

**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 6:30 p.m. on Wednesday, July 26, 2022 at the Decatur County Courthouse. The meeting was called to order by Brad Schutte. 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, Chuck Emsweller – Decatur County Commissioner and Dorene Greiwe – Decatur County Assessor.

**\* BZA Petition 2022-7 – Open Road Renewable LLC / Ice Miller LLP – is requesting a “Special Exception” in an A-1 zoning classification for construction of a Battery Energy Storage System facility. The property is currently owned by Robert & Elaine Vollmer and is located West of 2080 W CR 400 N, Greensburg in Adams Township.**

**Brad;** I put this together so that I can get some public feedback. At the previous BZA meetings, things kinda moved quickly, we had a lot of items on the agenda. I wanted to make sure that this board had ample time to get their heads around what we are looking at and what we are trying to do here. Having this meeting tonight, basically opens this floor up to the public. Whereas at the BZA meetings I have to be more structured, we have the petition and remonstrance. We really can’t open the floor and the table to get an all-around feedback. We have a representative coming from Open Road Renewable, I believe from Ice Miller, is that correct Bryan: **Bryan Robbins;** yes. Actually Tim Ochs and Cyrus will be calling in. **Krista;** Tim is probably on now. If you don’t mind, I have a statement before we get started. From the Technical Review Committee: In regards to the BZA Petition 2022-7 for a Battery Energy Storage System located on West County Road 400 N, Greensburg, IN in Adams Township. We, the Technical Review Committee have had multiple question and answer sessions with Ice Miller and Open Road Renewables. Because this petition goes against our Comprehensive Plan, we are making an “unfavorable” recommendation to the board. End of Tech Review Statement. I have some other background information. 1) After speaking with Hoosier Energy, there is currently no energy being lost at this sub-station. However, there is a lot of additional potential for production and storage of energy at this station. But that would require a major upgrade of the transmission station, probably a million-dollar upgrade. 2) There is currently a project in the MISO queue for a solar farm and it is very near to this station. However, that is a separate project being looked at by a separate company and it is not affiliated at this time with, or associated at this time with this developer or this project. **Brad;** and that was from the Tech Review Committee which consist of who? **Krista;** it consists of Tim Ortman – Highway Dept., David Gray – Adams Township VFD President, Dorene Greiwe – Decatur County Assessors, Krista Duvall – Area Plan Commission Director and Andy Scholle – Decatur County Surveyor. **Brad;** one of the main goals here was to go over some of the commitments that were submitted. I wanted this board to review that, there was a lot to digest quickly there. Do you guys want to propose questions first? **Tim Ochs;** Krista, can you tell me who at Hoosier Energy that you have been talking to? And also, why, when I have talked to you this past week, you haven’t informed me of any of this? **Krista;** the Technical Review Committee (TRC) just made that decision and I was going to make it at the

public meeting. **Tim;** when you say just made this decision, when and it would have been very nice for us to participate in those conversations. I'm confused why that opportunity was not made available. **Krista;** the TCR decided to meet as a committee to go over how this plan fit in to our Comprehensive Plan and our County Ordinances, after we met, we decided, it wasn't decided how we were going to state this until today. **Melissa Scholl;** this is a standard practice for our county. Our TRC will meet and review projects that need additional attention, do their investigatory work and then if further information is needed from the petitioner, that information will be conveyed, so there wasn't anything out of the norm of how we function here in Decatur County. **Tim;** did the TCR meet with Hoosier Energy or how was that information communicated? **Krista;** no, I spoke with Hoosier Energy's project manager, and he said that if there was a project that he would be aware of it. He didn't say that he didn't know anything, he just said that he had no contracts at this time to upgrade that station, but if this battery storage facility was approved that there would have to be conversation with the owner of the facility in order to upgrade that transmission station because it really didn't lose power, but there is a potential, with about a million-dollar upgrade, to produce enough energy to need that battery storage. **Cyrus;** (inaudible) hear the news about Hoosier but I'm happy to provide some insight into how Hoosier's transmission planning as part of MISO plays a role in where this project is and may not be on the radar of everyone at Hoosier but we will be happy to share publicly available studies that show the scope of what Hoosier would be signing up to in the November time frame when the MISO interconnection agreement is tendered. We will have thirty days to sign it, it is a three-way agreement between us, MISO and Hoosier. Hoosier would, at our expense, upgrade, facilitate the connection of the project. So, I missed maybe the important up-front context here but I did want to mention that we are happy to provide that information if there is no, maybe you can repeat the news that was mentioned up front. **Melissa Scholl;** Cyrus, it was just mainly stating some concerns or other information that had been researched regarding the project. I don't think you really missed any information, it was just discussing the TRC had met, that Krista had discussed the matter with Hoosier Energy and that there is another solar project in close proximity to this location and she was speaking with the individuals involved in that project just to see if there was involvement with the battery storage facility. They have indicated that that was not ongoing at the time. They indicated that they were separate projects, so it's just information being gathered to make sure that we understood the full impact of the project that is being presented to us. **Cyrus;** I got you, and I will be happy to share the facilities study which is something that Hoosier conducts on behalf of MISO, which they have done for this project and we can provide that to you. It's an official document, it's the last part of the MISO study process. Hoosier is not only well aware of this project, they have actually designed the sub-station upgrades that would be required for this project. It has nothing to do with any subsequent solar project, I understand that it is in the queue a couple of years behind us. I'm happy to provide that information to the board. **Melissa;** thank you. **Brad;** do you, the board have questions directly for Open Road, I'm sure we do. My first question, you spoke at the BZA about landscaping and I see you guys have just recently submitted something regarding that, I haven't dived into it much, what did you base that general landscaping design on? **Cyrus;** at the last meeting the feedback was that a neighbor wanted more opportunity to have input on the landscaping plan and also want an actual plan that is not just the detailed schematics that we provided in our application, but the full plan, how will you plant, what type, what happens if they die, and the permitting condition that matches that plan. What we provided has been shared earlier with the closest neighbors to the west and has their buy in and input. The gentleman with the property to the east has concerns about the view, he has already been negatively impacted by the Hoosier substation that is there and so what we put into the plan there is a number of trees that we would be planting along that eastern edge. We agreed to make all of those evergreen trees. Again, this is the closest battery storage container to the residence is 800'. The Hoosier substation is between us and that project, not exactly between

but in close proximity to that residence, much closer than this project will be. We are trying to do everything we can to make sure that not only are our project impact, but the existing substation impact might be mitigated by some of the work. The plan you see there codifies 100% evergreen and the doubling of the landscaping along the east side as well as all of those other details that the board and comments from the neighbors has asked for in terms of, I may be sharing too much but I understand the experience with the substation that the plants were planted and then nothing was followed up. There were no real conditions there. What we have done here is craft the condition that you as the board and the county can enforce on us on what the landscaping needs to look like and how it is maintained over time, etc. **Brad;** but you didn't use our landscape ordinance for this, is that correct. **Cyrus;** no, we are happy to take input and change it, I assume that this 100% evergreen is more than is called for but the ordinance didn't apply to this project in particular. We kind of started from scratch and took the input from the neighbors to try to make this as effective as possible. **Brad;** the ordinance may not apply because it is a special exception but based on the money invested and the returns, I would expect it to match more of our industrial zoning requirements. That is just a thought that I had. **Tim;** we are happy to take a look at that and I assume that what we are proposing is more substantial than the industrial standards. **Brad;** not even close. **Cyrus;** the industrial standards are for industrial uses, this is 8–10-foot containers at 800 feet away. **Brad;** it is based on your vehicle use area, there is a relatively simple formula to calculate the four different types of ground cover that are required. This isn't going to be anywhere close to that. It is easy to get a hold of and calculate. **Gary;** does that include a berm in that industrial? **Brad;** it is recommended typically. Especially if you are going, that is just my thought here, we are on a special exception but with the reference to how much money is invested and the returns on that money, I'm thinking of as more of an industrial. It is recommended to do a berm in conjunction with the four different types of ground cover. **Gary;** and I think from what we heard from the people last meeting is that the berm was something that they would appreciate having out there. **Tim;** the only comment I have about that is that while it might seem like that, the height of the battery storage containers is about 10 feet, whereas most industrial buildings are more than 35 feet tall. You typically have a lot more noise with industrial buildings, particularly because of the trucks that are delivering materials and those that ship the materials away. Here we have got much shorter project and then we have, once it's done being built, significantly less noise. We are happy to take a look at the industrial standards but we will need to determine if the amount actually, if there is any benefit to it, simply because the noise and height are so different than a typically industrial project. **Cyrus;** and not just the noise and height but industrial projects have fuel inputs, chemical inputs, traffic, noise, emissions, solid waste, liquid waste, a lot of products is being made that is either piped out or trucked out. This is a utility use and I would just encourage the board (inaudible) the project by applying berms and an unnecessary level of screening on something that has a (inaudible) utility impacted. **Brad;** this is a the same as our B zoning as well, our B & I zoning have the same landscape regulations, that is kind of where we stand with it. **Tim;** we will take a look at that. (inaudible) We didn't have that input when we were putting this together or we would have worked more closely with your staff on this. We just had no guidance on this topic. **Janey;** I had asked last meeting about why the concern on the many hours of training of the fire departments, EMS, etc. and I understand that if one of these catches fire, it would literally burn itself out and that the reason that you have the fire department and the access to water is to hose down any other units. Looking at your pictures are not unsightly for commercial but certainly not pretty for farm, I can't imagine, correct me if I am wrong, our fire departments are volunteer, correct? **Brad;** in that area yes. **Janey;** I live in that area, not close but our fire departments are volunteers. Let's say worst case scenario that something happens and the volunteer firemen can't get there in what might be a reasonable time to hose down these others to keep them cool, I am very uncomfortable. If the VFD doesn't make it in time and many catch on fire, what happens? **Cyrus;** each of these units are fire wall rated

on the outside. They are tested at 3 inches of (inaudible), they test light them on fire and they are rated to probably not get to the next unit. That doesn't mean that we just sit back and watch. We would still respond just like with any other fire in the county. We've engaged with the fire and EMS community and the conditions before you are to their satisfaction. Hopefully the combination of those two points addresses your concern. **Janey;** it makes very logical sense but just to think about it, why do you have need for quick recovery for a pond for all this if they are so well fire rated? In my mind I can't, it just sounds like the left and the right don't make sense. **Cyrus;** you prepare for the absolute worst and quite frankly that is the same approach that your fire department and most EMS personnel do, you have fire equipment to save people from burning homes, to cut people out of cars. Everyone hopes that you do not have to use that equipment but you have it just in case. Here, especially with this being a type of project that a lot of people are not familiar with, sometimes causes concern, which we perfectly understand. We wanted to make it clear, we are preparing for a fire, the worst, but we don't think it is going to happen. If we had any inclination that it will happen, we wouldn't build it. You wouldn't spend 150 million dollars on something like that. We don't think it is ever going to catch fire but you prepare for the worst and you train for the worst and you make sure that the local fire departments are aware of what is going on. It doesn't take an inordinate amount of time, here is the plan, here is what you do and you are done. When you focus on that it might seem a little daunting but it's an appropriate plan and approach. The risk is not significant but you just prepare for it anyway. **Tim;** I'll just add that you don't need the things that we proposed here. We propose them out of an abundance of if there is a concern locally and there is not a lot of experience, there is a double layer of responsiveness to the concern. To be frank, you don't need those things, we are giving them as conditions, but you don't need them. **Joyce;** I realize that common sense is telling all of us as it is going to happen as far as electric cars, our question is why did you pick that certain spot? That high line goes all through the county and some places there is no people that would have it is their front yard. I live at the south end of the county and it goes all the way down there and there is a lot of empty space that could be filled without people being upset over it. I realize that it would be good for us in the future, we are going to be forced to buy those kinds of cars whether we want to or not, and I do know that's what is going to happen. My question is why does it have to be right there? **Cyrus;** this location was selected because the technical nature of the grid itself. Meaning there is room for this type of project there. There are a lot of places with transmission lines where you can't fit this type of project electrically. It is quite rare to find that perfect place. This is one of the most rural, the locations I have ever seen for a project like this in terms of the dispense of the nearest neighbor being 800 feet on one side and 1200 feet on the other. That is pretty rare and hard to find. In terms of with the electrical features like this site. It is unique in that the switching station there takes power from the MISO grid and drops it down to a voltage to distribute it throughout the area. **Joyce;** so you have researched other places besides this one here in the county? **Cyrus;** absolutely yes. **Rick;** looking at item 2 letter C on your commitment, this speaks to the inactivity of the facility, you state in here that if it is discontinued for a period of 24 months that it will be permanently deactivated, if this system is as important as you indicate, to our electric grid, why was 24 months selected and then secondly who starts the clock? Is it the owner's responsibility to report to the county that this system is currently deactivated? **Tim;** there is no real magic to the 24 months other than when you go out and when you, I have been involved with a multitude of other projects that are renewable energy, solar, wind and now battery storage systems. My experience that counties kind of like to do, hey they did that and we would like to do that too, you often times see decommissioning agreements where that time period is 24 months. Sometimes it can be short or longer, 30-36 month. We picked 24, nothing magic to it, we would be happy to notify the county if the project is not storing electricity for whatever reason. From our perspective that would be very bad but we would be very happy to let the county know. **Rick;** you would be happy to or is that a requirement within these commitments, that could be

added? **Tim**; we certainly can add that yes, happy to. **Krista**; so the owner would notify the county, the Building Commissioner of the inactivity of the facility? **Brad**; yes. **Krista**; is 24 months of inactivity, that's a long time. **Rick**; I would be more comfortable with a 6-month period. **Krista**; yes, at least 12. **Tim**; I think part of the thought with it not having to be too short of a period of time is that there are, and this would not interfere with (inaudible) payments or tax payments, obviously but there may be maintenance issues or issues outside of the controlled project that has to do with the grid where a project may have to go down for a period of time and it is not affecting you or the neighbors to get tax payments, but 6 months is short in some of those scenarios. 24 months, I'm not saying we would ever need a full 24 months but as the same time that puts (inaudible) may come at no cost (inaudible) be to the benefit of the county because we are continuing to pay taxes during the 12 months, 18 months on the capital assets there that for whatever reason that is not operating. Just want to point out that there may be an alignment here where it's ok to give a project like this the flexibility of 24 months, the primary benefit locally is a lot of tax money coming out of that. **Krista**; I like 12 or 18 better. **Rick**; I fully understand, especially with the world we live in today and the lack of availability of parts and systems break down. In 6 months you may not have a part to repair at no fault of yours or the owners, whomever that may be. My main concern is as technology advances very rapidly, in 5 years or even 10 years, this type of technology is by the way side, and now we have to wait another 2 years before we are able to remove that. That is what I am trying to protect the county from. **Tim**; in that scenario it is also worth noting that if the technology advances that much, where this facility is obsolete, would be the way you are describing it, the batteries, the material in the batteries are still valuable and would remain valuable even if... there is other technology for the storage of electricity. The owner would probably be more inclined to shutting it down so it could utilize the materials in the battery, if that were in fact the case. If the owner is trying to hold on to start generating again, it isn't going to be because it is obsolete, it is going to for the reason that Cyrus was mentioning, something that we can't necessarily foresee here, such as the grid has an issue, we have to shut down or there is an issue with parts, or something along those lines. We are just trying to build in a little cushion there, is all. **Krista**; Cyrus, to Rick's point, in our ordinance, our solar and wind ordinance, cell tower or wireless communication tower ordinance, we all have a decommissioning after 12 months of inactivity. So that is where this thought is coming from. Our other ordinances. **Cyrus**; would it be possible to change the 24 months to 18 months? **Rick**; I think it makes a lot of sense in line with our current ordinance. **Tim**; to go at 12 months? **Rick**; that would be my recommendation. **Tim**; is that ok Cyrus? **Cyrus**; if not we will get back to the board.

**Brad**; anything else? Now that the board is done, I will give the public a chance to come up and have conversation about this, will give it an open floor, we will keep it fairly quick and civil. Not everybody will get 20 minutes to talk but I would like everyone to come up who has something pertinent to say and give your facts to the board.

**Albert Armand**; I have some concerns about this, what research I have done it looks like, much like the TRC has recommended or has pointed out, that these facilities are often utilized with solar farms. Our Comprehensive Plan clearly states that solar farms are not desirable in Decatur County, the residents of Decatur County said that that is not desirable. My fear is that this will be, if this is installed or approved, that this will be utilized to say, look all of the facilities are here to support our solar facility, making it that much harder to say no to the solar farm. What is the life expectancy of the batteries in this facility. **Cyrus**; we have talked about this at the last meeting, the way that the system works for a solar project or a gas project, to be integrated to the grid, they need capacity. And while this type of project will make the grid more resilient (inaudible) on the individual system. The way that MISO, the grid operator follows this type of thing. This project coming here actually makes the next project, what ever it may be, be it solar,

coal or nuclear, more unlikely because we are fitting this much room into the grid and the way that MISO models it, they have to model it as 100% generated and 100% load, because those batteries act as both generation and load, that's a very technical way of saying that a project being added at this location makes another project in this location actually less likely, not more likely. All that being said, this is a battery storage project, there is no affiliations or coordination in any way with another project of any kind including solar, and I understand if you look at the public queue on MISO you will see two solar projects that have come in in the year or two after we came in in 2019. One is I believe near by this project in the queue, I have no idea where specifically it is or whether it is a pie in the sky thing or if it is a real project. One of our landowners, the neighbors showed us a letter from a developer that I think is a reputable developer. So I think there is a solar project being developed, we don't know anything about it and this project made that project more difficult (inaudible). I understand there is another project in Greensburg, and again I don't know anything about that project either. The one close to us will be less likely because (inaudible) than just the technical fact, you can ask MISO if you would like or even Hoosier to explain, if you want (inaudible) source. On the other question on battery life they can last anywhere from 12 (inaudible) and the nature of this facility with the containers is you have a rack of batteries that as one approaches the end of its life you slide it out just like a hard drive in a server rack and you put in a new battery, so this is constant upgrading of the batteries, just like your equipment at home. That's the model and the containers themselves don't have a (inaudible) life, the infrastructure in this (inaudible) batteries because the electrical grid like that substation there doesn't have as good of a shelf life, it is kind of like perpetuity, but the individual batteries can be slid out and then replaced with new ones along the way as (inaudible).

**Kim Nobbe;** I am a neighbor to this although I have never been contacted. 1) I'd like to know the health concerns that might be radiated off of this battery packs that you are putting in next to me. 2) I would also like to know that water source because I am assuming that you are going to have a coolant to control the heat of the batteries. We are all on wells out there and I really don't want my well running dry because of your battery packs. **Cyrus;** thank you and I would love to (inaudible) if you wouldn't mind taking my number and reaching out to me. So the second question first, this is much like HVAC, you wouldn't be using water, like a conventional power plant which uses a lot of water, it is much more like HVAC units on like a commercial building. There is no impact to the water supply. On the water supply that was discussed earlier has to do with a condition that we offered up to put 25,000 gallons of tanks to have an immediately available water supply to the fire and EMS if they were ever needed. They actually didn't say they needed, we offered it up, they accepted it, so, there would be 25,000 available at that time, at any time on site. I'm happy to provide material that we presented in the previous hearing which goes over this issue at length. If it is more appropriate to do it that way or however you would like to answer that question. There is nothing that can leak, there is no solid, liquid waste or emissions, it is effectively a passive neighbor. Similar to that substation there, in fact it is almost entirely the same chemistry as that substation. **Brad;** I will state that we have all of that as public record so anyone here that wants that can reach out to the Area Plan office and we can get that to you. **Bill Wietlisbach;** a follow-up to the Nobbe's question, if there is a fire and you spray water on the units and it gets into the water system and aquifers, what is the protocol there? **Cyrus;** one thing we covered in the hearing talked about the chemistry of these batteries. The actual battery chemistry, if there is a break in the battery it actually evaporates, there is not a difference set of chemistry versus what you would find in a typical house fire. In a typical housefire there is plastics, metal, wood, paint, things like that and they fire fighters are obviously going to put water on a typical house fire. These containers (inaudible) than the typical house but much smaller. It is a class A fire. There are not oxidants that would be released, no liquids that can leak. Again, a house fire, the flue stack from a house fire, you would want to stay away

from it but it is not similar to that. **Brent Muckerheide**; I'm a neighbor on 400 N to this, I spoke at the last meeting again I have spoken with Cyrus many times. I always say that he is professional in dealing with you. There is nothing against that, but a comment to a similar question, one was I was the only one who had Hoosier Energy in my kitchen trying to sell me on why a substation looks good out my front window. He said it starts with a willing land owner, that is why we pick where we pick. Not too many people want to sell ground to projects like this, that guy at the kitchen table, and the only other person that could have been there was Mark Reisman, we are the two living with it. Across the road are the rest of the neighbors here. That is how they say these things start and I tend to believe that you are being pretty honest with me. Second, related to the fire, I have looked at all of this, I think it is, but relating it to a house fire, I haven't seen too many 15-acre houses. I know one combustible unit, I can't be sure, I'm living next to it, what happens when lightning strikes and more go up and the whole thing burns down? That is 15 acres of house fires, that is going down on my property and my well and everything that I have on my property is drawing from. The other concerns that we have, we have been working with the landscaping, we have asked for a berm, they have provided the evergreen, but part of the other things, the concern that we have, when I hear the solar projects are totally disconnected, I think its where, and I know the landowners are only willing to sell certain patches. We have a landowner between us that doesn't live with us. The landowner who sold the substation, they are not here. They don't live out there, but they keep selling the land for these purposes and we have people that keep going along with it. I find it ironic that it was a little bit agitative that they were not happy that they were not communicated to. I got a letter 3 days before the meeting, from anybody in this community. That was after the TRC was already done. We haven't had a seat at that table. So that is why we just appreciated the open forum that you guys took this to. But it is serious financial repercussions to the residential lives that are out there, along with the safety. What do you think that substation cost me if you are the one trying to buy my house? Everybody wants to tell me how easy it is to live by these things. Do you ever google living under power lines? And I don't trust google a lot so you have to go deeper. But have you ever done it? It's not heartwarming, I can tell you, because there is no research to go either way to make you feel good either way. And I'm saying either way, good or bad. I can't compete with the technical knowledge of these guys. I think there has to come a.... we looked at the Comprehensive Plan, where does this fit in? So they are saying, it may have no ties to solar but there is 50 acres left on that field between Mark and I, what is going to happen if they need a little more? You going to tell me that solar can't be produced energy, that the batteries can't store it and produce it back to the grid? I don't know what they know and I'm not trying to be an obstructionist, but the common sense and the gut is telling me that that just doesn't add up. What protection do you have beyond expansion, if you guys ask us to live with this and to accept residential loss of money, because that is the power that you have, if you do that, what is the protection beyond for expansion? I don't really think there is, there can be goodwill and good intent by this board but what happens when it's 15 years down the road and the board is different and there is a new person in here? From what I have researched on this is that Open Road probably won't be the owners of this 5-6 years from now. So how do we have protections against that? Our community is already been asked to live with, and me specifically in my front yard, a substation. I think a little bit about that and I think, ok, we are growing, businesses are expanding, the grid needed a little more from another direction, I get it. That transmission line runs a lot of places, that substation could have been put where there is not a house sitting 500 feet from it. If somebody in this county would have reached out and done something for us, that could have been eliminated. It could have been somewhere else. And now we are stuck with that, why do we have to get stuck with another obstinance? To not only residential values but the safety. I would have a question, I think Cyrus that you have probably answered more of my questions than you want to, the other thing that I look at is when you are talking about the batteries and themselves, technology changes, he has often told me that you

will probably see the footprint reduced, but what I have heard is there is a million dollar change to the substation, and Cyrus told me that that substation isn't going to grow. What protection did the previous board give me against that substation becoming 16 acres, none. Zero. Cyrus has committed that this project will not grow that substation, and I believe Cyrus, he explained it, I guess I understand it, but if there is a million dollars being done to that, so pretty significant changes, it sounds like. What protections do we have against that as well, I really don't think there is, this can just continue to grow. If you come in and look at the topography, how they have placed the 15 acres, I get what they have done, if you do it any other way it will be a lot of dirt moving and expense. So is it done for that or for the betterment of the community? What if you made a narrow section of batteries that didn't get, that were 2000 feet away from the house, that wasn't done. The rest of that field falls off and becomes waterways and is not going to be easily transfigured. I am a business man and I get it, I think there is a place for solar, I have solar on my house. My business is going to be putting solar on the roof. So what happens when all of the residential and businesses start doing that and it pulls the power off the grid, why isn't all of this adding up and making sense that that, pulling power off the grid is also helping not needing places like this. It is not adding up to me, I know electrical vehicles, I'm involved in that, I make the battery casing at work for those cars, I understand what all that is doing. There is a lot of businesses looking at roof tops where it is not even visible to the community, putting panels on 300,000 square feet of mine, think if businesses would do that how much is off the grid. Do we still need this? Seems to me that makes a lot more sense than a lot of farm ground to know we are not here to talk debatably tonight, but that is farm ground being occupied by 15 acres of batteries, we are not talking 15 batteries, we are talking 15 acres. I don't know how many other sites they have of this, how new is this, how many sites are there? Where are they? I see a couple mentioned in the report we got from the last meeting but do we really know the effects? Why does Decatur County have to be the one? Why does my house, my family and my kids have to be the one? I would still be interested in how many other sites are truly operating at this, how many are 15 acres and what have they seen from those sites? More importantly, I think it was you who asked me last meeting, what do you want us to do here? What if you were living where I live? I don't get that seat. **Brad;** Cyrus, can you address this? **Cyrus;** this facility is mostly heavily spaced, the reason it is 15 acres is to address the varied safety issues that (inaudible) some of the comments you have heard, it is a lot of space for these containers. That is one of the safety features that we implement in a project like this versus maybe 10 years ago (inaudible) so there are a lot of projects besides our community that has larger projects operating but I think a lot of what Mr. Muckerheide is commenting on has to do with the substation that is literally in his front yard. That is 300-400 feet from him, 40 feet tall and buzzes constantly. That is not this, this is a low-profile project, it is quiet, we put it in the middle of the parcel, the field away from all sides, away from the neighbors. I think a lot of the comments, I empathize with the frustration, I would be frustrated too if you look at the situation there, we have actually reached out to Hoosier on Mr. Muckerheide's behalf and offered at our expense to plant trees along Hoosier's property in between the substation that currently exists and his house just to try to address that. It is not fair to him but we should not be held to the standard of that substation. That is not our project, we are keeping our project further away from his house, even though it is only 8-10 feet tall. That said, the facilities (inaudible) that I will be sharing with the board shows you the footprint of Hoosiers design for adding our product to their sub. It doesn't increase the footprint of the substation. **Brent;** could they answer about the other sites? **Brad;** even if it is not 15 acres Cyrus, give us something on the same capacity wise, what are we looking at in the state of Indiana? What do you have in the works, I know you are working through one in La Port County, what is the status on that one? **Cyrus;** my impression was that you are asking about operating projects that (inaudible) and that is what I was responding to. There are lots of operating projects of that size and bigger across the country, Indiana is not at the front end of this but I think you will hear in the next two weeks that even (inaudible) all of the other utilities that



put out a requested proposal for capacity is they need it so badly, that will include battery storage. That is why you will hear in the next 2 weeks that Hoosier will (inaudible) that makes every utility (inaudible) looking towards this type of facility, so the question about is there really a need or are they just putting solar on rooftops ahead of us, I think the utilities in the communities are answering that question. As far as, yes, this is the smallest project that we are developing in Indiana by capacity, we have a number of other projects in similar size but this is the smallest. This is literally (inaudible), it is adding batteries to the substation to increase the liability of the grid so that if a hurricane, tornado, lightning or hot weather knocks something out, that the lights stay on, that is very valuable and utilities need it and they want it. (inaudible) in 2019, it is not something that we can just move somewhere else and it comes with a huge financial benefit to the local community. A lot of the things that Mr. Muckerheide has voiced are concerns that are not going to apply to this project, it does not have the same features as the substation in his front yard. I empathize with his impact that that substation has had. But frankly, a 10-foot-tall series of structures that are 900 feet away, there are already I think 3 rows of transmission lines at his house and where we would be putting these containers, this is not going to affect the property values. I'll go out on a limb here and say we would offer to put our money where our mouth is on the remaining property by offering to accept the exploration of selling that property to Mr. Muckerheide. I feel like I have negotiated with one hand tied behind my back because I don't want to disclose confidential or private conversations, but I think it is fair to just make that public that we have offered to say, look, we are not expanding this facility, we have no plans, no applications, we have no intention and we will even sell you the rest of the land so you believe us. That is a preliminary conversation will be (inaudible) no reason to hold on to the rest of the land. We are not going to (inaudible) exactly what we are proposing, that this board could reject any future application by us or by any solar developer that do the solar (inaudible) anywhere in the county. **Bill Wietlisbach**; this is the first meeting I have been to about this, how many of these battery stations are in Indiana, and how many got put in and how many have solar farms next to them now? Even though they are not connected, has that happened at any other place? **Cyrus**; there are (inaudible) in Indiana, they are mostly Texas, California, New York, Virginia and Ohio is starting and there are some in Illinois. But to answer your question there are two different kinds of battery storage integration with renewable, one is the solar farm that have the batteries in the field. Every 5 or 7 acres you have a container like we have in this facility. If you have a 1000-acre solar farm you have a container like this every 7-10 acres across the entire field. That is common, it doesn't exist in Indiana yet, but it is coming as part of a lot of different solar projects that are under development. I don't think anything like that is in Decatur County. What we are developing is much more like a gas (inaudible) plant, in terms of how it participates in the market, it is independent of any other solar, you could say natural gas helps integrate solar into the grid because it helps stabilize the ups and downs. That doesn't mean that a natural gas plant (inaudible) solar projects in Decatur County. The fact that natural gas (inaudible) in the transmission system it will be more expensive for that solar project to connect to the grid, they would have to upgrade the transmission system. All of that is to say that Indianapolis Power and Light has a facility that is about 10 years old, it is similar to this in terms that it is a (inaudible) project, it is not part of a solar farm and it is in one of their main power plants that has solar attached to it. There are a lot of projects under development that fit in both of these categories, like ours which is a stand-alone. Those facilities that are part of a solar farm are physically spread out throughout the solar project. **Bryan Robbins**; We are tasked with using our resources for the benefit of the community, be it financial, jobs or infrastructure. This project is one that I guess two years ago came up and maybe before the APC and talked about alternative energy projects. At that time it was solar and saying that they are coming, this is the future. You guys have said it yourself. It is how Decatur County can mitigate that future to benefit as many people as possible. I think the battery, Open Road, Cyrus and Tim have been quite open with the TRC, the APC, the EDC and with landowners like Brent and you don't

always have that openness with some businesses when they come in. We looked at it from the Comprehensive Plan (CP) and saw that, in my opinion, that it fit into the CP because it was next to existing infrastructure, which is what they ask for, particularly utilities, next to existing utilities. Equally, we did not feel because it was separate from a solar farm or solar project, we didn't feel that it actually fell underneath the CP, I think it is policy 10 on alternative energy sources, because this is infrastructure, this is not an alternative energy generation site, like the ones that were mentioned, in the policy such as methane collection, wind farms and solar farms. These battery projects are no more a solar farm or wind farm than a grain elevator is an actual farm. The grain elevator doesn't grow the corn or the seed they just store it and sell to those who want it. This is a situation that they will be storing energy and supplying the grid, it is connected to the grid and powered by the grid, power planning grid, thus it is part of the grid and should be seamless infrastructure, not as an alternative energy source. I didn't get a chance to address the TRC on this, I think also from EDC standpoint, I think forums like this are fantastic. We want something that works with the community and we want full input. The other thing is that we also want the process, we need to form a process and I believe another recommendation from the TRC was to actually re-write this policy, it is very poorly written and incredibly general and is much (inaudible) subjectivity and what have you. Is that accurate to say that that was a suggestion from the TRC to rewrite that, especially in the past 5 years, this was established in 2017 and written in 2015, a lot has changed since that time and as a community, if we are going to be prepared to handle these sorts of projects and ourselves be transparent to those who are trying to invest in the community as well as our community getting full information from those trying to invest in this, we need to have our policies down, we need to have it very straight forward. It was my motivation in getting the solar ordinance through and I am going to continue to help in any way I can to see that this policy and our processes are better honed to handle these types of projects. It very well might be a public session like this. The other thing, I would make one note on the TRC, it says in the comprehensive plan that there needs to be a representation from utilities on it, I'm not sure if there is one on it currently but I think we need to have, especially in situations like this, I think a person on that TRC from the utilities could have answered a lot of questions and could have asked a lot of questions for this process. I think we want to make sure that there is somebody representing the utilities on the TRC so our process as a county and as a community. As far as the EDC goes, we do support this project, we see it as an asset, as far as any time we have a grid backup like that, that is a benefit to the community and it also benefits a lot of businesses and from, strictly from the EDC side, we can say that we have such backup as an asset to the community as a whole. That is from the EDC standpoint. If any of you have any questions from my stance, or from the EDC stance I would be glad to (inaudible) and equally if anybody has any questions or thoughts or input, my door is always open. We want to work for the community, with the community as much as possible. My job is to help grow the community, we do that to the best of our ability. **Krista;** I can speak to the TRC's comments regarding the CP and updating it, yes, the CP was written years ago but it took us years to get through it. We did survey as many members of the community as we could get to make comments, the majority of those comments were that we are a farming community, preserve farmland, we do not support large scale renewable energy process. As Bryan pointed out this is not a renewable energy project, I am not here to dispute that, I don't know but we, as a community said that we do not support large scale solar or renewable energy projects. That was after years of talking to everybody that would talk to us in this community. I don't believe it is poorly written but a CP is just a guide, it is a serious guide. You have to have it to have this board and to write ordinances. Yes, maybe it is not as clear as an ordinance or an ordinance could be, but it is still a guide and it is a living document. We can put together a group and we can re-write portions of it because times are changing and that is something that needs to happen periodically. Yes, we decided that if we were going to start down this path of renewable energy, large scale renewable energy, we need to revisit our community and find out if this is truly what

we want. **Brent;** I appreciate the forethought from Bryan but he had 2 years, I had 3 days. I want to clarify, since it was brought up about this awesome opportunity for me to spend over \$15,000 per acre to buy excess land that doesn't mean anything, to protect expansion for my community. That is one heck of a deal that I am trying to broker. I want the context to be right when the context is presented about landscaping and what we are trying to do to prevent expansion. Yes, Mark and I are really trying to see what we can do but I don't think either of you want to go spend that money on 50 acres of being nothing and sit behind a battery station and next to two rungs of high-power electric lines. How viable is that as a deal? I'm pretty sure that switching stations can be built, there is plenty of people in the room that have a lot of acres that you could build a small building station and probably accomplish what we are trying to accomplish here with a little less money, I get it, but I do believe, and again the common-sense thing and the gut is just not settling all around this whole thing. There are people who can put this where nobody sees it, that would help our community. I'm pretty sure little switching station can be a part of that development, but it tends that it always, and I again will reiterate when Hoosier was at my kitchen table, "it starts with a willing landowner". That is what brings these projects one. I want to say one more thing, Cyrus has been professional, I want you to know that, I'm not here downgrading his organization at all, but when you go about and you look at these things, you talk about it, is it for the CP, we can talk about redoing the guidelines, you were involved for 2 years, I was involved in 3 days, now a month. As we develop this need for community, can we just look at all of it and not the easiest route to get it done. You have asked us, our community is here, (inaudible) answer here about the substation still. I don't think hands are going in the air here and I'm pretty sure I'm hearing everybody in the community as a whole, we agree, did we throw a fit over that substation, did anybody hear from us? Not one person.

**Kim;** I have lived on the same property for 49 years. Prior to me my grandparents bought that land, we live there for a reason. We live there because it is quiet, it is non populated, we have great neighbors and a wonderful support system if we need it. Bryan, you have a beautiful home, would you put these storage units in your back yard, your front yard, your side yard? I just want to ask that all of you think about, if you would put one of these storage units, and that is what they sound like to me, they sound like me, they sound like semi-trailers that are going to be planted in the middle of 15 acres. Just please consider if you wouldn't put it next to your home, don't put I next to ours. **Phil Nobbe;** it is the same thing, you have to really think about property values, I tell people that I work with that you have to plan, if you don't plan you are going to fail. Our plan is to build a new house in that area that we would look east right at that area. Do I want to plan and build and then it fails? I don't want it in my front yard, I don't want to see it. Reisman's and Muckerheide will have it on their side yards and stuff but if we build like we are wanting to plan, we are now going to look into it. Same thing with what the wife said, do you really want that to be in your front yard? We talked about property value, do I want to invest the money to improve the property value of myself and then this comes in? I don't know what the property value will do, is it going to go up for a little bit and then we lose the value, am I going to invest in something that is going to go down? I'm looking at the future of us and our kids. Is it going to hurt our investment, not only for the front porch sitting and enjoying our quiet country view and then our financial part. **Brad;** Cyrus do you have a final statement? **Cyrus;** thank you, in particular the last couple of questions, I would be very happy to speak with you about the project. (inaudible) if you would email me at [cyrus@openroadrenewables.com](mailto:cyrus@openroadrenewables.com) (inaudible). I guess the sentiment that I appreciate is you don't want to see a big project and a bunch of noise and that is our goal. If you look at what we are proposing (inaudible) the road and the planted buffer of 100-foot evergreens that will be much taller than the actual facility. (inaudible) it is not going make it invisible, I think because a lot of other stuff that can go there, hopefully you can see that we are going out of our way to make is so it doesn't impact your view. I know the closest house is 800 feet away, the second closest is 1200 feet away, I'm assuming that means you all are 1200 feet away and with that said once you see the landscaping renderings, the

landscaping plan it will address most of your concerns. The project will be audible from the road (inaudible). Hopefully that helps at least introduce the conversation a little bit more to talk about, as soon as you reach out. **Gary;** how can you facilitate us in reaching out to some other communities that have these facilities, to view the facilities and to talk with members in that community to see what they have done. It may not be in Indiana, we realize that, laws may be different and so forth, can you facilitate a reach out like that for us? **Cyrus;** sure, I know we are not supposed to talk directly with you all but I have some ideas including similarly situated more densely populated project that we have that is state of the art, similar scale that you could actually visit. I don't know if you are able to do that but that would be one idea. We can talk with your staff about other ideas. **Gary;** the facility that is up at IPL, where is that located at? **Cyrus;** it is inside of one of their power plants... **Gary;** is it downtown Indianapolis? **Cyrus;** no, it is a ten year old project, because it may not look similar to this but the same technology. (inaudible) landscaping but I was phrasing it only by way of saying the same technology only several generations older, safety features have been operating for eight years in Indiana with no safety issues.

**Brad;** if that is all that everyone has, I believe that is the end of our public meeting for the evening. Thank you everyone for all of your input. If anyone has any questions, they can reach out to Krista at the Area Plan.

Decatur County Board of Zoning Appeal

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Secretary, Janey Livingston

Decatur County Area Plan Commission

ATTEST:

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Brad Schutte, President    Decatur County Board of Zoning Appeals