

*Pulaski County Board of Zoning Appeals*  
Pulaski County Highway Garage  
Monday, July 27th, 2020

**Meeting Minutes**

**Present:** Derrick Stalbaum, Jeremy Wentz, Abby Dickey, Phil Woolery, Matt Kelsey, Doug Hoover, Karla Pemberton, Nathan Origer

**Call to Order:** 6:00pm-President Stalbaum calls meeting to order

**Approval of Agenda:** Abby motion to approve Matt 2<sup>nd</sup> All approved. Motion carried

Nathan noted the 5<sup>th</sup> member of the BZA, Phil Woolery, is present via zoom.

**Approval of Minutes:** June 22, 2020 Matt motion to approve, Abby 2<sup>nd</sup>

**Special business:** Currently rules of procedure aren't clear and insinuate there is a maximum of 15 minutes collectively for all public comment.

Derrick suggests to amendments: 3 minutes per public speaker. May forgo their time to an individual, they will then have 5 min 30 sec 8 minutes then if 3 people forgo, they will have 10 minutes to speak. A person yields their time, they will not be able to re-use their time.

Abby motion to approve, Jeremy 2<sup>nd</sup>. All approved. Motion carried.

**New Business:** Special Exception hearing for Mammoth Solar to place solar panels on multiple Ag parcels in 2 areas with total land control approx. 4,511 acres between 2 sections.

**Karla-**mammoth solar has followed the required guidelines & deadlines as required per county and Indiana code.

**Doug-** review staff report general data.

**Nathan-** note to public the procedure of hearing order as well as if the board grants the special exception and it survives any potential legal challenges, then the county and developer will begin to negotiate agreements required before the building permit is awarded. Tonight is the first step in the process. The company will be required to enter into an economic development agreement with the county that will involve taxes, tax abatement, and other considerations and at end of the process and county isn't satisfied with the company's offer the county has a right to refuse the permit issuance. Road use and maintenance agreement with the county through the highway dept, commissioner and surveyor office are required. If they aren't able to follow with highway superintendence requirement, the county is able to withhold or deny the permit till they agree to requirements, as well as with a drainage agreement involving the surveyor office and drainage board and highway department that encompass county maintenance ditches and culverts as well as private drainage tile and any water wells that might be affected. If the developer is not able to satisfy the surveyor and highway demands then building dept can withhold building permit till satisfaction is achieved. They will also be required to development a comprehensive decommissioning plan in accordance with county ordinance. Schedules, financial assurances and other items outlined in the ordinance, and if they again do not follow with such requirements, the building permit can be withheld or denied. Approval is the first step before construction. If it is approved or denied, interested parties who have understanding with the circuit court are able to challenge it legally. If this is bza decision it would be recommended to the board of commissioners and the say would be final. State of Indiana considers zoning decision made by BZA to be official and as such it does not go to commissioners for their approval or rejection.

**Chris Shellman** with Gutwein law introduces Nick Cohen & Kevin Parznyk. Reminded this is just step 1 & focus on facts.

**Nick-** mammoth solar project explanation. The project is a 500 mw/ 1 gig watt size project which serves approx. 80,000 people. Global energy generation is owned by experienced developers. I have over 15 years of developing projects around the world. Other partner is an Israeli group that is a leader in solar projects in Israel and the first company there to commercialize solar. They will ensure the best role out and technology engineering. They have a 3 gigawatt portfolio.

GEG has a 1.5 gigawatt project & it's a 2 billion construction portfolio & control over 21,000 acres of land; offering experience working with landowners and know how to get projects done & offer great opportunity to bring solar to Pulaski County. Solar has moved from traditional areas in the southwest to northern regions &

more solar is coming to Indiana. This location is special because it is where the conversion of 2 electrical grids takes place. PJ Nash is largest open electricity market in the world and mycell which serves about 45 million. There are over 100 million people on 2 grid systems that come together in Pulaski County on the transmission lines that bring the 2 grid systems together; highly desirable for a project like this. The county made an investment in a professional solar ordinance that was well developed and is a rule book of what solar has to do to be accepted. Pulaski County has a competitive advantage that many other areas do not have because of the flat land, solar ordinance in place and transmission lines; and we're the first ones to seize on that. Solar can be landscaped to the provisions in the county's UDO.

Project footprint includes wet land, forests, drainage ditches, setbacks, etc. There are a lot of areas in the footprint that will be avoided, but we are showing land under control for this project & boundaries. 200 million will be invested in the labor construction phase. 100's of jobs and vendors in this region will be impacted positively. Construction will go to local service providers & vendors.

The revenue agreement with the county will have a sizable impact & after this project there will be a significant revenue stream to the county. At least 40 full time jobs to operate the project. 10million a year in operating expenses allocated to local service providers. Vegetation management is major cost for the project with opportunity. Very low impact on traffic. Farmland will be preserved. After tonight there will be a lot of work to do and get approved before we can get a building permit. In addition, there is a list of state & federal agencies we have to apply with for permits.

Chris: Compatibility with comprehensive plan. This establishes goals to provide solar energy. Diversification of income streams. Allows millions of a new income stream that isn't dependent on an agricultural market. Vast impacts across construction, vendor, supply, and maintenance areas. Provide infrastructure capable of supporting the county. Project will have ability to provide electrical power for industrial growth. Farming is important to this community. The project will preserve the ground. It's a 30-year program. Unlike wind, there is no cement, no digging only fence post and array.

Is generally compatible with character of the area? Location, design & future operation are. The development standard set forth in the ordinance established 6 months ago outlines 30 pages cable placement, types of trees and multiple set back. The developer is committed to exceeding those requirements because we want to be a good neighbor because solar is a good neighbor. IT is more compatible than most agricultural uses. There is no odor, it's preservable once landscaping and screening. Less traffic. Environmentally friendly. Panels are safe. Can be disposed in landfill if that is required, but ideally, they are recycled. Environmental impact includes no fertilizer, nitrogen, herbicide, fungicide, roundup. 12 billion gallons of water not pumped and irrigated due to this project. 28.35 It's a crp program preserving the future.

Offers most desirable use for its location. This does not cover the entire county. This specific land is picked for its location next to the transmission lines. 29.02 take it all over country as needed. Essentially the same as putting a truck stop on I65 vs county road.

Proposed use will not have negative impact on property values. Majority of surrounding property is in row crop production. Corn & beans won't be effected what is on the farm 100" away. The very few residents that live adjoining the project, a little over 20, will not be affected. The setback would be over 150'.

Board discussion.

**Abby-**Disposal concerns about placing in landfill.

**Kevin-** 12 years removal experience. These panels are primarily silicon polymers, aluminum those are all components that can be recycled. Solar industry is newer so there is no end of life panels presently so recycling program is just developing. They can be put in an industrial landfill. Decommissioning plan is to take full advantage of any recycling components and that is part of the industries standards right now.

**Chris-**Nothing lasts forever, even buildings are torn down.

**Phil-**What are you plans for ground cover & management.

**Kevin-**Commissioning to use native plants and pollinators and worry about foliage to start to block some of the panels. Across the entire facility we have combination of native grasses and pollinators that will blend with the county natural habitat. You can also have livestock like sheep grazing around the panels with the native grasses on the property.

**Derrick-** please complete the final finding of facts.

**Chris-**Solar won't have an impact on the few houses nearby. Solar isn't an offensive neighbor. They won't be able to see it a majority of the time. Homes outside of 100' of the property are not negatively affected. The use is so compatible a lot of the nearby homes have increased in value. It provides a renewable energy source done in a safe and cautious way. Standards set forth in the ordinance ensure that no neighbors will be harmed. Mechanism put in place and ultimate bond secured in place will ensure ground will ultimately be able to be turned into farm ground. The current owner will take the ground back when the contract is up.

**Nathan**-Safety of equipment- has GEG determined which company's panels will be used? Are they constructed with 37.14 padaceluride or other similar chemicals that represent toxic chemicals that will go into the soil?

**Kevin**-The type of panel you're talking about is the thin film and that is not the type of panel that will be used here. The type of panel that would be used here is monocrystalline.

**Nathan**-major hail storm, what potential, even with the monocrystalline panels, what potential of seepage or leakage that brought moisture into a broken panel.

**Kevin**-No liquid in panels. Closest concern is the electronics that contain silver, tin or led in the soldering that takes place putting them together. They are tempered glass for environmental elements. In the event they are cracked, the silicon, glass, aluminum are solid materials.

**Nathan**- Nature of the 40 jobs you mentioned?

**Nick**- control room operators, maintenance, inspections, managing sections of the project, security & vegetation management.

**Chris**- Indiana economic development corporation does support this fund and project.

**Jeremy**-When was the project first introduced to Pulaski county?

**Nick**-Some time last year we started talking with land owners about the projects. It didn't become feasible till a critical mass of land owners signed up.

**Jeremy**- Why did you talk to landowners before county or boards?

**Nick**-We followed the process required by law that we haven't made and have done the same process as we have in other counties. It's not our business to tell the information about other peoples business. Once landowners are enrolled and we have a project, we follow the exact laws that are in place to inform the public.

**Abby**-About how many land owners are signed up?

**Nick**- About 80 parcels

**Matt**-Any chemicals used to clean the panels after installed?

**Kevin**-No. If there's a need due to dust, it would be water since they're cleaned by rain.

**Jeremy**-What 3<sup>rd</sup> parties will you use?

**Kevin**-There's a process as we finalize studies after speaking with state and local agencies and agreements with the county in place. We will engage with the county on the layouts and discuss with local residents nearby and confirm with the building commissioner is to review all plans prior to issuing building permit. The Pulaski County building commissioner is the ultimate say in reviewing all plans before granting the building permit to initiate construction.

**Nathan**-3<sup>rd</sup> party development agreement process- assuming Council approves appropriations, the county would hire 3<sup>rd</sup> party registered admissible advisor who reviews all data from developer and review state schedules regarding depreciation & other data to confirm. Last month's plan commissioner hearing, it was discussed that in inspection phase, if there are portions not suitable for development, the developer would be responsible for incurring costs of hiring an engineer our other qualified candidate to complete.

**Derrick**-Public hearing instruction

**Riley Tiede 21**-Opposed- Personal opinions addressed. Property value, economic and fire safety concerns.

**Jared Brown 22**-Approve-Great opportunity.

**Kathy Brown 25**-Approve- Personal opinions addressed. Good fit for farming & positive to Pulaski County.

**Jamie Brown 26**-Approve- Personal opinions addressed. Great opportunity for family & county

**Dean Cervenka 31**-Opposed- (126 & 75)-Opposed- Personal opinions addressed. Studies on negative effects for environmental, utilities and chemicals. Environmental, utility, chemicals, decommissioning tax credit, comprehensive plan, recycling panels concerns.

**Nathan**- Comprehensive plan does not explicitly state that we want to develop solar in agriculture areas or anywhere. However, in no fewer than 5 parts in the comprehensive plan, solar & renewable generation are mentioned as objectives of economic development for Pulaski County. Tax abatements information and projects impact on property tax rates. Baker Tilly to conduct a fiscal impact analysis. Pulaski Country financial struggles, significantly due to max levy for property tax was frozen for more than a decade.

**Chris**- Comprehensive plan: Plan is about 4,300 tillable acres. Over 232,000 acres farmed in Pulaski county, less than 1.7%. This won't change Pulaski County as a farming community. This is where solar has to be in this county near the transmission line.

**Jennifer Knebel 32**- Opposed-( 41)-Opposed- Personal opinions addressed regarding NPO, pre-hearing process & solar. Process, communication concerns.

**Chris**- Given nature of BZA board, no one is allowed to speak to them outside public hearings

**Doug Podell 33**-Approve-(123)- Personal opinions addressed. Discuss cash rent process. Opportunities with renewable energy and jobs. Solar farming a different way of farming.

**Mark Cervenka** 35-Opposed- Personal opinions addressed. Approached by GEG earlier this year. Chemicals, bankruptcy, notice distribution not extended far enough, tax dollars concerns.

**Connie Ehrlich** 36-Opposed- Dispute terms & claims that company complies with compensation plan. Terms specified in UDO 4 key areas in decision. They do not meet our comprehensive plan. Mammoth solar doesn't address #2 requirements. Why offering buy out? No shortage of power in this county. Energy generated from this solar project will most likely not be used in our county & it's not needed. Personal opinions of solar project. Haven't installed stakes.

**Todd Schmicker** 123- (37)- Approve- Look into renewable energy.

**Mike Hoffman** 39-(Don Tiede 38)- Fire Department statistics & facts. Spoke with Training Captain of Indianapolis Airport. Implementation of training & fire concerns.

**Nick**- Once project gets through design phase, a fire safety plan is put together & work with you.

**David Bush** 42-Approve- Speak behalf of Don & Shirley Bush, wife, children & grandchildren- Personal opinions addressed. Contracts include setbacks, landscaping, and bonding for removal. Cover crops, soil, .

**Mike McClure** 47- Visit to Tipton solar farm. Solar facts on specific solar farm.

**Andrew Fritz** 51-Approve-Opportunities for county. Personal opinions on solar project.

**Scott Becker** 59 (62)-Approve-Study conducted in Illinois determined property within a mile increased by an average of 2% after install of solar farms by Kirkland Appraisals in 2016. 5 Counties in Indiana properties within 2 miles were average of 2% more valuable prior to installation done by Andrew Lines through an Illinois company. An appraisal study from North Carolina to Tennessee shows that property values adjoining solar farms match value of properties that do not adjoin solar farms within the 1%. That was Patricia Magar by CohenResnick LLP. Personal opinion. Other businesses owned by non-US companies in our county, that's how business works. Ordinance research will answer questions. Personal opinions of project. Process to this before final approval. Wisconsin solar panel project states it takes \$14 per bushel of corn to make up what landowners in Wisconsin were getting paid. Data on income tax being distributed in all counties.

**Deb Rogers** 70-Opposed- Personal opinions addressed. Chemical, research, tax concerns. I'd rather my taxes go up a few hundred then have this in my back yard.

**Chris**-No other solar project can come to the county without going to this board first. This project, as proposed, there will be no more solar in this county until this board grants it. Decommissioning will be easy by removing steel posts out of the ground. No concrete. There will be a bond to secure the performance & restoration of the ground. That's part of the ordinance and a commitment we've made to the land owners.

**Mark Lambert** 76-Opposed- Personal opinions addressed. Radiation and health study concerns. Daughter can't be around radiation due to health conditions. \*police escort

**James Jordan**-90-Neutral- Personal opinions addressed. Air quality, efficiency, land values, health, tax abatement and looks concerns.

**Nathan**-discusses businesses that are working in the county and new businesses coming into the county this year.

**Chris**-

**Keagan Hinz**-106-Approve-Personal opinions addressed. Studies on property value and bird species.

**Rob Schmicker** 113-Approve- Personal opinions addressed. Need better way to make energy.

**Dale Chu** 128-Approve- Toxicity concerns. Living with solar panels for over 25 years. Children born hospitals partially powered by solar, as well as schools have them in their parking lots with no negative health effects. Personal opinion on tax benefits of solar power.

**Chris Nue**st-133— Personal opinions addressed. Solar panels will encompass his house and he will still live there. Personal opinions on infrastructure. Need to build up our community and support one another.

**Joseph Stukofski** 135-Approve-Within 1 mile of proposed solar project. Personal opinions addressed. Where are panels being manufactured?

**Chris**-Final decision of where panels will be made is undecided. We are focusing on identifying cost effective sources in the US for variety of equipment we are installing including racking & transformers, etc, along with the panels. This is part of the process of next design phase.

**Suzanne Morrow** 1-Opposed- Personal opinions addressed. Planning and information concerns.

**Bruce McDonald** 2-Opposed- Personal opinions addressed. Aesthetics of panels, landscaping and property value concerns.

**Courtney Poor** 144-Approve- Personal opinions addressed. County fiscal concerns, taxes and solar panel farms not considered agricultural concerns.

**Nathan**-County assessor office, Indiana property is assessed based on its use. If special exception is granted, development itself will remain agriculture, but will be reclassified as commercial. Tax rate

**Scott Straw** 33-Opposed-Personal opinion on finances and taxes.

**Tom Saltsman** 107-Opposed- Personal opinions addressed. Income tax distribution concerns.

**Nathan**- Entire county income tax is 3.38% Dropping to under 3% next year. Shared distribution data & regarding property tax relief.

**Tim Kuhn** 44-Approve- Personal opinions addressed. Jobs made available, property rights.

**Michael Brigman** 64- Personal opinions addressed. Decommissioning & bond concerns.

**Chris**-Bond will secure restoration of the land & equivalent to an insurance policy. If developer will default, the insurance policy will payout and cover the contract needed to restore ground.

**Josh Brown** 23-Approve- Personal opinions addressed.

**Gery Welker** 57-Approve- Personal opinions addressed. Powerlines history. Promoting habitat for butterflies & bee population. Panels will limit water pumped and less/no chemical deposited.

**Jeffrey Griffeth** 55-Approve- Personal opinions addressed. Personal opinions on losing potential economic opportunities to Pulaski County. Spoke with Becks Hybrid with 2 private solar fields for their own use and they confirm no negative effects.

**Scott Fritz** (Zoom)-Approve- Personal opinions addressed.

**Chris**-A targeted & specific area of the project due to power lines. It will have no impact on neighbors. The appearance will be a benefit. There's going to be flowers, grasses, could be lambs grazing. It's going to look like a greenhouse in the distance but significantly smaller than a pivot. The investment will set the stage for Pulaski county to be a leader in renewable energy. Please review the facts that this project meets every single criteria presented before the board and we ask you vote in favor.

**Nathan**-Only new items to be discussed from this point forward.

**Riley**-Personal opinion on wearing face masks and 2% of ground covered.

**Public person**-Personal opinion on lambs grazing in land and weeds growing above the panels.

**Catherine Evans**- Personal opinions addressed. Addressed previous conversation with Nick Cohen and data seen on internet.

**Public person**-Personal opinion on finding of facts criteria

Public person- Concern regarding working with emergency management

Motion to close: Abby motion, Matt 2<sup>nd</sup>, All approved

**Abby**-Addressing persons speaking of transparency and noted no one comes to public plan commission meetings where things have been discussed. We need to take a little time because this is a lot of information. We need more time to look through before we make a decision.

**Jeremy**- I agree with Abby & am concerned on the size of the project. Would like to see building plans. We need more information.

**Derrick**- Transparency issues don't exist because this has been going on for well over a year. Plan Commission made the rules in public meetings. Nobody comes to public meetings held bi-monthly. The county is being transparent and has followed the law. If you do not like the law then write to state legislatures to change the process because that is what was followed. There is a process for projects, and studies will take money that are an investment that shouldn't be spent if you don't know if the project will go through. You need board permissions before you can go forward with projects. A lot of information has been distributed this evening. We make these decisions based on facts, not emotion. They are legally made by finding of facts.

**Phil**- I need time to research and contact experts regarding farm land values and talk with wildlife experts to register what impacts could be done.

**Nathan**-Phil and Jeremy have raised good points to continue before a decision is made. Specific points to continue need to be made and compliant with UDO.

**Abby**-Concerns regarding disposal and Recycling concerns. I can't tell someone what they can or can't do with their land as long as they're following the law.

**Chris**-parts are recyclable and safe. If it's destroyed, we will replace it. If it is truly destroyed/broken in some way it will go to a landfill. We have an obligation to restore the land if the project goes down.

Derrick- Reminder, this is a tough seat to be in when we make \$50 to be here, and make decisions based on finding of facts and avoid emotion to avoid litigation for the county.

Nathan-Phil raised concerns about environmental impacts

**Phil-Environmental Impacts and Farm land values**

**Chris-I** would state that looking at the situation, corn & soybean don't care what's next to it, so it doesn't have economic impact on it. I would say it would increase the land value around it due to slight reduction in use from land around it.

**Derrick- We** have one point to hold the vote. We need a motion to table, approve or deny based off finding of facts.

**Dean C-**personal opinions of chemicals in panels

**Jeremy- Environmental Impact,** local jobs created, maintenance, life expectancy, Health concerns such as radiation, ground water, toxins and ecology. I need more factual information.

Derrick confirming what information we need to bind us by Indiana code.

**Jeremy-** most important concerns to me are environmental impact, health concerns, ecology, and wildlife.

**Phil-I** can get data on wildlife from some experts for the board.

**Nathan** asked Jeremy to confirm his concerns.

**Jeremy- Environmental impact,** health concerns of radiation and ground water toxins.

Discussion: who gets information and date and time frame? Nathan states staff and board members.

**Matt-**motions to table for 30 days for environmental impact, health concerns and for ecology and wildlife, Abby 2<sup>nd</sup> to continue

Matt motions to amend from 30 days to the 4<sup>th</sup> Monday in August on the 24<sup>th</sup>, Abby 2<sup>nd</sup>. All approved. Motion carried.

**Chris-**will public hearing be open for presentation on presentation of those subjects in question?

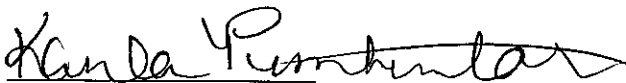
**Derrick- We** will speak with attorney to confirm process

**Old Business:** N/A

**Public Comment:** Is this the last chance for the public to discuss this matter?- We're confirming with county attorney. How do we present written facts? -Submit to building & zoning department as it is not appropriate to contact board members. Introduction of board members

**Adjournment:** Abby motion to adjourn, Matt 2nd. All approved. Motion carried.  
Meeting adjourned at 9:20pm

Sincerely submitted,



BZA Secretary Karla Pemberton, Pulaski County Board of Zoning Appeals



BZA President Derrick Stalbaum



BZA Executive Secretary Phil Woolery