

**Decatur County Board of Zoning Appeals Minutes**  
**Decatur County Courthouse**  
**150 Courthouse Square**  
**Meeting Room**

The regular scheduled meeting of the Decatur County Board of Zoning Appeals was convened at 7:03 p.m. on Wednesday, March 6, 2024 at the Decatur County Courthouse. The meeting was called to order by Rick Hoeing. All 5 board members were present. Also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

Rick Hoeing opened the meeting and read the following; *To comply with Title VI of the Civil Rights Act of 1964, Decatur County requests that participants in this meeting complete a voluntary, anonymous survey that is available on the table in the back of the room.*

\* **Election of 2024 Officers:** We will waive this and it will take place at another meeting.

\* **Approval of Minutes: February 7, 2024.** Joyce Brindley made a motion to accept the minutes as mailed; Janey Livingston seconded the motion with all members present saying aye.

\* **BZA Petition 2023-7 – Roy Saylor** is returning to make changes to the original petition which was as follows: requesting the following variances to develop a twenty-one (21) lot subdivision west of 207 W Kentucky Ave, Westport in **Sand Creek Township**.

1. A **“Variance”** from provisions of the Decatur County Subdivision Control Ordinance #305 (R) to **not** require sidewalks
2. A **“Variance”** from provisions of the Decatur County Subdivision Control Ordinance #305 (W) to **not** require curb & gutters along Kentucky Ave
3. A **“Variance”** from provisions of the Decatur County Ordinance #1060 to the 75’ minimum lot width specifically, Lot #7 and Lot #8 from 75’ to a width of 71.73’, and Lot #9 and Lot #10 from 75’ to a width 70.78’.

**Jeanie Saylor:** In regards to the waiver on the sidewalk, first I want to let you guys know that we have decided to change what we are going to do with that land and just do the 6 homes on Kentucky Avenue and not do a subdivision. It will be better for us at this time from a management perspective. **Paul;** how big will those lots be? **Jeanie;** they will be 90’x120’. **Joyce;** have you been to the Westport Town Council with the new plans that you have? **Jeanie;** we have not requested to be in front of the town for that. **Joyce;** what is on this piece of paper, is that what you want to have done? **Jeanie;** we presenting to the board right now to be able to ask them for a waiver on the sidewalks because we are not going to be doing a housing addition, just the 6 lots at the sizes that are stated there. **Joyce;** and they are all in compliance with the setbacks? **Jeanie;** yes. Actually, the lot, the originally lot which is about 525’ x 500-something, it actually goes from the center line of Kentucky Avenue south, if you notice on our drawing, he has started the front of the six lots, 25’ south of the centerline. **Joyce;** and how big will the house be? **Jeanie;** these are just lots, we are here to ask for the variances which were stated on our request for the sidewalk and curbs and gutters. I’m leading off with the fact that we are doing these six lots. **Joyce;** I think that the Westport Town Council didn’t recently require sidewalks, we can we can vote on this (inaudible). **Rick;** we have a letter from the Westport Town Council April of 2023, is that correct? **Jeanie;** yes. **Rick;** at that time they stated that they would like sidewalks included in the new

development, has that opinion changed within the Westport Town Council? **Joyce;** it has with the Westport Town Council because the ones that are put in now are not required to put sidewalks in, like Deer Run. They don't have sidewalks. The only things that we were concerned about was how much water was going to hold into the water plant, how much more water will be sent down stream. The Westport Town Council has given up on the sidewalk, until it becomes an ordinance. If it becomes an ordinance, then it will have to be done, until that is happened, you are ok. **Jeanie;** do you have any other questions? We have brought some maps and things.

**Audience:**

**Bryan Gatewood:** I am the president of the current Westport Town Council and with all due respect Joyce, the new Westport Town Council has not spoken on any waivers for these six lots. As a matter of fact, we have not seen what is on the screen. I would like the chance for this to come back to the Westport Town Council so that all five of our members can see this and discuss it. I would like someone to come to our meeting and to represent this and discuss with us so that we can present the Board of Zoning Appeals with a formal resolution on what the official decision of what the new Westport Town Council is. **Jeanie;** in response to that, I nor my husband has not request to be on the docket of any Westport Town Council meetings. The last time that we discussed this is when we were in the Courthouse. We have had other priorities that we were dealing with and have made this change. We wanted to be able to do something but this is more manageable for us and where they are located, there is no sidewalks for a little over ½ mile. To the other side of that map is all farmland. Behind where the six lots will be, we will rent that out, it will probably be corn. So, that should alleviate any concern with that. Why would there be sidewalks that would be necessary for those six houses? **Joyce;** it is not the sidewalk issue that they are asking for now, there are new members of the Westport Town Council, you need to take these to them because they are the ones that will tell you whether you can or can't. **Jeanie;** to my understanding, this board could waive those sidewalks for the six lots. **Joyce;** this board can but the new Westport Town Council has not seen your plans, they need to see them before we get them. **Jeanie;** I'm trying to understand, if we went through this process with the county and came up and you told us to come back with some things, we have never supplied any kind of plans to the Westport Town Council. I'm coming here now to say that we are going to have six lots at these size that we would like sidewalks waived. I am here asking the board to waive those. **Joyce;** before you can ask the county to do that, they require that you go to your town board to make sure that is ok before you come to us. **Rick;** to clarify, is this property within the Westport limits? **Jeanie;** yes, on the outskirts. **Rick;** I think it is only fair that we give the Westport Town Council an opportunity to give a recommendation to the board. I appreciate your thoughts but I think at this time, we table this until further meetings. **Jeanie;** I also want to bring up the fact that before the letter was brought up in April, they were not, they stated that they would not waive anything, we had a letter prior to that that stated that they would, (inaudible). **Rick;** and we do have a copy of that as well. I think because it is a new board that we need to give the new board an opportunity to voice their opinion... **Jeanie;** well, they have for sure voiced their opinion. **Rick;** I appreciate that. **Jeanie;** their meetings are recorded and I believe the last one where this was brought on the docket, I watched it, we don't live in town so we don't have voting rights. **Joyce;** you don't? **Jeanie;** no, we live on the outside of town. Even though we live closer to the town and these lots that we are talking about, there were some comments recorded to the fact that we don't really care about the sidewalks but we want to use it as leverage to get something back. I just can't deal with that, specifically when I am not asking for that. I am not asking to review housing additions that I have never put specs to. **Rick;** I understand that. I appreciate that and per your request for variances today, we need a recommendation from the Westport Town Council for these specific items. I think at this point it would be best to table this for a later day. I encourage you to get with the Westport Town Council and present your ideas and your plans to them so that we can look for a recommendation from them before we can move forward with this. **Jeanie;** so, if we do decide to move forward with anything we would need to go before the Westport Town Council? I just want to make sure that is clear because that is not how I

understood how this panel would work. **Rick;** yes. **Jeanie;** is that for the sidewalks and the curbs and gutters? **Rick;** I think we will be looking for a recommendation for both variances from the Westport Town Council, yes. **Jeanie;** if that is your decision then I will respect that. **Paul;** we have seen several requests inside of small towns that still lie within Decatur County and all of the one's I have ever seen, whether it is New Point, Westport, have always had a letter inside of the packet, a letter of what the town board recommends so that, because many of us aren't citizens of Westport, we don't know the ins and outs, but that letter from the town board will generally give our board some insight as to what is occurring in that town. I understand what you are saying but I have seen enough of these that New Point is the same, Westport is the same, that is general procedure. **Jeanie;** where this became confusing is that I got the waiver before. **Joyce;** but you didn't act on it. **Jeanie;** why do I have to act on a waiver, I wasn't able to continue. **Rick;** I think at this point we have done a good job with tabling this to a later time. Since the plan has changed, we need those changes to be presented to the board, for a recommendation on the changes.

\* **BZA Petition 2024-3 – Elizabeth Owens** is requesting a “Special Exception” to add living quarters to an existing barn. The request falls under Decatur County Ordinance Section 925. The property is currently owned by the petitioner and is located at 1758 S CO RD 180 E, Greensburg, in **Washington Township.**

**Elizabeth Owens:** we are wanting to put living quarters onto the barn so that my dad can live there. **Joyce;** do you have water and electric to the barn? **Elizabeth;** we have electric but will put water and a separate septic system. The soil sample was good. We have a well also. The existing barn is about 28', we will come in about 2' to meet the setback. **Joyce;** will this be a living area or will it be for your automobile too? **Elizabeth;** we are going to build a garage, that will come off the barn so he can drive straight into it. **Joyce;** are you close to your neighbors? **Elizabeth;** I'm not sure how far.

Joyce Brindley made a motion to vote on BZA 2024-3; Janey Livingston seconded the motion with all members voting yes. **Rick;** congratulations. **Elizabeth;** thank you!

\* **BZA Petition 2024-2 – Franciso Galeano of RWE Clean Energy / Greensburg Solar LLC** will present an initial presentation on the proposed solar project with a question-and-answer session to follow.

**Mary Salada:** I am an attorney based in Indianapolis and I represent REW Clean Energy. I just wanted to make a record confirming, it is very clear that there was adequate public notice, given attendance this evening. So, Ms. Duvall, just to confirm that the notice was in the newspaper and the individual notices were mailed. **Krista;** yes. **Mary;** so we are having an appropriate, if you will, public hearing even though I know the board does not intend to vote. We are here tonight to listen, we welcome your questions and will attempt to answer them. If we do not have answers, we will put responses in writing and send them to Ms. Duvall and she can send to you. Just again, wanted to emphasize we will try to do the best to answer the questions that you have. Let me introduce Francisco Galeano, worked hard on the project and has been in the community quite a bit. His colleague is also with us who has done a lot of community relations here. Also, he will do a power point and then we will try to be brief.

**Franciso Galeano:** I am the Senior Development Manager. With us this evening we have Hania Davis, Mary Solada from Dentons Partners, Mike Marous from Marous & Company (property values information) Tony Granato with Energy Response Solutions LLC, (subject matter as it relates to fire and fire safety), Brenda Marous (Environmental Consulting) and Ben Harvey from Stantec Ecologist. Francisco walked us through the power point that was on the overhead. Mary Solada then discussed the decommissioning plan.

Public Comments:

**Melissa Meltzer:** Most of the concerns stated are 1) Fire concerns on the panels, 2) residents 2 miles away hearing the constant hum, could impact school children's learning 3) How long has the company been around? What happens if they go bankrupt, who is responsible for the maintenance and decommissioning? 4) My understanding is once you put solar on farm ground, you can never farm it again 5) Property values will plummet. 6) What will it be zoned? Solar farms are not farms, they are industrial. 7) Where are the solar panels manufactured? China? 8) Who will take care of the roads?

**Mary Solada:** We will keep a list of all the questions, we will answer the following questions as best we can tonight, I also think it is useful to submit a detailed written statement that will be submitted to Krista and then submitted to you.

**Nick Wenning:** President of Decatur County Farm Bureau. We sent out a policy survey to all of our members, just under 1000 members. We asked, are you in favor of commercial solar projects in Decatur County. We have 85.8% saying NO. Ranked their concerns in order and solar was the number one concern. We will provide the board with all the information when we get everything printed out.

**Grace Shriner:**

1) not one person on my road, 150 or 200 N, we did not know anything about this until we saw it in the paper or heard from people who live directly around the project.  
2) concerned about the 1 million dollars not going very far in our community per year.  
3) why are we not using the top of buildings instead of taking good farm ground, have you explored other options for solar outside of productive land?

**Francisco Galeano:** I personally drove around the project. I spoke to whomever I could speak with, the others I left information. As far as rooftops are concerned, yes that is something that is done, the electric generated is used for those buildings only, they do not inject power into the sub-station.

**Kaywin Lindsay:**

1) what are we going to benefit from this project by giving up farm ground?

**Kenny Marshall:**

1) what is the percentage on the water shed that drains through Gas Creek into Downtown Greensburg? 2) how many square feet of impervious panels will be installed?

**Francisco Galeano:**

About 300 acres, if the panels are flat, that is the total area that they would occupy, that is not the same thing as the impervious that is created, in the sense that the only structure that goes into the soil is galvanized steel piles that are driven into the ground, no cement is used. We will have discussions with the Drainage Board.

**Vicki Wilson:** 1) concerns on drainage.

**Mary Solada:** We have to conduct a full engineered drainage plan to obtain a building permit. The drainage board will need to sign off on this. Indiana says that we cannot increase the flow of water from our site. We have to submit the engineering that would support that. **Rick:** to clarify, that would go before the Technical Review Committee? **Krista;** it would go before more than one committee, it would be reviewed to verify that it does meet the drainage ordinance.

**Julie Kirchhoff:**

1) how many solar energy facilities has RWE implemented and do they still operate today? 2) have they sold any of them that they have started? 3) what percentage of the 22,000 homes that would be powered by this project be in Decatur County? 4) will the 300 construction jobs for this project be brought in from Decatur County or will they come from elsewhere? 5) of the 4 long term jobs, will those be from someone within Decatur County? 6) you stated that the sub-station was at capacity, if it were to increase capacity would you then add solar panels to the leased land that you already have leased? We know that there is another solar project in the works, and I am looking at the cumulative loss of farm ground in Decatur County. 7) does RWE have any intentions of implementing solar projects next to other sub-stations in Decatur County that are not on the docket today?

**Franciso Galeano:** We have not sold any of our projects. **Rick;** of the 22,000 homes that the substation would support, how many of them are in Decatur County? **Franciso;** there is no generation in Decatur County except for the small solar array that REMC owns. The electricity that goes into the substation goes into the grid. **Rick;** is there any difference of this providing power to the grid versus Hoosier Energy providing power. **Franciso;** we are adding electricity to the system whether Hoosier Energy injects it, or we inject it, we are adding capacity to the system which adds stability to the system. That is what we have control over. We cannot sell to the end customer. The only permit application that I have is for this project. If the substation were to increase capacity, we were allotted 140 megawatts, that is what we have in our interconnection agreement. **Paul;** for clarification, I think there is a misunderstanding that the substation has a capacity of 140 megawatt for you but am I right in that you have is a contract to supply no more than 140 megawatts at a time, so you cannot go above that, it's not a capacity of the substation, is that correct? **Franciso;** that is correct. The substation could be expanded but what we have there, that's the power and that we drive into it. **Paul;** jobs, 300 construction jobs and where those will be sourced from and maintenance jobs that are ongoing, where will those jobs come from? **Franciso;** I've actually had this conversation before, we hire a general contractor to do the work, the request was that whatever information becomes available when the projects are big, that these jobs are available to the people of Decatur County. Job fairs will be held in Decatur County. The 2-4 jobs, again our intention is to keep those jobs within Decatur County. It's a little bit of a different job description if you will, but that is a secondary matter. It's a trade, a certain set of skills, but there is no reason why someone in Decatur County could take those long-term jobs.

**Jim McIntyre:** read from page 59 of the Comprehensive Plan – [Indiana has been an area where commercial alternative energy sources have been placed on property. Some of these alternative energy sources have included methane collection, wind farms, and solar farms. Decatur County understands that alternative energy technology is ever-changing. Therefore, the County supports individual, on-site, non-commercial alternative energy sources. However, the County does not support the development of commercial alternative energy supplies that would consume agricultural land. The County discourages large scale, commercial development of alternative energy sources. While the County supports mining activities, the use of fracking to secure natural gas is not supported.] Why would you even consider this? **Paul;** every county, as far as I know in Indiana, has some sort of an appeals board that if something doesn't fall in the ordinance that there are some folks that hear that, unfortunately there are gray matters that arise and we owe it to this company to hear it, that is how this Government works, we are going to hear this whether you all feel like we should or not.

**Gretchen Frensenmier:** We were told about last December that the panels will be coming from China and that they are very good, what now has changed that the panels are not coming from China? Now you say they are coming from Vietnam. What is your history with the panels in Vietnam? Francisco: the requirements of the Chinese versus Vietnam, those don't come from us, they are actually and tariff restriction and that comes from the Government. What I stated in December and the restrictions and the obligation to buy components from Vietnam, precedes December.

**James Moore:** 1) I've heard "could be" and "possibly" and "intent" and "should be". This is not your first rodeo, why are you telling us these things, why aren't there definite answers? 2) I am an adjoining property owner and I just learned about this 30 days ago. How long have you been in town? No one has seen me. 3) Vegetation screening, you did not define it. What does your vegetation screening mean? With the above questions, James also discussed several points about solar fields on fertile farm ground.

**Jeff Whitaker:** I don't care if solar comes or doesn't, but everybody here should think hard about infringing on someone's property rights, within the law. The question to the board, do we have in the ordinance provisions to put this in and minimum requirements of what it takes, is that not already on the books? **Paul;** we have an ordinance for solar energy yes. **Jeff;** does it have minimum requirements? **Paul;** yes it does. **Jeff;** are they required to do more than the minimum requirements and are the landowners that own the land, and the deeds to that land required to do anything more than that. **Rick;** I would say that they are required to follow the ordinance. **Jeff;** that's right. I hope everybody considers property rights within the law because if that gets trampled on, we got nothing left.

**Julie Kirchhoff:** Can I speak to that, I want to pull up the solar ordinance. Solar Energy, section 20. Francisco stated that earlier but left off a paragraph, the second paragraph states - Indiana has been an area where commercial alternative energy sources have been placed on property. Some of these alternative energy sources have included methane collection, wind farms, and solar farms. Decatur County understands that alternative energy technology is ever-changing. Therefore, the County supports individual, on-site, non-commercial alternative energy sources. However, the County does not support the development of commercial alternative energy supplies that would consume agricultural land. The County discourages large scale, commercial development of alternative energy sources. While the County supports mining activities, the use of fracking to secure natural gas is not supported. **Jeff;** I think that everybody here should read that whole thing.

**Hope Moore:** I am a farmer, live on 300 N, I am not against solar energy, but I am against the loss of property value adjacent to the solar project. Stated some information from Beacon on home values. Lawrence Burkley National Laboratory analyzed 1.8 million home sales near existing solar farms in 6 states and found diminished property values in three states ranging from 4% -5.6%. 40 homes within this area are within ½ mile distance from the solar field site, with a value of over 10 million dollars. These are Beacon recorded values and they do not represent today's market or future markets. I think we can agree that these figures are pretty conservative. Using the suggested loss of 1.5% in value would equal 155,000 plus in lost value. No one here would purchase a home within ½ mile from a solar field. We recognize the right to do what we want to do on your property, but when it devalues your neighbor's property, that changes things, it is just wrong. Companies will grow, change hands or just not exist anymore. Nothing will make the wrong right. No farm, no food! We are proud to be a rural community, do we want to become a solar industrial plant, NO. We are country folk here! Generations before us, farmer wise if they were sitting here now, would they like this? A lot of them have put a lot of hard work and effort into building big family farms and they are gone, would they want this to happen to their land? NO! Please don't let this happen.

**Alan Lowe:** 1) Will tax abatements or credits be given to RWE for any period of time? **Francisco;** *I cannot speak to the abatement, it is a conversation that remains to be had. Tax abatements have*

been granted in the past but have not been discussed for this project. 2) Do the lease agreements include any sub-leases within them for other utilities and mineral rights to the ground such that future eminent domain might be enacted on neighboring properties? 3) Who is going to be inspecting RWE to be sure that they are abiding by all of their engineering specs and everything that they say they will be doing? **Mary**; there are a lot of eyes on these projects, from State, County and even Federal level. The BZA is just one aspect of the project. 4) Does the contract survive the life of the landowner? Is it with them or the property? Most landowners will not be alive in 40 years, who does the contract survive? **Francisco**; we have to understand that these are private contracts that exist between the company and the landowners, as such, we are leasing the land of the landowner, whether he decides to pass it on to their children, the lease will stay with the children, if they sell the land the lease travels with the land. But once again, it is a private agreement between the landowner and RWE. In terms of the (inaudible) specifications, Ben can speak to that but as has been mentioned before, everything has to pass the county, otherwise we will not be issued a building permit. In terms of the tax abatement, I cannot speak to that, it is a conversation that remains to be had, have they been granted in the past, they have, will that be the case if this project proceeds, we don't know. I don't have an answer to that. **Jeff Whitaker**; is the (inaudible) situation up to the Commissioners to negotiate? **Mary**; the County Council, not the BZA or the Commissioners. I think this may be a little anecdotal, but I am working on a project in Posey County, Indiana that received a discretionary zoning permit, a year and a half ago. It has spent the last year and a half completing all engineering to satisfy SWIFF, Stormwater Management Local and IDEM. My point is that there is a tremendous amount of engineering that goes into this project. This Board of Zoning Appeals is not the final say. The County Drainage Board will have to weigh in as well. So, I just want to emphasize that there are a lot of eyes on this project, both with the State, County, even Federal level. I have no idea if we have to deal with US Fish & Wildlife or any of those entities. Usually I give clients a permit matrix, typically has 7-8 building authorities, I just to emphasize that the BZA is just one of those. Mike, can you talk about that (inaudible) that I know you have looked at? **Mike Marous**; first of all my report will have a review called the LD&L. I have read the article and watched the webinar and spent an hour with the principle author of that. The study was basically significant amount of data done by a grad student. It included apartment buildings, condos and garage condos and the data was not sorted out by condition, paved roads or age. I personally interviewed every Assessor that had solar. 1. Were you contacted by anyone doing the study? NO. 2. Had there been any sales that indicated (inaudible) of value? NO. 3. Had there been any tax appeals because of proximity to solar panels? NO. 4. Are you valuing properties any differently to the ones that are not proximate? NO. So, for all these points that I got more detail on my report, I respect those guys. There is a lot of data in there that when you peel it back, there is significant problems. It is available online.

Last question for the BZA – We should learn from other communities and what they have done, have you personally gone out to these communities where this has been done and talked with people to ask if they think it was a good idea or not? **Rick**; let's give them an opportunity to answer some of the questions.

**Rick**; as we approach the ten o'clock hour we are intending to have a hard stop at 10 p.m. A lot of topics are coming back up repeatedly. If we have new information or new questions, I encourage you to come forward, also say that we have received 8 letters in the office. Make sure we give those individuals the opportunity to read those letters if they see fit.

**Andrew Stewart**: I am one of the property owners, we lease the ground to RWE for this project. I would like to outline as to why we chose to sign up these acres of the farm. 1) We are not selling this ground, it will continue to be in our family's name throughout the lease term. 2) about the decommissioning, without that in there we would not have signed up. That was a major part of our lease that we were adamant about to be in there. 3) We are able to harvest a crop, no matter the

amount of rain, in the past 40 years, how many times was there a drought where farmers were hurt because they did not harvest as much of a crop as they were intending because of rainfall? We are still able to harvest the sunlight, no matter what. 4) Diversification of our revenue strength, I think that is self-explanatory. 5) The ground will have permanent ground cover. The grass will help infiltrate the water better. I can tell by my pasture ground compared to ground next to it that is tilled, there is not as much groundwater standing on that pasture ground. 6) There are solar farms that will be built in the coming years. Whether here in Decatur County and we have the ability to capture that tax revenue or it goes to another county. That is your decision on how that is going to be, but I would rather have those tax dollars here to help improve our schools and roads, other aspects of our community that those tax dollars contribute to. A couple other comments that I have heard are what are the benefits of solar for me? I'll say the same thing, what were the benefits of the Honda plant for me. So, it can go both ways on that. If I heard Jim Moore's calculations correctly on job losses of local ag of these acres at 200 jobs, and there is 1000 acres under lease, that would mean that I could make a living off of 5 acres of farm ground. I don't know if that is possible. The average row crop guy, maybe they get 1000 dollars an acre. That would be 5000 dollars that year that that family would have to live on, not including paying for any expenses. The other thing is, he mentioned the Bible, it is also mentioned in the Bible that we are supposed to let our ground go fallow every seven years. I know our family hasn't done that and probably a lot of people in here that have not as well.

**Lori Garringer:** I have had most of my questions answered but the one thing I just want to bring to everyone's attention is trickle trickledown economics. Where if we are not farming the ground, we have 15 ag businesses in Decatur County that are going to suffer because people are not buying chemicals, may not be raising animals so they may not get feed from those places. I don't know how many people who are employed by all of those places but that is my concern. If we, not necessarily this particular project, but I know that there are 6000 acres planned and what I looked at was it is \$800-\$1000 expense per acres. So, 6000 acres at \$1000 would be 6 million dollars that we would lose in the county, opposed to the million dollars income that we will get from the solar farms. I just want that to be considered, I'm not speaking for or against, just realize that there are a lot of small ag businesses in Decatur County that are going to suffer from if we give up the farmland to solar.

**George Reiger:** I am not involved in this area that we are talking about, I live west of town. There is an issue of taxation and abatements, which maybe have been avoided here this evening and I am sure that there are people here that are aware of economic revitalization areas. The State Legislature in 2022 has made these available to farm areas, directly I would assume to make tax abatements available to solar companies. I hope that would get answered, it's complicated, I do not understand the ramifications, but I think this board, our county officials do need to know how that all works. *Mary; first of all, the most important issue that I made earlier is that any decision on tax abatement, by law have to go before the County Council, it is not a decision of this board, not even a decision of the Commissioners, which a lot of people are surprised about. Secondly, there is a case, litigation in Indiana about a year ago, the Indiana Court of Appeals has said that it is ok to have farm land be in an economic revitalization area. I think that may be what this gentleman is talking about. There have been a number of tax abatements for solar projects around the state but we have to remember what they have, what has been attached to those abatements have been substantial payments back to the counties. It is a little bit of a swap financially, meaning the abatement goes on for ten years but the county gets front loaded money the first 5 years, in the millions of dollars and so this is as the gentleman said, is a complex negotiation, we have not engaged in that. Will it happen later, maybe! I think that is what Francisco was saying. But, this is something that typically counties bring in their financial advisors to work on and what we have to remember is whatever monies the county obtains is called Economic Development payments. The Commissioners and Council then decide special projects to spend them on. They are typically good*



*projects. This has been done in White County, Benton County. Millions and millions of dollars have already been spent around the state on these types of projects. With the State Board of Accounts full blessing because it has all been done lawfully.*

**Larry Heger:** For the record I am not against solar systems, I drive past Jim Moore's solar set up quite often, I see it on rooftops, I get the application, I have a 60x45 building and have given it some thought myself. Solar not the issue! I am against a global foreign corporation coming into our county to remove, for now, 900-1000 acres, who knows what once this can of worms gets opened up. To some of our best agricultural ground that we have available. My family came here in the 1830's, everybody ahead of me farmed, I have been very involved in farming since then. This is an ag community, it was big ag community, still is. My dad was in farm drainage for years. There are flood zones going in and just receding from this ground. That has got to be addressed tightly, you have a problem. We just 10 years ago spent a lot of money to get Gas Creek flooding and here we are at the top end of it creating an issue again. That is not good planning at all. As we said early on in the talks, I am of the opinion also that as a viable project, for 15-25 years, what we are giving up for 15-25 years. The control; of 1000's of acres in this county to global, foreign corporations. A lot of this ground on this project, in 1994 I believe, the hailstorm would have ruined this project. If any of you have done any due diligence you have seen photos of these panels from a hailstorm. They are ruined. This same territory, these same fields were in that in 1995. If this project goes in in 1995 it would have been gone in a few minutes. I was there during that, we had fire runs in that zone, I have been a member of Clarksburg Fire Department for 26 years. It was a mess. We didn't have a 1000 acres of these panels to deal with, we had a mess already. So, it's real, that can happen. It would wipe this project out, now what are we doing. How will all the numbers work out if it is gone? Big possibility, God says it can be real. It happened in 1995. These are not going to be put back into production like they are now. Every farmer in here knows how critical top soil is, you will never put it back to what it was in any of our lifetimes, not even the next few generations. Top soil, as Jim mentioned, it isn't created like that. Even if you spread it back over the top, it will never be as it is today, it is at its best today. Some of them are pretty good farmers on that ground, I can't believe they want to give it up. What do we do if we have a hailstorm and have thousands of acres of these solar panels to get rid of? The cost to get rid of it is higher than to remove it from the fields as the cost to put it in the landfill. What will the long-term effects of that be at the landfill? There are metals going in there and things going in there that we don't want in a landfill. There are 4 parties tonight, concerned citizens, the board, the global foreign corporation and the landowners, both the ones that signed and the ones that didn't sign. The public doesn't have anything to gain by you moving forward with this project. But they have a lot to lose, it has been addressed so I'll save time. The BZA Board will end up being with the respect or loss of from the ag industry and the local community, based on your decision at some point down the road. You will be known for keeping or losing 1000's of acres in a natural use state, as ag. You will be known as the group who let it start, and once that glass gets broken, you cannot put it back together. You cannot reverse it. The state will probably bring it along anyway, why do you want to put your name out there? Let the state force the issue, don't put it on your resume. The global foreign corporation will gain a huge financial windfall if this goes through. It will also legally control 1000's of our best ground in this county and they will be able to sell it and walk away. I know it's their intention but they can sign it away at any moment and there is nothing you can do about it. And once Duke takes it, it's going to them anyway, they have a lot more rights than this group does to continue on in different fashions. They have the regulatory commission that they can run with. Why didn't this group ask for this before they signed up the landowners? Why didn't they get your approval? Kind of have the cart in front of the horse. These tactics, and I have worked for a lot of corporations, global corporations, I have managed my way through 5-6 acquisitions and mergers, I know corporate lingo, it is sales and marketing and legal advantage 101 that they are moving in on you. Don't let them do it, this is your town. Has anyone looked at their website, have any of you 5 studied their website yet? Did you study the American version of did

you just go to RWE.com? It's a totally different set of information. Under history, yes I did look and yes I'm gonna tell it. Some of you maybe did, 60 years ago, they are from Germany. I'll remind you, WWII. When Germany defeated another country, do you know what the first thing they did? All the energy has to come from Germany, do you know who one of those providers were? They are sitting on my right-hand side. That is bad enough because a lot of people in this community fought in WWII. The next things I'm going to tell you ought to stop you in your tracks. It is on their website, I can pull it up on my iPad, I am not making this up. They may remove it soon, you know what 34% of their workforce was at those power plants in Germany that provided energy to the countries they were destroying. It was prisoners of war that they forced to labor, and they did not pay them. It is on their website, what I am saying, very clearly stated. In 2001 they had to pay them 4.4 billion dollars, but only to the people who were still living. If you died, you didn't get nothing. Do your research, I spent the day today reading Commissioners, Council and Area Plan and Board of Zoning Appeals, you guys are heading in the wrong direction. It is going to be on you, if you let this cat out of the bag the community will remember. I don't think that is what you want, let someone else make that decision, let the state mandate it. It wouldn't be on you. I am not against them, but I am for passing on the opportunity to the next generations, the option to keep 1000's of acres in agricultural use. With your vote, a vote that represents for now and the future of your family, friends and neighbors that you decided to keep Decatur County's best agricultural ground as a viable source of jobs and a food source for the future. Your vote keeps control locally – not managed by a global foreign corporation and their profits removed out of this county, and there are subsidies that we all pay from our taxes for this project. Their decisions will always be short sided, what we have to do to just get what we want right now, not a long-term decision. It won't be any common sense in them, and money will always be the deciding factor because they are a large corporation. I thank you for the service that you do for your community, you are here a lot of nights. I hope you make a good decision for a positive impact for this community for a long time. Thank you for your time.

**Albert Armand:** I sent a letter in, I would like to read a little bit of it. I know how busy it is up there, I want to thank everyone up here, the folks that came tonight including the RWE folks. I would just like to point out, and it has been said that our Comprehensive Plan and current ordinance speaks to this, but I also want to tell you that there are 538 farms in the county today, down from 581 just 5 years ago. I don't know how many more we need to lose. It was stated that this represents about 1% of the land in Decatur County. I looked at the most recent US Census of Agriculture, it says that this can affect 5 farms, it will effectively eliminate 5 farms. Those farms would account for 3 million dollars in annual sales. 2 million of that would be used for production expenses, the next million if for income. If you figure that that turns over 4 times in the county, which is a pretty standard figure for economic activity, that is 12 million dollars. I think that our 12 million dollars annually meets their money over the 40 years. I would like you folks to consider that, I think there is one other thing, some place in our ordinance it says that we can consider these variances if it doesn't affect the character of the community and it is hard for me to say that turning corn fields into solar panels won't affect our community. I appreciate you coming out here.

**Rick;** we did get a request to read one of the other letters. Joyce Brindley read the letter from Andrew Stewart and it is on file in the Area Plan Office.

Joyce Brindley made a motion to adjourn the meeting at 10:12p.m. with a second from Janey Livingston, all members present signified by saying aye.

Decatur County Board of Zoning Appeal

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Secretary, Rick Hoeing

ATTEST:

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, President, Decatur County Board of Zoning Appeals

**A video recording of this entire meeting can be found at youtube.com, search Decatur County BZA, then select 03/06/2024 – Area Plan Commission & BZA (Solar Information Meeting)**

**<https://www.youtube.com/watch?v=SXX6JcUc4ho&t=11642s&pp=vgUSZGVjYXR1ciBjb3Vu dHkgYnph>**