crop
12 production was much lower. The average farm
13 size was only 140 acres.
14 I agree with what has been said. I have
15 nothing against solar power. It makes sense.
16 But it doesn't make sense here. There is
17 significant legislative concern arising across
18 the country about the loss of prime farm ground
19 to solar farms.
20 Oregon, Connecticut and New York have
21 already passed statutes restricting or limiting
22 such projects. By the same token, other
23 communities have entered moratoriums until the
24 issue can be more fully studied. They include
25 Huron County, Michigan; Thomasville, Georgia;

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1 Malone, New York; Cranston, Rhode Island; and
2 Cleveland County, North Carolina, just to name a
3 few. So this is not a slam dunk proposal.
4 Let's talk about the specific requirements
5 of your ordinance. We cited the materials in
6 the case law that says your Unified Development
7 Ordinance is essentially given the weight of
8 law -- of statute. It must be applied
9 specifically and according to its terms.
10 The proposal here tonight doesn't do that.
11 First of all, in your ordinance, you've got this
12 lovely Table 1, solar farms require the
13 submission of a site plan that complies with
14 Class 1 Development Site Plans, and if you turn
15 to page 16 of our submission, you're going to
16 find several paragraphs indicating how their
17 site plan does not comply with your ordinance.
18 Now, the fact that the numbers are not in
19 sequence does not indicate that I can't count.
20 The numbers correspond in your Table A for Class
21 1 Site Plans. I won't read them all, but much
22 is now shown here. What areas are not
23 delineated with elevations shown to meet sea
24 level data, that's required. It's not there.
25 The location of all rivers, creeks, streams,

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1 open waterways, and open ditches must be shown,
2 not only the site, but within a 2,500-foot
3 radius of the subject property.
4 Wetlands must be delineated and identified,
5 and the plan includes at least general
6 indication of a small portion of wetland, but
7 type and manner of the wet lines -- wetlands not
8 disclosed. All regulated and legal drains and
9 private drains, tiles, storm sewers, subsurface
10 drainage tiles that are located within the
11 project must be delineated. They're not there.
12 Their drainage plan, as has been said, it's
13 after the fact. Much of their proposal is after
14 the fact.
15 The location, material, type, grade,
16 profiles, cross sections, and dimensions of
17 state highways, county roads, local streets, any
18 other patent area within a 500-foot radius of
19 the site, it's not there. I could go on, but
20 the fact of the matter is their site plan does
21 not comply with your ordinance in 1, 2, 3, 4, 5,
22 6, 7, 8 particulars, and that's their burden.
23 Let's talk about briefly this
24 decommissioning plan. Again, your ordinance is
25 very very clear. It doesn't say give us an

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1 estimate sometime in the future by an engineer.
2 It says give us a dollars and cents figure
3 today. It's not there.
4 And given how they tout the sophistication
5 of their team and engineers, that's a doable
6 thing. I mean their so-called real estate study
7 is, according to them, done by one of the major
8 accounting firms in the United States.
9 Accountants prepare cost estimates and
10 projections daily. Your ordinance requires it,
11 and if you don't have it, you shouldn't approve
12 it.
13 One of the things that I think is extremely
14 significant is that despite what staff thinks,
15 with all due respect, your ordinance on a solar
16 field requires the submission of tech committee
17 review at this point in time, and let me turn to
18 that.
19 All right. What the Solar Ordinance says
20 is this, the ordinance requires the Petitioner,
21 quote, to submit a commercial site plan to the
22 Technical Advisory Committee for review, the
23 site plan is efficient, and then your ordinance
24 goes on to say, in addition to the Technical
25 Advisory Committee's submittal, the Applicant

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1 shall submit the required site plan to the Board
2 of Zoning Appeals to be reviewed during the
3 special exception public hearing.
4 That's tonight. That's in your ordinance.
5 I don't see it, and it hasn't happened, and to
6 go forward without that occurring, is a
7 violation of your ordinance, a violation that
8 would mandate a court to reverse your decision
9 this evening -- a decision that need not be made
10 because it has already occurred.
11 Let me talk about the two variances. The
12 first variance is to -- and I'm not really sure.
13 I can't tell if they want four years to complete
14 construction, that's what seems to be suggested
15 here, or a four-year window to start
16 construction.
17 But, again, your ordinance, and it is
18 submitted as a developmental variance on the A1
19 zoning classification in your book, states
20 additional developmental standards that apply,
21 and they're listed. There's nothing here that
22 states that any expansion or deviation from the
23 requirements to start or complete construction
24 in your ordinance is, in fact, a developmental
25 standard. The variance doesn't apply.

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1 When they were talking this evening about
2 construction -- in the age of cell phones and
3 Google, I looked up how long did it take to
4 build the Hoover Dam, five years. They want
5 four, and I submit this project is no Hoover
6 Dam. Again, your ordinance is clear. There's
7 no reason to deviate from it.
8 The coverage area of variance is even more
9 interesting. Again, this goes to the area -- or
10 to the issue of appearance and harmony.
11 Currently, under the A1 and A2 zoning
12 classifications, coverage area can be up to 15
13 or more percent, but not -- I think Lee said 25.
14 I don't see it that way. But the bottom line is
15 the existing coverage areas in this area are not
16 greater than 7%.
17 Mr. Nye's coverage area is 2%. To grant a
18 coverage area variance requires that particular
19 characteristics of the land makes strict
20 compliance with your ordinance unreasonable.
21 And there's a case that's very important on
22 this, and I'm going to discuss it for just a
23 second. It's called Abrinko, and it's Board of
24 Zoning Appeals versus Abrinko, and what we have
25 there is -- in fact, it's Town of Munster Board

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1 of Zoning Appeals versus Abrinko.
2 Developer went to the board of zoning
3 appeals and said I want to build a house on this
4 lot but it's reversed pie shape -- well, that's
5 talking about the ground, and your ordinance
6 requires a 25% open space on each side of the
7 house that the building's on, and I can't do it,
8 so I need a variance.
9 The board of zoning appeals said fine, but
10 Abrinko, who was the remonstrator, took the
11 matter to court, and the trial court reversed,
12 and both the trial court and court of appeals
13 said you've got it wrong. The problem is not
14 with the ground. The problem is the proposed
15 house is too big, and that doesn't fit the law.
16 If you want to build on this lot, comply with
17 the ordinance and build a smaller house.
18 That's exactly what their cover area
19 variance is. Your ordinance is clear. It makes
20 sense for A1. It makes sense for A2. There's
21 nothing wrong with your ordinance. The problem
22 is the project's too big, too big for this
23 space.
24 I know that it is a late evening and we've
25 covered a lot of ground here, but I do want to

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1 talk on just a couple of other points. Everyone
2 recognizes at least potentially that this
3 project may provide increased revenues for the
4 county, but do you really know what those
5 revenues are?
6 First of all, they have already filed the
7 statement of benefits seeking tax abatement on
8 the panels, on the fixtures. So, again, I think
9 that it is dubious to, at the one hand, think
10 this will throw off the significant tax revenue,
11 and at the other hand, grant abatement.
12 Moreover, the solar panel is a fixture, they
13 depreciate, and they'll depreciate quickly.
14 That will affect the tax base, too.
15 I make the observation, and I don't want to
16 appear cynical, but I think it's important, if
17 this project stood on its own merits, then why
18 would prudent business people being gratuitously
19 offering money to the school corporation, to the
20 county, generally, and so on?
21 I want to conclude with this thought, they
22 present survey data, solar is popular, people
23 should be able to do with their land what they
24 see fit. As it's been said, I don't think
25 anybody's going to disagree with those

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1 propositions. But, you know, we've been talking
2 about agriculture here tonight, and it's kind of
3 like the difference between a milk cow and beef
4 cow.
5 People that live there are the beef cow.
6 Out in the county are dairy cow. Dairy cow,
7 they're involved. The beef cow, they're
8 committed. You already viewed this project, and
9 it's certainly not these people who have spent
10 time, money, and effort to protect their
11 property as well, it's not their fault that they
12 didn't get it right the first time.
13 And there's plenty of places where solar
14 farms can go. I'm going to close on this. Lee
15 puts forth, you know, well, this is great, we're
16 going to sell power to Wabash Valley, and it's
17 good for Indiana and so on. Okay, I was a
18 utility lawyer and energy executive for 13
19 years. It's not exactly the way it works.
20 Maybe you've heard of a thing called MISO. It's
21 located up in Carmel. What does that stand for?
22 It started as Midwest Intercontinental
23 Independent System Operator. What's that mean?
24 Now, it's bigger. It's called Mid-Continent
25 Independent System Operator.

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1 Bottom line is the juice goes into the
2 system. You may have a contract with Wabash
3 Power, but whether Wabash Power ever gets what's
4 generated from this or not, these people and
5 Wabash Valley have no control over it because
6 MISO is administering and controlling the system
7 on a mid-continent basis.
8 In the abstract, the proposal of a
9 significantly sized solar farm is a lot of it,
10 but to place it around and in the face of these
11 people, on some of the most productive farm
12 ground in Shelby County in Indiana is an
13 abdication of your stewardship to preserve the
14 farm ground, and an action taken in violation to
15 the requirements under the Unified Development
16 Ordinance. Thank you.
17 (Applause.)
18 MR. REEVES: Just by way of my brief
19 wrap-up. With respect to the variances, I would
20 be incorporating all of our arguments involved
21 with respect to the health and safety and the
22 effect of the surrounding property values. But
23 with respect to the third fact on both of these
24 is a strict advocacy, in terms of the
25 ordinance, practical difficulties in use of the

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1 property. There's a lot of cases in Indiana,
2 and I cited to one of these, that they shall not
3 be self-imposed.
4 These circumstances require these
5 variances, needing this much time, needing more
6 lot coverage are entirely self-imposed. If they
7 had not come in and done a solar equivalent
8 strict lining, in packing as many panels around
9 most convenient substation they could find, they
10 would need these variances. It's nothing to do
11 with the property. It has to do entirely with
12 the project and what they want to put there.
13 So, in conclusion, I hope that you find as
14 we did last time as well. I think we've set
15 forth that they do not meet the requirements of
16 the Zoning Ordinance. We argued that once
17 before, we came back again, and I guess you can
18 argue that they came back with all of these
19 promises between the last hearing and now,
20 they've raised the money in the community,
21 they've increased the setbacks for either your
22 buddy or your job, it's great work for you.
23 Maybe you can reject them again, we'll see
24 what they come back with next time, and maybe
25 they can bring popcorn and coffee to the hearing

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1 so that we can stay awake as we're going
2 forward.
3 But, at this time, I ask that you do what
4 you did last time, with all seriousness, and
5 follow the terms of the ordinance as it's in
6 front of you, as it's set out. This isn't an
7 emotional decision, this is a factual zoning
8 decision, and they simply do not meet the terms
9 of the ordinance as required. Thanks.
10 (Applause.)
11 PRESIDENT CARSON: We're ready for the
12 public portion. First speaker that wanted to
13 come up here was Samantha Scheiber. Is Samantha
14 here?
15 THE AUDIENCE: Move on.
16 PRESIDENT CARSON: Samantha doesn't want to
17 speak now?
18 MS. SCHEIBER: No.
19 PRESIDENT CARSON: Okay. Moving on. Ryan
20 Marshall.
21 MR. MARSHALL: I'll pass.
22 PRESIDENT CARSON: Ryan Marshall passes on
23 speaking. I assume maybe there's other people
24 who are -- still four minutes and save us all
25 time. Gary Tucker. Gary Tucker signed up.

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1 Come on up, Gary. I can't read the -- Gary,
2 what's your address, 4045 North Morristown Road.
3 MR. TUCKER: Yes, sir.
4 PRESIDENT CARSON: You have to state your
5 name for the record.
6 MR. TUCKER: Gary Tucker. I think the
7 thing that's interested me in this project is
8 that the County is not going to have to put in a
9 sanitary sewer for somebody. The County is not
10 going to pay to put in the storm drainage
11 system. The County is not going to pay to build
12 a road or access to that road.
13 These people have offered to come to our
14 community, that if any of that needs to be done,
15 yeah, they're going to handle it. And so
16 paperwork's already has been presented, that
17 should this go through, they want tax
18 abatements.
19 Well, all of those things that are
20 forementioned occur when other industries are
21 brought to this county and they get tax
22 abatements, and on top of that, if you look past
23 history, every time an industry has located in
24 Shelby County, the County gets very little off
25 that industry, because right off the bat, the

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1 City goes out and annexes that property.
2 This is something that an industry -- and I
3 don't -- it's called -- you know, for some
4 reason, we started calling this an energy
5 industry. There aren't going to be any belching
6 smokestacks out there. I've worked around auto
7 glass, temper glass, there aren't any dangerous
8 chemicals around that. It goes to a special
9 place in a landfill, and the only reason it goes
10 to a special place in a landfill is because it
11 doesn't dissolve in a short period of time. But
12 I feel like -- and, yeah, would I want it next
13 door to me? Maybe. Maybe not.
14 PRESIDENT CARSON: You're at two minutes so
15 far.
16 MR. TUCKER: Pardon me?
17 PRESIDENT CARSON: You're at two minutes so
18 far. I'm done.
19 MR. TUCKER: I'm done.
20 PRESIDENT CARSON: No, I'm going to let
21 you -- if you're going to conclude here, just --
22 MR. TUCKER: Just stop me.
23 PRESIDENT CARSON: I'm trying to let you
24 know where you're at.
25 MR. TUCKER: Just stop me when it's over.

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1 This is something that the County is not going
2 to have the investment in, and it is -- during
3 the initial construction, those people have
4 going to have some place to stay. They're going
5 to have to have some place to eat.
6 Our -- they're going to bring an inventory
7 truck down. They're going to have all of their
8 goodies on it -- well, that never works out, so
9 there will be businesses here that benefit
10 during the construction. And, you know, someone
11 said we don't choose our family, you don't get
12 to choose your neighbors either, and let's step
13 into the 21st Century here, and I can think of a
14 whole lot worse things beside someone's house or
15 beside someone's property than a solar panel.
16 Thanks for your time.
17 (Applause.)
18 PRESIDENT CARSON: Thank you, Gary. Next
19 speaker is Ted Fugate.
20 MR. FUGATE: Ted Fugate, 6558 East 500
21 North. Okay, so listening to everything
22 tonight -- you guys done a good job, by the
23 way -- I never heard anything about fires. So I
24 do know for a fact that these solar panels will
25 burn. You can look at it on YouTube.

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1 But the fact is, is are our fire
2 departments, can they handle such a project?
3 You can't pour water on an electrical fire. So
4 that goes to what -- chemical dust suppressants,
5 di-electrical fluids mixed with the
6 herbicides -- we're all on wells, so what
7 happens when the rainwater does wash all of this
8 fire suppressant away?
9 It goes into all the adjacent owners' --
10 landowners' wells. There's no city water out
11 there. So who has to fund the fire department
12 to be able to take care of this -- taxpayers. I
13 don't see the big thing here, except for just a
14 few people going to make bank because they want
15 to call it agricultural. It's not agriculture.
16 It's an industrial power plant.
17 And as far as decommissioning, the Japanese
18 are doing the exact same thing we are right now.
19 However, they are a little bit ahead of us, as a
20 matter of fact. They're setting these solar
21 power stations, and then, right now, the
22 Japanese government is saying that by 2020, the
23 demand of solar panel recycling will be intense.
24 So Toshiba, Environmental Solutions,
25 they're worthless companies, they're saying that

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1 there's no real profit in recycling these
2 panels. The government would have to provide
3 subsidies to offset the costs -- more tax money,
4 just to get rid of that. The materials inside
5 are low in demand and some are considered toxic
6 materials.
7 So we saw the cell, what's the cell made
8 of? They're just -- I've never seen electricity
9 made just of off -- where it was silicone.
10 There has to be something in there to run the
11 current. It has to be something conductive.
12 So, obviously, something is being left out here.
13 So, again, who pays for the fire
14 department's equipment because, obviously, it's
15 not addressed at all, and my house is really
16 close to one of these, and if they keep burning,
17 then that's my property. Is everything
18 insured -- I'm sure their stuff is, but I can't
19 take the chance of my family getting sick over
20 something that shouldn't even be there in the
21 first place. I'm done.
22 PRESIDENT CARSON: Thank you, Ted. McKenna
23 Hall.
24 MS. HALL: And so I'm McKenna Hall. I'm
25 the junior class president at Shelbyville High

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1 School.
2 PRESIDENT CARSON: Address?
3 MS. HALL: Huh-uh? Sorry, my address?
4 PRESIDENT CARSON: Address please.
5 MS. HALL: I live at 2120 Augusta Court.
6 So I'm here on behalf of myself and a lot of my
7 peers at the school who love this community, but
8 we don't want to stay here simply based on the
9 fact that we're very progress and innovation
10 focused.
11 And we want to live in a community that
12 values that and puts that over maybe another
13 pretty corn field. And to see an opportunity
14 like this be denied, an opportunity that can be
15 so pivotal in our county and also in the entire
16 city of Indiana, I know for me, and I speak
17 confidently on the rest of the people from my
18 generation, that think that this is the future,
19 and we're either going to -- we're either going
20 to -- we're either going to take this
21 opportunity, or our county -- our county is
22 going to fall behind.
23 So I hope that tonight we can take that
24 opportunity and not miss something so pivotal
25 and so great, because the young people do

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1 support it, and so I am here to show my support
2 as the younger generation.
3 (Applause.)
4 PRESIDENT CARSON: Don Parker.
5 MR. PARKER: Good evening. My name is Don
6 Parker. Address is Edinburgh, but -- well, it
7 doesn't show the county, and just southwest of
8 Marion. A few things have been brought to my
9 attention -- I mean also the commissioner, but
10 the term "farm" -- and so I went to the Webster
11 and looked up farm, and it's a tract of land
12 which crops, livestock are raised for a
13 livelihood. And then I looked up information on
14 agriculture, and that's cultivation and breeding
15 of animals and plants to provide food, fiber,
16 and medicinal plants to sustain an enhanced
17 life.
18 So I wanted to address a few things about
19 the ordinance. I was the one that voted against
20 the ordinance, and because of that, I was --
21 went to Sam Booth, our original planning
22 director, when this started, and had a
23 discussion with him and expressed my concerns
24 about the size, and I looked up some
25 information, found some counties that had

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1 limited the size, and he told me, well, it
2 probably wouldn't work because they needed
3 1,200 acres.
4 And, at that point, I decided they weren't
5 writing the ordinance for Shelby County. They
6 were writing the ordinance for the solar
7 company.
8 (Applause.)
9 MR. PARKER: The comprehensive plan, I've
10 been watching that, and it's to protect the ag
11 ground. And if you fail in one area -- I
12 understand it's not going to pass. So out of
13 these five areas -- I looked through them, and
14 the only one that I could see is about the
15 injurious and public health, safety, general
16 welfare of the community.
17 I feel like I'm not specialized enough to
18 vote on or say it does not meet it, or it
19 does -- like the other four, I feel like it does
20 not meet those criteria. And, again, I would
21 like to apologize to you folks, the five -- I
22 don't think a project this size should be
23 decided by you five. It should have been
24 decided somewhere else.
25 (Applause.)

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1 MR. PARKER: Should have been rezoned as
2 industrial, therefore, it'd take you guys off
3 the hot seat. And another thing about this
4 project, I feel like the way it all came about,
5 it was started from the back end and went
6 forward to offer a tax abatement, the very first
7 thing -- I just don't understand that. I don't
8 know how that came about, and then here we are
9 again meeting, you know, after we already met in
10 November.
11 So there was a -- I saw a graph somewhere
12 called average daily sunlight, and Shelby County
13 rates in the lower 27 percent in the United
14 States. I'm not against solar power. If they
15 want to put it on some ground where the sun
16 shines, that's great for me, but it should not
17 be taking our farm. It should protect and
18 preserve our farm ground. Thank you.
19 (Applause.)
20 PRESIDENT CARSON: Next, we have Ann Sipes.
21 BOARD MEMBER: Stand by, Ann. We have a
22 whole lot more.
23 PRESIDENT CARSON: Ann signed up as the
24 last person. Oh, there are a few of you that
25 got to speak ahead of turn. Olivia Needham was

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1 next. I'm sorry, Ann.
2 MS. NEEDHAM: My name is Olivia. My
3 address is 4620 North 400 West. We own land at
4 600 East and 700 North. We have land in --
5 THE REPORTERS: Speak up.
6 MS. NEEDHAM: Yeah, sorry. We own land at
7 600 East and 700 North. We have land in the
8 project. I may not live in the middle of the
9 project, but my grandma does live in the middle
10 of this project. I do support this project for
11 many reasons, but my main thing I kind of want
12 to say here that, of course, it's our land. My
13 grandpa farmed this land for almost 40 yours,
14 and we've owned it for 44 years.
15 So 44 years, we've been able to do what we
16 want with our land, which we chose to farm, as
17 well as build a couple of homes, and now we're
18 here fighting for the rights of our land. No
19 one would be fighting for us. We're trying to
20 protect our ag land. If we were in debt from
21 not being able to farm our land or had to sell
22 it to who knows who -- and why would they be
23 fighting for us or trying to protect our land
24 because it isn't their problem that we're in
25 debt, just as though it's not their problem that

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1 we want to lease our land.
2 Beside the views being affected, those
3 views that we've given them, the agricultural
4 that we have created. I understand that there
5 are many factors in this decision, but I believe
6 it's up to you, the Board, to get into those
7 details and really decide if those requirements
8 are met, et cetera.
9 I ask everyone to keep this in mind. For
10 opportunity, there has to be growth, and for
11 growth, there has to be change. Thank you.
12 (Applause.)
13 PRESIDENT CARSON: Thank you very much.
14 Bill White from Morristown.
15 MR. WHITE: Bill White, West Main Street,
16 Morristown. I want to speak in favor of this
17 project. I've been proactive for projects that
18 is benefit Morristown, the community, and Shelby
19 County, and if this does not go through, it's
20 going to -- it's a possibility it could hurt
21 Morristown to attract new businesses in the
22 county down the road.
23 And so I think that -- you know, we need to
24 look to expand, and it's hard enough to attract
25 businesses here in the county and Morristown,

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1 and so if we would shut this down, it may have
2 an effect on the future of Morristown and the
3 county. Thank you.
4 (Applause.)
5 PRESIDENT CARSON: Thank you, Bill. Next
6 is Lisa Myers.
7 MS. MYERS: I'll pass. My point has been
8 spoken to.
9 PRESIDENT CARSON: Thank you. Erin
10 Needham.
11 MS. NEEDHAM: I'll keep it brief. My name
12 is Erin Needham. I live at 9550 North Chicksaw
13 Road. I just want to add a benefit that has not
14 been spoken about yet, and it hasn't been made
15 public, but the landowners have been working
16 with Amy Hacker at Blue River Foundation, making
17 plans for a scholarship.
18 This group of landowners, despite what
19 people think, really do care about the
20 community, care about the land. We're also big
21 components of education in the Shelby Eastern
22 Schools.
23 The landowners are putting forth \$50,000 of
24 their own money, and Ranger Power has offered
25 \$5,000 to put forth this scholarship. It'll be

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<p style="text-align: right;">109</p> <p>1 a \$2,000 scholarship and, hopefully, will go on 2 forever, that's the plan, and so I wanted to 3 speak to that benefit, and thank you for your 4 time. 5 PRESIDENT CARSON: Thank you very much. 6 Next, we have Greg Griffin. 7 MR. GRIFFIN: My name is Greg Griffin, and 8 we live at 511 Oak Boulevard in Shelby County. 9 We're not -- we're about a mile away from the 10 project, but I've talked to people who are right 11 up against the project. I guess, first of all, 12 I'd like to say I'm -- I'm supportive of solar 13 energy and clean energy. I have been for a long 14 time. 15 The question on this project is the size of 16 it, which has gone up, from what I thought it 17 was, which was 1,200 acres, now we're at 18 1,700 acres, and the placement of it. My 19 background, I have a master's in urban and 20 regional planning. I serve the Department of 21 Metropolitan Development, the State and Planning 22 Services Agency, so I have some background in 23 planning. 24 I was on the plan commission in Cumberland, 25 so I've been in your seat before. The issue is,</p>	<p style="text-align: right;">111</p> <p>1 and, clearly, that is agricultural. 2 If we take our land out of agricultural, 3 the ground, my concern is for the future, our 4 future food supply. If we develop everything 5 we've got and we don't have the land to produce 6 the food that we're going to need, where are we 7 going to be as a country? And this land has 8 value. It's been talked about here. It's 9 high-quality agricultural production land. 10 PRESIDENT CARSON: Are you almost done? 11 MR. GRIFFIN: I've got plenty -- more 12 issues with the project. And, again, I don't 13 know how you can approve it, or approve the 14 variance to it. You've got the list, I've given 15 it to each one of you, and I've provided it to 16 the plan commission. But I just don't see 17 how -- it's not the -- it's not the -- it's not 18 the use, it's where you're putting it and the 19 size of the use. You could re-purpose the 20 land -- 21 PRESIDENT CARSON: Is this the wrap-up, 22 Greg? 23 MR. GRIFFIN: I'll stop right here. 24 Wellman's, the industrial property in 25 Shelbyville, why aren't we looking at reuse or</p>
<p style="text-align: right;">110</p> <p>1 is this -- and when you look at zoning, that is 2 the law. That zone is the zone that you have 3 established as a community over time, not just, 4 you know, yesterday or whatever. That zone of 5 agricultural should be taken seriously. 6 When I got into planning, my concern was 7 that I could help the environment, that I could 8 put land use and projects where they should go. 9 There is no buffer here. We're going from a 10 piece of land that's agricultural to a land -- a 11 piece of land, if you grant this variance, which 12 I don't know how you possibly could, for all the 13 reasons that have already been explained. 14 It's prohibited. It's agricultural. There 15 is no buffer. There is no commercial between 16 this. There is no transition from agricultural 17 to industrial here, none whatsoever. 18 And we have, you know, an eloquent attorney 19 coming in and speaking very nicely about the 20 project, and they, obviously, have, you know, 21 lots of resources that we residents don't have. 22 But when I look at zoning and you look at a 23 piece of property, a piece of ground, the 24 important thing that you should look at is the 25 highest and best use for that piece of ground,</p>	<p style="text-align: right;">112</p> <p>1 re-purposing some of our abandoned properties 2 and not going out and taking agricultural land 3 out of the most appropriate use for it. That's 4 my position. 5 PRESIDENT CARSON: Thank you, Greg. 6 MR. GRIFFIN: Thank you. 7 (Applause.) 8 PRESIDENT CARSON: Darlene Johnson. Let's 9 try to maintain for two minutes, and -- 10 MS. JOHNSON: First of all, I have a letter 11 here from a Teresa Collier, who's a school 12 teacher. She says as a Shelby County resident 13 and a South -- Shelby Eastern school room 14 teacher, I appreciate the monetary contribution 15 being offered to our school corporation by 16 Ranger Power. 17 It is important to support new business 18 growth in our area. At the same time, I 19 recognize that farm ground is precious and its 20 use, a family decision. We choose to live in 21 our rural communities for a reason, and change 22 is not easy; yet, as a society, we need to look 23 at other energy sources -- no -- to replace our 24 nonrenewable fossil fuels for future generations 25 to come.</p>

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<p>113</p> <p>1 Like I said, I'm Darlene Johnson, 2639 2 North Riley Highway, Shelbyville, Indiana. I'm 3 a Marion Township trustee for Shelby County. We 4 have the -- a very small area. I'm a farm girl. 5 I was born and raised on the farm. We, along 6 with most everyone here, are really interested 7 in our land and what happens to it. 8 But in saying that, we have to supply the 9 future for our children and our children's 10 children, and how many farmers today have lost 11 their farms -- poor management -- a number of 12 reason, but I believe we still have a right and 13 the ability to own land in this good country and 14 decide what we want to do with it. Thank you. 15 (Applause.) 16 PRESIDENT CARSON: Thank you. Jake Atwood. 17 MR. ATWOOD: Hello. I'm Jake Atwood. I'm 18 from 1010 Crestmore Lane. I'm not going to 19 read -- what? 20 THE REPORTERS: Address. 21 MR. ATWOOD: 1010 Crestmore Lane. I'm not 22 going to retread anything that we discussed 23 tonight and, you know, the benefit of everyone's 24 time here. The main reason I'm here is I'm a 25 Shelby County resident and I support projects</p>	<p>115</p> <p>1 The con with solar is the initial layout of 2 costs. The initial up front cost is impressive, 3 and there's no real environmental downsides. 4 There's no exotic materials, and let me tell 5 you, the Navy likes to use exotic materials and 6 they don't always care about the environment. 7 There is nothing in these panels that is going 8 to leach in your groundwater and cause any 9 trouble. 10 I also had a gentleman before -- that spoke 11 before myself. I used to be a volunteer fireman 12 with Waldron -- Waldron Fire Department, and I, 13 as a designer, have also had an electronic fire. 14 When electronics catch fire, they do not sustain 15 themselves. 16 There's no fuel to mix with the oxygen to 17 continue the combustion. It's the heat and the 18 electricity that starts the fire, and once any 19 of the consumables are done from that heat, it 20 is done. 21 They're not -- the fire department is not 22 going to have to come in. You're not going to 23 have a single panel that catches fire from an 24 overload situation, that the entire field is 25 going to catch fire, it's not going to happen.</p>
<p>114</p> <p>1 that diversify our local economy and create jobs 2 for our community. And, especially, a proposal 3 like this will demonstrate to all surrounding 4 counties and businesses that Shelby County has 5 no interest in these emerging business fields, 6 and as a young person that grows up here, I find 7 that generally concerning. Thank you. 8 (Applause.) 9 PRESIDENT CARSON: Brett Goodwin. 10 MR. GOODWIN: I'm Brett Goodwin. I live 11 outside of Waldron. I'm a design engineer for 12 the Navy, my profession. I've been doing that 13 for over 28 years. I'm also a professional 14 engineer, licensed with the state of Indiana, 15 and I'm bringing to the table here I -- you can 16 tell by the T-shirt, I support the initiative. 17 I've done a lot of research into solar. 18 We're kind of an environmental wacko, our 19 family -- wants us use lead-free bullets for 4H 20 shooting once and everything else like that 21 for -- and when I researched solar, the only 22 real downside engineering -- everything in 23 engineering has a pro and a con. If you're 24 going to get something pro, you usually are 25 going to get a con that goes with it.</p>	<p>116</p> <p>1 I've fought fuel fires from farmers, and it's a 2 pin in the butt. It's not going to happen, it's 3 not going to spread like that, so there's no 4 concern there. 5 I would also like to point out as a 6 veteran -- 7 PRESIDENT CARSON: Wrap it up. 8 MR. GOODWIN: As a veteran, we need to look 9 at the long-term stain sustainability of this -- 10 it's not like fracking -- as a national 11 security, as a matter of patriotism. We need to 12 start doing long-term energy to support our 13 future generations, and if not here, where? 14 Thank you. 15 (Applause.) 16 PRESIDENT CARSON: Thank you. John Combs. 17 MR. COMBS: My concerns have been 18 adequately addressed by the attorneys, so I 19 don't want to use your time. 20 PRESIDENT CARSON: Thank you. Thank you 21 for that. I want to remind everybody, you know, 22 if you're coming up to state a comment that has 23 already been stated -- you know, if you don't 24 have something new to add to reflect on this 25 conversation, I'd like you to do like Mr. Combs,</p>

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<p style="text-align: right;">117</p> <p>1 and bypass it. Brianna (Phonetic) Harsh. 2 MR. HARSH: I think you're talking about 3 me. That happens all the time. 4 PRESIDENT CARSON: I can't read your 5 handwriting. 6 MR. HARSH: 720 North State Street, 7 Greenfield. 8 PRESIDENT CARSON: Yeah. 9 MR. HARSH: That's me. 10 PRESIDENT CARSON: I'm sorry, I can't read 11 your writing. You must also be a doctor. 12 MR. HARSH: I don't write well like that. 13 PRESIDENT CARSON: Nancy Smith. 14 MS. SMITH: I'll make this real quick from 15 Carpenter Realtors. I think my letter has been 16 pretty well vetted tonight, but I will one 17 statement to it -- no, I cannot positively say 18 that property values will go up or down, but I 19 can say that I talked to my peers in other 20 counties that have solar farms. 21 In every case, I was told that it was a 22 nonissue. It did not affect any property 23 values. It did not affect being able to sell 24 properties, so I wanted to give that statement 25 out.</p>	<p style="text-align: right;">119</p> <p>1 have to go to court and fight the same battle 2 latter. And using your own examples for -- your 3 own reasons for turning it down at the last 4 meeting. 5 So, No. 1, you said the farm is not 6 consistent with the Shelby County Comprehensive 7 Plan. Well, I read all 292 pages, and in the 8 first 40 pages, there are about seven different 9 areas that give permission for projects like 10 there. So, in your mission statement, you say 11 recognize diversity in all aspects of the 12 community by promoting the benefits or allow our 13 differences for balance growth by anticipating 14 the changing needs of our community. 15 It also says embrace innovation by 16 providing -- providing a foundation for new 17 ideas. Also, the definition of prime -- prime 18 farm given on Page 46, Paragraph 3, says that 19 the land contains quality soil and drainage. 20 There's not reason, as Ranger Power has 21 provided, that this will change the quality of 22 soil or drainage. 23 You're interim review statement notes that 24 you can revisit the plan if there's a major 25 change in the community, like the number of</p>
<p style="text-align: right;">118</p> <p>1 (Applause.) 2 PRESIDENT CARSON: Thank you, Nancy. Jimmy 3 Lardin. 4 MR. LARDIN: Hi, I'm Jimmy Lardin. I live 5 on 1412 South Greenview Court, Shelbyville, 6 Indiana. I'm with the Shelby County Citizens 7 for Power Progress, which is a coalition of over 8 200 members in support of the project. I have 9 degrees in political science and environmental 10 studies from Butler University. 11 Until about a week ago, I worked for 12 Indiana's largest environmental policy group. 13 Specifically, working with attorneys to protect 14 people from environmental projects that harm 15 local communities. I can assure you this is not 16 one of those projects. 17 I understand that you have a very -- very 18 tough job. You're in a sticky situation, and so 19 I will make this as easy for -- as for you as 20 possible, using the only reasons -- part of the 21 reasons you turned down the application before, 22 and I want to convince you that it's not worth 23 your time -- I'm sorry. I guess I'll slow down. 24 So I'll reiterate. 25 I want to make your job easy so you don't</p>	<p style="text-align: right;">120</p> <p>1 people shows that's the case here. Objectives 2 No. 4 and 5 specifically recommend that rural 3 communities do what's in their best interest 4 regarding utilities and private investment for 5 the public good. 6 Section 2, Page 25, gives farmers explicit 7 permission to promote alternate forms of income 8 on the property. 9 PRESIDENT CARSON: Three -- two minutes to 10 wrap it up. 11 MR. LARDIN: Okay. And then the most 12 important part of that is Section 2, Page 24 13 gives explicit to use ag space for energy 14 production. This is all in the comprehensive 15 plan as the reasons to turn this down. 16 I also want to address the fact that you 17 say the solar farm is not harmonious with the 18 area and is injurious to wildlife habitat -- you 19 don't have natural wildlife habitat on soybean 20 and corn fields because there's no -- 21 (Laughter.) 22 MR. LARDIN: What I mean by that is the 23 fraction -- like the deer and the rabbits and 24 occasionally seeing birds in the area, are a 25 fraction of what should be there as -- which is</p>

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1 a variety of plants and animals -- like humans,
2 animals need a variety of food.
3 The trees that -- the trees and green space
4 will be filled by Ranger Power around the
5 project, create more -- create more diversity
6 and improve the quality of habitat.
7 PRESIDENT CARSON: That's three minutes.
8 MR. LARDIN: Last point. So the farmers
9 who are against this -- I know a lot of you
10 don't like to identify with climate change and
11 maybe you don't think it's real, that's fine,
12 but the matter of the fact is that climate
13 change will reduce your crop yields and will
14 decrease the value of the land that you're so
15 desperately clinging to.
16 I also just want to say, again, as a young
17 person, the amount of people that you're forcing
18 out of our community because we want more
19 progressive and more thoughtful -- let
20 government -- like the economic value of that is
21 frankly -- thank you.
22 (Applause.)
23 PRESIDENT CARSON: Ralph Edwards.
24 MR. EDWARDS: My issue has been pretty much
25 addressed. I live at 6215 East --

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1 PRESIDENT CARSON: State your address for
2 the record, please.
3 MR. EDWARDS: My name is Ralph Edwards. I
4 live at 6215 East 700 North. It's at the
5 intersection of 625 and 700 North. My property
6 is situated on the highest point in Shelby
7 County. I'm dead in the heart of this proposed
8 site.
9 Because of the elevation of my property, I
10 can see for miles in every direction, and I
11 would just be totally surrounded 360 degrees by
12 solar panels, and it would be no different than
13 being surrounded by warehouses, or the effect it
14 would have.
15 We've heard a lot of things about property
16 value up here, but most of them have just been
17 assumptions and there's been no guarantees made.
18 Now, if Ranger Power believed everything they
19 were saying about the property values, then they
20 should post a bond guaranteeing our property
21 values, would probably take away some of the
22 problems --
23 (Applause.)
24 MR. EDWARDS: It would probably alleviate
25 some of the problems that we're having trying to

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1 get this thing passed for you. But there's been
2 no guarantees made. They refuse to purchase our
3 properties because they know they can't
4 guarantee it.
5 PRESIDENT CARSON: Thank you. Jennifer
6 Stout. By the way, Ralph, I want to compliment
7 the fact that you had 12 minutes of speech and
8 you held it to a minute and a half. Thank you.
9 MS. STOUT: So my name is Jennifer Stout,
10 and I live at 5152 North 700 East, right about a
11 half mile from the project, so I'll be able to
12 see it from my front door. The things I want to
13 cover tonight are the five points.
14 The first one talking about it must be
15 consistent with the purpose of the zoning
16 district in the Shelby County Comprehensive
17 Plan. In the plan, it states that the county
18 should discourage patterns of land use in
19 developmental -- and development that threaten
20 those elements that define Shelby County's
21 character.
22 Within the plan, agriculture uses are
23 defined as crop production, livestock, raising
24 of cattle, timber production, ag production,
25 storage centers, such as elevators, ag research,

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1 stables and wineries, and other natural and food
2 producing related activities, so it does not
3 meet that one, clearly.
4 The second one about public health and
5 safety morals, so the second point, I would love
6 for you to note that we live in tornado alley.
7 It is known -- why do you farm because it's
8 tornado alley? And in the last ten years, I've
9 bet I've seen four or five tornadoes come
10 through that -- not that area, but within miles
11 of there. Morristown has gotten at least two.
12 So when it talks about being in harmony
13 with adjacent landowners and talking about the
14 wildlife, defending the wildlife, and -- I saw a
15 bald eagle sitting in my front yard this fall.
16 My husband -- we just recently moved out there
17 within the last year. My husband, a deer walked
18 up to him -- I kid you not -- it was 5 feet,
19 10 feet, and we led it back into the woods.
20 That is going to stop that. They will not
21 travel that path. There's going to be fences.
22 There's no way for them to get through there.
23 When it talks about changing the character of
24 the district, I think it's pretty obvious that
25 it changed the character of the district. I

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1 used to work with CGS, and we put -- one of
2 things they had to do was plant trees. It took
3 15 years for the trees to get where you can't
4 see anything. So the trees --
5 PRESIDENT CARSON: Please close out.
6 MS. STOUT: Okay. I will close out with --
7 in closing out, I would like to say that as a
8 resident who moved to this area -- I was proud
9 to come back to Shelby County after college. My
10 husband moved here with me, and contributed the
11 majority of his teaching career with this
12 county. My family is engaged in the community
13 and has had numerous contributions made to
14 Shelby County.
15 But I would tell you at this point, I'm
16 embarrassed. I'm ashamed of what has taken
17 place over the last six months -- not the
18 project itself, but the desperate moves that
19 have been made that would be willing to
20 jeopardize the integrity of Shelby County and
21 Union and Hanover Township.
22 Within the political system, by removing
23 people from the boards to get the votes they
24 desire. I know that other counties have noticed
25 because it has been -- I work in Hancock County,

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1 so it's been noted -- I'm almost done -- and,
2 especially, younger generations are watching our
3 every move, and I'm sad to see the lengths that
4 we will go in order to manipulate things to fall
5 into categories that they don't fall into just
6 to get the vote for a few people to profit.
7 Thank you.
8 (Applause.)
9 PRESIDENT CARSON: Mike McDaniel.
10 MR. MCDANIEL: I request my two minutes go
11 to Ann Sipes who is sitting right up there.
12 (Applause.)
13 PRESIDENT CARSON: Rex Kuhn. Thank you,
14 Rex. Phil Stout.
15 MR. STOUT: I know this project is supposed
16 to be about fact and fact finding, and what
17 we've seen over the last few minutes, I think,
18 has totally taken a different outlook.
19 PRESIDENT CARSON: Go back and state your
20 name.
21 MR. STOUT: But I'm going to read this as
22 quick as I can. I'm Phil Stout, 5962 East 600
23 North. But this project was started by a couple
24 of families with a plan against this community.
25 It involved a company, convinced the others to

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1 buy in and keep the plan a secret from the
2 community until it could be shoved through
3 without much opposition, then our politicians
4 got involved, and evidently decided this company
5 should help develop the Solar Ordinance, which
6 had been brought up before.
7 It's not an ordinance to protect Shelby
8 County, it's to protect them. They had no facts
9 and still don't, so they were turned down. So
10 now it appears all has become political. With
11 the help of our county elected officials, which
12 some have direct interest in the project, which
13 has outreach to our community.
14 All the people around can see what's going
15 on, and it may be aboveboard, but it -- as one
16 of the commissioners told me, it smells bad.
17 (Applause.)
18 MR. STOUT: If it was such a good company
19 that wanted to come in and promote Shelby
20 County, why have they done all the things
21 they've done? They've politicized the school
22 system, to turn our backs on our neighborhood.
23 We've got 25, 30 kids living out there. What if
24 the school system loses two to three kids,
25 they've lost all that 600,000 which Ranger Power

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1 has given them.
2 So it's not about them benefiting from this
3 plan. We went through that in the council
4 meeting. They're going to get allotted so much
5 from the state, unless we see what maybe the big
6 picture is and what they're planning on doing
7 with Shelby County.
8 And somebody already mentioned, with all
9 the land they want to get -- and this would be
10 the mistake that ends Shelby County, if we buy
11 into this, to ruin our farm ground. And then
12 the last thing I want to say -- to complete
13 this, I don't know what you want to call it --
14 I've got 15 seconds?
15 PRESIDENT CARSON: Yeah. Wrap it up.
16 MR. STOUT: Okay. The county council
17 removed a BZA member right in the middle of a
18 high-profile project days after she was elected
19 president of the BZA -- why -- because she voted
20 no? I think the community wants that answer.
21 (Applause.)
22 PRESIDENT CARSON: Are you about to wrap
23 up?
24 MR. STOUT: Just about.
25 PRESIDENT CARSON: Just about ten more

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1 seconds.
2 MR. STOUT: I can't finish what I want to
3 say?
4 THE AUDIENCE: You can have my turn.
5 PRESIDENT CARSON: No. We don't have other
6 people -- wrap it up quick.
7 MR. STOUT: Okay. This board voted no
8 because there are no facts of findings to
9 support the project. It defies the
10 comprehensive plan. It puts this community at
11 risk, and it will ruin 1,200 to 1,500 acres of
12 some of the best food producing farmland in this
13 country.
14 I hope that the board stays -- looks at the
15 facts and stays away from the scandalous
16 propaganda and unethical activities that have
17 taken place. Please consider all the families
18 of Shelby County in this community.
19 (Applause.)
20 PRESIDENT CARSON: Teresa Earnest.
21 MS. EARNEST: I'll pass. What I was going
22 to say was basically said.
23 PRESIDENT CARSON: Thank you. Thomas
24 Myers.
25 MR. MYERS: Good evening. My name is

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1 Thomas Myers. I live at 510 South Muller
2 Parkway, Bloomington, Indiana. My generation --
3 my family has lived here for generations. I
4 have since moved away, but I'd like to return
5 some day, but that's hard due to economic
6 opportunities.
7 It's my opinion that investing in the solar
8 farm is the right sort of move that will create
9 the sort of jobs, that will have attractions for
10 people like myself, and create a new future for
11 this county. That's all. Thank you.
12 PRESIDENT CARSON: Thank you. Julie
13 Hanson. Julia -- is Julia here? 766 North
14 McKay Road; right?
15 MS. HAMBLIN: 766 West McKay Road.
16 PRESIDENT CARSON: West?
17 MS. HAMBLIN: Yes. So I'm Julia Hamblin
18 from 766 West McKay Road. I'm here on behalf of
19 the Indiana Farm Bureau and of the Indiana FAA.
20 I'm the president of our chapter, Shelbyville
21 Central.
22 I've had the honor to hear both sides of
23 this situation. My ag teacher informed me of
24 the pros and cons of this solar farm this
25 morning. And now that I've been able to hear

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1 both sides -- I could stand here and tell you
2 how I'm for or against this, but instead I want
3 to talk about agriculture and what it truly is,
4 because one thing I have heard multiple times is
5 that this solar field farm is industrial and not
6 agricultural.
7 I just want to point out -- now, I live on
8 both sides of the story. I live in the city,
9 but we also have a farm out in the country near
10 where this will be build. And so solar farming
11 is still farming. It is still agriculture. The
12 misconception of agriculture is that ag is about
13 trailers, trucks, tractors, cows on cows, but
14 that is so false.
15 Agriculture is all around us, not matter
16 what. It's what we eat, what we wear, it's how
17 we do our jobs. No matter what we do, even if
18 you are farmers or not. So, in the end, this
19 solar farm does involve agriculture, and I truly
20 believe that, with even the new agriscience
21 program at Shelbyville Central High School and
22 middle school has, as well as all the other
23 county schools here in Shelby County.
24 This solar farm can provide a tremendous
25 amount of agricultural opportunities for our

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1 youth today, and even for our adults now. Thank
2 you.
3 (Applause.)
4 PRESIDENT CARSON: Ann Sipes is our last
5 speaker.
6 MR. HOUSE: Mr. Speaker, our court
7 reporters, both of them, are just dyeing.
8 PRESIDENT CARSON: I know. I know. I
9 apologize.
10 MR. HOUSE: And I --
11 PRESIDENT CARSON: No, we -- partially
12 because we put the time restriction. They're
13 trying to talk fast. We only have one more.
14 Are your fingers okay? Ann Sipes is our last
15 speaker.
16 (Applause.)
17 PRESIDENT CARSON: Thank you, Ann. I think
18 Ann's well aware that we try to work through the
19 rules; right, Ann?
20 (Applause.)
21 MS. SIPES: Okay, Kevin. My name is Ann
22 Sipes. I live at 2345 Little Blue Road in
23 Shelbyville. And, first off, I want to thank
24 you board members for the courtesy of exempting
25 me from the two-minute rule.

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1 PRESIDENT CARSON: Great shot, Ann.
2 MS. SIPES: I'm sorry. Our Unified
3 Development Ordinance is our constitution for
4 zoning. It can be amended, but when it is
5 amended, the original basic right or intent is
6 not removed.
7 Under district intent in our UDO, the
8 instructions for the BZA for A1 and A2 districts
9 states protect the integrity of -- of land and
10 operations within the conversation evasion
11 district and the agricultural district.
12 The definition of A1 -- I'm sorry, I have
13 allergies -- the definition of A1 is prime ag
14 land that should be protected from development.
15 The plan commission is to maximize protection
16 standards.
17 The BZA district intent constructions for
18 RE, R1 and IS zones states allow a special
19 exception use only when it is compatible with
20 the surrounding residential uses. One of the
21 main points in the UDO is the protection and
22 conservation of agricultural land and its use as
23 agricultural land.
24 PRESIDENT CARSON: Do you need a drink?
25 MS. SIPES: No, I'm fine. Thank you. It

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1 is the responsibility of the BZA to protect our
2 ag land. Solar projects to capture the energy
3 from the sun are not an agricultural use. They
4 do not use the characteristics of the soil to
5 grow crop.
6 Food is a necessity of life. We are losing
7 farm ground every day to development, and our
8 population is increasing. Thirty years times
9 1,200 plus acres of production of crops yields a
10 lot of food. Solar energy is a greener means to
11 create electrical -- electrical energy, but is
12 it worth the sacrifice of prime ag land?
13 The technology to produce solar energy will
14 likely change. Panels are likely to get smaller
15 and smaller as the ability to convert solar
16 energy becomes more sophisticated and thereby
17 reducing the acreage required.
18 It may even change within five years.
19 Speedway Solar promises the decommissioning of
20 this project in 30 -- in 30 or 40 years. Thirty
21 years is an entire generation. I would most
22 likely be dead, along with many people in this
23 room, so this project is permanent to me.
24 Additionally, the actual act of removing
25 the solar equipment will damage the land by

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1 compression of soil, by the equipment, and
2 pulling posts will churn up the clay to the
3 surface and thereby damaging the topsoil.
4 One of my neighbors will not even allow me
5 to ride my horses on his property because of the
6 decompression of the soil.
7 BOARD MEMBER: How close are you, Ann?
8 MS. SIPES: I'm sorry?
9 BOARD MEMBER: How close are you?
10 MS. SIPES: I only have two more pages.
11 THE AUDIENCE: Give her time.
12 MS. SIPES: I'm taking the time that people
13 gave up.
14 THE AUDIENCE: There you go.
15 MS. SIPES: Only one more -- only one
16 finding --
17 (Applause.)
18 MS. SIPES: Only one finding will be
19 inconsistent with the findings of fact, which
20 are standards, in order to deny a special
21 exception, and that's according to the state
22 statutes.
23 So let's talk about the findings. The
24 special exception is not consistent with the
25 purpose of the UDO. The foremost purpose of the

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1 UDO is to protect the citizens and land who are
2 under the jurisdiction of the county plan
3 commission.
4 The protection and conservation of ag land
5 is prominent throughout our UDO. The simple act
6 of applying for a special exception, just
7 because an ordinance is in place for that
8 district, does not automatically mean that the
9 BZA is required to grant a petition. If this is
10 the case, then why do have standards? The
11 Petitioner has to meet the standards set forth.
12 The health risk in this commercial industry
13 of solar projects of this size are, in my
14 opinion, too new to be realized. This solar
15 project is not in harmony with adjacent land
16 uses. Most of the adjacent land use is
17 agricultural, meaning row crops. Even though
18 some of you will call this a solar farm, solar
19 panels do not grow.
20 PRESIDENT CARSON: Ann, we're at five
21 minutes now.
22 MS. SIPES: Okay. Kevin, you promised me I
23 could speak. Remember that conversation.
24 THE AUDIENCE: Let her talk.
25 PRESIDENT CARSON: Speak. Go.

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1 MS. SIPES: They do not require the
2 nutrients and texture of the soil that we are
3 blessed with here. They are visually stoic and
4 they're manmade. This area is basically free of
5 manmade structures, except for the residences
6 and ag-related structures, which are in close
7 relationship to the zoning and supportive of the
8 culture. There are no commercial uses within or
9 surrounding the area of this project except for
10 agricultural.

11 There is a substation occupying less than
12 half an acre within the bounds of the proposed
13 project. Substations are not zoned but simply a
14 utility. There are also transmission lines in
15 this area, and transmission lines are also
16 considered a utility. Transmission lines are
17 placed by eminent domain.

18 These structures cannot be considered a
19 commercial use. The character of the area is
20 agricultural and residential. Solar panels are
21 not an agricultural use, nor a residential use,
22 nor are they in character with the use of the
23 soil, and they are not considered a utility.

24 Now, let's get to property values. Common
25 sense, which we have here in Shelby County, will

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1 tell you that when you try to hide something,
2 you set back some buffers, it probably has
3 qualities that are unbecoming, and unbecoming
4 qualities suggest lower property values.

5 PRESIDENT CARSON: Ann, we've heard the
6 property values. Can you just go to the point?

7 MS. SIPES: Okay, but --

8 PRESIDENT CARSON: We need to finish up
9 here.

10 MS. SIPES: Solar fields --

11 PRESIDENT CARSON: After this, we'll leave
12 your --

13 MS. SIPES: Kevin, one at a time. Solar
14 fields and projects are not compatible with
15 residential uses because property values are
16 substantially reduced.

17 For example, if you want to buy a piece of
18 property and you have two options with similar
19 features in pricing but one is adjacent to a
20 solar field, which would you buy? I have asked
21 this question of many people in Shelby County,
22 and none of them, I don't believe, are in this
23 room, and everyone, except one, who didn't care,
24 said that they would prefer that the property
25 was not close to a solar field. That's pretty

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1 telling. Last page. Let's talk about jobs.

2 PRESIDENT CARSON: Let's keep it -- let's
3 keep -- one more minute, Ann.

4 THE AUDIENCE: Come on.

5 MS. SIPES: I'm going to keep talking,
6 Kevin.

7 THE AUDIENCE: You owe it to her.

8 MS. SIPES: Workers have already begun on
9 this project, in the form of attorneys,
10 surveyors, engineers, research analysts -- how
11 many of those people live in Shelby County? How
12 many of the construction crew will live in
13 Shelby County on a permanent basis? The
14 construction jobs will be temporary jobs.

15 I believe the number of permanent jobs will
16 be 2 to 4, but not really sure. What about the
17 permanent jobs lost that were in place now,
18 especially, if solar -- several solar projects
19 are allowed?

20 Jobs like farm equipment, sales and
21 services, tire and gasoline sales, seed and
22 fertilizer sales and farm workers, many of these
23 people are permanent residences -- permanent
24 residents here in Shelby County, and their
25 children are in our schools. They shop at our

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1 local groceries and they support local business.
2 The trickle down effect could be significant.

3 This project is simply too big. If we
4 allow this project, it is likely that others
5 will follow. God has blessed this land with
6 rich soil, adequate rain, and sunshine to grow.
7 Many people all over the world go to extremes to
8 establish crop land because it is sold away.

9 Here in the US, we are losing crop land to
10 development at an alarming rate. Shouldn't we
11 use our land for its best use and for the
12 greatest good? And what about POET? What would
13 they promise to establish business here?
14 Shouldn't we honor them by supplying products to
15 them?

16 In my opinion, solar panels should be
17 placed on marginal land, or not on farm land at
18 all. Solar panels can be placed almost
19 anywhere, even on highways, waterways and
20 oceans. Why establish solar panels on rich farm
21 ground?

22 You may have a substation, and transmission
23 lines are right there, and I would argue that
24 those are manmade and can be constructed almost
25 anywhere. This ground is identified as prime ag

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1 land, and it's best suited for agricultural
2 purposes.
3 Finally, I ask you board members to
4 consider the following stipulations: Limit the
5 size of the Speedway Solar project to 100 acres
6 and create a 2-mile or more protective perimeter
7 to be in place around and adjacent to the entire
8 project that would prevent any additions to the
9 project in that area. Even with these
10 stipulations, I would ask that you vote no.
11 Thank you.
12 (Applause.)
13 PRESIDENT CARSON: Thank you. I want the
14 audience to -- the fact that we allowed Ann more
15 than ample time, I'm sorry. It's really out of
16 respect for the fact that Ann served on this --
17 on this board for many years. So I assume Lee
18 will forgive that, too; right?
19 MR. J. LEE McNEELY: Sure.
20 PRESIDENT CARSON: Thank you. So that
21 being concludes all of the -- to my knowledge,
22 all the people that signed up for public
23 comment. So, at this point, we are going to
24 close the public comment portion of the meeting,
25 and now it's time for Lee McNeely or his team to

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1 come back for rebuttal for comments or questions
2 that were raised during that period.
3 MR. J. LEE McNEELY: We'll make this --
4 we'll make this very brief, and then we'll
5 answer questions from the Board. We've got a
6 couple of minutes in response to some of the
7 technical objections that were made, and then
8 we're ready for questions from you.
9 MS. SOLADA: Yes. Good evening, Members of
10 the Board. Again, Mary Solada. I'm the
11 co-counsel with Lee McNeely, and I will -- try
12 to be very brief here. You've heard a lot of
13 information this evening and, frankly, some of
14 this is confusing.
15 It's confusing because we have overlapping
16 ordinances. It's confusing because we have
17 findings of fact. It's confusing because we
18 have case law. We have statutory law. So if
19 you would allow me a moment -- I think it's very
20 very important that we go back to the ordinance.
21 This was the Solar Ordinance that was adopted in
22 2018.
23 It's important because this is the most
24 controlling legal document we have for purposes
25 of application, or interpretation, and decision

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1 making tonight regarding this special exception
2 application.
3 I think it's terribly important that we
4 call out to you the fact that there are five
5 agricultural districts where it specifically
6 references that a solar project may be
7 permitted. So I don't think there's any
8 question that the ordinance contemplates a solar
9 project in agricultural district.
10 I also think it's very clear that we have
11 exceeded the standards of this ordinance, in
12 terms of landscaping, buffer, decommissioning,
13 which, by the way, the ordinance requires a
14 decommission plan at the time of the approval of
15 the application. We have submitted it far in
16 advance of that, so I wanted to make that point
17 clear.
18 I also wanted to make clear that there was
19 mention of a technical advisory committee -- I
20 think the ordinance is clear, that that happens
21 when we have drainage calculations. That is
22 much closer to construction. We're not there
23 yet.
24 So, in sum, there have been some questions
25 about the special exception but, again, we think

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1 it's very clear under the ordinance that it is
2 meant to apply, at least be considered for
3 agricultural land.
4 In terms of the two variances, need, again,
5 to make something very clear, which is that your
6 general ordinance says regarding special
7 exceptions that there is four -- or I'm sorry,
8 two years to commence construction -- we are
9 seeking four years, so I wanted to point that
10 out.
11 And then, lastly, of course, we have the
12 last variance for the lot coverage which, again,
13 we think it was about 17% coverage versus 15%.
14 So we think -- and I have not talked to
15 Mr. McNeely, but that would probably make sense
16 for Mark and Desiree to have separate ballots
17 for each of the three applications. Okay. Very
18 good. I'm happy to answer questions. Thank
19 you.
20 PRESIDENT CARSON: Now questions from the
21 Board.
22 BOARD MEMBER WARNECKE: Do you have an
23 engineer or engineer firm present?
24 MR. PRIEBE: Yes.
25 MR. SVEDLOW: Yeah.

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<p>145</p> <p>1 THE REPORTERS: You have what? 2 BOARD MEMBER WARNECKE: Engineering. 3 THE REPORTERS: Engineering firm. 4 MR. J. LEE McNEELY: You have a question? 5 BOARD MEMBER WARNECKE: Yeah. Let's talk 6 first on the water assessment and drainage. 7 Now, we -- when we think about drainage, we 8 think about pavements, buildings, that sort of 9 thing. The question on these panels, is the 10 water flow changed significantly, in that the 11 amount of water that hits the ground before the 12 panels are in place and then after the panels 13 are in place, the amount of water does not 14 change, but my question is: Do the panels 15 channel that water in a different way than it 16 would have naturally fallen on this property in 17 the first place? 18 MR. PRIEBE: It doesn't extend. 19 THE REPORTERS: Identify yourself. 20 PRESIDENT CARSON: Wait a minute. State 21 your name for the record. 22 THE REPORTERS: Identify yourself. 23 MR. PRIEBE: My name is John Priebe. I'm 24 project director for AECOM. And good question, 25 a couple of competing things that are happening.</p>	<p>147</p> <p>1 (Mr. McNeely nodded.) 2 BOARD MEMBER WARNECKE: So I just wanted to 3 bring out -- I just want to bring that out 4 because it is a concern that -- the Drainage 5 Board will make that final determination, and if 6 you -- you understand that if you can't mitigate 7 that issue, that's one of the things that would 8 prevent this from going forward -- 9 MR. PRIEBE: Sure. 10 BOARD MEMBER WARNECKE: -- post this; 11 right? 12 MR. MARK MCNEELY: Correct. 13 BOARD MEMBER WARNECKE: Okay. Just wanted 14 to make sure everybody understood that. We 15 don't decide that, you don't decide that, the 16 Drainage Board decides that, and we are curious 17 how that water moves and are you looking at that 18 water? 19 MR. PRIEBE: Yes. 20 BOARD MEMBER WARNECKE: Okay. So my second 21 question, there's been some concerns that 22 reference pollution, I'll put it that way, or 23 chemical runoff, or contaminants that come off 24 the solar panels. Now, I'm a little unclear, 25 does that happen, and if so, what kind of --</p>
<p>146</p> <p>1 The biggest offset is that when you are 2 comparing existing cropland drainage to a dense 3 surface as will be created for this project, you 4 are decreasing the amount of runoff from offset. 5 That's offset by the fact that you do have 6 some impervious surface from the panels. 7 However, as the water drips down, you still have 8 the benefit that infiltration -- that happens. 9 But regardless of the mechanism, we can talk 10 about how we are going to model this site. 11 We are going to model the drainage to 12 demonstrate compliance with the ordinance, and 13 the ordinance says that we are going to hold 14 back anything from a 10-year storm to a 100-year 15 storm -- we're going to hold that back to the 16 existing conditions of the 10-year storm so that 17 we can confidently -- the onus is on us to 18 demonstrate that to you, that we've met that 19 condition of your ordinance. 20 BOARD MEMBER WARNECKE: You do not have to 21 demonstrate that to us. You have to demonstrate 22 that to the Drainage Board. 23 MR. PRIEBE: Correct. 24 BOARD MEMBER WARNECKE: Okay. So, Lee, you 25 understand that? You understand that?</p>	<p>148</p> <p>1 what are the chemicals? 2 MR. PRIEBE: It does not. There's multiple 3 studies that show the panels themselves do not 4 leach. You know, there are materials in the 5 panel that are -- have some level of concern, 6 however, it's within a manufactured product. 7 It's within its control and it's designed to 8 stand up to the elements over an extended period 9 of time. So, you know, whereas we can talk 10 about concerns the panels themselves, there's no 11 evidence of any groundwater -- impacted any 12 sites that have been studied. So we don't think 13 that that -- you know, we've looked at that, and 14 we don't think that that is a considerable issue 15 for those solar sites. 16 BOARD MEMBER WARNECKE: The -- now, this is 17 a new issue that I've heard before, and that -- 18 it's been addressed a couple of different ways 19 are these panels flammable? 20 MR. ENDRES: No, they are not. 21 MR. J. LEE McNEELY: This is Pete Endres 22 from Ranger. 23 MR. ENDRES: Pete Endres with Ranger Power, 24 the project manager. No, it's not a flammable 25 substance.</p>

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<p>149</p> <p>1 (Comments from the audience.) 2 BOARD MEMBER WARNECKE: Whoa, folks. 3 PRESIDENT CARSON: The public portion of 4 the meeting is closed. 5 BOARD MEMBER WARNECKE: So you just heard 6 an objection to that. I guess put enough heat 7 on anything, it'll burn, but are they -- I'll 8 ask that question again: Are they considered 9 flammable, meaning they can be ignited from a 10 source of electricity or a lightning strike, 11 whatever? 12 MR. SVEDLOW: Yes. My name is Aaron 13 Svedlow with DESRI, asset manager for DESRI. 14 The panels themselves are not considered 15 flammable in the sense that -- I think you were 16 talking about -- the gentleman who spoke 17 earlier -- the Navy engineer described it 18 accurately. 19 I think there's always potential for 20 electrical conditions, albeit very rare and 21 uncommon and not something that we see, to cause 22 fire in any electrical equipment, but the panel 23 themselves are not flammable. 24 If an issue arises in one panel, for 25 example -- again, we operate almost two</p>	<p>151</p> <p>1 THE AUDIENCE: Why? Yeah. 2 PRESIDENT CARSON: Nope. 3 MR. J. LEE McNEELY: Well, for a number of 4 things, because this is -- this is -- we're not 5 a real estate operation. This is a solar 6 operation for generating electricity, and not -- 7 I mean how far does it go? Do we buy the house? 8 Do they buy the farm? Do we buy the adjacent 9 farm, et cetera, et cetera. 10 This is a project that stands on its own, 11 and that is not a condition to be attached to 12 that. No, I've never known -- and I have done 13 this since 19 -- a long time, but there's never 14 been a condition or a requirement like that 15 placed on any project that ever came to Shelby 16 County, and that would be -- something that 17 would be not tolerable here. 18 PRESIDENT CARSON: Unless it would be 19 self-imposed; right? 20 MR. J. LEE McNEELY: Sir? 21 PRESIDENT CARSON: Unless it would be 22 self-imposed? 23 MR. J. LEE McNEELY: Yeah. 24 BOARD MEMBER DOUGLAS: I understand earlier 25 that this project is about 200 megawatts?</p>
<p>150</p> <p>1 gigawatts for solar projects, and we do not see 2 this. It would not spread to the next panel. 3 It would be an isolated incident. So to answer 4 your question -- you know, I'd say they're 5 flammable, to an extent. 6 BOARD MEMBER WARNECKE: Thank you. That's 7 all I have. 8 PRESIDENT CARSON: I have a question for 9 Lee and his crew. If you are so convinced -- 10 and I think somebody else made this comment, 11 too -- it's something that someone is going to 12 bring up, if you're so convinced that -- let me 13 go back -- you have -- I think you have made 14 arrangements with 20 of 37, or is it more now, 15 of the people within the project that you've cut 16 deals with? 17 MR. J. LEE McNEELY: Some, yes. 18 PRESIDENT CARSON: Okay. Okay. So that 19 leaves 17 out potentially. If you're convinced 20 that the property values will not adversely 21 change, have you offered, or would you offer to 22 any of the other residents in that area the 23 opportunity to purchase their property at fair 24 market value? 25 MR. J. LEE McNEELY: No.</p>	<p>152</p> <p>1 MR. J. LEE McNEELY: Yes. 2 BOARD MEMBER DOUGLAS: What's considered a 3 utility size project? 4 MR. J. LEE McNEELY: Pete will be talking 5 to that. This is Pete Endres, again, with 6 Ranger Power. 7 MR. ENDRES: You might get different 8 answers to that from different developers, but 9 in our case, probably anything perhaps above 2 10 megawatts or so would be the utility scale. 11 BOARD MEMBER DOUGLAS: Two? 12 MR. ENDRES: Yeah. It depends on the state 13 that you're operating in and the market that 14 you're working in as well. There's no hard and 15 fast number that is the definition for a utility 16 scale. 17 BOARD MEMBER DOUGLAS: And what's the size 18 of the Madison County project? 19 MR. ENDRES: I think that there are at 20 least two in Madison County that are -- and I'm 21 only familiar with the one that's 8 megawatts. 22 That's the one that's referenced -- yeah, it has 23 residential properties surrounding it. 24 BOARD MEMBER WARNECKE: I didn't hear that. 25 How many?</p>

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1 MR. ENDRES: Eight, I think.
2 BOARD MEMBER DOUGLAS: And there's nothing
3 that prohibits another company coming in and
4 attaching on to this or parallel? I think I was
5 under the impression earlier that the utility
6 commission was tapping this 200 megawatts, so
7 that's not quite right.
8 MR. ENDRES: So what we've offered a
9 condition to the project as one of our voluntary
10 conditions, that we will cap the project size
11 and not plan any additional phases beyond what
12 we're talking about tonight within Shelby
13 County.
14 Clearly, we can't control what another -- a
15 third party does but, however, from -- speaking
16 from a development standpoint, I think it would
17 be very very unrealistic that another developer
18 would try to locate in our location.
19 We have land around the substation leased.
20 They would have to acquire rights from us to get
21 across that property and -- and we've also done
22 studies on the utility grid that show that the
23 200 megawatts that we're proposing is roughly
24 the limit of what you can get into the systems
25 size there without creating cost prohibitive

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1 upgrades on the system.
2 BOARD MEMBER DOUGLAS: So if the company
3 wanted to lease that land from you, you wouldn't
4 lease it to them?
5 MR. ENDRES: That would conflict with our
6 own facility.
7 BOARD MEMBER DOUGLAS: Your facility is
8 already built. Why wouldn't you lease them
9 access to get on the power grid?
10 MR. SVEDLOW: So the interconnection --
11 MR. J. LEE McNEELY: Aaron, state your
12 name.
13 MR. SVEDLOW: Sorry, Aaron Svedlow with
14 DESRI. The interconnection of that substation,
15 there's only so much capacity. Think of it as
16 a -- as a pipe. It's got about 200 megawatts of
17 headroom in that pipe, we're going to fill it
18 up.
19 If another developer wanted to come in and
20 build any project, that pipe is already filled
21 up. So there would be expense -- potentially
22 very expensive upgrades required to expand that
23 substation in order for that other project to be
24 built.
25 Even if we were will to lease that property

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1 to another facility, the economics of it would
2 not be viable.
3 BOARD MEMBER DOUGLAS: And I understood a
4 hailstorm took out panels at Greensburg, which
5 is a very small field the last -- I don't know
6 when that was -- it was summertime when they had
7 a hailstorm go through there and they said they
8 knocked all those out. I haven't seen that
9 myself, but was told that.
10 MR. SVEDLOW: I hope they have the same
11 type of insurance that we get that covers that.
12 BOARD MEMBER DOUGLAS: And what is a
13 participating neighbor?
14 MR. PRIEBE: As we've spoken about tonight,
15 a participating neighbor is someone who we have
16 reached an agreement with as abutting property
17 owners to the project.
18 PRESIDENT CARSON: Have you ever had a
19 project fail or you had to turn back on?
20 MR. SVEDLOW: So the question is whether
21 we've had a project fail? Projects can fail
22 for -- for various reasons, but projects do not
23 typically fail when they have a power contract
24 and approval from a land use body like
25 yourselves.

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1 After that point, there is no good reason
2 for the project to fail. Projects would fail at
3 earlier stages before any significant investment
4 is made.
5
6 THE AUDIENCE: That wasn't the question.
7 MR. SVEDLOW: I'm sorry?
8 PRESIDENT CARSON: Have you had any fail?
9 MR. SVEDLOW: We have not. No, D.E. Shaw
10 has not had any projects fail.
11 PRESIDENT CARSON: How many projects have
12 you had approved? I think you said 3,800
13 megawatts.
14 MR. SVEDLOW: So, currently, DESRI, who
15 would be the owner/operator of this project,
16 owns and operates 31 projects currently, or is
17 working on additional ones. We have about -- I
18 think the total is 2,100 megawatts in operation
19 right now -- which is DESRI, who have additional
20 projects in development.
21 PRESIDENT CARSON: Do you sell off any of
22 your projects?
23 MR. SVEDLOW: DESRI does not. So DESRI is
24 in the business of owning and operating these
25 assets long-term, that is our business model, so

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<p>157</p> <p>1 we do not sell off our projects. 2 PRESIDENT CARSON: So DESRI would be the 3 person paying for the purchase of a bond, a 4 surety bond for -- naming Shelby County as the 5 payee in reference to any failure or 6 decommission. 7 MR. SVEDLOW: So the project entity is 8 Speedway Solar, would be the name on that bond, 9 but it would be supported by the financial 10 backers of the project, which is DESRI. 11 MR. J. LEE McNEELY: We indicated, as we 12 got started with this, DESRI is the D.E. Shaw 13 Renewable Investments, and they're the ones that 14 have over \$50 billion invested in these 15 projects. 16 PRESIDENT CARSON: We're just trying to 17 protect Shelby County right here. 18 BOARD MEMBER ACKLEY: That kind of goes 19 into my question concerning project longevity, 20 and have you -- you say you keep your projects, 21 you maintain your projects, you own your 22 projects, is that how you plan on going forward 23 with your business? This is not a project that 24 would be sold in, say, ten years to somebody 25 else where they would not have to live up to the</p>	<p>159</p> <p>1 longest -- what is -- what is the oldest project 2 you have right now? 3 MR. SVEDLOW: Good question. I want to say 4 a decade -- you know, 11 years, somewhere in 5 that range. 6 PRESIDENT CARSON: Lee, your photos alluded 7 to the fact -- you know, you talked about the 8 sheep in there, would you ever at any point in 9 time -- you were limiting it to the fact that 10 it's agricultural in nature, would you ever lend 11 to the idea that you are going to raise sheep or 12 cattle on that land? 13 MR. ENDRES: I can speak to that -- yes. 14 The short answer is yes. We've had several 15 landowners express interest in that, and so we 16 have committed to that, and it's what we 17 determined on their interest and their plans 18 that they set forth in the future. But, yeah, 19 that is done. It's not totally rare in this 20 industry. 21 PRESIDENT CARSON: If you were to do that, 22 would you have control lots so as to not destroy 23 the grass in there, because if you started 24 running cattle in there, the runoff would be 25 significantly higher.</p>
<p>158</p> <p>1 promises and the commitments that you make if 2 somebody else came in? Can you speak to that 3 just a little bit? 4 MR. SVEDLOW: So let me make sure I 5 understand the question. Two parts, we would 6 not sell off the project and then -- I think the 7 other part of is alluding to any commitments 8 that are made now, would -- would those hold 9 true moving forward? So that's part of the 10 reason why the -- the commitments are made in 11 the project's name. 12 We do not intend to sell this off. We, 13 typically, 99.99% of the time hold onto our 14 asset for the life of our project -- for the 15 life of the project. But in the rare 16 circumstance on something unforeseen and 25 17 years happens and it was sold off, all of the 18 commitments are made in the permit with all the 19 landowners, et cetera. 20 The decommissioning bond are in the name of 21 the bond and would carry forward regardless 22 of -- of who owns the asset. But, again, the 23 intention is for DESRI to own and operate the 24 asset for the life of the project. 25 BOARD MEMBER ACKLEY: What is your</p>	<p>160</p> <p>1 MR. ENDRES: I would agree with that point, 2 and I think there would be lots of details that 3 would have to be worked out -- as with any 4 agricultural plan, there would have to be a 5 management plan and so forth to rotate 6 through -- and graze and so forth. That would 7 all be part of the requirements that we would 8 work out, yeah. 9 BOARD MEMBER DOUGLAS: I believe on Page 10 30, of the Decommissioning Agreement, it says 11 wherein the company shall post a performance or 12 a surety bond or a letter of credit for the net 13 cost of removal. Our ordinance strictly says 14 surety bond, and I was told DESRI, that -- there 15 was some arguing about this, and that was left 16 in there -- for what reason? 17 MS. SOLADA: Well, I'll take some of the 18 blame for that. A letter of credit, as I'm sure 19 you are aware, is really a superior financial 20 instrument. It's much more difficult to obtain 21 a letter of credit, it's more pricey, and it's 22 also a really stronger assurance. So we felt 23 leave it in, if the Board wants us to strike 24 that language, we can, but we felt that it 25 benefits the Board to have that option going</p>

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1 forward.
2 BOARD MEMBER DOUGLAS: I'm not
3 knowledgeable on that, Mark; is that correct?
4 MR. MARK MCNEELY: From what I understand.
5 MS. SOLADA: And by the way, that's a
6 financial instrument that most wind companies in
7 Indiana, and -- where we focus on quite a few of
8 them, have provided -- most counties are very
9 happy to have the letter of credit versus a
10 bond. So, again, it's -- it's totally your
11 choice.
12 MR. J. LEE McNEELY: It's a superior
13 financial instrument. A letter of credit speaks
14 exactly to the language of the letter of credit
15 and it's essentially negotiable at that point.
16 Again, if you don't want it, you don't have to
17 take it, but for Shelby County, I would think
18 that would be a superior instrument.
19 BOARD MEMBER DOUGLAS: Do you do both or
20 one or the other?
21 MS. SOLADA: I think they do want the
22 option, when we get there, to have one or the
23 other, because, you know, some of the devil is
24 going to be in the details here, in the sense
25 that before we obtain an approval or location

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1 permit, we have to provide to Mark and to DESRI
2 these financial instruments.
3 I mean literally they will be on the
4 letterhead of Insurance Company X and Bank Y.
5 It will name Shelby County. Mark will have to
6 sign off to it. And so all of these things are
7 going to be, you know, under your direction with
8 Mark and DESRI as to your stamp of approval.
9 PRESIDENT CARSON: I feel as if the surety
10 bond might be a better instrument. I disagree
11 with you a little bit there, because if you go
12 to an insurance company for a bond of this size,
13 they are going to require the letter of credit,
14 review your financials in order to purchase
15 that. So I just feel like it's one more step of
16 safety for us.
17 MR. J. LEE McNEELY: Indeed.
18 PRESIDENT CARSON: If one more person looks
19 over your --
20 MR. J. LEE McNEELY: If that's your
21 preference, that's your preference, and we have
22 no objection to it.
23 MR. SVEDLOW: We're completely open.
24 MR. J. LEE McNEELY: Whatever you want.
25 BOARD MEMBER KLENE: We've heard two

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1 different things from the audience about --
2 about wildlife in the area. In the current
3 projects that you have, have you seen any
4 adverse effect on the wildlife?
5 MR. SVEDLOW: That's a good question. Our
6 projects are designed that minimize impact on
7 wildlife. There's been a lot of improvements in
8 types of fencing that can be used and the
9 approaches to how we manage and design these
10 projects.
11 Typically, we install a wildlife friendly
12 fence. It's got a gap at the bottom to let the
13 small critters in. Depending on the project
14 site, it's often not tall enough to prevent
15 large critters from getting in and out, and
16 we've found to be effective.
17 We have projects from New England to
18 Hawaii, and we have not had no significant
19 issues with wildlife associated with our
20 facilities. We do a lot of the work up front to
21 make sure we design the project in a way to
22 avoid and minimize impact.
23 BOARD MEMBER DOUGLAS: There is also
24 language in the plan on Page 42 about that the
25 county gives up all their rights if you would

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1 sell this, and somehow I'm uncomfortable with
2 that -- whether you never sell these projects or
3 not, but the language that's in -- says the
4 county has no rights on you selling this
5 project.
6 MS. SOLADA: Well, again, I can take the
7 blame for that. That's certainly not our
8 intention, and I'm happy to go over this
9 language now with you and with Mark, or Mark and
10 I can clarify it, but that's certainly not our
11 intention.
12 This language is intended, as it's been
13 stated, to apply to any successor in ownership
14 of the project. It's just the opposite. So if
15 I -- if there's a typo, we will correct it, but
16 I don't know that that's the case.
17 BOARD MEMBER DOUGLAS: I -- ma'am, I read
18 that, and I don't think it's a typo.
19 MS. SOLADA: Okay.
20 (Applause.)
21 BOARD MEMBER DOUGLAS: It's Paragraph C.
22 BOARD MEMBER: Do you have that in front of
23 you?
24 MR. ENDRES: Yeah. Can you tell us exactly
25 where you are?

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1 BOARD MEMBER DOUGLAS: It's Page 42,
2 Paragraph C.
3 MS. SOLADA: Which document, I'm sorry?
4 BOARD MEMBER DOUGLAS: It's in our --
5 MS. SOLADA: Okay. See, I don't have that.
6 It's the decommissioning plan under, let's see,
7 Article 5, miscellaneous section, Instrument 4C.
8 It starts out the company without the
9 consent of the BZA -- oh, okay, so what this is
10 saying is if the project were to be sold and if
11 the county were to approve the assignee, meaning
12 who they would theoretically sell to, then
13 selling company gets released and the new
14 company is on the hook, that that's what this is
15 intended to say.
16 So as long as assignee assumes in writing,
17 all assumed obligations under this agreement,
18 the company may, with the consent of the BZA,
19 not to be unreasonably withheld, be released
20 from liability for the assumed obligation.
21 So if that troubles you, sir, I mean I
22 would have to talk to these folks, and we
23 probably can strike that sentence.
24 BOARD MEMBER DOUGLAS: Am I interpreting
25 that paragraph wrong or am I interpreting this

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1 paragraph right?
2 BOARD MEMBER WARNECKE: No, not really.
3 I'm reading it.
4 MR. MARK MCNEELY: I'm sorry, go ahead.
5 What's that?
6 PRESIDENT CARSON: It's releasing the old
7 company and assigning a new company, so they're
8 off the hook?
9 MR. J. LEE McNEELY: We're on the hook.
10 BOARD MEMBER WARNECKE: That's what it sort
11 of says, and I'm glad, Jim -- now, it says -- do
12 you have that in front of you now?
13 MS. SOLADA: Yeah, I do.
14 BOARD MEMBER WARNECKE: Without the consent
15 of the BZA -- it transfers this agreement. But
16 it says -- Paragraph -- fifth line, so as long
17 as an assignee assumes the rights of all
18 assigned obligations under this agreement, the
19 company, you, may with the consent of BZA, have
20 to be -- be released from liability.
21 Okay. So how does that state that if you
22 sell, that the next company is obligated to
23 adhere to the conditions, bonding --
24 MS. SOLADA: Well, it says --
25 BOARD MEMBER WARNECKE: I mean it's typical

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1 contract language.
2 MS. SOLADA: Yeah, good question. It says
3 so long as the assignee assumes in writing all
4 assigned obligations under this agreement, so
5 this is the Decommissioning Agreement, and so
6 I -- with the consent of the BZA is necessary, I
7 think as long as it's clear that a purchasing
8 company has assumed all obligations, including
9 the decommissioning security, bond, and such,
10 then you can choose to consent or not consent.
11 BOARD MEMBER WARNECKE: Well, who assures
12 or guarantees that the purchasing company has
13 agreed and who has final authority on that sale
14 based on --
15 MS. SOLADA: Okay, that's a good question
16 let's keep -- keep reading. Notwithstanding the
17 above, upon prior written notice to the BZA, the
18 company may transfer to a public utility, any
19 other company or entity, provide in such
20 instance, such assignee shown comparable to
21 company in constructing and operating a solar
22 project and a minimum net worth of \$10 million
23 as confirmed by audit financial statement. Did
24 that answer your question?
25 That's one standard for who could step in.

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1 The way I look at this, if that standard is not
2 met, then the BZA has the total right to deny an
3 assignment or a sale, if legal, again, if that
4 standard isn't met.
5 BOARD MEMBER WARNECKE: Okay. Desiree or
6 Mark?
7 PLANNING DIRECTOR D. CALDERELLA: Yes.
8 BOARD MEMBER WARNECKE: What's the
9 decision, however it goes, that the BZA is
10 complete, and we've got experience in this? The
11 BZA, the authority to review this or to handle
12 any subsequent things, either falls on the
13 client, planning commission, or the counselors,
14 or the commissioners.
15 I'm not sure if -- and correct me if I'm
16 wrong, if the BZA, us, this panel, has that
17 authority to be named in any of this kind of a
18 document. In other words, the surety bond or a
19 letter of credit, it would be the
20 council/commissioners who -- they're the
21 governing body for this county, we -- we are
22 not, and neither is the planning commission,
23 should they not be named and have -- once this
24 is gone from here, it becomes the planning
25 commission/commissioners council, not the BZA.

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<p>169</p> <p>1 Now, that may be -- I may be tripping over 2 language here. 3 MS. SOLADA: No, that's an excellent point. 4 And we struggled with this, quite honestly, 5 because as you've probably notice, the BZA -- 6 BOARD MEMBER WARNECKE: It's named in a lot 7 of places? 8 MS. SOLADA: Yeah, but it doesn't sign this 9 because I don't think the -- the BZA is not a 10 signatory. Adam Cohen of Speedway Solar has 11 signed, so that demonstrates his commitment. 12 But, again, the BZA, because it's a quasi 13 judicial body, really is not a contracting body 14 for the county. 15 So one option here, Lee, I think would be 16 to either have the commissioners approve this or 17 the plan commission, as you just suggested, 18 approve it. 19 BOARD MEMBER WARNECKE: You're talking 20 about in a sale or assignee? 21 MS. SOLADA: Any sale, correct. That's 22 right. Not this document. 23 BOARD MEMBER WARNECKE: But I don't 24 think -- I don't think -- 25 MS. SOLADA: I think this document meets</p>	<p>171</p> <p>1 fine, I agree to that, then Pete's in my shoes, 2 but I sold it to him. I want to get out. You 3 know, I'm not -- I'm not involved anymore. So 4 if you want that to be in the -- that decision 5 to be made by the council, we have no objection. 6 BOARD MEMBER WARNECKE: Well, I don't think 7 the BZA or the planning commission are set up -- 8 are regulated in such a way to make those kinds 9 of decisions. That's county government that 10 does that. 11 MR. J. LEE McNEELY: Okay. 12 BOARD MEMBER WARNECKE: You know, disagree, 13 Mark, or Desiree, but think -- I don't think we 14 belong. 15 MR. MARK MCNEELY: I think it should be the 16 county commissioners that approve the sale. 17 BOARD MEMBER WARNECKE: Okay. 18 MS. SOLADA: And I think that could be a 19 voluntary condition that we would add to the 20 list this evening. 21 MR. J. LEE MCNEELY: We've got a 22 stipulation? 23 MS. SOLADA: Yeah. 24 MR. MARK MCNEELY: Yeah. 25 MR. J. LEE McNEELY: Put that on there. So</p>
<p>170</p> <p>1 the ordinance of the -- it meets the Solar 2 Ordinance, but in terms of a sale, we could 3 certainly clarify that the plan commission, for 4 example, would have to approve. 5 BOARD MEMBER WARNECKE: Well, I'm not even 6 sure. I think the council and the 7 commissioners. 8 MS. SOLADA: Council and commissioners, 9 okay. 10 BOARD MEMBER WARNECKE: One of the two or 11 both. 12 MS. SOLADA: We could modify this 13 document -- 14 MR. J. LEE McNEELY: We'll agree to that. 15 MS. SOLADA: Yeah, that's not a problem. 16 MR. J. LEE McNEELY: The whole -- this is 17 not unusual in business. 18 BOARD MEMBER WARNECKE: It's typical 19 contract language. 20 MR. J. LEE McNEELY: You have the contract. 21 You're dealing with me. At some point, along 22 the line, I say I'm going to sell it to Pete, 23 but I have to get your permission. So you take 24 a look at Pete and you say are you going to let 25 him stand in Lee's shoes, and if you say that's</p>	<p>172</p> <p>1 we have already signed the decommission, but 2 we're tied into it, but we will amend that to 3 change that approval process to be the county 4 commissioners, okay. 5 MS. SOLADA: All right. 6 MR. J. LEE McNEELY: And now the answer is 7 I want to -- I want to sell it to Pete, but the 8 county commissioners say no, you can't do, and 9 it's done. And if the county commissioners are 10 comfortable. They say, okay, Lee, you can do 11 it, I do it, and then I get relieved from any 12 obligation, which is commercially reasonable, so 13 that's not a problem. 14 PRESIDENT CARSON: Now, could you expand on 15 your drainage plan -- since you don't have 16 any -- you have or have not taken any elevation 17 shots? 18 MR. J. LEE McNEELY: Written -- 19 PRESIDENT CARSON: I don't believe that was 20 answer to the question. Have you taken any 21 elevation shots? 22 MR. J. LEE McNEELY: He did before. 23 MR. ENDRES: We've not yet gotten into the 24 contour surveys, I think is what you're asking, 25 but that would be planned for the near future.</p>

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<p>173</p> <p>1 PRESIDENT CARSON: Have you located any of 2 the county legal drains and/or contemplated or 3 have plans that you didn't spell out tonight on 4 replacement thereof? 5 MR. ENDRES: We have located the county 6 legal drains. We have not -- we have some 7 information about private drains but, of course, 8 that's a lot of information to gather, so we 9 don't have all of that. We will do that prior 10 to construction and incorporate that into our 11 overall design for the drainage plan. And, I'm 12 sorry, Kevin, the next part of your question was 13 what again? 14 PRESIDENT CARSON: If you contemplate 15 replacing any of the those, what would your 16 replacement of those be? 17 MR. ENDRES: Are you talking about county 18 drains, or private drains, or both? 19 PRESIDENT CARSON: Well, I'm going to get 20 to the private drains. I'm asking about county 21 drains. 22 MR. ENDRES: We would -- we would replace 23 or improve them wherever necessary based on the 24 flow rates that we're going to have. 25 PRESIDENT CARSON: What assurance will we</p>	<p>175</p> <p>1 continues for the entire operational life and 2 through the decommissioning phase of the 3 project. 4 PRESIDENT CARSON: You will turn that over 5 to the commissioners and surveyor, ask the 6 drainage board to release that? 7 MR. ENDRES: Correct. 8 PRESIDENT CARSON: Don, are you willing to 9 release that? As a commissioner, are you 10 willing to release that, name? 11 MR. PARKER: Well, that would be a big 12 project for the three of us, so we would 13 probably hire an independent firm to actually do 14 that for us. 15 PRESIDENT CARSON: Okay. I just want to 16 make -- be assured that the neighboring farmers 17 are protected there. 18 MR. ENDRES: Yes. Absolutely. 19 BOARD MEMBER DOUGLAS: Why such a long 20 time, then, to start this project? 21 MR. ENDRES: To start it? To start 22 construction? 23 BOARD MEMBER DOUGLAS: And how long until 24 it's finished before you start? 25 MR. ENDRES: There are some longer lead</p>
<p>174</p> <p>1 have, or will you offer up a bond, a surety bond 2 for that purpose also, to protect any of the 3 neighboring farmers against any damaged tiles; 4 what assurance do we have? 5 MR. ENDRES: I think -- I think we're 6 obligated under the Drainage Ordinance to ensure 7 that that will not be the case. I think John's 8 spoke to this a little bit earlier but, you 9 know, the section, I -- 7.2, as far as I 10 understand, the Drainage Ordinance covers that 11 exact scenario and prevents us from doing that. 12 PRESIDENT CARSON: That's the case with 13 many farm tiles, though. You could -- how long 14 would you go back to repair these -- forever, if 15 it's located within your jurisdiction area? 16 MR. ENDRES: Well, during the -- 17 PRESIDENT CARSON: I guess I'm getting to 18 the point, you can damage a tile this year, you 19 may not know it -- 20 MR. ENDRES: Yep. 21 PRESIDENT CARSON: -- for almost a year 22 before the wet hole develops again, and now 23 we're researching trying to figure where the 24 problem is. 25 MR. ENDRES: Yes. No, that obligation</p>	<p>176</p> <p>1 time items to complete the development of the 2 project and get it ready for construction. 3 There's engineering work. There's design work. 4 There's land survey work. 5 And one of the biggest items is to get 6 through the interconnection study process. 7 We're a long ways through that process, but 8 we've not completed it yet. 9 And then in addition to that, under terms 10 of our sales contract with Wabash Valley, they 11 are interested in the power a little bit later, 12 and so that's -- the construction schedule at 13 this point would look to start in 2022, most 14 likely, and be complete by the end of '23 or 15 sometime in '23. 16 I think you had also asked about the 17 construction time period, that's -- typically, 18 for a project of this size, in the 8- to 19 10-month range to complete once started. 20 PRESIDENT CARSON: What do you consider 21 construction? I mean my -- my thought -- the 22 first part of your construction phase would be 23 to locate and improve tile network -- 24 MR. ENDRES: Yes. So that would -- well, 25 we would consider that probably preconstruction</p>

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<p>177</p> <p>1 phase. Typically, what we usually talk about, 2 in terms of start and stop construction, is when 3 you mobilize equipment to the site and supplies 4 and so forth and you start installing your fence 5 to secure the area. 6 PRESIDENT CARSON: You're calling that 7 preconstruction? 8 MR. ENDRES: I -- I agree that step is very 9 important. The other step that's important for 10 us to establish an exception to the vegetation 11 on the property, making sure the permanent 12 vegetation that we already have during operation 13 is giving us a chance to establish. I don't 14 know what you want to call this the start of 15 construction, but those things would happen 16 before the installation of equipment on the 17 property. 18 BOARD MEMBER DOUGLAS: Where -- where do 19 you dispose of the solar panels at? If you were 20 building here, where would they go? 21 MR. ENDRES: Right now? I mean we've got a 22 list here. Are you talking about the panels 23 themselves and not the other materials; is that 24 your question? 25 BOARD MEMBER DOUGLAS: Yeah.</p>	<p>179</p> <p>1 Echo Environmental operates. And then there's 2 others that we're aware of in Wisconsin, 3 Tennessee, Minnesota, and then also Oregon and 4 Washington. 5 PRESIDENT CARSON: I want to go back to the 6 procedural item. I feel during the public 7 comment portion, they mentioned we had two 8 letters for and six against, along with the -- I 9 just want to get it on the record. 10 BOARD MEMBER DOUGLAS: We live in a time 11 period of what's safe today is not safe 12 tomorrow, as far as a compound that we use every 13 day, and a project of this size, if something 14 comes out in the future, 20 years down the road, 15 they test these are hazardous materials or not 16 hazardous materials, that's the concern, the 17 general concern. 18 MR. J. LEE McNEELY: But we're left with a 19 situation where it's sealed, it's manufactured, 20 it's silicon, it's glass -- you know, it's 21 glass -- as we go through these things -- yeah, 22 I -- some day, somebody will wake up and say 23 chocolate is bad for you, but I don't know what 24 we can do about that, except never do anything, 25 which is what some people want.</p>
<p>178</p> <p>1 MR. ENDRES: Okay. So I think it was 2 alluded to earlier, a large portion of the 3 system can be recovered or recycled, so you have 4 steel and aluminum and other metals and copper 5 in your wires and glass and so forth, they can 6 all be recycled. 7 That's kind of the balancing system that 8 would be not the panels themselves, and those 9 can go to oftentimes just to conventional 10 recycling facilities, and there's several of 11 them around the Indianapolis greater area. 12 We have -- AECOM has helped us identify 13 those, and then with respect to the panels 14 themselves, those do require a little bit more 15 specialized facility. You know, the market is 16 not yet quite developed based on the volume of 17 panels that we have in the states right now. 18 But there -- even so, we -- there are 19 existing facilities in the country that you can 20 recycle panels at and dispose of whatever is not 21 recyclable. 22 So, to our knowledge, there's facilities in 23 Cincinnati, that would be the closest one. It's 24 under Clean Lights Recycling. There's another 25 facility in Carrollton, Texas, that Eco -- or</p>	<p>180</p> <p>1 But the point being within reasonable -- to 2 our knowledge, scientific knowledge, we don't 3 have any evidence that panels are -- in and of 4 themselves are hazardous, and so I don't know what 5 you mean? 6 BOARD MEMBER DOUGLAS: Well, I think the 7 mega size of the project is a concern. I mean 8 if this was -- you know, if this was like you 9 said, panels on your house compared to just the 10 massive size of the project makes an 11 anti-environmental concern a big concern. 12 MR. SVEDLOW: I do think it's important to 13 add the basic makeup of the panel that you have 14 seen tonight in our proposal has been in this 15 country since about the 1970s. So we have a 40 16 year or more track record to look at. 17 So while the projects of this size have not 18 existed for 40 years, the technology has 19 basically, and there's -- as Lee pointed out, 20 there's no evidence to suggest that there is any 21 risk from these panels. 22 PRESIDENT CARSON: Just curiosity. You're 23 producing electricity basically on sunshiny 24 days, I assume; right? I mean do you produce 25 electricity on non-sunshine days also? To</p>

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1 what --
2 MR. SVEDLOW: Yeah. You'd be a bit
3 surprised, but solar farms do generate
4 electricity in diffuse light. Obviously, they
5 don't do it in the -- in the middle of the
6 night, but on cloudy days or even on snowy days,
7 they will generate some electricity. It is at a
8 reduced rate.
9 So what you do sort of in our business is
10 you average that over the course of the year.
11 So you've got your really sunny days with high
12 production and you've got your low days with low
13 production. You average that out over the
14 course of a year, and that's ultimately what we
15 can offer in terms of your price.
16 PRESIDENT CARSON: Going back to Lee's
17 comment on the savings on gallons of gas, diesel
18 fuel, or coal -- the power company doesn't have
19 the ability to only produce electricity during
20 the sunshine or the daylight hours, they have to
21 produce electricity all the time.
22 How do they regulate -- how do they save
23 power if they're having to take care of
24 electricity whether they're producing or not?
25 MR. SVEDLOW: So the -- well, the grid

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1 relies on a diversity of sources. So there
2 are -- there's a mixture of solar and wind and
3 coal and natural gas and other sources on the
4 grid.
5 And it was actually brought up earlier.
6 There is a regional grid operator by the name of
7 MISO, it's actually based in Carmel, who
8 essentially regulates all of the utilities in
9 such a way that they play nicely together and
10 make sure that when people turn on their lights,
11 even in the middle of the light, that they come
12 on.
13 So there are various levels of grid
14 management entities that operate to basically
15 satisfy exactly what you're talking about.
16 MR. ENDRES: If I could just add something,
17 you know, one of the nice things about solar, in
18 particular, as compared to other times is it's
19 very predictable. It's a lot easier for us to
20 predict when it's going to be sunny, on average,
21 than when, for example, the wind is going to
22 blow.
23 So that -- that information actually goes
24 back to MISO and some other system operators, so
25 they have an understanding of how our projects

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1 have performed in the past and how they might
2 perform in the future.
3 The other brave thing about solar, and this
4 is something that a lot of the market value is
5 the peak production of solar tends to coincide
6 with some of the peak usage periods of energy,
7 especially in the summertime.
8 And that late afternoon, when it's really
9 hot, you just come home and turn your air
10 conditioners on, that's when we're producing
11 some of our highest rates in powers. So that
12 coincides very nicely. There's a lot of value
13 in that.
14 BOARD MEMBER ACKLEY: I think it was
15 brought up earlier. Somebody said something
16 about 27% rate of sunshine that we have in
17 Indiana -- I don't know. I'm not sure on that.
18 I'm sure you've done a lot more studies on that.
19 Do you have anything that you can share with
20 that, or explain to us a little bit more
21 concerning that, and why your decision to locate
22 where you're at?
23 MR. ENDRES: Yeah. One of the -- one of
24 the examples I've used -- and let me first make
25 sure I understand your question about the rate

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1 of production in Indiana versus the southern
2 areas?
3 BOARD MEMBER ACKLEY: Yes.
4 MR. ENDRES: So one of examples I use is
5 Germany, which is at a much higher latitude than
6 most of the US -- actually, have some of the
7 highest installed capacity solar anywhere in the
8 world, that they've got into production, but
9 beyond that, Indiana and other states and to the
10 northern tier of the US, perform really well
11 with solar energy during the solar months and
12 during the summer -- also, during the winter,
13 when it's cold out, solar panels are actually a
14 bit more efficient.
15 Even though you're not getting the same
16 amount of light during the winter months,
17 they're actually a little bit more efficient.
18 Sure, we're not going to produce the way a
19 project in Arizona would, but they don't need as
20 much power in Arizona as part of this country
21 does, so that's another factor, and we
22 understand how much the facility is going to
23 produce with a great deal of certainty, and
24 we're very comfortable with that non production.
25 PRESIDENT CARSON: Any other questions?

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185 to 188

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1 BOARD MEMBER WARNECKE: Ann, are you still
2 out here -- there you are. I just want to take
3 a minute, she and I have worked together for --
4 on this -- on this board for a long long time,
5 and we are disagreed a few times, but I just
6 wanted to thank you in front of all these
7 people, since the next time we thank you, will
8 be in front of five people for your service and
9 your professionalism tonight, so you did a great
10 job on that.
11 (Applause.)
12 MS. SIPES: Thank you.
13 BOARD MEMBER WARNECKE: And I don't know if
14 they're still here, it's a school night, but the
15 two young ladies from Shelbyville High School --
16 are you still out here -- you should be in
17 bed -- I think it's great that young people
18 especially at your age, at the high school
19 level, take the time to be involved in these
20 discussions.
21 It's a great learning experience. No
22 matter what side of the issue you're on, life is
23 a lot more complicated than what -- and to have
24 young people involved, I think is a great thing,
25 so thank you for taking the time.

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1 (Applause.)
2 BOARD MEMBER WARNECKE: I have to poke a
3 little fun at our commissioner over here. You
4 know, we're actually here to do the dirty work
5 and we're appointed by you and the council to do
6 this kind of work, and I guess -- I appreciate
7 that you think maybe that we may not be the
8 right body to do this, but we're the legal body
9 to do this, and I think everybody on here is
10 doing their due diligence and trying to make the
11 right decision on behalf of everybody.
12 And I have sat -- I have sat many times
13 listening to go lawyers go back and forth on
14 items like this. It can be very confusing. But
15 in the end, gentlemen and ladies, we are tasked
16 with making that interpretation and those
17 decisions.
18 But I do want to compliment both parties on
19 both sides of the issue. In your world, you
20 both have done an excellent job, and so I
21 appreciate that. I think I can speak on behalf
22 of the Board, the effort that you put into that,
23 so thank you for that as well, so I'm done
24 preaching.
25 (Applause.)

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1 PRESIDENT CARSON: Are we ready to close
2 the portion with the Petitioners and we won't
3 have any amongst ourselves.
4 BOARD MEMBER DOUGLAS: What language are we
5 attaching to this that's got to change?
6 BOARD MEMBER WARNECKE: Desiree, did you
7 keep track? We've got the findings of fact from
8 the Petitioner, plus the conditions that are
9 posted, plus we added.
10 PLANNING DIRECTOR D. CALDERELLA: Yeah.
11 Okay. So for special exception, I'm
12 recommending that the Petitioner's findings of
13 fact are adopted, if this were to be approved,
14 so those are referenced in your packet on Pages
15 16 through 22. So, for the record, that would
16 be the findings.
17 PRESIDENT CARSON: He was asking about the
18 findings.
19 PLANNING DIRECTOR D. CALDERELLA: The
20 findings, yeah.
21 PRESIDENT CARSON: He was asking you what
22 condition were --
23 PLANNING DIRECTOR D. CALDERELLA: Yeah,
24 that's what I'm going to get into next.
25 PRESIDENT CARSON: Oh, okay.

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1 PLANNING DIRECTOR D. CALDERELLA: So the
2 findings, there are -- yeah, starting 16 through
3 24. The conditions are Pages 13, 14 so those
4 would be the conditions that you would adopt,
5 plus what you talked about with the Petitioner,
6 and if you'd like to just rephrase those for the
7 record, of what those initial conditions are
8 going to be?
9 MS. SOLADA: Yes. I'll take a stab at it,
10 Lee.
11 MR. J. LEE McNEELY: Sure.
12 MS. SOLADA: And you tell me if I'm wrong.
13 I think -- I'm sorry, one condition would be to
14 clarify the Decommissioning Agreement, that the
15 only security would be bond and not a letter of
16 credit -- I think that's one.
17 The other would be to have a condition that
18 any potential sale of the project must be
19 approved by the county commissioners and not by
20 Board of Zoning Appeals --
21 PRESIDENT CARSON: Right.
22 MS. SOLADA: -- as referenced in the
23 Decommissioning Agreement.
24 MR. J. LEE McNEELY: So what we have agreed
25 to already were nine conditions that have been

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189 to 192

<p>189</p> <p>1 submitted to us, and we're essentially adding 2 two more. 3 PLANNING DIRECTOR D. CALDERELLA: Yes. 4 MR. J. LEE McNEELY: All right. So we're 5 asking you to grant the special exception with 6 the 11 conditions that have been imposed and 7 then the two variances. 8 PLANNING DIRECTOR D. CALDERELLA: Yes. 9 Yep. 10 BOARD MEMBER: Is there anything about the 11 drains? 12 PLANNING DIRECTOR D. CALDERELLA: No, there 13 is nothing specific -- wait, there is, hold on. 14 The drainage -- their Proposed Condition No. 5 15 is Petitioners comply with Indiana code 16 requirements regarding legal drains, except as 17 otherwise approved by the County Drainage Board 18 and any other necessary bodies. And also -- 19 yeah, so that's -- that was the only condition 20 that relates to drainage. 21 PRESIDENT CARSON: Page 14? 22 PLANNING DIRECTOR D. CALDERELLA: Yeah, 23 Page 14, No. 5. 24 (Discussion.) 25 PRESIDENT CARSON: Would you comply to a</p>	<p>191</p> <p>1 (Discussion.) 2 PRESIDENT CARSON: We've complied to the 3 three month for that? 4 MR. ENDRES: Yes, as determined by the 5 Drainage Board, and to the benefit of the county 6 commissioners. 7 PRESIDENT CARSON: We would have to 8 specify -- Jim is saying maybe watershed. I'm 9 think that if a person had a drainage issue. 10 that they could prove that they were connected 11 at the point with the tile on the property. 12 MR. ENDRES: Yeah. 13 PRESIDENT CARSON: I'm not saying you have 14 to -- have to take care of all the water in the 15 neighborhood because of something lie that. I'm 16 saying they -- you have to make sure that 17 they're made whole again. 18 MR. ENDRES: Yeah. I understand. 19 PRESIDENT CARSON: So add that as a 20 stipulation, Desiree. 21 PLANNING DIRECTOR D. CALDERELLA: Okay. So 22 that was 12 stipulations; right -- 9 plus the 3 23 additional. 24 PRESIDENT CARSON: Yeah. And this would 25 be -- this would be for the vote on the special</p>
<p>190</p> <p>1 surety bond to ensure that the drainage is 2 repaired to the satisfaction of the neighbors? 3 BOARD MEMBER WARNECKE: That would be have 4 to through -- 5 PRESIDENT CARSON: By the Drainage Board. 6 It wouldn't be us. I'm just asking you if you 7 would comply to that as a stipulation? 8 MR. J. LEE McNEELY: To the neighbors? 9 PRESIDENT CARSON: Well, for the county -- 10 I know you're supposed to answer to them, but 11 that would -- do you know who's going to police 12 this more than anybody, the neighbors. They're 13 the ones that are going to tell the 14 commissioners we have a problem. I just want to 15 make sure that -- 16 BOARD MEMBER WARNECKE: I guess we're 17 saying the same thing. 18 PRESIDENT CARSON: Somehow somebody -- 19 BOARD MEMBER: Would bore the costs? 20 PRESIDENT CARSON: Right, that we can 21 assure that that's going to happen. 22 BOARD MEMBER WARNECKE: That would be 23 working through the Drainage Board. 24 MR. ENDRES: May we speak for a moment. 25 PRESIDENT CARSON: Yes.</p>	<p>192</p> <p>1 exception. 2 PLANNING DIRECTOR D. CALDERELLA: Uh-huh. 3 PRESIDENT CARSON: Is there any other 4 discussion we need to have amongst the Board. 5 (No response.) 6 PRESIDENT CARSON: Any thoughts or 7 concerns? We need to address it now, if there 8 is. 9 BOARD MEMBER ACKLEY: Well, as long as 10 those drainage issues are handled with the 11 Drainage Board -- I just don't want any gray 12 area here. 13 PRESIDENT CARSON: We're going to push it 14 on to the commissioners. It's going to be their 15 determination what the surety bond has to be. 16 We're done with that. We're passing it off. 17 Okay. I think if there are no other concerns to 18 address, nobody has questions, somebody needs to 19 call for a vote. 20 BOARD MEMBER WARNECKE: So moved. 21 BOARD MEMBER ACKLEY: Second. 22 PRESIDENT CARSON: Motion to second, take 23 out our ballots and vote. All in favor of 24 taking out your ballot to vote on the special 25 exception, say aye?</p>

Transcript of Hearing
March 12, 2019

193 to 196

193

1 THE BOARD: Aye.
2 PRESIDENT CARSON: Take out your ballot and
3 vote.
4 BOARD MEMBER DOUGLAS: We have Douglas no.
5 We have Warnecke yes. Dave Klene yes. Kevin
6 Carson no and Rachael Ackley yes.
7 PRESIDENT CARSON: The special exception
8 has been approved 3 to 2, and now we have two
9 more votes to take. We have to vote on the
10 variance for the -- No. 2 would be the special
11 exceptions.
12 PLANNING DIRECTOR D. CALDERELLA: The
13 second one is for the extension of --
14 PRESIDENT CARSON: Two years. The second
15 one is to from 2 to 4 years.
16 PLANNING DIRECTOR D. CALDERELLA: Duration,
17 yeah.
18 PRESIDENT CARSON: They're requesting up to
19 four years.
20 PLANNING DIRECTOR D. CALDERELLA: For
21 completion.
22 MR. SVEDLOW: To commence construction.
23 PLANNING DIRECTOR D. CALDERELLA: Commence.
24 BOARD MEMBER WARNECKE: It would be the
25 duration.

194

1 PRESIDENT CARSON: We need a motion to
2 vote.
3 BOARD MEMBER WARNECKE: So moved.
4 PRESIDENT CARSON: Motion moved.
5 BOARD MEMBER ACKLEY: Second.
6 PRESIDENT CARSON: All those in favor of
7 voting for the time frame, say aye?
8 THE BOARD: Aye.
9 PRESIDENT CARSON: Take it out and vote.
10 BOARD MEMBER: The following is: Rachael
11 Ackley yes; Doug Warnecke yes; Dave Klene yes;
12 Kevin Carson no; and Jim Douglas abstained.
13 PRESIDENT CARSON: So 3 to 1. So the
14 extension time frame passed. Now, the next vote
15 would be for the area and size to exceed from
16 15% to your calculated 17%. Any questions
17 there?
18 (No response.)
19 PRESIDENT CARSON: Do we have a motion to
20 vote?
21 BOARD MEMBER WARNECKE: So moved.
22 PRESIDENT CARSON: Have a motion to vote,
23 do we have a second?
24 BOARD MEMBER KLENE: Second.
25 PRESIDENT CARSON: We have a second. All

195

1 those in favor of voting, say aye?
2 THE BOARD: Aye.
3 PRESIDENT CARSON: Same sign, no.
4 (No response.)
5 BOARD MEMBER DOUGLAS: The following is:
6 Doug Warnecke yes; Dave Klene yes; Kevin Carson
7 no; Rachael Ackley yes; and Jim Douglas no.
8 PRESIDENT CARSON: So your variance request
9 for size of area coverage has been approved 3 to
10 2.
11 MS. SOLADA: Thank you.
12 PRESIDENT CARSON: I believe, unless I'm
13 wrong, this is all the information -- all we
14 have on the agenda for this project.
15 PLANNING DIRECTOR D. CALDERELLA: Still
16 need to adopt your findings.
17 PRESIDENT CARSON: Oh, yeah, we need
18 findings of fact. I'm sorry. The findings --
19 hold on everybody. We're not through yet.
20 Everybody in favor of the findings of fact for
21 Petitioners, vote same sign?
22 (No response.)
23 PRESIDENT CARSON: And I believe -- do we
24 have any other business?
25 PLANNING DIRECTOR D. CALDERELLA: No.

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1 PRESIDENT CARSON: No other business.
2 Motion to adjourn.
3 BOARD MEMBER WARNECKE: So moved.
4 BOARD MEMBER DOUGLAS: Second.
5 PRESIDENT CARSON: All those in favor of
6 adjourning say aye?
7 THE BOARD: Aye.
8 PRESIDENT CARSON: Those opposed, same
9 sign.
10 (No response.)
11 PRESIDENT CARSON: Thank you everybody for
12 coming.
13 (Time noted: 11:17 p.m.)
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Transcript of Hearing
March 12, 2019

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197

1 STATE OF INDIANA)
) SS:
2 COUNTY OF HENDRICKS)

3 I, Rhonda J. Hobbs, RPR, a Notary
4 Public in and for the County of Hendricks, State
5 of Indiana at large, do hereby certify that on
6 the 12th day of March, 2019, I took down
7 stenographically the foregoing proceedings, and
8 that the transcript is a full, true and correct
9 transcript made from my stenographic notes.

10 IN WITNESS WHEREOF, I have hereunto
11 set my hand and affixed my notarial seal this
12 _____ day of _____, 2019.



16 N O T A R Y P U B L I C

17
18 My Commission Expires:
19 August 24, 2025
20 County of Residence:
21 Hendricks
22
23
24
25

<hr/> <p style="text-align: center;">\$</p> <hr/> <p>\$1 40:20 \$10 167:22 \$2,000 109:1 \$200 40:12,14 58:7 \$5,000 108:25 \$50 17:16 157:14 \$50,000 108:23 \$600,000 40:19</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>0% 57:23 0.05% 80:12</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 47:13 57:1 86:12,14,21 87:21 119:5 194:13 1% 34:7 81:25 1,000 43:7 1,014 13:15 1,200 104:3 109:17 129:11 134:9 1,500 129:11 1,700 80:9 109:18 1,791 66:11 1,792 13:9 1,800 20:9 1,925-acre 13:13 1/2 81:25 10 81:4 124:19 10% 39:4 10-month 176:19 10-year 146:14,16 100 47:16 48:5,12 141:5 100% 71:1 100-year 146:14 1010 113:18,21 11 36:15 159:4 189:6 12 54:20 123:7 191:22 12th 3:3,25 13 39:21 93:18 188:3</p>	<p>14 83:7 188:3 189:21,23 140 85:13 140-miles 22:18 1412 118:5 15 6:4 57:5 70:19 84:11 90:12 125:3 128:14 15% 14:2 144:13 194:16 15.7 40:16 150 21:5 48:9 16 86:15 187:15 188:2 166 9:16 17 36:1 67:7 150:19 17% 57:21 144:13 194:16 171 40:2 175 40:12,14 58:7 178 81:1 18 47:14 19 151:13 19-01 13:5 1970s 22:6 180:15 199 13:13 34:5 42:14 199-megawatt 56:2</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 47:24 87:21 120:6,12 139:16 152:9 193:8,10,15 195:10 2% 58:5,10,13 90:17 2,100 156:18 2,500-foot 87:2 2,638 81:7 2-mile 141:6 2.5 71:17 72:13 74:5 20 69:12,13 150:14 179:14 200 17:5 21:5 22:3 81:3 118:8 151:25 153:6,23 154:16 2018 18:4 22:1 27:9 81:14 142:22 2018-07 17:21 2019 3:3 2020 100:22 2022 176:13 2023 42:24 56:9</p>	<p>2120 102:5 21st 99:13 22 187:15 23 176:14,15 2345 132:22 24 120:12 188:3 24/7 49:17 83:18 248 81:7 25 19:7 90:13 120:6 127:23 158:16 25% 91:6 2639 113:1 27 105:13 27% 57:22 183:16 28 36:2 114:13 29 83:23 292 119:7 2nd 18:4</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 87:21 119:18 191:22 193:8 194:13 195:9 3,000 17:8 44:14 3,500 17:3,4 3,800 156:12 3.2 66:6 30 19:7 55:13 70:20 74:24 127:23 134:20 160:10 300 37:23 48:5,7 300% 46:17 48:2 31 17:14 44:12 156:16 32 34:18 33 34:19 345 28:24,25 35 19:7 31:5 35:21 41:10,15,16 52:7 55:5 35,000 34:10 43:9 44:13 35-year 42:15 44:18 360 122:11 37 34:18 36:13 150:14</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 28:10 87:21 120:2 139:16</p>	<p>193:15 40 19:7 31:6 71:6 74:24 75:1 106:13 119:8 134:20 180:15,18 400 106:3 400% 46:18 48:3 4045 97:2 416 40:3 42 163:24 165:1 43 66:4 44 106:14,15 45 47:13 45,000 38:22 46 119:18 4620 106:3 4C 165:7 4H 114:19</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 30:7 82:9 87:21 120:2 124:18 165:7 189:14,23 5-0 12:24 50% 36:17 500 13:7 21:4 99:20 500-foot 87:18 510 130:1 511 109:8 5152 123:10 589 40:4 59.45% 36:18 5962 126:22</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 83:19 87:22 60% 36:18,19 51:22 60,000 22:2,3 60-foot 83:2 600 49:4,5 106:4,7 126:22 600,000 127:25 6215 121:25 122:4 625 122:5 6558 99:20</p>
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