**Minutes**

**WARRICK COUNTY AREA BOARD OF ZONING APPEALS**

Regular meeting to be held in the Commissioners Meeting Room,

Third Floor, Historic Courthouse,

Boonville, Indiana

November 28, 2022 at 6:00 P.M.

**PLEDGE OF ALLEGIANCE:**

**MEMBERS PRESENT:** Terry Dayvolt, Chairman, Paul Keller, Doris Horn, Mike Moesner, Jeff Willis, Mike Winge, and Jeff Valiant.

**MEMBERS ABSENT:** None

Also present was Morrie Doll, Attorney (present by phone), Molly Barnhill, Executive Director, Katelyn Cron, Assistant Director, and Kim Kaiser, staff.

**MINUTES:** Upon a motion made by Jeff Valiant and seconded by Mike Moesner, the Minutes of the last regular meeting held October 24, 2022 were approved as circulated.

**VARIANCES:**

**BZA-V-22-37**

**APPLICANT:**  Taylor Davis

**OWNER:** Alvin Tieken

**PREMISIS AFFECTED:** Property located on the west side of Shady Lane approximately 45 feet northwest of the intersection formed by Shady Lane and 5th Street. Greer Twp. 18-4-9

**NATURE OF THE CASE:** Applicant requests a variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: a SFD w/only 12’ of direct access and 45’ ingress/egress easement to a maintained ROW. (Minimum is 50’). All in an “A” Agricultural Zoning District. *Advertised in The Standard on November 17, 2022*

Taylor Davis was present.

Chairman Dayvolt asked is Mr. Tieken here.

Taylor Davis responded no, I am temporary power of attorney for the property for today.

Mrs. Barnhill stated I do have that power-of-attorney paperwork and it has been recorded.

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill stated we have all of the white pay receipts showing they were mailed correctly.

She said the existing land use is vacant and wooded lot. She stated the surrounding zoning and land use to the north and east are zoned “R-1A” One-Family Dwelling being Brownwood Acres with single-family dwellings. She said to the south is “R-1A” One-Family Dwellings and “A” Agriculture with single-family dwellings and farm ground and to the west is zoned “A” Agriculture with farm ground. She stated no floodplain and a driveway permit is required. She said the application is in order.

Chairman Dayvolt asked Mr. Davis do you have anything to add to this report.

Taylor Davis stated I just have the green copy and I didn’t know if you guys needed these.

Mrs. Barnhill replied yes, sure. She said will you hand them to Kim please.

Chairman Dayvolt asked for any questions from the Board.

Mike Moesner asked it looks like you have an easement then on the property next to you to come in.

Taylor Davis responded yes, sir.

Mike Moesner asked so that gives you a little over 50’.

Taylor Davis replied approximately, yes sir.

Chairman Dayvolt asked if there were any remonstrators for or against this project.

Christopher Spindler stated my name is Christopher Spindler and I live at 515 N. 5th Street being the adjacent property to the south. He stated I was actually just looking for clarification as to what and where this easement uh ingress/egress easement is going to be. He said I have a somewhat non-typical property line issue currently and unfortunately with the holiday and the short notice I wasn’t able to get a proper legal survey before tonight. He stated but the way the curve of the road is I was just curious as to where this intended easement is going to be.

Mrs. Barnhill stated the easement is already there and it is on the other neighbor.

Christopher Spindler asked on the Harris’ side.

Mrs. Barnhill stated Harris yes.

Christopher Spindler stated I knew Alvin said when he sold that property it land locked the other piece that was only shown to provide access. He asked can you show me on a map or some type of …

Mrs. Barnhill stated we have a site plan.

Christopher Spindler said a site plan. He asked can I see that.

Mrs. Barnhill responded yes.

Several Board members commented watch your step up.

Mrs. Barnhill stated I think this is you right here on 5th.

Christopher Spindler responded yes, yes that is correct.

Mrs. Barnhill stated so the Harris, actually we found that it has 12’ to that right-of-way and the easement is this little triangle right here.

Christopher Spindler replied right.

Mrs. Barnhill stated 45 feet.

Christopher Spindler stated I maintain that… my property line is actually here so I’m what 6’ to 8’ off on the east side and so that is also that line where it meets, which looks like that would be the right point. He said so he is asking for an easement there.

Mrs. Barnhill stated it is already there he is asking to use the easement. She said he wants to build a home back there.

Christopher Spindler replied okay, that is what I needed to know.

Jeff Willis stated watch your step going back down.

Christopher Spindler said thank you.

Chairman Dayvolt asked does that sound…

Christopher Spindler stated that answers my question.

Chairman Dayvolt replied okay.

After ascertaining there were no more questions from the Board and no more remonstrators for or against the project Chairman Dayvolt called for a motion.

I, Mike Moesner­, make a motion to approve the Variance Application based upon and including the following findings of fact:

* 1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
  2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
  3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is that there is a minimum amount of access without the easement and where it is located, it is land locked otherwise.
  4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
  5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
  6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
  7. That the hardship to the applicant’s use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
  8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
  9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
  10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:

1. Subject to an Improvement Location Permit being obtained.
2. Subject to a Building Permit being obtained.
3. Subject to a Hold Harmless Agreement being executed and recorded.
4. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
5. Subject to all utility easement and facilities in place.

Chairman Dayvolt stated I have a motion by Mike Moesner and a second from Mike Winge.

Jeff Valiant asked Molly, will this go to Elberfeld Town after this.

Mrs. Barnhill the variance. She said we will give him the approval.

Jeff Valiant responded okay, thank you.

The motion carried unanimously.

Mrs. Barnhill stated if you want to give us a week we will have the approval ready and you can come and pick it up at any time.

Taylor Davis said okay, thank you very much.

Chairman Dayvolt stated next up is a special use and due to the nature of this special use I think with the packets that we have it is going to take more than 20 minutes to bring it forth to us.

Mike Winge stated my personal feeling on it is I would like to get it tabled to have time to go through all of this.

Chairman Dayvolt responded well, we will address that. He asked Morrie do we need a motion to extend the time.

Mike Moesner stated Robert’s rules says you can make a motion to table and it has to have a second.

Mrs. Barnhill stated I believe what he is talking about is the 20 minute time limit so somebody, if you want to, can make a motion to waive that rule that sets the 20 minute time limit.

Mike Winge stated one of the concerns I have is there is so much stuff you are giving to us at one time that maybe we could get explained somewhat but…

Jeff Valiant said yes, that is what we are looking at.

Jeff Willis asked since Morrie is not here are we not going to make a decision tonight or since he is on conference call we will be able to.

Mike Winge stated let’s give them the extended time and see what they have to say and then we will go from there.

Mrs. Barnhill stated I think we are all here and ready to go.

Mike Winge made a motion to extend the time.

Mrs. Barnhill asked waive that time limit from the Rules of Procedure.

Mike Moesner seconded the motion and it carried unanimously.

Mrs. Barnhill asked Morrie, can you hear us. She said I am going to call him again. She stated I am so sorry.

Chairman Dayvolt stated since we have extended this time limit for the people seeking the special use anybody remonstrating will have the same time limit except we will not entertain any repeating of the same excuses or reasons why it should not be so. He said if you have a remonstration against it please do not repeat what has already been said. He stated you can come up and sign in as a remonstrant but please do not take us down the same road.

# SPECIAL USES

**SPECIAL USE:** BZA-SU-22-31

**APPLICANT:** Rustic Hills Solar LLC, by Jason Ellsworth, CEO of Clenera Holdings, LLC, Managing Member

**OWNERS:** Cornell Excavating, LLC by Guy Cornell III, President; Guy & Shirley Cornell by Guy Cornell III, Personal Representative; Guy III & Karen Cornell, Owners; Volkman Family Farm LLC by Brian F. Volkman, Mbr. And Joe F. Volkman, Mbr.; Ruth Norine Keller, Owner; Leonard Keller Trust, by Leonard Keller, Trustee; Theodore & Joyce Keller Trust by Joyce Keller, Trustee; William Wendell Kroeger, Owner

**PREMISES AFFECTED:** Property located on the East side of SR 61 lying south of Addington Road, north of Kaiser Road and West of Yankeetown Road. Sections 28-6-8 & 27-6-8 Boon Township. *Complete legal on file*.

**NATURE OF THE CASE:** Applicant requests a Special Use, SU 29, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a 709 acre Commercial Solar Energy System (CSES) in an “A” Agriculture Zoning District. *Advertised in The Standard on November 17, 2022*

Chairman Dayvolt asked Mr. Ellsworth are you here.

Tom Fitzgerald stated Mr. Ellsworth is not here this evening. He said my name is Tom Fitzgerald. He stated I am the Director of Development at Clenera and I will representing Clenera this evening.

Chairman Dayvolt responded okay. He asked are the owners here.

Tom Fitzgerald replied yes, they are.

Chairman Dayvolt responded okay. He asked will you sign in please.

Mrs. Barnhill asked Chairman Dayvolt, would you like to hear both of these at the same time. She stated they filed two applications but they essentially are the same operations.

Chairman Dayvolt replied we might as well, don’t you think.

Mrs. Barnhill stated okay.

Chairman Dayvolt asked Morrie, what do you think.

No answer

Mike Winge asked do we have to make that in a motion.

Chairman Dayvolt stated I am sure we will.

Mrs. Barnhill asked Morrie.

Jeff Willis stated he is gone.

Amanda Mosiman asked from the seating Molly is there anything you need that can help with that that I can get you from downstairs.

Mrs. Barnhill stated this is the only conference phone that we had for me to use. She said I could put him on speaker phone on my cell.

Amanda Mosiman stated I have a Bluetooth speaker that he could hear the whole room.

Mrs. Barnhill asked would you want to try that.

Jeff Valiant asked do we want to take a five.

Chairman Dayvolt stated we will take a five minute break.

The meeting recessed at 6:17 to get Attorney Doll reconnected on the phone.

Attorney Doll gets reconnected at approximately 6:40 p.m.

Amanda Mosiman stated for the sake of Molly I am going to record this to the cloud.

Mrs. Barnhill and Attorney Doll replied thank you.

Chairman Dayvolt stated I believe Mr. Fitzgerald you were at the podium and we are ready for the staff report aren’t we Molly.

Mrs. Barnhill replied yes, we are doing both right, 22-31 and 22-32.

Chairman Dayvolt asked Morrie.

Attorney Doll replied yes.

Chairman Dayvolt asked do we need a motion to do both of them at the same time.

Attorney Doll stated I would rather you do them separately.

Chairman Dayvolt responded okay.

Attorney Doll stated it makes a better record. He stated you can hear the testimony at the same time, Terry but a motion to approve or deny should be separate for each variance.

Chairman Dayvolt replied okay.

Mrs. Barnhill stated correct, but I will read the staff reports kind of together since they are so similar.

Attorney Doll responded yes, that is fine.

Mrs. Barnhill stated okay. She said the next one is BZA-SU-22-32.

**APPLICANT:** Rustic Hills Solar II, LLC by Jason Ellsworth CEO of Clenera Holdings LLC, Managing Mbr.

**OWNER:** Cornell Excavating, LLC by Guy Cornell III, President; Volkman Family Farm LLC by Brian F. Volkman, Mbr. And Joe F. Volkman, Mbr.; Ruth Norine Keller, Owner; Leonard Keller Trust, by Leonard Keller, Trustee; Theodore & Joyce Keller Trust by Joyce Keller, Trustee

**PREMISES AFFECTED:** Property located along SR 61 lying south of Roeder Road and west of Yankeetown Road. Sections 20,21,22,27,28,29-T6S-R8W Boon & Ohio Twp. *Complete legal on file.*

**NATURE OF THE CASE:** Applicant requests a special use from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow: approximately 750 acre to be used for Commercial Solar Energy System (CSES) all in an “A” Agricultural Zoning District. *Advertised in The Standard on November 17, 2022*

Mrs. Barnhill stated on the notice for both of these we are missing eleven green cards but we do have the white pay receipts and they were mailed correctly. She said the existing land use are some farm fields and some wooded areas. She stated the surrounding zoning and land use on 22-31, the subject property is completely surrounded by “A” Agricultural Zoning District being farm ground, one single-family dwelling and wooded areas throughout. She said on 22-32 surrounding zoning to the north “A” Agricultural Zoning being farm ground and single-family dwellings, to the east “A” Agricultural zoning with wooded areas, farm ground and “M-1” Light Industrial where the Warrick County School Corporation maintenance buildings are. She stated to the west is “A” Agricultural Zoning District being Arnold Subdivision with single-family dwellings, Lincolnwood Estates with single-family dwellings, vacant farm ground and wooded areas. She said to the south is “A” Agricultural Zoning being proposed Rustic Hills Solar I with farm ground and wooded areas. She stated there is no floodplain on 22-31 on 22-32 there is some A floodplain on the west property boundary, which follows along Cypress Creek and Taylor Ditch. She said this development stays out of the floodplain areas and their final site plan will need to show the best available floodplain data as well. She stated right now it shows the firm insurance floodplain layer. She said the traffic and street access there are several proposed entrances onto County maintained roadways. She stated commercial driveways will be required and surety posted prior to obtaining any Improvement Locations Permits. She said there is one entrance onto State Road 61, which will need to be permitted through INDOT. She stated the entire proposed area is within the “M-2” TIFF District. She said they have provided a Decommissioning Plan for decommission of the project in its estimated 35-year useful life, said estimate on 22-31 is $1,393,727.50. She stated before obtaining any Improvement Location Permits they will be required to supply 125% of that estimate to the APC by either Cashier’s Check or Letter of Credit. She stated this dollar amount will be re-evaluated and agreed upon by the County Commissioner’s every 5 years. She stated on the other section 22-32 the amount is $1,493,340.00. She said they will be required to submit a copy of a current general liability insurance policy. She stated said insurance covering at least $2,000,000.00 in occurrence and $5,000,000.00 in aggregate with a max deductible of $5,000.00. She stated this is required prior to the permit being issued. She said on the site plan, this is on 22-32, the latest site plans which were filed last Wednesday the 23rd are missing the engineer’s seal. She asked did you know that Tom.

Tom Fitzgerald replied I did not know that. He said thanks for pointing that out.

Mrs. Barnhill stated the previous versions did have it all on there and both of those are in your packets. She said the most recent site plan with an engineer’s seal will need to be re-submitted and that should be a condition of any approval tonight. She stated the setbacks from property lines are 25’ at the minimum. She said the scale of the plans makes it very hard to see and I would like confirmation that there is at least 25’ from all outside boundary lines to the perimeter of this CSES. She stated a verbal confirmation so I have that on record.

Tom Fitzgerald stated I can confirm that. He said that is correct.

Mrs. Barnhill replied okay. She stated that would be everything. She asked do you want to let him give his presentation.

Chairman Dayvolt responded umhmm.

Tom Fitzgerald stated I did prepare a presentation of a few things. He said let me hand these out (passing out copies of his presentation to the Board members). He stated I don’t know if you want to share one with the public or not but I can just kind of hold it up as I go through it. He stated basically it is a scaled down version of what was in the application package that was provided to you all. He said I am happy to run through it I am here to help you all if you have any specific items that you would like stop and cover as we go through this I am happy to do that. He stated I will just quickly touch on Clenera. He said Clenera is a renewable energy developer. He stated we are based in Boise Idaho and were founded in 2013. He stated to date we have constructed and operate 1.6 giga watts of utility solar in eight states with a rapidly growing footprint for expansion. He said I am just kind of flipping through a few of these so we can get into the meat and potatoes of tonight’s discussion. He stated what the applicant’s this evening are here for is the Rustic Hills Solar and Rustic Hills Solar II LLC projects. He said they are each 100 megawatt AC photovoltaic generating plants with a total injection capacity of 200 megawatts AC. He stated the reason that it is split into two projects I will get into in momentarily but primarily it is because the power from the project is going to two separate off takers. He said just turning the page you can see an overview on Rustic Hills Solar LLC. He stated it is a 100 megawatt AC PV generating facility whose power will be going to Hoosier Electric Co-operative. He said it will be tapping into the CenterPoint and Culley northeast 138 KB transmission line that transects the site, which will inject the power of the newly constructed substation located on site immediately adjacent to the solar project and the transmission lines. He said the estimated commercial operation date is May of 2026 with an estimated start of construction of November of 2023. He stated at this point we expect the project to last 35 years and the site footprint is 709 acres. He said moving over to Rustic Hills 2, again 100 megawatt AC PV Generating facility with the same point of interconnection at the to be constructed substation. He said again the commercial operation date and start of construction schedule are the same as well as the whole life of 35 years. He stated the site footprint is slightly larger due to some larger constraints that needed to be avoided with the aggregate footprint of 750 acres. He said currently the project has an off date agreement for the power of this project with Southern Indiana Gas and Electric also known locally as CenterPoint for a term of 25 years. He said maybe I’ll just pause there and see if there are any general questions before I move into an overview of the project components. He stated hearing none the first kind of primary component of the facility are solar modules or solar panels. He said you will see here there is kind of an example of them. He stated they are translucent and manufactured out of poly silicon with copper sub straights and then pressed between two pieces of glass. He said the modules themselves are not made of any, excuse me I just lost my spot, the modules that will be deploying are what is called bi-facial so that means the sunlight can catch the electricity or the photons when it hits the surface on one side but there is also clear and once the photons bounce off the ground it can hit the backside of the panel as well and increase the power output there. He stated the PV modules generate DC electric current and then they are designed to absorb light because that is what generates electricity. He said the panels we are using don’t contain any hazardous materials such as PFAS (polyfluoroalkyl substances), lead, cadmium telluride and there are other products on the market that do use those. He stated upon the completion of the useful life of the project is expected that the panels will be recycled or sold on a secondary market. He said currently it is estimated that at the end of the 35 years the panels will have roughly 80% of their current output capacity so there will still be a large value on the secondary market to be redeployed. He stated in the event that they are not we plan on recycling them. He asked yes, sir.

Mike Winge asked what type of battery do these panels have.

Tom Fitzgerald responded no, sir there is no battery that goes along with this particular project. He stated there are other projects we work on in other parts of the country that have a battery.

Mike Winge asked so where are you storing this…

Tom Fitzgerald stated this power will need to be immediately injected onto the power grid or otherwise it will be curtailed or grounded if the power was not able to be delivered to the power system.

Mike Winge asked so it is going straight into the power grid. He said no backup.

Tom Fitzgerald replied yes, that is correct.

Chairman Dayvolt asked do you project any batteries in the future.

Tom Fitzgerald stated I would say generally that yes, batteries are coming whether or not they will be used on this project in the future would be through a retrofit. He said we would need to go back to micelle or the mid-interconnected or mid-intercontinental interconnections service operator to permit and allow battery to be added to this.

Mike Winge asked are those like a 24 type parallel per panels or what do we call them.

Tom Fitzgerald stated so usually the way that the batteries work now I mean this is all kind of relatively new to the energy business but the best practice that we are seeing now is you have the PV and then it is coupled with a four hour duration battery. He said so really what you are doing is you are shifting some of that excess generation that occurs in the middle of the day to the shoulder season in the afternoon when everyone is coming home from work ramping up the air conditioner and turning on the TV and helping really fill in that gap.

Mike Winge asked so this is going to be going through an inverter…

Tom Fitzgerald responded yep.

Mike Winge asked which eventually you are wanting to go through the batteries for storage.

Tom Fitzgerald replied well there will be an inverter but the inverters in this instance will go directly into the step up transformer and that transformer will increase the voltage from the nominal voltage of the system, which is 34.5 to the transmission voltage, which in this instance is 130K.

Mike Winge asked so they will be sitting and not being used when they are generating a lot more power without the batteries.

Tom Fitzgerald stated if we are exceeding the 200 megawatt AC injection capacity of the point of interconnection then any excess capacity would be curtailed or grounded so yes we will be maxed out at that 200 megawatts AC.

Mike Winge responded okay.

Tom Fitzgerald stated but just as a little bit of technical background for you this isn’t as largely designed such that we are very rarely if ever exceeding that injection capacity threshold.

Mike Moesner asked what happens if in ten years the panels that you could buy at that point are twice as effective as what they are currently.

Tom Fitzgerald stated the way that these projects kind of get financed is almost like an annuity and that you have a fixed income based on the power contracts and so you are allowed to go take that and basically use that power contract to finance and build the project as it is today. He said in 35 years from now after this project has run its useful life, you know hopefully someone not me, will be standing here asking to either potentially remove the project as we have discussed through the decommissioning plan or potentially repower it using ideally higher efficiency modules in which case the footprint of the project would condense. He asked does that answer your question.

Mike Moesner asked so you are looking, you have this set amount that you are producing and currently what you have is going to produce it but in 10 years or 15 years you have better and it takes less to do it you are still just going to be at that maximum output then.

Tom Fitzgerald stated in terms of the total number of solar modules yes that is right. He said we will not do any augmentation of the project once it is installed initially. He stated we would only be replacing the modules in the event that they were damaged or broken.

Mike Winge asked battery life is 8-10 years and that many batteries so they have a lot of things in them that …

Tom Fitzgerald stated just to be clear this project will not be employing any battery technology on site.

Mike Winge asked so that is not anything coming.

Tom Fitzgerald replied not as part of this application, no.

Mike Winge said first application.

Tom Fitzgerald stated I don’t have any plans to come back up here and apply for a battery. He said we have made a place on the plans set indicating where it would be possible for one to go in the future but right now both of our out take agreements don’t contemplate a battery.

Mike Winge stated I would like to ask Morrie about that. He said if the battery is included could that may be talked about even if it is or would have in the past because you are talking about a lot of batteries. He stated 1,500 acres total here that is a lot of contaminants because they don’t last long. He said I already have one. He stated 8 or 10 years at best and then you have to replace them and they constantly hold less.

Mrs. Barnhill asked so Morrie did you catch that.

Attorney Doll stated I did but what is the question, Mike.

Mike Winge stated if in fact this thing goes and there is no language in here what so ever for that I think that has to be re-visited for batteries.

Attorney Doll stated you could conditionally approve it if you are so inclined. He said you could conditionally approve it subject to them coming back and amending the application if they ever see to install battery storage at this location.

Chairman Dayvolt stated they already have on their plans, Morrie locations for the batteries.

Attorney Doll stated they have a spot for it.

Chairman Dayvolt replied yes.

Attorney Doll stated they have a spot for it but the application does not indicate that they are going to put batteries here. He asked is that correct Molly.

Mrs. Barnhill replied yes.

Attorney Doll stated and the presentation that I just heard indicates that at the present time they are only seeking photovoltaic permission, no battery storage permission so you can approve it without permitting batteries with a requirement that they have to come back at a later time. He stated it is called a conditional approval. He said you can do it that way and if they ever seek to install batteries they would have to come back to the BZA.

Chairman Dayvolt asked any questions from the Board.

Tom Fitzgerald stated if there are no more questions I will continue on. He said the solar modules are going to be affixed to a solar tracker….

Mike Winge stated I have one more question for you.

Tom Fitzgerald responded okay.

Mike Winge said I just happened to think of it... He asked on these locations that you have is that beneficial for linking in with the utilities or what was the reasoning behind picking that.

Tom Fitzgerald responded you read my mind. He said that is a few slides ahead here but I am happy to jump ahead to that because I think that is one of the key questions. He stated the primary driver was exactly that was selecting the location based on the transmission grid access to it and availability on those lines so it is immediately adjacent to that site so we aren’t going to have to have the long gen-tie that is expensive and costly.

Mike Winge said voltage drop.

Tom Fitzgerald stated voltage drops and also the injection capacity on that transmission line was studied and deemed to be able to accept this additional 200 megawatts of capacity without costly upgrades that would potentially be passed on to customers. He said stepping back to where I was in the presentation. He stated I was discussing the trackers so the modules will all be affixed in long rows that will track the sun moving from east to west across the day. He said the movement of the trackers is imperceptible they move roughly two centimeters every four minutes or something like that. He stated it covers, I think, a 210 angle rotation during the day. He said they’re driven by a silent push/pull mechanism. He stated there is going to be approximately 75,000 piers for the 200 megawatts to be mounted on. He said each pier has a surface area of about 100 square inches so it is roughly about this big (holding hands up to demonstrate the size). He stated for a total surface area across the whole project site of 1.25 acres so that is less than two tenths of a percent of the entire surface or project area that is being sought for a permit. He said the maximum profile of the trackers is about 15 feet and that occurs about 20% of the day that the sun is on the horizon at either the morning or the afternoon. He said most of the time it is laying roughly flat to capture the sunlight overhead and the tracker raise is somewhere between 6-8 feet tall. He stated again the support piers or foundation that the trackers are mounted on are just pier driven either with a pile driver or a vibratory driver and they do not use concrete foundations so they are very easy to remove after the life of the project allowing the project to potentially go back into agricultural production. He said again I can pause there to answer any specific questions on that element of the project before continuing on.

Chairman Dayvolt asked how deep are those structures driven.

Tom Fitzgerald replied it depends on the location and the sub soil. He stated in this area I think they will probably be driven somewhere between 6-8 feet. He asked is that right Ryan.

Someone in the seating replied yeah.

Tom Fitzgerald stated so moving on so that the DC electricity generated by the PV modules will be converted into AC or alternating current by power inverters. He said we are typically…right now contemplating two different types of inverters. He stated one is a central inverter. He said it is located more on the skid and it is roughly the size of a small school bus and that can aggregate and convert the power from two megawatts so there would be roughly 50 of these stations sprinkled throughout the field. He stated that was kind of the previous technology and we are now moving to what is called the string inverters, which is a smaller kind of combiner box that is mounted onto the bottom of one of the trackers rails themselves so here on the top photo you can see the more standardized traditional central inverter and here it shows the smaller string inverter. He said this allows them just to be managed on a smaller scale. He stated it gives the project a greater up time by allowing a technician to come out and just swap out one of those whole units itself as opposing to have a technician come out and actually service this larger unit. He said again the inverters are kind of interspersed throughout the array and the inverter noise is not audible to human at greater than a five meter distance. He stated so just moving on from there the AC power that comes out of all the inverters will be gathered through a collection system. He said all of those collection systems will be fed into what we call the project the substation. He stated this is where the main transformer will be located. He said it is going to increase the voltage from the nominal voltage of the inverters of 34.5 kilo volts up to 138 kilo volts, which is the transmission level voltage. He stated from there will be a fence with a very short transmission line that goes into the CenterPoint facility and injected onto the power grid from there. He said those are some of the kind of primary components of this system. He stated on the next page you can see one of our recently completed projects. He said this is the Wapello Solar Park located in Wapello, Iowa just south of Muscatine. He said I can pause there before moving on if there are questions about the design or specific components of this system. He stated hearing none I will just touch on a few design features. He said as Molly mentioned this conforms to the Warrick County Comprehensive SU-29 Zoning requirements including all of the minimum setbacks. He stated the projects are avoiding all of the onsite wetlands, they are avoiding all of the onsite designated flood zones, and also some areas that are deemed to have higher logical none beneficial hydrological flows on the site. He said after construction this site will be vegetative with a pollinator habitat seed mix that we have consulted with Purdue Extension on selecting. He stated we are also maintaining pretty extensive pre-existing vegetation buffers and including additional vegetation screening and buffers along the key travel corridors. He said I’ll also just site here for the record some due diligence that were done on the project sites that demonstrates the low presence or impact to the natural biological horticultural resources. He stated I can pause there if there is any specific questions on those items otherwise I will just briefly touch on the fact that along with our application we submitted a robust operation and maintenance plan that employs up to 35 unique inspection and maintenance routines. He said this is basically the same plan that we’re employing at the other 19 projects that are operating across the United States and I think that since our first project went in the ground in 2015 we have maintained a greater than 95% uptime during generation networks, which is pretty phenomenal. He stated Molly gave a very high level summary of the decommissioning plan. He said we have done extensive plans and have actually our head of construction is probably one of the few people in the industry who has decommissioned a project. He stated we have a very good sense on what this costs. He said I think that Warrick County’s Ordinance is very thoughtful in the way that it is laid out in turns of requiring a bond but then also having that cost be re-examined every five years. He stated that is something that we have really encouraged and worked with other communities to get that to that kind of thinking and framework on and I think that as Molly has indicated on day one we will be posting bonds in excess of $2.8 million across both projects. He said again I can pause for questions on the decommissioning plan. He stated hearing none I will just touch on a few items and elements from the landscape and vegetation plan. He said citing the ordinance if a CSES is located within 1,000 feet of a residential subdivision, a major commercial development, or a heavily traveled public highway, the CSES site shall be designed to maximize the use of appropriate vegetative buffers to minimize its visual footprint using vegetation variety recommendations provided by an appropriate Extension Service, excuse me. He said the landscaping vegetation plan were generated in conjunction with a third party consultant, which is a registered Indiana landscape architect, Fred Prazeau of Context Design. He stated he is here this evening as well and can help address any questions that this Board may have. He said the landscape and vegetation plan were reviewed and revised per input from the Purdue Extension Service and per the County ordinance the landscape plan was designed to consist of species are part of the buffer area. He stated vegetation buffers will consist of agricultural lands and will also consist of trees and shrubs that are roughly 6-8 feet tall at the time of planting. He said the ground cover seed mix was designed to exceed 100 points of the standard pollinator habitat on the pollinator planning score card, which was published in 2020 by Purdue Extension so we meet or exceed the criteria of the pollinator score card based on our current vegetation plan. He stated moving over to the next page I’ll just point out a few different visual references here. He said you will see on the left, circled in red, are areas that where there is existing vegetation buffers between our cells. He said major residential areas and heavily traveled thoroughfares, all of those are being left in place along with a sizeable agricultural setbacks. He stated on the right you can see a mock-up of what the vegetation screening would look like along the fence line and below that you see kind of a guess sliced view of what the buffer looks like when you cut the half so you can see where the roadway and the highway sits, a large agricultural buffer, roughly 100 feet to the fence line, and then the vegetation buffer of bushes, shrubs, and trees in front of that. He said finally just turning over to the next page on the vegetation plan. He stated the vegetation was really focused on increasing the density at key intersections so along SR 61 and the intersection of SR 61 and Lincoln Avenue. He said as you kind of move away from those pinch points where there is a high concentration of traffic and the volume the nature of the landscape plan kind of diminishes to help blend the project back into the surrounding landscape.

Mike Winge stated I noticed while I was looking at it will have up to an eight foot chain link fence.

Tom Fitzgerald replied yes.

Mike Winge said with barbed wire on the top.

Tom Fitzgerald responded yes, sir.

Mike Winge asked why does it say up to rather than eight foot.

Tom Fitzgerald responded in some instances the fence may not be uniform in height as opposed to the contours of the ground but generally speaking it would be eight feet.

Mike Winge asked so it will be eight feet.

Tom Fitzgerald replied yes, sir.

Mike Winge asked all the way around the perimeter.

Tom Fitzgerald replied yes, sir.

Chairman Dayvolt said I have a question. He asked are you in the farming business too.

Tom Fitzgerald responded I am not in the farming business, no. He said I am in solar farming business.

Chairman Dayvolt stated you are showing farm Ag ground around it.

Tom Fitzgerald replied yep.

Chairman Dayvolt asked who is doing that in this TIFF district.

Tom Fitzgerald stated so we have… there are existing tenant farmers that are farming this ground currently as long as some of the ground is being farmed by some of the landowners directly at this time. He said we also have a relationship with, I believe, a Mr. Alan Durcholz who is a large tenant farmer in the area who has expressed interest in continuing to farm some of these buffer areas with us although at this point no specific arrangements have been made with any of the local farmers to do so.

Chairman Dayvolt asked how close are you planting trees in here.

Tom Fitzgerald asked how close are we.

Chairman Dayvolt said uh-huh.

Tom Fitzgerald stated when you…can you clarify your question for me.

Chairman Dayvolt asked I mean are you going to plant a tree every 1,000 feet or every 10 feet…

Tom Fitzgerald responded Fred maybe you can come up and join me if you don’t mind. He said I would like to invite Fred Prazeau, of Context Design to the diaz to help answer some of those questions as he helper to prepare this plan.

Chairman Dayvolt said please sign in and state your name.

Fred Prazeau stated I would be happy to.

Mrs. Barnhill stated Terry you have something that looks like this in your packet for both of these, everybody does. She said this is their landscape plan and it shows…

Chairman Dayvolt said it shows the…

Mrs. Barnhill replied yes…

Chairman Dayvolt said distance and….

Mrs. Barnhill stated it shows trees and shrubs and it doesn’t show you how far but it has it roughly on there.

Chairman Dayvolt asked but it doesn’t give a distance.

Mrs. Barnhill replied no.

Fred Prazeau stated I can address that. He said Fred Prazeau with Context Design, a Landscape Architect, I appreciate your time. He said so the direct answer to your question is we in working with the Purdue Ag Extension, Amanda asked that we randomize or keep it a little more native in its appearance so it isn’t a regimented spacing on the plan it does vary the trees or shrubs clustered together as to being on a fixed increment so that was a request that she made (inaudible) and common in projects like this.

Chairman Dayvolt asked how about along highway 61 out there.

Fred Prazeau stated it is the same… every edge. He said every edge is a random spacing. He stated there may be some that are 20-30 feet apart or there may be a gap of 50-60 feet before you have the next cluster. He stated you don’t typically put them on a soldier row of spacing when you are doing a natural buffer.

Chairman Dayvolt stated I was just thinking if it was going to be visible or non-visible.

Fred Prazeau asked the solar panels themselves.

Chairman Dayvolt replied yes, I didn’t know if we were going to try to create a buffer that where they are not seen…

Fred Prazeau stated there is not a wall of vegetation if that is what you are describing that is not that… He said in meeting…working with Amanda what we attempted to do was to use both the tilled land that you mentioned plus a very deep buffer plus shrubs plus trees to create that buffer condition so that it is more than just the shrub and just the tree that is attempting to make that buffer. He stated from my, and this is not speaking for Tom or Clenera at this point, but my feeling about it from a landscape architect’s perspective is keeping an agrarian edge seems like an appropriate thing to me to do so that the feel along that corridor maintains some of that character that is part of why it is deep and the setbacks are trying to respect that. He said again that character… again you get some tilled ground plus the buffering of the landscape materials.

Jeff Willis asked but then like along Lincoln you’ll be able to see the solar panels you won’t realize that there is any farm land between the solar farm and the trees.

Fred Prazeau stated yeah, the buffer is to soften that, that view is not a wall of vegetation. He said one thing that this particular petitioner has done that has been different from the other solar projects that we have worked on, it is very common inside of the solar array to have a ground cover treatment. He stated in our experience been pretty unique to take that ground cover and bring it out as well so there is also a pollinator habitat in and amongst the buffer plantings. He asked does that make sense what I am describing. He stated I’m trying to give that as of, as Amanda put it, to make it a productive landscape so it is creating pollinators, it is creating habitats that are helping the world eco system, I thought it was a nice touch that the petitioner is willing to commit to.

Chairman Dayvolt asked are there any more questions on the landscaping.

Mike Winge stated I was just thinking about when taking in crops, Mike probably knows a lot more about this than I do, but as they are taking in doesn’t that create a lot of dust and how does that affect your panels. He said I mean certain crops are…

Mike Moesner stated particularly this year as dry as it was. He said I mean when you would see a combine go off you would hardly see the combine you would just see clouds of dust. He stated I am sure they are going to be …

Mike Winge asked how does that affect your…

Tom Fitzgerald stated certainly the dust does as you would imagine it does diminish the output of solar modules but fortunately it rains here quite a bit and our experienced operating plants around the country in areas where there is also agricultural production as long as you are getting rain once a quarter it is sufficient to clean the modules off and to keep it generating at its maximum output.

Mike Moesner stated I might comment to that, I have solar and I have had it for several years and I do have to wash them with a brush…

Tom Fitzgerald responded yep.

Mike Moesner stated because it does, even though it rains, snows or whatever it still decreases the amount… He said because my panels show me how much is producing each panel…

Tom Fitzgerald responded yep.

Mike Moesner stated it definitely makes a difference until I clean it.

Tom Fitzgerald stated and so just as a side to that when they do the energy modeling on the plan to determine what it is going to take they add a discount fact for what they call soiling losses, which in this case I think it accounts for roughly 3% of the projects output so it has been factored in is my answer.

Attorney Doll asked okay can you hear me.

Chairman Dayvolt stated yes, we can hear you Morrie.

Attorney Doll said thank you.

Amanda Mosiman stated 7:04 until 7:13 was when Morrie was gone.

Tom Fitzgerald said if there are no other questions on the….

Jeff Willis asked underneath the panels there will be plant mix.

Tom Fitzgerald replied yes, yes exactly. He stated maybe I kind of rushed over that but…

Jeff Willis stated I thought you mentioned that but then in this one picture you had a solar farm that had white rock underneath it and you talked about taking light from both sides so I was just wondering.

Tom Fitzgerald stated fortunately I don’t think that in any of the pictures that I showed showed…I think they are on the roadway or in the… you are probably talking about this picture right here.

Jeff Willis stated well the one above.

Tom Fitzgerald stated that is actually the substation yard and that is also probably that was a project that was probably built 8-10 years ago so the industry has been continuing to involve into the best practices. He said now you know we will be putting native habitat pollinator friendly habitat ground cover on the ground is usually a kind of low lying vegetative mix of flowers and grasses.

Chairman Dayvolt responded okay.

Tom Fitzgerald stated just two other things before I kind of move on to why Rustic Hills…we did also submit a fire prevention plan that establishes protocol and contact information for all of the emergency services in the event of an emergency or problem at the project. He said those we have done in conjunction with Jay Davis the Chief of Yankeetown VFD and John Doran the Inspector for Boonville FD. He stated I am happy to answer any questions there as well.

Terry Dayvolt asked what kind of emergency would you expect with this.

Tom Fitzgerald stated honestly not very many emergencies. He said you know I think that we will implement a safety protocol to make sure that everyone is wearing the protective PPE within the site, not driving quickly, that everyone is registered coming in and out, and as long as that and the site manager on site we don’t really anticipate any major issues on site at all.

Mike Moesner asked now on the sites that we are looking at here that is a pretty good size area to monitor is somebody going to be on the property 24/7 or how is this going to work.

Tom Fitzgerald stated so the project is not monitored on site 24/7 there is somebody on site I would say like an average work week so roughly 40 hours per week during daylight hours doing general maintenance on the site and bringing in other sub-contractors, however we do have an off-site monitoring of the facility that is monitoring the facility 24/7 hours a day. He said the monitoring details are actually going down to panel level that they can tell just like your home system and they can tell the output of each individual panel is doing, what the temperature of it is, and so nominally they are able to get someone out there to service the project immediately. He stated we work with usually a third party, L&M Provider, I think in this instance there will probably be a company called Miller Brothers and they operate I think at around 5 gigawatts of solar nationally and most of it is centered in Midwestern United States and so they have and will have local people that can be deployed on to the project site to address any issues that may arise 24/7 on call. He continued if there are no further questions there, I will just touch on a few items as to why we selected the Rustic Hills site… um, the primary driver, as I mentioned earlier is that it is its proximity to the Castle Cully line which was identified as having this available ejection capacity and immediate proximity to the transmission line. He said it was also selected because we were able to find contiguous, suitable adjacent land that was privately owned that would be able to host the 200 megawatt facility, also knowing that the corridor along SR 61 was already designated for industrial and commercial development in the Comprehensive Plan and that a TIF District overlaying the project site was passed in December of ’21, also kind of indicated to us that this area was kind of being primed for development from agricultural earlier. He said as I mentioned earlier, we did a bunch of other on-site due diligence that allowed us to avoid any sensitive areas, such as flood plains or wetlands or legal drains, things of that nature, and still host a project of this size. He said finally, we have looked at other areas in Warrick County to determine if there was another suitable site that could host a similar project but they all ran into one fatal fall or another. He said whether it was uninterested land owners, large flood plains, seismically unstable reclamation land, wetlands, proximity to large clusters of subdivisions, etc.

Mike Winge said let me ask you a question while you’re on that.

Tom Fitzgerald said sure.

Mike Winge asked is one of your key things you’re looking at, because I know the population down in Ohio Township is more dense… that is more beneficial for you doing that because of voltage drop, transmission, and getting the power out, right,

Tom Fitzgerald said yeah, I mean…

Mike Winge interjected so if they do more of these they are probably going to be looking more in those areas.

Tom Fitzgerald said I can’t say that with certainty but to just kind of generalize your comment, yes, being close to the load is better for the generator in our instance, or the utility. He said so we kind find this difficult balance or uh, delicate balance being close enough to the load that the energy is useful, and not costing the utility a lot of money to you know move it around verses making sure that you are well sighted and away from a lot of sensitive…

Mike Winge interjected so probably a rule of thumb is the denser the population… the closer you are to that the better you are.

Tom Fitzgerald said ideally but as you can imagine the cost of land as you get into those population densities starts to make the project uh, not pencil.

Chairman Dayvolt asked how many houses will your Rustic Hills I power.

Tom Fitzgerald said well the combined solar farms will power about 38,000 Indiana homes so the one project is about 19,000 homes.

Chairman Dayvolt repeated one project is about 19,000 homes.

Tom Fitzgerald said that is correct.

Chairman Dayvolt said 19,000 homes.

Tom Fitzgerald said that’s correct.

Mike Moesner asked now is that figured on like a monthly bases or… because the last few days here we haven’t had hardly any sun so…

Tom Fitzgerald said yep, so that is an average. He said that is the average of what an Indiana consumer or household uses in a single year and then dividing that into what the annual generation of what the plant is. He said so will the project on any given point in December on a cold, cloudy, dark, winter day be able to power 38,000 homes, likely not but in the middle of the summer when the sun is booming and it is out for six and a half hours a day yes, we would expect it would be able to power that many homes.

Someone from the Board said shew.

Chairman Dayvolt asked so does that mean basically you would be able to take Cully plant down at Alcoa.

Tom Fitzgerald said oh, I think that is a question that is probably above my paygrade so I will differ that answer there if that is okay.

The Board chuckled.

Jeff Willis asked you mean the one that is not working right now.

Chairman Dayvolt said yeah, well part of it is not.

Tom Fitzgerald said but yeah, I do believe that that was part of the reason that the project, to take my tongue out of my cheek there, that the project is sited there is because there was some anticipated closures coming along that line and being able to use the transmission coming out of that would be beneficial to the consumers and in a sense, our project.

Chairman Dayvolt said beneficial to the consumer.

Tom Fitzgerald said yes sir.

Chairman Dayvolt asked in how… what way.

Tom Fitzgerald said well because you know, let’s say, and this is all hypothetical, but let’s say that plant was retired and you know these transmission lines are coming away from that plant to disperse that power to all of the end users. He said if that plant is not being used and neither is that transmission capacity and so by back filling that un-used, older generation facility with a different type of new technology that can use those existing transmission lines doesn’t add the cost of having to build those new transmission lines to bring that power in from someplace else.

Chairman Dayvolt asked is it going to be more economical.

Tom Fitzgerald responded I will say that the energy off this project is extremely cost competitive, um, I would say that the difference between a coal facility and a solar facility is what they call the capacity factor.

Chairman Dayvolt said mhm.

Tom Fitzgerald continued like the capacity factor of a coal facility, if you have 8,760 hours in a year that coal facility can probably generate for, I don’t know you would have to ask some of the utility folks in the room, but 70-80% of those hours if need be, where the capacity factor of the solar plant will be roughly 30%.

Chairman Dayvolt said okay.

Mike Winge said and the cost for the coal producing as opposed to the panels is much cheaper.

Tom Fitzgerald said uh, I don’t know specifically here in Indiana but where I live, I can say that solar is cheaper than the coal, currently in Colorado. He said but again, those things fluctuate so…

Mike Winge said I am working on that, I am researching that so… it doesn’t sound right.

Jeff Willis said well for us it won’t matter. He said we already pay the highest price in Indiana.

Tom Fitzgerald asked any other questions before I move on and finish my presentation. He said one thing I did want to touch on is the co-existence and compatibility of these projects with agriculture in the area. He said obviously we call them solar farms for a reason, we are out there harvesting a different crop, all be it, a different type of cash crop. He said it is noted in the ordinance that it is the public policy of the county to prefer to not use the county’s prime farmland for such purposes. He said um, I think 80% of the project site roughly is classified as prime farmland if drained, while the project site doesn’t meet the strict definition of prime farm land under USDA criteria, we recognize that the proposed project site is productive farm ground. He said so a couple things that I just note for fact is that there is roughly 105,000 acres of ag land in the county of a total footprint of less than 250,000 so nearly half of the county is in ag production currently. He said and the project is proposing to remove less than 1.5% of that total ag land from production. He said I would also note that it is not a permanent removal in the same way that maybe building a neighborhood or a shopping mall would be, you know we’re not blanket paving a large area that is very difficult to remediate and restore to its preexisting conditions. He said in this instance, as I mentioned, you know we are just going to be pile driving these piles and most of the actual site will be left untouched. He said upon decommissioning, all of that steel could very easily be taken out of the ground and that site could be returned to agricultural if it is the desire of the land owner’s to do so at that time. He said finally, I will add that the site is being planted with pollinator friendly ground cover that is going to help prevent erosion, it will improve local ground water quality, and it will provide habitat for lots of plants and animals but also for local pollinators that will benefit surrounding agricultural production. He said finally, I will close with this, Clenera is committed to being a good neighbor and a good environmental steward in Warrick County. He said we estimate that the Rustic Hills project I and II will be a combined $250,000,000 capital investment, as I mentioned earlier it will generate enough clean energy to power approximately 38,000 Indiana homes, most of that power will be used locally across southern and central Indiana, and the decrease in CO2 emissions will be equivalent to roughly 500 million pounds a year or approximately 25,000,000 gallons of gasoline burned annually. He said there is also going to be a pretty extensive increase in property tax revenues over the course of the project life. He said during construction we expect 140 new local jobs will be created, 300 jobs during construction for the State of Indiana, um, 25 to 40 million dollars in local spending in Warrick County and Indiana and then an additional 15 million dollars in personal property taxes over the 35 year life of both projects. He added 3 million of which will be within the first 5 years and 8 million in the first 10 years and that includes the Tax Abatement which was granted this summer so with that I pause for questions and thank you for your consideration.

Chairman Dayvolt said your estimate of economic benefits, you say over 139 new local jobs during construction, you say 300 jobs during construction for the State of Indiana. He asked how many people will be working at this facility when it is constructed.

Tom Fitzgerald said so that is the, I guess the benefit and kind of the curse of these projects is that they do not require a lot of long term labor to operate the plants so we would expect that there would be 1 to 2 on-site jobs created and then a host of other contractors that continue to come in and work on the project throughout its life.

Chairman Dayvolt said okay, the benefit you say is 15… how many dollars a year for tax revenue.

Tom Fitzgerald said I do not have the annual breakdown in front of me that it scales in but we are estimating right now that it is an additional, an incremental additional 15 million in personal property taxes across the two projects throughout its life span.

Chairman Dayvolt said which stays with that area, that uh, 1,600 acres.

Tom Fitzgerald said I am unable to answer that.

Terry Dayvolt asked or does it come into the county.

Tom Fitgerald said I don’t know the answer to that.

Chairman Dayvolt said because of the TIF. He said Jeff, does it stay in that area.

Jeff Valiant said I thought it… with the TIF District but I am not sure how large that TIF District is. He said I do not think that it is just this area, right.

Jeff Willis said it is not just this area, it goes all the way down Alcoa or all the way to Kaiser/Alcoa area.

Jeff Valiant said yeah, so it is larger than that. He said it is not just the proposed site.

Chairman Dayvolt said but that money that they are saying… will stay right there.

Jeff Valiant said I believe, yes Terry.

Chairman Dayvolt asked what will that, uh…

Jeff Valiant said you are going above my pay grade boss.

Everyone laughed.

Chairman Dayvolt said oh, no. He asked again, is it used just to increase the roads in that district.

Jeff Valiant said again, up here… I am not on a board that handles that money.

Chairman Dayvolt asked what about you Mr. Willis.

Jeff Willis said I am not on that board, you know what somebody that might know that answer may be here though.

Chairman Dayvolt asked anybody here that knows.

Steve Roelle, Warrick County Economic Development Director, came to the podium.

Steve Roelle introduced himself. He said I am hoping I can shed some light on your questions there, as I sign in. He said um, we and Baker-Tilley do an extensive analysis of the economic impact of this project. He said we expect over the 35 years in tax revenue for that to be somewhere between 20 and 25 million dollars. He said you are 100% correct, it goes to the Redevelopment Commission which is in that TIF District. He said that TIF District from the river at Alcoa, all the way up through this project, and it actually covers a little bit of the industrial area on Industrial Drive over there, um, on prospect and it also incorporates some of our recreational facilities because you can use TIF dollars to help improve parks and rec in a community, so that TIF District is drawn so that it also includes Freidman Park, Vann Road Baseball & Softball Fields, and the EMAX Soccer and Football Fields which struggle for funding every single year. He said so those dollars that are generated are incremental tax revenue dollars that if it was not coming through the TIF District would not be additional dollars that we can use to go directly back, not into this 1,600 acres, but into the little bit larger TIF District. He said to support operations if there is an issue you know with Alcoa or Kaiser, recreational facilities, building infrastructure and roads, and supporting road improvements or construction in the general area, and um, that is kind of our goal with that TIF that is over there.

Chairman Dayvolt said so you are telling me that Kaiser is in the TIF District.

Steve Roelle said they are.

Chairman Dayvolt said so we do not receive anything from that into the county as far as county road projects and stuff like that.

Steve Roelle said as far as county general, we did an extensive again analysis, I can certainly provide it to you guys, it was provided once we came up for the TIF analysis. He said the way the county is funded, like the Highway Department, Bobby Howard and his funding comes from the general levy. He said the levy is capped by the State of Indiana through a growth quotient so even if we had this project come in there, that is not money that is going to increase Bobby’s budget in the Highway Department. He added what will increase some of his budget is income taxes, but from a property tax standpoint, which is what we are talking about here with the TIF, we are capped through property tax caps. He added 1% residential, 2% ag, and 3% industrial and then our levy 90x% of the funds in Warrick County are levy capped by the State of Indiana with a 6-year rolling growth quotient, which unfortunately because Warrick County is continuing to grow, we are growing faster than the growth quotient for the budget that the state gives us. He said meaning, not to get off topic but that is one of the reasons we passed some public safety tax because we were growing faster than the budget was allowed by the state and we were running with the same number of ambulances here in Warrick County that we were back in 19-I think 88, even though our population has grown. He said so I would make the argument that, and I work with County Council and with the Commissioner’s all the time, is communities are struggling to not raise taxes and find additional ways to bring in dollars that can be put right back into the community and that is what this project is going to do, strictly speaking from the TIF and the property taxes.

Chairman Dayvolt said so this TIF District is going to provide more ambulance services and all that.

Steve Roelle said so the TIF District can fund public safety and support along those lines, it can support infrastructure and roads, and it can support growth, development, parks and rec. He said I think Warrick…

Chairman Dayvolt interjected it can support roads inside that TIF District.

Steve Roelle said correct.

Chairman Dayvolt said it won’t support any roads outside of the TIF District.

Steve Roelle said correct.

Chairman Dayvolt said okay.

Mike Moesner said now, is this income you are talking about coming from property taxes.

Steve Roelle said it is coming from the taxes that this… the incremental taxes that this project will pay over the taxes that are currently collected. He said so the taxes that are currently collected continue to go through all the regular channels, it is incremental taxes are brought into the TIF District.

Chairman Dayvolt said so…

Steve Roelle interjected Warrick County has 3 TIF Districts as we speak right now.

Chairman Dayvolt said so none of the general taxes will go into that TIF District.

Steve Roelle said so the underlying taxes that are currently paid today will not go into that TIF District.

Chairman Dayvolt said yes.

Steve Roelle said correct, only any incremental new development that comes into the TIF District will go into that TIF District.

Chairman Dayvolt said so um, what I am hearing you say is you stand alone on that then, your budget all comes out of that and not out of the general.

Steve Roelle said the Redevelopment Commission…

Chairman Dayvolt said yes.

Steve Roelle said it is a separately appointed body by the County Council and the County Commissioner’s. The County has 3 TIF Districts; one is up north of Elberfeld, in the North Warrick TIF District, the Epworth TIF District, which built the Wellness Trail and brought in some of the hospitals and amenities and jobs along and the growth along that channel, and then this is the third TIF District… active TIF District that we have in Warrick County. He said that is the Redevelopment Commission.

Chairman Dayvolt asked so you are not bringing any jobs in with this… with the solar farm.

Steve Roelle said this project, as I think Tom alluded to, is going to have about 300 construction jobs, creating about 400 years’ worth of job labor over that one year period of time and it is also only going to have a handful of permanent jobs moving forward.

Chairman Dayvolt said he said one to two.

Steve Roelle said correct.

Chairman Dayvolt said that, that… okay. He said alright, that was my questions.

Mike Moesner said my concern is under ag, uh, you’re saying its only 1.4% of total ag production in the county, the problem is if we set a precedent to do this on farm land now next year were going to have someone else come by with another 1.5%, year after that another 1.5% to 2%, who knows. He said I have already received letters wanting to lease my farm for a solar farm. He said they have my acreage all drawn out here and right now I could sign the letter and sell my farm or put it for solar, that is taking it directly out of production. He said now this might be your… what you’re talking about is not “prime” farm land but it is productive farm land and that is easy pickings for putting things up like this and if we approve this we are setting a precedents saying, “okay next company that wants to do this come on in, we have more farm land over here.” He said (using hand gestures) the population of the world is going up like this, farm lands going down like this. He said I don’t know what is going to happen in 30 years if we keep doing this. He said that is just my opinion, I’m a farmer and that is all I have done all of my life. He said you know I say I am retired and tomorrow I could go sign a paper and they would put my whole farm in solar and I wouldn’t have to do a thing for the rest of my life but I am not going to do that. He said I respect the farm land and what we have done to create and to feed our people in this country and the world, and that is my concern. He said Warrick County has 20… well the acres you gave here as far as productive farm land or whatever, it is only half of the total you know and there is 25%, I got a map here that shows 25% of the county is re-claimed, nonproductive land and we have thousands of acres and to me making a project work on something like that would enhance the value of the county in addition to continuing the farm land that we already have, so that is my concern.

Tom Fitzgerald returned to the podium.

Tom Fitzgerald said and I, I think that those are all valid concerns and I don’t think that anything I am presenting up here today is trying to diminish those concerns. He said I guess to your point on to there being a “run” on ag land for utility scale solar, I mean I think it is possible that you may see, in the event that this project is approved, one to two other projects actually come to fruition within the county borders. He said I mean this project alone is powering 38,000 homes so I don’t remember, I don’t have the exact population of the county in front of me but the energy density coming off of that 1.4% is much greater than the total demand that the county or even the population of southern Indiana may require so I don’t think that really answers your question because again, you have a letter sitting there on your, on your table saying someone is interested in renting your farm.

Mike Moesner said yeah.

Tom Fitzgerald said so that argument may not carry a lot of water.

Mike Moesner said yeah, well the concern I have too is that the energy we are producing here can be used anywhere around the world. He said the big power plant down at Rockport doesn’t get used here, it is shipped all the way to Michigan. He said it was called Indiana Michigan at one point so that is the, you know, just because we might produce enough to take care of all the houses here in Warrick County, you know it just opens the door for who knows what.

Mike Winge added well Mike, you have to take into fact the gentleman who was just up here before him saying we are growing exceptionally fast so what is to say you’re not going to have a business that comes in here and needs a lot more power.

Mike Moesner said mhm.

Mike Winge said I mean the need is going to be there, I have seen this on these cell towers and everything else. He said you get a cell tower and next thing you know 15 to 20 more of them are coming in here. He said I agree with you on the agricultural part. He said all you have to do is watch the news to hear about food shortages and everything else. He said if we are not real careful here we are going to paint ourselves into a box and I am looking at what Mike’s at with this, you have all kind of spoil ground out here and I believe I am going to be right in saying this because I am dealing with, I have a solar system as well as he does so I am fairly up on it, but the further you have to push that stuff the more voltage drop you get and I think the reasoning behind all of this is to get closer to the mass population, which makes it easier for you guys and I am in agreement with him on this, I think we need to… I don’t have a problem with it but I think we got ground out here that… all kind of spoils ground out here that we can use out in this county. He said I for one do not like to see agricultural ground given away.

Tom Fitzgerald said but…

Jeff Valiant said excuse me, but I believe it was part of his presentation saying that the reason for this area was due to the transmission lines in the area that can transmit the power, correct.

Tom Fitzgerald said that is correct, yes.

Jeff Valiant said okay, so it would be safe to assume that not going out to the mine grounds was because there were no lines out there, correct. He added I mean surely you looked at that, right.

Tom Fitzgerald said certainly, you know just to comment on that I mean we looked, I and my partner Aaron, or my development partner Aaron, looked extensively at the possibly of sighting this project on reclaimed mine ground in the county. He said at this point we don’t believe we have enough evidence that the reclaimed lands are systemically stable for us to be able to finance the project by constructing them on reclaimed ground, at this point there is just not enough evidence and at this point the amount of due diligence that it would require would take years of GEO technical studies to determine that ground was suitable because, as I am sure you know, the reclamation standards are not necessarily uniform across time and one reclaimed site may be completely different from the other in terms of how it was reclaimed, and so that is kind of the challenge that we are facing is… I would love to use that ground, you know, personally I do not disagree with what any of you are saying up here about agriculture and you know taking land out of production. He said you know I will say it’s something that we have looked at and at this point have determined it is not feasible for this project.

Mike Winge said so with all the major transmission lines that we have, with the utility companies going every direction, you’re telling me that they can’t find something out there because you are not storing, you are dumping it right back into the system.

Tom Fitzgerald said that is correct. He said you know, I can’t say that we exhaustively looked at every single property owner in Warrick County to determine if there was another suitable location, but you know this is not a small area that these projects require a lot of acres and to get that much suitable land that was not in a flood zone and was not impacted by reclaimed land was very, very challenging and that was really how we ended up at this specific location.

Mike Winge asked so how is the reclaimed ground challenging.

Tom Fitzgerald answered because it is a hole in the ground that someone just filled back into with any level of unknown standard and with whatever fill was around and so it may have been done to a standard that was either grandfathered in and there was no standard and it was just determined to be reclaimed…

Mike Winge asked have you looked at the state’s requirement on actually refilling when the mines go back in and reclaiming that ground.

Tom Fitzgerald said I have not personally but yes, people on our team have.

Mike Winge said well I would suggest you look at that because they are pretty strict on those requirements on that and the only thing I am saying is if you’re going to set these poles, as you said before, they can be taken out easily so if you are in a situation like that it seems to me like it would be a very beneficial situation.

Tom Fitzgerald said and I, I don’t disagree with you.

Mike Moesner said I am looking at here, the amount of property you’re talking about, it’s a number, but when you start to look at it is over two-square miles. He said you drive down the highway for two miles and it is a mile deep we’ll say on, on one side. He said it’s, its… but anyway that’s just to put into perspective how big an area we are talking about here. He said it is over two-square miles, there are 640 acres in a square mile and we are talking 1,400 acres here or whatever so you’re talking over two-square miles of panels.

Mike Winge added well the thing I’m thinking about is why… He asked have you even approached the, the mines because they have vast amounts of ground.

Tom Fitzgerald said yes, we have spoken with I think its Alcoa and also Kaiser about some of their ground in the area about potentially looking at even just doing a pilot project on some of the reclaimed ground to see if it was something to be feasible in the future. He said at this point there is not enough information out there to determine that we could finance a project of this scale on reclaimed ground.

Mrs. Barnhill stated the landowner’s are here. She asked would you guys like to talk to the landowner’s.

Someone said well I think it’s money.

Mike Winge said well there are going to be remonstrators here…

Chairman Dayvolt added for or against.

Mike Winge said if you want to go through them.

Tom Fitzgerald said thank you.

Chairman Dayvolt said alrighty, now it is everybody else’s turn. He asked is there anybody here for or against this project. He added state your name and sign in please.

Phillip Springstun, Warrick County Farmer: 899 E Tennyson Rd Property Owner, was present.

Phillip Springstun said good evening, Phillip Springstun, I live at East Tennyson Road, Boonville, Indiana and I will provide you copies of my written comments after I give them to you. He said I have been a resident of Warrick County for over 40 years. He said first of all, I am a strong advocate for private property rights, I believe any property owner should have the right to do what they want with their property, if a property owner wishes to sell or lease their property for a solar project they should have the right to do so. He said secondly, I support alternative energy options when they make sense, including solar. He said most importantly, I believe we must all do what we can to preserve farmland. He said according to the National Association of State Department of Agriculture, NASDA, the United States must double food production by 2050, that is only 28 short years away. He said on July the 13th 2020, before any solar project was being considered in Warrick County, the Warrick County Commissioner’s passed Ordinance 2020-13, this entire, very simple, 7-page document, lists the Commercial Solar Energy Systems requirement of special use, Comprehensive Zoning Ordinance. He said the third paragraph of this ordinance states;

“*Whereas it is the public policy of this county to prefer not to use our county’s prime farm land for such purposes, which type of land is a designation and assigned by the US Department of Agriculture, defining land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oil seed crops*.”

He continued the Rustic Hills Solar Application would have you believe this site does not meet that USDA definition, I disagree. He added the written definition goes on to say, in general; “Prime farm land has an adequate and dependable water supply for precipitation or irrigation, a favorable temperature in growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks.” He said I believe the definition is very clear, any land that will grow a crop is prime farm land. He said many people in this room, myself included, thought this ordinance would be protecting farm land in Warrick County, Rustic Hills Solar is trying to convince you it does not. He said I wish Warrick County would have adopted the same language listed in the Hamilton County Indiana Unified Development Ordinance, specifically page 63 section 6 under agriculture protection; “Use of prime farm lands for solar array placement and commercial solar energized systems is not permitted and shall be the basis for the denial of the requested rezoning and/or development of plan approval.” He said we have thousands of acres of reclaimed coal ground in Warrick County that has very little use, other than recreation. He said yes, I understand these companies like to build and locate close to transfer stations for two reasons; it’s cheaper and it’s easier to build, but let’s do the responsible thing, let’s at least have the conversation about what it would cost, what would it take to locate a project of this size on reclaimed coal ground. He said Warrick County’s Ordinance also requires that transmission lines from a commercial solar energy system to the main power transmission lines are to be underground and must be shielded against shock hazard, the application does not state they intend to do that. He said the entire 100 megawatts of Phase I is contracted to be sold to Hoosier Electric Cooperative for 20 years, this cooperative is a group of 17 REMCs, none of them serve or benefit Warrick County in any way. He said until I began researching information about large commercial solar projects I had never heard the term “glare factor” which is a concern with some project locations. He said in their application it gives you an example of solar projects loaded… excuse me, located close to airports, it only states these are not a concern of airplanes and airports. He said I would like to point out the largest project example that they give is located in Kachi, India with a solar capacity of only 52 megawatts. He added Rustic Hills Phase I and II have a combined capacity of almost 4-times that, which will mean there will be 4-times the number of solar panels. He said keep in mind these panels will also follow the sun, which in-turn will continue to change the angle of the glare. He said in addition, many things listed in their decommissioning plan concern me, specifically the language recycle to the extent possible, an offsite landfill is “assumed” to be used for disposable of non-recyclables, transformer oils are “assumed” to be drained and disposed of off-site as part of the demolition. He said my wife and I are both 4th generation farmers, we currently own and operate a grain and livestock farm in Warrick County. He added this is a farm that has been in her family for over 151 years, so preserving farm land is important to us. He said this year we welcomed our first grandchild, we can only hope and pray that this land will survive, so if he chooses to do so the 6th generation will be willing and ready to continue this legacy. He added I did have a very brief moment when I thought, “The hell with it, why should I care… let development continue to gobble up the good, productive farm land, let the people go hungry”, but as I stated it was a very brief moment because I know in my heart that that is not the right thing to do and I thank you for listening to my comments. He said I did write down a few other things based on the presentation before me, the TIF District was mentioned… it is almost 11,000 acres and what that means is all new tax money from December of 2021 is going to go to the TIF Distrcit check book, for that area… that is not your problem, that was a mistake that somebody else in this county made. He said the comment there is no lines in reclaimed mine ground, I would like for you drive from Boonville to Lynnville, there is a very large transmission line that goes right across hundreds of acres of coal mine because that what it has to serve to run those shovels. He added the lines are there. He said the comment was made, “reclaimed ground is not stable”, just drive through Ohio Township and see all the homes that are $500,000 to $1.5 million dollars a piece that are built on reclaimed ground, most of Boonville is built on underground coal mines. He said Morton Solar, which is actually located in Evansville Indiana, has installed solar panels on reclaimed coal ground so to say that it can’t be done is, is not accurate either. He said I do have a copy for each of you and I thank you for your time.

Board members said watch your step.

Phillip Springstun said the documents that are attached include the page from the USDA website, the definition of prime farm land, and the page from the Hamilton County Ordinance which is available online but it is 220 pages and I wasn’t going to do that.

Board members chuckled.

Chairman Dayvolt said thank you. He said state your name please.

Dave Schnur, Warrick County Farm Bureau County President, was present.

Dave Schnur said my name is Dave Schnur and I am here speaking on behalf of Warrick County Farm Bureau as their current County President. He said I am going to go try to go through this and acknowledge your wishes to not cover things that have already been covered so that may take longer than just reading it but…

Chairman Dayvolt laughed.

Dave Schnur said let me say first of all that the official Farm Bureau policy supports production of renewable energy and, in addition, Farm Bureau policy very much supports personal property rights that allow for the current owners of the property to do with their land as they wish, having said that however, I can argue that we as farmers and Farm Bureau feel it is necessary to comment on the long term effect on replacing production of food and fiber on highly productive farmland with the production of renewable.. of solar energy. He said Warrick County has… consists of a variety of land with diverse opportunities for its use. He added we were blessed in the past and now it seems cursed with millions of tons of coal below our surface, the removal of that coal has left thousands of acres that generate very little property tax revenue and with limited options for its use. He said it would seem that with minimal infrastructure required to install solar panels as testified by the company tonight and in the County Council meeting earlier, in the summer, it was brand new transmission lines going down along Highway 61 and across some of that coal ground, as Mr. Springstun pointed out, it would seem that some… that it would be a logical choice for a place to locate solar. He said I was also going to comment about Ordinance 2020-13 but you have gotten that information. He said the representative of Clenera talked about jobs and they’re only 1 to 2 jobs going to be created, permanent jobs by this project to take 1,600 acres of prime farm land of production will eliminate more than 2 jobs so it will be a net loss of jobs to the county on the jobs front. He said their application says that 300 short-term construction jobs quote “many will be local contractors”, meaning not all of them will be and the impact on the hotel, restaurant, and grocery business sited will only be minimal given the proximity to Vanderburgh County. He said power usage, as it was stated earlier, half of it going to outside county’s… outside of Warrick County and half of it staying in Warrick County. He said as farmers, well let me back up. He said with energy bills rising and CenterPoint customers currently paying to decommission the Cully Plant, what assurances are we getting that this new energy source is going to be reliable and adequate. He added the application states its reliability but there are also many of us who are skeptical; the wind does not always blow, the sun does not always shine as many say. He said the recent incidents of brown-outs, failures, and other problems created by reliance on renewable energy in other parts of the country should cause concern for us. He said another question, are we as farmers going to have to continue to pay demand chargers so that we have power during our peak-use harvest period if we don’t have guarantees of supply, our peak demand periods are not during times of the year when solar production is at its highest. He asked do we continue to pay for electricity production from fossil fuels during those times to compensate. He said investments in Warrick County have been tallied as millions of dollars and benefits to the county, while I don’t dispute that the project is a major investment I see very little of it that will take place in Warrick County. He said the solar panels are said to be coming from Malesia or Vietnam, I don’t know of any manufacturing in our county that would supply the infrastructure or the electrical components required, if there are we should require their participation. He said we do not have companies who… we do have companies that build fences, are they going to be utilized. He said it seems outside of the purchase of the prime farm land, very little investment will be made in Warrick County. He said not only does it appear that very little investment will be made but our County Council voted to contribute our county dollars in the form of a property tax abatement, a decision the Farm Bureau adamantly opposed, to add to this federal incentives coming via tax payer dollars and the… and according to page 12 on the application the 12 million dollars over the life of the project that they claim it will generate, not the 20 to 25 that I heard earlier, this seems miniscule. He said yes it would be more than what would be collected if it remained agriculture but there are few land use applications that would generate less than others… less should others… that some other type of development take place in this newly formed TIF District since the county has committed to developing this farm land by forming this TIF consideration should be given for best use for all tax payers. He said while Farm Bureau policy values personal property rights above all, denial sighting this location for a solar project we feel represents the best interest for agriculture and the county as a whole and does not preclude the sale by the land owners for some other future development. He said as to the issue of climate, the application claims that climate change and land values… those are very subjective. He added many of the pressures to adopt renewable energy are more political than practical, I can find as many people who live next to solar fields who think they’re an eye sore as not and the study done for the benefit of a solar installation and its effect on land values is suspect. He said I am a lifelong farmer… so the study they sight in their application that climate change could potentially decrease yields by 15% to 50% by the year 2100 is proof to me that studies can be done to support any position. He said we have been burning fossil fuels, the supposed culprit in climate change, to produce energy and power agriculture my entire life and I have watched yields increase astronomically in my lifetime. He said we have cleaned up the atmosphere to the point where I am spending 20 to 25 dollars per acre to add sulfur to my fertilizer applications because it is no longer available in the air in sufficient amounts to meet our crops needs. He added is C-O-T… excuse me… is CO2 going to follow that same path. He asked what is the optimal level for CO2 in the atmosphere, are we on a path to reduce atmospheric CO2 to levels that stunt plant growth. He continued has anyone done a study to determine the effects of all the energy that doesn’t hit the Earth’s surface because we’re collecting it with solar panels before it gets there. He asked is the Earth cooling because of that. He said can we answer some of these practical questions before we jump to the political pressure to eliminate fossil fuels prematurely. He said it would not be hard to find a news article, as one of you stated earlier, every day that talks about impending food shortages. He said we have better give serious thought to the loss of our ability to produce food and fiber on our productive farm land before we bow to the political pressures of committing it to renewable energy. He said I had a conversation with a state senator earlier this year who talked about those political pressures and how the federal government holds dollars over their heads and is requiring a certain amount of renewable energy to be implemented or to be put in place in order to get federal dollars and I’m, I’m afraid that maybe I am going to be… we have had these discussions at our board meetings, seems like every month, we get to this point and talk about the pressure from the federal government; because of regulations, because they dangle dollars over our head, and the pressure is on the boards like yours, like the County Commissioner’s, like the County Council to provide the services for the county and meet the county needs and unfortunately most of our office holders believe that that can’t be done without those dollars. He said I am afraid that we are creating a situation where we are going to be down the road and we’re going to be experiencing food shortages, unreliable energy sources, and it is going to be up to this board, the County Council, the local level, you guys to make the decisions and to push back at all this political pressure we feel coming down from Washington DC, from Indianapolis, and so on so… He said I would urge you… well, like I said, we are in favor of renewable energy, we are in favor of land owner property rights, and my focus is that this project needs to be located on less productive land or coal mine reclaimed ground and not taking agriculture, prime agriculture, good productive agriculture land out of production. He said thank you for your time.

Amanda Mosiman, Warrick County Ag & Natural Resource Educator, was present.

Amanda Mosiman said my name is Amanda Mosiman, I am the Ag and Natural Resource Educator here in Warrick County. She said in that position, by state statute, I serve on the Area Plan Commission so if I look familiar I do also serve on that board so I have seen this come before us in November and December of last year, at least as the TIF District with the Redevelopment Commission. She said I also serve in that capacity as an educator, I am a current co-chair for our state land use team, I help train educators for this job. She added some of you have taken our Area Plan Course, I try to make citizen planners and do educational stuff so if anybody is at a unique crossroads as far as between land use and ag use I think extension would be it, and I do not bring that up to toot my own horn, it is just to make you guys aware of the unique situation. She said if I was as good as a lawyer as Morrie I could argue both sides I guess is what I am saying. She said I am up here to ask that you deny the special use, there are definitely some pros for it but for a few reasons, you know basically I am trying to go back to your Findings of Fact that you are going to have to give when you do give your motion. She said I do think it’s injurious, I don’t think it’s essential. She said you know it talks about general welfare, well what does that mean, Warrick County is built on a rural character. She said we are a growing county, a fast growing county but our background and our character is built on a rural quality. She asked at what point, you know. She stated it is 1.5% of the ag acres in this county that is going to it. She said to Mike’s point, to Dave and Phillips point, that is 1.5% but when do we stop. She said we need to keep prime ag ground in production. She added this is some of the top 15% prime ag farm land in the county, you know the need for a variance as far as the appropriate location, it is the easy location I will give them that due to its position but I don’t think it’s the right one, not for this county. She added I think we need to get creative, I think we need to look, there are opportunities for reclaimed, no it’s not the right land owner at this time but this project is extremely large. She said it’s serving multiple RMCs outside of our area. She said I think it would not be wise of us to take the first project that comes before us, especially one this large. She said lets work with these companies, let’s get a little bit more creative and make sure it’s the right project for Warrick County is mainly my point. She said so everything else has kind of been said... let me just make sure I get all my points out. She said oh, yes also since the TIF District was brought up by Mr. Roelle, yes that money goes back into the development of the TIF District. She added I don’t know how many calls I have had to answer wondering why we put a solar in a TIF District, that is not occurring in Indiana from my research. She said this is the first one and I have had some calls about it wondering why are we doing that, well I can’t answer that question because I have other educators wondering why we are doing that, I can’t answer that question. She said you know, a lot of money going into the projects that Mr. Roelle mentioned that would be great but who holds the Redevelopment Commission to those promises. She said this money can be used in a variety of ways in that 11,000 acres, it’s you know, in the presentation they gave last year it is definitely going towards a sewer line to help with development down there. She added it would be great for it to go to parks and kids and those sorts of things but there are no promises or outline that requires that to do so, so we would have to keep an eye on that. She said there are 58 other counties, I just did a survey last week with my educators last week, 58 other counties are dealing with either solar developments or have solar ordinances trying to get them on the books. She added some with favorable outcomes and some not, so I would like to know that this is the right project for us and after the research I have done I don’t think that it is. She said I would ask you, beg to do the right thing for the community and not the easy thing.

Chairman Dayvolt asked anyone else.

Jamie Lindner, Property owner at 44 E Flemming Rd, was present.

Jamie Lindner said my name is Jamie Lendner and I am just from the public, I just found out about this Tuesday and so I don’t know what a TIF is and I just want to throw my… I don’t know where even we are in the process, I am assuming you folks are just now getting the information. She said there is a lot of people I talked to, well not a lot, I talked to about 50 people they didn’t even know about this in their community. She added so I don’t know if you guys are making the final decision tonight or if there is more public input because as of right now very few of my neighbors, and I am New Hope, have even heard of this project and I am sure they would have input, output… ideas. She said I came here against it, I have heard some good positives but I haven’t decided. She said I don’t know if I even have a voice but I want you to hear my opinion. She said I also thought that there would be no habitat or wildlife… negative wildlife impacts but I see hawks out in the clear fields hunting mice, there are a lot of travel zones with turkeys, deer, a lot of things and if they use those properties to move from location to location and you fence in 1,450 acres you are going to inhibit a lot of that wildlife that is already feeling pressure anyway, sorry. She said so I was also looking at the company and I believe its parent company, as far as I can tell, is out of Israel and I don’t know who their parent company is so that is another thing to consider, and I confess my ignorance to however government works but thank you for listening to me.

Chairman Dayvolt said ma’am thank you, and you do have a voice.

Jamie Lindner said thank you.

Chairman Dayvolt asked anyone else.

Ron Lindner, Property owner at 44 E Flemming Rd, was present.

Ron Linder said my name is Ron Linder and I can’t remember my own phone number. He said alright, one of the questions I had when it came to… I do appreciate the information that was expressed by both sides here. He said I would be the same way, I am in favor of renewable energy’s, but I don’t know if this project in the capacities and where it is is beneficial to us as a county. He said once again, there are options technically to build solar arrays on unstable soils, obviously we are building houses and everything like that but that has already been covered a little bit. He added the jobs, we talked about potentially the 300 jobs during the install period, would those be contractor jobs or jobs within our county within local, you know the people in our areas or would it be a contractor type of situation where a lot of other installations are done that way, not just within solar but just generally speaking you know firms come in from out of areas and do the work. He said I know Posey County is maybe, still in the process of figuring out some of this stuff and I think the land over there has been leased, the land owners are leasing or getting a long term lease and I think this project here is owned by the land owners, I think the land owners are owning it and it is not being then turned over to CenterPoint as I understand it, so that is one question. He asked will CenterPoint turn around then and pass cost onto us the energy users here with this type of project, it may be different than what Posey County is doing. He said so you know, do we have costs that we are going to be incurring as energy users. He said that is basically my questions about contractors, you know, are we actually going to get those… that money for those installing the project as well as once again, there is a lot of land that could be used technically… feasible its technical to build on these other sites and then put that back into a use, you know, we would actually get the benefit from that. He said I know transmission lines are here but they can be built and somebody is still going to be making a lot of money on the project, you know, as we move it forward. He said solar energy by itself, the same thing goes, you know, we do want to be moving into a green situation worldwide I am saying but to build panels it does require natural resources there and has an environmental impact and just the building of them, you know, I know we are doing it on a lot of our individual houses, yet on such a massive scale nationwide and there is an environmental impact to that. He said I won’t even get into the idea as to what we have as options, personally I think we ought to be doing no more nuclear but that is a whole other conversation, not in Warrick County either maybe. He said that is it, thank you very much.

Terry Dayvolt asked anyone else for or against.

Someone said the pen walked away.

Ryan Cook, Senior Manager Construction at Clenera, was present.

Ryan Cook said my name is Ryan Cook and I am the Senior Manager of Construction here at Clenera. He said one of the things I want to talk on is that with the construction team, we were actually looking, I was up here… it has been a few months back but we were looking at the properties and actually looking at some of the properties surrounding it. He said the first thing we found when we were looking into the abandon mines and the reclaimed land when we brought it to the team, the first thing they brought back to me was from the indiana.gov under the Reclaimed Department and the first two paragraphs there as soon as you open the page says;

“*These problems may be associated with both underground and surface mine sites and can result in serious damage to improvements. Previously mined land may have many attractive features for development as residential, industrial, and recreational sites, however hidden dangers such as dangerous mine openings, unstable high walls, unpredictable ground movement may result into serious damages to improvements on the site. Additional problems can subsidence and mine spoils, mine impoundments, and landslides.”*

He continued and then later down it talks about buried, abandoned buildings through some of the reclamation processes and just different things along through there and that is one of the hardest things is just being able to go to a financer and to be able to try to get anything to even, you know, do geotechnical reports, any site studies, get any investment into that property when the states website is giving the warning out there, you know, that really gets them to dig their heals in. He said we definitely looked into that route but we are open to hearing if there is any other abilities you may know of.

Mike Winge said so let me ask you question there, while you’re on that subject.

Ryan Cook said yeah.

Mike Winge said so you’re… what I am hearing from you is that ground, according to the state, is good enough for the average people to put million to a million and a half dollar homes on but its not good enough to put solar panel sites on.

Ryan Cook said oh, I am not aware of that.

Mike Winge said well I mean that is what I am hearing because the banks will loan these people that build these subdivisions and everything else that are multi, multi-million dollar subdivisions and they build these houses on there. He asked are we just looking at it like the home owner doesn’t matter compared to… that is the question I am asking you because you are saying because of that this site it is hard for you to get money for the project. He said because of what that website is saying it would be hard to get money, when in reality people every day are getting money. He added they are building millions of millions of dollars’ worth of, even commercial uses.

Ryan Cook said yeah, well that was just what was brought to our attention whenever we tried to go down that path, you know, that the state is giving us warning on these properties.

Chairman Dayvolt asked how heavy are these solar panels.

Mike Winge said they are not.

Ryan Cook responded they’re not.

Chairman Dayvolt said they’re not are they.

Mike Winge said no, they’re not at all. He said I have the same ones they’re talking about.

Chairman Dayvolt asked how much does your house weigh.

Mike Winge said mine weighs a whole bunch.

Chairman Dayvolt and Mike Winge laughed.

Mike Winge said the point is, it seems like even when we get in here with this stuff, everything that comes in here to this board all fluffed up. He continued the fluffier it is the more difficult it makes it, so the easier it goes through here. He said you give a lot of information but I can go on sites and I was looking at this stuff earlier and I can get just the opposite of some of this stuff were talking about here tonight, so I am just simply saying that our responsibility is to kind of wade through all of this stuff and see what is best for the county and that is what I am going to be looking at when we’re done here tonight.

Ryan Cook said yeah, I was just bringing to your attention what indiana.gov said and where our hold up came.

Mike Winge responded and I appreciate that, yeah, but I have read them too.

Mike Moesner said I have to say, and I have driven through the county and seen land that has been sitting there for 20 years and it should be done doing what it is going to do by that time.

Guy Cornell III, property owner, came to the podium.

Guy Cornell III said yes, I am Guy Cornell and I don’t know that I know any of you that closely and haven’t really met any of you. He said I am one of the land owner’s that represent probably the largest piece of the property. He said I have heard a lot of arguments for and a lot of arguments against the solar energy and in a lot of ways I am neutral. He said I understand the concern for farm ground, my family has farmed in this county for a number of years, several generations. He added we have also contributed to the county in a number of other ways. He said Alcoa sits on property that used to belong to my family. He said we moved to Elberfeld, there was a coal mine moved in and we moved back to Yankeetown. He said so we have been around the county and we have supported the county in a number of ways, one of which is allowing industry to move in where it needed to be. He added Warrick County sits at a crossroads I think, we have an opportunity, whether we like it or not we’re seeing pressure on coal fired units and coal production. He said Vectren, in my opinion, and actually I guess it is CenterPoint now, they are going to close Cully regardless of what we do. He said so we are going to lose those jobs, we’re going to lose that income, we’re going to lose that property tax. He added we can either choose to become a part of the future and at least replace part of it with something like a solar farm or we can choose to avoid that, and frankly I think if we try to avoid that, it is just going to go somewhere else. He said it is just going to go to the next county that has ground available and yes, it would be nice to put it out in the strip ground. He said I farm strip ground, it never settles completely and yes, they are putting million dollar houses out there. He said I don’t want one of them. He said I have watched where they have compacted the ground, they are putting it as a golf course that is probably a pretty good use for it. He said I don’t think the houses are going to be that stable and they are doing a lot to stabilize them. He said I understand that they cannot come up with the financing easily, or in any way, to take a chance on strip ground. He said yes, it would be nice if we had the opportunity to go out and experiment with some strip ground but by the time we do that, this train is going to have passed us because they will continue to put solar energy somewhere, not because we want it but because the Indiana Regulatory Commission has said you will go out and explore the ability to get solar and to get wind, and that is out of our hands. He said our choice is do we, as Warrick County residents, want to become part of that, and I think we do. He said the TIF District is a whole different battle, that is something the county did before this all occurred. He said I don’t… it’s neither here or there whether a solar farm goes in there. He said you all have to make the decision and that is what you are appointed to do, but I think it is in the best interest of Warrick County to go ahead and become part of this process. He said we will see what the advantages of a solar farm are if you approve this, it will go in, it will create some jobs, it will increase property taxes or increase revenue, it may be in a TIF District but you can fight that out later, it may not, but at least it is money in the county. He said if it doesn’t happen, yeah, it may continue to be farmed, it may not. He said no one can predict the future, all I can predict is that if you don’t approve it, it will go somewhere else and we will get nothing from it and we will lose the income from Cully and actually some other locations that are going to shut down, and we’re going to lose it anyway. He said so I say we become proactive and at least bring some of it back to the county, thank you.

Chairman Dayvolt said thank you.

Mike Winge said I am going to have to… I have to respond to that.

Guy Cornell III asked do you have a question.

Mike Winge said well you were bringing up the solar and because of the regulatory and everything else, I think we need to look at the problem and understand what the problem is, the problem is that they are trying to get rid of coal and gas, all the things that we have hundreds of years of.

Guy Cornell III said oh, I agree.

Mike Winge said now, I would like for somebody to explain to me how we are going to energize all of these diesel trucks or these locomotives that are pulling these…

Guy Cornell III said can’t do it.

Mike Winge said I have researched this stuff coming and going, I have got it running out my ears. He said there are pros and cons on both sides but here is the thing, with the population increases we need farm ground, that’s the priority. He said if you don’t eat, you are not going to do anything.

Jeff Valiant said you are also going to need energy.

Guy Cornell III added but you are going to need energy before you need farm ground.

Mike Winge said you know what, that is another interesting topic there because…

Jeff Valiant said yeah, you are going to need energy.

Mike Winge continued right now they are killing every bit of the energy we got.

Jeff Valiant said well that’s, that is not for this Board to decide.

Guy Cornell III said my point is, I agree with you 100%...

Jeff Valiant continued this Board is on this subject, we are not here to talk about renewable energy for four more hours.

Mike Winge said well my subject is this, the agricultural side is very important in this county and I just don’t understand, I can’t get my head wrapped around why they can’t and especially after he was up here a while ago and he said they are doing that on spoil ground on other places.

Guy Cornell III it’s, it’s…

Mike Winge interjected I don’t know why we can’t have the best of both.

Guy Cornell III said I have, I have been approached by more than just Clenera. He said I have been approached by multiple solar developers, everyone I took to, including Clenera, to strip ground that I own and said, “This is available”. He added every one of them said, “We cannot use it, we can’t get funding, we don’t trust it.” He added and they are not going to go out on a limb. He asked why would they go out on a limb, they can go somewhere outside of Warrick County and put it in, and they will. He said my point is we either get a piece of this pie or we get none of it.

Mike Winge said I am just having a hard time trying to understand why they can’t trust it, there is no excessive weight to this stuff. He said I mean there is…

Guy Cornell III interjected I agree with ya, I got an engineering background. He said you can make anything work on strip ground if you put enough money in it, but the problem is they can’t afford to put enough money it and still make it feasible so that you don’t raise the price of the power.

Mike Winge said well they do that all the time anyway.

Guy Cornell said well yeah, and I don’t like it either. He asked do you.

Terry Dayvolt said no.

Guy Cornell III said that is why I would like to see the coal continue because yes, it’s probably the cheapest but it is not going to and that is out of our hands. He said we can’t do anything about that here, right now and it will be years before we can do anything about it.

Mike Winge stated I am definitely not against solar because I have solar to offset. He said I have it I am not against it. He stated I just don’t like the idea of farm ground being sacrificed.

Guy Cornell III stated it is like this, I have watched in my lifetime Deaconess….everything from Evansville….I remember when….Evansville was way downtown. He said you would drive through Green River Road… and at Green River Road and the highway there was a restaurant on each corner and that was it and the rest of it was farm ground. He said all of that is gone and I don’t see this kind of argument being made when a subdivision shows up. He stated and they take it by the inch a bite at a time because it is easy. He said this just happens to be a big bite and they came here and said we want to do this and we will provide increased revenue. He stated yeah it is not great big jobs but it is a job and it is improved property taxes. He said all of this was extemporaneous, I planned none of this. He stated as a matter-of-fact I didn’t even want to say anything but I feel like I needed to point out a few things from my perspective.

Chairman Dayvolt responded I appreciate that.

Guy Cornell III asked are there any other questions. He said thank you.

Chairman Dayvolt asked is there anyone else for or against.

Jamie Lindner said I have one but I don’t know if I am allowed to. She asked do you guys have to decide on this tonight or can it be tabled for another day. She stated I don’t know what the process is.

Chairman Dayvolt stated it doesn’t have to be decided.

Jamie Lindner said okay, thank you.

Steve Roelle stated I am going to be real brief. He said I just came up to answer a question but I just have a couple of things in support of this project to say. He said the first one, and I wish I would have made a copies but I wasn’t planning on it is there is a lot of talk about the TIFF tonight and I know that you guys are familiar with the Comprehensive Plan just like there is very few locations that may work for this project. He said there is very few locations in Warrick County that are optimal for industrial development and it’s not…the TIFF district is not a new idea. He stated you guys can have this but you guys have probably seen this it is in the Comprehensive Plan. He said the pink or the red is the only spots identified, this is from 1993, as for industrial development and if you look the three biggest areas, there is only five areas total or whatever, is north of Elberfeld where we have an industrial park, that was all farm ground and south Epworth Road, which there is development in growth going on up Epworth Road and the only other spot, the biggest spot in the area, is the ALCOA footprint and then all of the way up the ALCOA Highway. He stated so that idea for this being a location to some of the reasons that were talked about for the solar project it is the transmission line, for the industrial growth there is a railroad, there is a transmission line, there is good road infrastructure, and there is the river so it makes a lot of sense. He said so that area is not new I will say that a lot of things that have been said about the TIFF district. He stated Warrick County again currently has three with this one being the newest one. He said I think the Redevelopment Commission has done a great job of bringing development and jobs and growth through those three select areas in Warrick County. He stated the goal in this one regardless of the solar facility is because ALCOA is there, because the river is there, because the road and the rail is there is to bring 21st century jobs. He said Warrick County is building a pathway school for our kids to keep our kids here. He stated they are going to teach healthcare life science and advanced manufacturing. He stated right out in front of ALCOA is a great place for advanced manufacturing and as the Economic Development Director I can tell you that projects that come in looking to grow and expand land here, land in Kentucky, and land in Illinois they continually ask, for better or worse, what the renewable footprint is. He said they have their own goals and carbon footprint and goals in 2035 and 2055 and they are using it the same way they want water capacity or they want good road infrastructure. He stated they are starting to use renewable energy. He said I know that this project doesn’t bring a lot of long term jobs and we balance things based on investment, jobs, some projects pay no taxes, some of the hospitals are non-profits. He stated since they are not paying taxes doesn’t make it a bad project. He said this project, with this we talked about the construction jobs and the two temporary jobs, this project is going to help Warrick County land 21st century manufacturing and it doesn’t look like 1960’s manufacturing. He said it is different and they are demanding or requiring. He stated Duke Energy, which is up by Elberfeld, CenterPoint Energy to provide the renewable platform and the renewable plan. He said it is not going to solve all of the problems with coal. He stated I think we have heard a lot of great comments about farm ground and zero negative to say about farm ground but this area was identified back in the ‘90’s when I was getting out of high school as one of the handful of areas for growth and development and I think the Redevelopment Commission has a real good history. He stated we used to have an industrial park around Prime Foods, we have the one up in north Warrick County, and we have the medical district on Epworth. He said I think they have a history of building great infrastructure bringing jobs, bringing growth, bringing investment, and bringing income…income taxes into Warrick County. He stated I just wanted to talk to touch on those couple of points and I appreciate the time.

Chairman Dayvolt stated what I don’t appreciate is the lack of jobs.

Steve Roelle asked on this specific project.

Chairman Dayvolt replied um hum.

Steve Roelle stated and I don’t disagree. He said we have when it comes to tax phases there is a matrix that is put together by the County and it weighs…investment is one piece of it but jobs and wages are another one.

Chairman Dayvolt responded um hum.

Steve Roelle stated sometimes projects that we have to do when we build the infrastructure of roads or the wellness trail or something yeah that is construction. He said it doesn’t bring direct jobs it helps open up future projects and future jobs in the very short term…let me make one more point, I’m sorry to interrupt you. He stated in the very short term we have projects we have a $2 billion project come in that wanted to look at Warrick County but we couldn’t meet some of the parameters but they wanted to hire about 7,000 people. He asked do you know what Prime Foods and Euronique, making cabinets, and ALCOA and Kaiser if we went the other way right now with what is currently going on and brought in a project that has that level of jobs. He stated I understand this is a passive project. He stated it doesn’t make noise, doesn’t make odor, doesn’t make any pollution, and it doesn’t have a lot of jobs but I’ll send this Board, I’m happy to send the bigger utility analysis, it has a large impact on our economy. He said not only from the construction and initial investment it is going to pay off down the road as well and I agree with some of the other comments that were made here today that solar, gas, and wind it is part of the equation. He stated it is not the solution but it is diversified energy grid as part of the equation and the companies looking to land here…I’m a parent I would love for my kids to stay here and not go somewhere else. He stated we are working hard on parks and trails and quality of place. He said that is a piece of the puzzle here in Warrick County and the Redevelopment Commission believes that as well.

Mike Winge asked can you tell me what percentage or what percentage of those jobs are going to be from local…

Steve Roelle stated I…that would be a question for the project. He said I think that most projects that come what we see is they start with the smallest possible circle because it is cost effective for them. He stated they want to bring in every job that they can within a five mile radius and when they can’t fill anymore they go to a ten mile radius. He said it is the same for our large employers and manufacturers. He stated they would love to have people who are right next door but they pull everyone they can and then they keep going. He said that would be a question for the project for what they use, and what kind of labor they use, and what those construction jobs are.

Jeff Willis stated this is a little bit different subject but you are talking the rail and the power line actually they need the power line but they are not going to need the rail.

Steve Roelle responded correct.

Jeff Willis asked what percentage of the TIFF district is going to lose the rail access by having the solar farm in it.

Steve Roelle stated the way that we have looked at it is if we can develop the right site for a project it will not be an issue. He said certainly along part of that rail, we can look at the maps right there and we can take out a measurement and figure that out whether it is a mile of the rail. He stated as the project goes on ALCOA Highway 1.1 miles and it is on both sides of the highway so I mean I would say about a mile of that rail but we don’t see that as detrimental to correct the kind of growth and jobs that we would like to bring in.

Jeff Willis asked you only get to use that land once right. He said once they put their solar farm there it is there for 35 years or whatever. He asked so we can’t…everything has a price but you know it is not going to be easy to take that solar farm out and put in a manufacturing plant that would have more jobs, pay more property taxes…

Steve Roelle stated we have room to bring in those types of projects.

Jeff Willis responded right.

Steve Roelle stated and I know that we have discussed this is a unique kind of project and it has mandate leases that expire, stuff can come out of the ground, they put decommissioning in so if some of those jobs come whatever that looks like, I don’t have a crystal ball for 35 years, I agree with Tom, I hope that I am not here in 35 years talking to you guys but that ground, whether it goes back to Ag or whatever that use is it is a unique project unlike a lot of other projects that have come before us and come before you. He stated I haven’t met a subdivision or retail strip that we are going to build and in 30 years we are going to put it back.

Jeff Willis stated in the self-storage industry that is kind of what our niche was we are going to be here for 20 years and then we will take the building down and you can put in a shopping center or whatever so kind of the same…

Chairman Dayvolt said so tell me 30 year life on your solar farm is that what you are projecting.

Tom Fitzgerald replied 35 years.

Chairman Dayvolt said 35 years. He asked so you put in a Kaiser Aluminum plant out there something similar to that and 35 years down the road they don’t have any electricity.

Steve Roelle responded I think there is a life span on and I think you are seeing it right now with stuff coming off line. He said there is a life expectancy on all types of generation and plants. He stated I think that obviously if we would bring in a project up in Elberfeld that they couldn’t currently meet the capacity of and they were going to be an energy user and provider they would find a way to provide that energy to that project. He stated they would expand existing capacity. He said I will tell you that projects are demanding renewables as part of their portfolio. He said thank you.

Chairman Dayvolt responded thank you. He asked Mr. Fitzgerald would you like to answer some of these questions some of these people have.

Tom Fitzgerald stated I have taken a few notes here. He said I mean I think Guy, Mr. Cornell did an excellent job I think touching holistically at a high level on most of them. He stated I think both guy and Ryan really touched on why at this point in time developing on reclaimed land is not possible for this particular project. He said to Guy’s point again you know if it is not in Warrick County it will be in another county in Indiana. He stated it is at this point that the demand for renewable is for solar energy in Indiana is robust. He said these projects are revenue generators at the property tax roles for the County without really putting any burden on the system. He stated they are good neighbors, they are quiet, they’re clean, and they don’t make any odors. He said one of the commenters mentioned about the habitat and the red tailed hawks you know I think that there is this notion that the project site is going to be completely blanketed in solar panels. He stated in fact only roughly 29% of the actual footprint is going to have any coverage over it whatsoever basically there are spaces in the rows, between the rows, or the trackers so that they don’t cast shadows over each other. He said you have a tremendous amount of open space between the panel arrays, underneath on the ground cover, and usually we leave a gap in the fence for rodents and small mammals otherwise just burrow underneath the fence whether you leave a gap or not. He stated we are conducting environmental studies I think two of our projects currently. He said we had been doing on three where we were monitoring the prey base for raptors and raptor species. He stated the prey base and mortality of those species excuse me, the mortality of those species declined and the prey base for those species went up. He said I think the notion that we are just completely denuding the landscape of any habitat is a false one; these projects do really continue to provide habitat and often times augment the existing habitat that is existing there. He stated to one of the questions about the jobs, again we want to hire as many local people as possible as a matter of cost. He said as Steve mentioned you know we usually start with all of the local subcontractors. He stated we will use a national EPC or Engineering Procurement and Construction Contractor who specializes in building solar projects as the contractor but they will want to hire as many local subs as possible. He stated in the event that they can’t find local people to fill those jobs that offsets again by increased economic activity in the state per diems by hotels, restaurants, movie theaters, and all of those things get taken over for using people who are not from the immediate local area. He said in terms of agricultural production I agree, I don’t think that I have any negative comments to offer about agricultural production only to say that I believe this project can co-exist with agricultural and be returned to agricultural at the end of its useful life. He stated one other final comment is on the notices we sent multiple certified mailers to all of the adjacent and also non-required mailers to I think everyone that lived within a mile of the project. He said we have also had a website for the project up on its own individual website I believe since June of this year and again the project was noticed in the newspaper I believe on one if not possibly two occasions. He stated if there is anything that I didn’t cover please let me know I am happy to answer any further questions.

Mrs. Barnhill stated one of the items that was talked was glare factors.

Chairman Dayvolt said glare factor.

Mrs. Barnhill asked would you want to comment on that.

Tom Fitzgerald stated sure, I mean I think I touched on this briefly in my presentation. He said so the modules themselves they’re designed to absorb light and not reflect it. He stated that is how the energy gets generated by the solar panel. He said they actually are also coated with an anti-reflective kind of laminate coating to help increase the absorption rate of the modules. He said in other instances yes, we have done glare studies and it is usually to a limited effect that there is specific times in the day but it is no worse than the glare coming off of a passing car in the middle of the day so we have studies that we have conducted for other projects not necessarily for this one that I would be happy to provide as supporting evidence to those facts.

Jeff Willis stated there are some properties that have existing trees but they’re not evergreens.

Tom Fitzgerald stated yep.

Jeff Willis said that are around your facility. He asked if the glare factor becomes an issue for those homeowners would you be willing to put in trees or some evergreens along those or existing trees in those red circles where you weren’t going to put anything because there was existing…

Tom Fitzgerald stated sure, I think that in the instance of those red circles there’s really only one area on the east side where there are some homes in a subdivision backing up off of Lincoln there. He said that I believe, I don’t have the exact measurements in front of me, it is somewhere between ¼ of a mile and a ½ of a mile from the property boundaries to the fence line from those adjacent neighbors and then there is a pretty sizeable tree stand between 100-300 feet thick in there deciduous trees so that they are not evergreens currently. He stated if it were to become a problem we would certainly be happy to be good neighbors and figure out a way to mitigate those.

Jeff Willis stated in the summertime and fall when the corn is there or whatever but the corn will be harvested and it looks like you had some crops around there.

Tom Fitzgerald responded yes, that’s right. He said yes, so there would still be a big crop buffer area there and then you would have the tree stand. He stated I mean all of those residences are also offset on the front of their property boundaries so it’s in some places it is up to almost a mile between where the houses are and the fence line.

Jeff Willis stated that is why I didn’t want to ask for it now but if it becomes an issue I just wanted to make sure that…

Tom Fitzgerald responded certainly. He said I think that one that I haven’t stressed is that you know if these projects are approved you know we will be here for 35 years potentially longer hopefully and we want nothing more than to be a contributing member of the community and something that is looked at not only locally but across the whole State of Indiana as a way to develop these projects correctly and to operate them correctly. He stated I think our track record of doing that across the United States speaks to that.

Jeff Willis asked do you often or consider selling the farm once you get it built to the power companies or…

Tom Fitzgerald stated sometimes the utilities would like to buy them I think we may see an increasing trend of that in the future. He said our business is to own and operate these projects and that is our intent here.

Doris Horn asked who makes the decision on who gets the power.

Tom Fitzgerald stated we entered into what is called a power purchase agreement. He said in this instance there is one that was entered into with both parties. He stated those were signed with Hoosier Electric Co-operative and Southern Indiana Gas and Electric or CenterPoint. He said I think those contracts were executed I want to say in February of last year. He stated so those were contracts that were negotiated between our company and the counter parties. He said the Hoosier contract was approved by its board and likewise the CenterPoint agreement was taken and approved by IURC.

Doris Horn asked in your contractors do you know of any that is local that will put this type of facility together or do you think you will have to go out of state.

Tom Fitzgerald stated so we would use a national EPC or national contractor as the primary contractor but they will want to use themselves as many local subcontractors as possible to do that. He said so that will range from everything from local civil engineering firms, to excavation companies, to tapping on the labor halls to bring bodies into help install the modules, electricians, and all of that stuff. He stated the more local we can do that the more that it benefits the project itself.

Paul Keller asked what kind of savings is it to CenterPoint to use yours instead coal fire.

Tom Fitzgerald stated honestly I can’t speak to that I don’t have that information.

Jeff Willis asked as a rate paying customer do the contracts, like is it going to be so many cents per kilowatt or whatever…

Tom Fitzgerald responded yep.

Jeff Willis asked is that going to go up over time or since your cost is pretty well fixed at the beginning does it stay….

Tom Fitzgerald stated so this is a… I believe I have to double check…but I believe that this contract with CenterPoint is a fixed contract so it is a fixed rate for the 25 year period so whatever that dollar per kilowatt…

Jeff Willis asked so it may be more than coal now but it might be less in 30 years.

Tom Fitzgerald stated yes, exactly. He said if you were adjusting for inflation over time in the fuel costs it could certainly levelize out to be cheaper over time.

Chairman Dayvolt stated CenterPoint’s will be higher.

Mike Winge stated well yeah.

Doris Horn asked let’s say that you get this would you even consider ten years down the road staying in Warrick County and building another facility like this or is there just one per county.

Tom Fitzgerald stated I mean the demand is not going to go away after this project. He said whether or not there is an opportunity or a location in Warrick County that is suitable and cost competitive to meet the needs of in all essence the developer, you the community, and the power company as the off taker is an open question.

Doris Horn asked would you be willing to work with anyone to see if the land is suitable, the reclaimed.

Tom Fitzgerald replied certainly, I mean I think in my mind as a developer that would be unlocking the key right. He said here is all of this land that is going unused that we could be using and putting back into productive use. He said I think

Doris Horn stated I mean I think going off the internet you couldn’t ever believe everything that you hear and read off of the internet you know so even if it is Indiana.gov you know that reclaimed land is suitable.

Tom Fitzgerald stated yes, it very well may be I think the issue is a matter of cost and a matter of information and at this point building on that reclaimed land is too expensive to where the project would not have been awarded a power contract through the competitive solicitations that were run by CenterPoint and Hoosier to select this project so we would have lost out because we would have had to include those price adders into the price of our bid, which would have flowed through to the price of power and they would have selected other resources that were being built on other land that was not reclaimed ground elsewhere.

Mike Winge stated I have one more question for you. He asked have they even considered doing like smaller pilot on mine property like a 50 or 100 acre or 200 acres.

Tom Fitzgerald stated I don’t know the collective we, I’m sure there are people looking at it. He said it is something that we are looking at to see if we can do it on a smaller footprint where we can finance it our self to where we wouldn’t have to go get a loan to build the project. He stated we haven’t done that yet but I think it is something that we will continue to explore into the future. He said I would love nothing more than to appear before this commission in a two years’ time and say that we have a project sited on reclaimed land. He stated that would be a tremendous accomplishment for our company.

Chairman Dayvolt asked anyone else. He said yes, sir.

Ryan McRoberts stated my name is Ryan McRoberts, I am the Business Manager at IBEW Local 116. He said I heard him say that you know the labor halls to use our people. He stated I live here in Boonville so I’m in support of this project and the way our halls work that the local people have the first choice to work on this project and then the travelers would and so on and so forth. He stated so it will be I mean local people will have first choice if our contractors are awarded the project, which will guarantee everybody that works on these projects will have the highest wage and the best benefits around it won’t be just getting somebody from wherever to install this. He said the County will have the most qualified people to do the work. He stated with that being said the coal mine ground, this is just me personally this has nothing to do with the work, it wasn’t very long ago that you know we were pouring flowable fill to fill coal mine shafts over here on the southeast side of town. He said I think over here on Spring Lake Drive there is a $500,000 or $600,000 house that they are going to have to condemn. He stated that is right there off of Millersburg Road, which is all coal mine ground. He said so I understand why they are not doing it on coal mine ground.

Mike Winge stated but that is underground mine. He said when you are talking about strip ground that is surface.

Ryan McRoberts stated right, I get that and if you go out there towards Amax, Ayrshire, and Bluegrass they pour piers underneath those grounds when they build them because they know that they are going to have to jack them back up over time and that is strip ground. He said it does take decades for that ground to fully compress and compact.

Tom Fitzgerald stated I just wanted to say that because that is an issue.

Chairman Dayvolt asked sir, are you sure that they are going to do this with union labor.

Ryan McRoberts responded no, I am not. He said I have never had a conversation with these guys but when he mentioned the word labor halls that’s what we are. He stated I am a union hire hall.

Chairman Dayvolt asked so you don’t know yet.

Ryan McRoberts replied no, I don’t but these projects are going everywhere. He said I mean you could go to the IURC website and you can see that almost every county in this state is going to do these kind of projects. He stated they are going to be built somewhere. He stated coal, I heard the discussion about coal, I’ve worked in almost every coal power house in for 50 miles and they are dinosaurs. He said the reason they are getting decommissioned is that they are falling apart, they have outlived…when they were built they were built with a 30 year life expectancy and most of them are in the 40, 50, and 60 year range. He stated unit two at Culley I believe is probably approaching 70 years old. He said they are, that’s….it would cost a whole lot more to build coal fired generation or units or just to re-build a unit than it would take to build a solar farm and that is why AB Brown in Posey County they are building gas simple cycles. He said these coal fired units are too big and they cost too much. He stated I hope that they plan on using union labor otherwise I am going to feel real stupid coming up here and then if you guys see me in Wal-Mart you can just rub it in my face later. He said that is all I’ve got.

Chairman Dayvolt responded thank you, sir. He asked anybody else. He asked are all of the owners here. He asked is it just you Mr. Cornell.

Guy Cornell III replied no I believe there are other owners here.

Chairman Dayvolt responded okay, alright. He said I would appreciate if each owner would come up and give us their name and sign in for our records. He stated you have already done that Guy.

Someone asked can I sign in for him.

Several Board members responded yes.

Doris Horn asked can they take the book back for the gentleman back there.

Mrs. Barnhill responded oh, yes.

Doris Horn stated there is one sitting way back there.

Mrs. Barnhill replied yes. She said there is another one in the back let’s take the sheet back to him.

Chairman Dayvolt replied yeah. He asked would you state your names too.

John Keller stated I am John Keller signing in for Leonard Keller, property owner.

Zach Peters stated I am Zach Peters, Attorney at Steve Dieg’s office in Evansville, I represent Volkman Farms.

Sherri Sherman stated I am just the courier.

Chairman Dayvolt said I thought you were a reporter.

Sherri Sherman stated that was for William Kroeger.

Chairman Dayvolt asked William who.

Sherri Sherman stated William Kroeger.

Chairman Dayvolt replied okay, thank you.

Sherri Sherman stated and I am Sherri Sherman, Warrick County Chamber of Commerce, for the record.

Jeff Valiant said do you want to ask him if he has anything to add on solar.

Mrs. Barnhill replied um hum, sure.

Jeff Valiant asked Mr. Chairman would you like to touch base with counsel and make sure he is still there and can hear us.

Chairman Dayvolt asked Morrie are you still there.

Attorney Doll responded yes, sir.

Chairman Dayvolt replied okay.

Jeff Valiant asked do you have any comments or anything…

Chairman Dayvolt asked do you have any comments…

Attorney Doll stated I recommend that the ladies prepare the record. He said that the motion of table the vote until the next month…that they prepare the record and submit it to everybody because Amanda is right we are going to have to make findings of fact and it needs to come from the record.

Chairman Dayvolt responded um hum.

Attorney Doll stated either way…either approving or denying of the application. He said so I would recommend it not be voted on tonight. He stated I know the applicant probably is not happy with that but that is my legal recommendation. He said it would give us the more correct way to handle the application.

Chairman Dayvolt responded okay. He stated ladies and gentleman you heard Council.

Jeff Valiant stated I will make that motion. Paul Keller seconded the motion.

Chairman Dayvolt stated Mr. Valiant made a motion to table….

Jeff Valiant responded to table and to…

Chairman Dayvolt said until the December meeting.

Jeff Valiant replied yes, until next month.

Chairman Dayvolt stated and Mr. Keller seconded it, seconded the motion…

Mrs. Barnhill stated that would be December 27, 2022 is the next scheduled hearing.

Doris Horn said okay.

Attorney Doll stated Molly you disseminate when do you think you can prepare and send it to all of the Members for their…to start their review.

Mrs. Barnhill stated give us a week to get the minutes done.

Attorney Doll stated for those of you that were involved in the Prime Foods application, this is exactly how we did the Prime Foods and Molly will provide it to us and we will start working on findings of fact, which we will work on for either side. He stated if there are those of you who wish to have a set of findings to approve the application we will work with you. He said if there are those of you who wish to have a set of findings to deny the application we will also work with you as we offered to with the Prime Foods application process. He stated we will do that between now and the December meeting so that when you are here one of you can take the customized findings that you participated with us in drafting and make the motion as you see fit.

Chairman Dayvolt said okay. He asked does everybody understand. He said I have a motion on the table….

Tom Fitzgerald stated I have a couple of questions. He asked if you could just clarify for me what findings of fact would need to be made that have not already been made I guess would be my first question and then my second question would be many of the land owners traveled here this evening from out of state and from not necessarily close by would they all need to be in attendance at the following meeting if you do in fact table today’s vote.

Attorney Doll stated no, they would not need to be in attendance. He said we are required to make written findings of fact and conclusions. He stated the Supreme Court has said findings that would be derived from your application, any of the materials that have been submitted, which I apologize for not being there. He said my partner and son was supposed to be there tonight but his sister-in-law passed away last night in her sleep so they are having a family emergency. He stated and the verbal representations tonight will all be provided and we will draft a proposed set of findings. He said we will work with various members of the Board of Zoning Appeals at their direction and we will draft the findings and they will amend them as they see fit and that will be the basis of the motion they give to me. He stated there could be more than one motion. He said it is always possible.

Tom Fitzgerald replied okay, thank you very much.

Guy Cornell III stated I have one more question. He said the question I have concerning the findings of fact is it findings of fact as it relates to the requirements presented in…or set forth in the Planning Commission’s applications, application requirements, requirements by law, the ordinance for solar, or is it beyond that.

Mike Winge stated that is Morrie’s answer.

Attorney Doll stated it is whether or not the application has met the requirements of the ordinance and what evidence was presented tonight demonstrating that it has met the requirements of the ordinance. He said anything can be considered, any of the documents that have been referenced or submitted, the application itself, and the verbal comments, the verbal testimony that was made tonight can be considered. He stated they will all be contained in the minutes that Molly’s staff will be diligently working on from the recording taken of tonight’s meeting.

Guy Cornell III asked for my own understanding you are saying it is not just did it meet the requirements of the ordinance, not did the permit meet it, not just that requirement, it is things beyond that requirement.

Attorney Doll stated how did it meet the requirements of the ordinance.

Guy Cornell III said how does it meet it, okay.

Attorney Doll stated based on the testimony tonight about the amounts.

Chairman Dayvolt said or how it did meet it.

Guy Cornell stated or how it did not, yeah.

Jeff Willis stated what we don’t want is to get it approved or denied and then if it was denied you don’t know why and if it was approved and somebody sues to stop it holds up in court.

Guy Cornell III replied right, and that is what I am trying…

Jeff Willis stated it is more than why…

Chairman Dayvolt stated each one of us will have to testify.

Guy Cornell III responded okay, thank you.

Chairman Dayvolt said thank you.

Phillip Springstun asked Morrie, this…the findings also have to show that it meets Warrick Comprehensive Plan requirements, correct.

Attorney Doll stated yes, it does obviously but the heaviest burden is on the… does it meet the elements of the specific ordinance Warrick County passed I think in 2021 for the citation for this finding though of alternative energy for solar farms.

Phillip Springstun said 2020.

Attorney Doll stated that is going to be more important…that is going to be the most important thing.

Phillip Springstun replied okay, thank you.

Chairman Dayvolt said okay. He said I have another thing for you Mr. Fitzgerald.

Attorney Doll stated you have a motion on the floor Mr. Chairman that has a second and needs to be resolved.

Chairman Dayvolt responded okay. He asked all in favor.

All of the Board members said aye.

Chairman Dayvolt asked opposed. He said motion carries to be tabled until the 27th of December.

Attorney Doll stated let the record, for the benefit of the room, the record is now closed. He said the record is now closed. He stated nobody is going to come back in on December 27th with a whole new stack of documents they want to be submitted for the BZA to consider as far as the application.

Jeff Valiant said right.

Attorney Doll stated it is just like again the Prime Foods motion. He said that record closed at 2:00 a.m. when that hearing ended. He stated this record is now closed at 9:06 for additional evidence.

Chairman Dayvolt said okay. He asked do you have any attorney business, Morrie.

Attorney Doll replied no, sir.

Chairman Dayvolt asked any Executive Director business

Mrs. Barnhill replied no.

Mike Winge made a motion to adjourn at 9:06 p.m. Doris Horn seconded the motion and it carried unanimously.

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Terry Dayvolt, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held November 28, 2022.

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Molly Barnhill, Executive Director