WABASH COUNTY PLAN COMMISSION
Wabash County Court House
One West Hill Street, Suite 205
Wabash, IN 46992
Telephone 260-563-0661 EXT 1252, 1267
Fax 260-563-5895
plandirector@wabashcounty.IN.gov

WABASH COUNTY PLAN COMMISSION BOARD MEETING MINUTES

September 2, 2021

Wabash County Plan Commission Board
Wabash County Court House
Wabash IN 46992

Board Members: Randy Curless, Jeff Dawes, Patty Godfroy, Sam Hann, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Susie Stephan, Joe Vogel
Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Randy Curless, Jeff Dawes, Patty Godfroy, Sam Hann, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Susie Stephan, Joe Vogel, Mike Howard, Libby Cook, Connie Neininger, Cindy Hall, Katie Byers, Josh Byers, Marty Crossland, David Wamsley

Board Chairman, Randy Curless called the September 2nd, 2021 meeting of the Wabash County Plan Commission Board to order at 7:00 pm. Mr. Curless asked if there were any additions or corrections to the minutes of the August 5th meeting. Mrs. Slee noted that when she reviewed the Ellet pond I had that it is the upper end of Silver Creek, I went through the topo maps and I think Susi verified that too, that instead of Bear Grass Creek it is the upper end of Silver Creek or a tributary to it. Mr. Vogel made a motion to approve the minutes with the correction to Silver Creek being made, this was seconded by Mr. Dawes, the motion carried. The minutes will be corrected and stand approved.

Mr. Curless: The first item tonight is Special Exception #12, Cynthia Hall (Katie & Josh Byers) for construction of a pond in Paw Paw Township. Mr. Howard gave the following information on the request: the address for the location of the pond is 4295 W St. Rd. 16; they would like to put the pond in the front yard location in front of the confined building; the setback from a state road is 105 feet they are asking for a variance to be less than that, the road right of way is 66 feet, they are asking to be 35 feet from the center of the road to start the base of the dam; the dam is to have a 15' base with 10' at the top of the dam, the water level on the dam is not that significantly high but I have told them that to even be considered the dam has to be at least 5 feet above the highest point of elevation at the road which is basically at the west side of their driveway; there is not

going to be a tremendous amount of water support there it is just basically a berm to keep someone from going off the road into the pond; they are also seeking a variance from the east property line, water surface will be approximately .25 acre; drain will be a 6" outlet at the southeast corner to a tile back at the back of the property; maximum depth will be 15 feet; they will do the construction themselves; the nearest certified drain is the John Fisher drain to the east about 800 feet. Ms. Hall said that they feel a pond would enhance the property and make the family happy, we are trying to go about it the correct way. Mr. Howard stated that he told them upfront that the Board might not be favorable to the pond being so close to a state roadway. Ms. Hall replied that she is aware of other properties that have built ponds a lot closer to the road without permits that are comparable but we are trying to do it correctly I would like you to consider that as well. Mr. Dawes asked if INDOT has any regulations since it is on St. Rd. 16. Mr. Howard said none that he is aware of. Mr. Rice asked if the family has any experience with excavation work. Ms. Hall stated that she owns a millwright company and we have the equipment , we do this type of stuff all the time, we've got the surveyor and everything to do it, we actually do work with a lot of people who put in ponds, the Eads and those kinds of things and they give us advice about how to do it. Mr. Vogel asked about the drain and stated that we look at these for the safety of them as far as traffic and the possibility of slide offs. Board members reviewed the paperwork on the property. Mr. Dawes asked if they could move it back any farther. Ms. Hall said we really can't because the hog house is there so no we really can't, our only other option would be to go behind the buildings and take out some farm ground which is part of the trust, this is really where the kids (Josh & Katie) want it. Mr. Rice asked about the berm is that part of the application process, Mr. Howard said yes it would be required to be 5 feet high and round the corner at the driveway and round the corner at the northeast. Mr. Schortgen asked if the family would be opposed to planting trees as a natural barrier as well. Ms. Hall said I am sure they will, they have planted numerous trees since they have been there so I am positive that there will be some trees there. Mrs. Slee asked if there are any construction setbacks as far as the state road. Ms. Hall said the state has less restrictions than the county. Mrs. Slee said to be sure you can see clearly both ways when you pull out of the driveway. Personally, I don't like ponds close to the road. She then asked if they have checked the soils to make sure they will hold. Ms. Hall said yes, the main problem will be getting it filled. Mr. Howard asked if it will be for geothermal feed, Ms. Hall said no. Mr. Vogel said 35 feet from the dam to the center of the road is fairly close, Katie Byers said that would be from the dam to the center of the road. Mr. Howard added that the water line would be about 50 feet from the center of the road, the dam will serve more as a barrier. Mr. Rosen made a motion to give a favorable recommendation to the BZA, this was seconded by Mr. Hann. A roll call vote was taken, yes votes were: Mr. Curless, Mr. Dawes, Mrs. Godfroy, Mr. Hann, Mr. Rosen, Mrs. Stephan; the no votes were Mr. Rice, Mrs. Slee, and Mr. Vogel. The request will be sent on to the BZA with a favorable recommendation.

Mr. Curless: Next on the agenda is Special Exception #11 Ryan Rosen for construction of a pond in Noble Township. Mr. Howard provided the following information on the pond: location 2504 N 300 W in Noble Township; they are asking for a variance from the road setback, to be 40 feet from the center of the road to the base of the elevated berm running the total length of the pond; Brainard Excavating will be the contractor; no variance required from the property line setback; no flood plain or flowage easement; no dam; 8 inch overflow pipe that would feed into a 6" tile to the north; no geothermal feed; approximately 1250 feet to the north is Bachelor Creek. Mr. Hann asked if the Rosen's will keep the fence, Mr. Rosen said no. Mr. Vogel asked if they would plant

trees between the road and the pond, Mr. Rosen said yes, Norway Spruce. Mr. Vogel made a motion to give a favorable recommendation to the Board of Zoning Appeals, this was seconded by Mrs. Godfroy, the motion carried unanimously.

Mr. Howard then introduced Connie Neininger, a Wabash County native now residing in White County. Connie is here to talk about solar energy with us, she is the assistant director with Hoosiers for Renewables and has her own consulting business CN Consulting, she provides expertise in those areas and rural economic development.

Ms. Neininger: I live in White County, I was the Economic Development Director there during the development of the Meadow Lake wind farm, they are now putting solar projects around those wind turbines. Then I spent several years at the IN State Department of Agriculture. I did graduate from Wabash High School. I retired from the State Dept. of Agriculture in 2019 and now trying to help especially rural communities look at agriculture as an economic development opportunity. That is the work I am doing with Purdue Center for Regional Development on a rural Economic Development model and with Hoosiers for Renewables about renewable energy because some of these projects, about the only place they can go is in rural communities on agricultural lands. Hoosiers for Renewables was formed in 2019, our mission is to help build an Indiana that is stronger and more affordable because of renewable energy. We work to help educate and inform, we do not charge our communities that we go into to help provide this education, we are privately funded that way no one else has to worry about helping support this effort.

Because Indiana's energy is changing there are some facts that are basic when we talk about renewable energy, if we do renewable energy here in Indiana it is home grown energy. Right now, a large percentage of our energy that comes from renewable sources is coming from outside of the state actually from the Dakotas so by the time it is transmitted all the way here to Indiana we are paying a pretty high cost for it.

When we can produce it here it is a lower cost, it delivers local benefits to the communities and it really does help to keep Indiana more competitive. If we look at the history back in 2010 almost 83% of our power was coming from coal fired generating plants, we had just a little over 2% of wind and no solar at that time to speak of. In 2019 we were then at 53% of coal, we've got over 5 ½% of wind and solar is starting to increase.

This change isn't just happening overnight, this transition of our energy mix has been going on for several years. If we look at all the projects that are taking place around the state today, these are projects that are in development, have already been operational, they may be large projects or they may be small IMPA projects, the Indiana Municipal Power Agency that does 1 – 5 sometime even 20 megawatts, if all of these 75 sites are on line we would be able to power 675,000 homes here in Indiana with renewable energy.

A lot of people ask why is this happening, if we look back at 2009 solar and wind were the most expensive form of energy production that we could have, then coal was next and gas, natural gas was our lowest cost of energy. If we look at 2019 and up to this year coal is the most expensive form of energy production with gas next and wind and solar are running just about neck and neck as the most cost effective form of energy production. Why, because as technologies have improved

with wind and solar it is much less costly to put those projects in and maintain them than it is to build a new coal fired generating plant, or nuclear or even gas fired generating plants are very costly and time consuming to get those up and in operation today.

When we talk about economic development with renewable energy there is demand not only here in Indiana but across the globe, McDonald's is looking for renewable energy, Wal-Mart, Google, Facebook, all of those are demanding renewable energy especially if they are looking to site new projects around the world.

When we talk about the community process, which is what we are really here to talk about one of the key things that we tell any developer is that they have to make sure that the community is aware of the project. I don't support any developer that comes in under the table and tries to sign up as many contracts as they can and the county officials don't even know about it. Our goal too is to help the developers understand what has to happen to put a project in and make it acceptable. We had no complaints in White County when we built the wind farms. That is because we spent about 18 months educating, the Purdue Extension Agent and I spent 18 months educating, talking and communicating between the developer, the county officials, and the land owners. So, the communication, education and outreach are very important.

Then the zoning ordinance, that is key, so you as a county can control how you want this built. Some of these projects are going to be controlled by Federal organizations, the state, the Indiana Utility Regulatory Commission, but you have control over where they go. As we always say the state regulates how they operate, the county controls where they operate so the zoning ordinance is key.

There are also development agreements that really need to be in place to help protect the county and the residents and then many, many public meetings should be occurring for these projects. So, if we are talking about the important development agreements, the first one is the economic development agreement, this happens with any type of economic development project whether it is a manufacturing plant, a store, there should be an agreement between the county and the company that says that the company is going to do A,B,C and the county is going to do D,E,F. That way everybody knows, it is on paper, they sign it, and everyone is in agreement and then you know if something isn't being done the way it should be.

Road use and ditch maintenance agreement, that is a very important one for these types of projects because they are bringing in a lot of equipment and some of these county roads are not heavy haul roads. Right now, White County has almost 80 miles of brand new heavy haul county roads at no cost to the county whatsoever. That is because of the agreements that they put in place with these developers that they were going to shore up the roads and make sure that they were refinished to the county's specifications after the projects were constructed. That is why it is important for these agreements to be put in place before any building permit or any Improvement Location Permit is offered.

When we talk about solar projects a vegetation plan is important, that is something new. Wind turbines, the farmers can plant up to within 15 – 16 feet of a turbine, there is really nothing else that can be there except for the crops that are already being put in. With solar there are a lot of

opportunities there to help determine what you want planted around the solar field and the what the landowners that are in the area want to see.

Then the decommissioning, everybody always asks what happens if it stops producing energy or the company walks away. Having that decommissioning plan up front, again both of these the road usage and the ditch maintenance and the decommissioning plan should have bonds issued with them, where the company is issuing a bond to help protect the county and those are issued before the project starts construction. I'll use the example, decommissioning the company has to pay for a company to come out and say what it's going to cost to remove every component down to 48 inches below ground level, generally below 48 inches it is not going to matter what happens down below that. They price it, cost it out and then issue that bond and they will have annual escalators so they will know in 10 years that if something happens the county has the funds in a bond to pay to make sure all of those components are removed and it is put back to its normal state. Same thing with road use, the road use is a little bit different, where decommissioning starts low and goes high, road use actually starts high and goes low because if they walk away in the middle of construction you have county roads that are torn up. It could cost a million dollars for a mile of county road, especially when we are talking heavy haul roads now. As the project goes on and you have the freeze and thaw, the cycles, you see how that road is maintained then the need for the bond is not as great as it was at the very beginning. Those are all agreements that the zoning ordinance should state those are required. You don't necessarily want to put all the details of those agreements in your ordinance because every situation may be different and you may want to ask for something different. Generally, these must be negotiated with the county and according to the county's standards or requirements, their approval before any Improvement Location Permit is issued, so those are key agreements throughout this process.

Just a little bit about the zoning ordinance, I already stated that it is land use not economics, even though it is an economic development project you are not here to say what the cost is going to be as far as going to the landowners, that is a private negotiation between the landowner and the development regarding lease payments or anything along those lines. Even property value guarantees, there have been a lot of comments in some counties that the county needs to ensure that there is a property value guarantee, we have had a lot of discussions on this. Is it really your zoning ordinances place to discuss a property value guarantee which is again an economic negotiation between the land owner and the developer? We have seen it both ways, some counties agree that nope that's not up to us, we don't want to get into that, and probably a handful of counties that put such property value guarantees in that say ok within the first 2 – 3 years, if I go to sell my house and it doesn't sell you agree to buy it from me, that type of thing, or pay me the difference.

It's very rare, we do have a lot of reports from certified appraisers that show that there is very negligible impact for solar projects and wind projects. I can speak first hand from White County, our property values did not go down, they have done nothing but go up since the wind farms have come in. Because there is a guaranteed income for that property now which it didn't have before, that is what makes a difference on that.

We have a lot of resources out there, IU, the Economic Resilience Institute has developed a model solar ordinance, I tell people that it is a great starting point but whatever you do don't take that ordinance and just put your name on it and take it word for word. It gives you questions that you

need to ask as you go through this process. Purdue is actually in the middle of collecting all wind and solar ordinances across the state right now, they are going to be announcing some of their findings at the Indiana Land Resource Council meeting on September 8 & 9, we are helping them with that so you will have a good resource. You can go to this database at Purdue and see every wind and solar ordinance out there across the state so you can compare how it looks to what you are putting in. Purdue is also going to help with some training and assisting communities through this ordinance process, for some counties, for you because you already have a draft it might be too little too late, but again it is something to keep track of and watch as time goes on.

Some things to consider in your ordinance, setbacks, there is a difference between a participating landowner and a non-participating landowner. Many counties put the setbacks different if you are a participating landowner, you can waive that setback and you can have that solar project right on your property line if you so choose, if you have a contract with that solar company. It is usually the non-participating landowner who is going to have the most concern and want this project set farther back from them. Then even the non-participating, some of them may want the right to waive that setback completely, it's ok because for every foot of that setback on a farmer's property could end up being acres of land that is taken out of production for them. That is something to think about as you set your setbacks, okay we know we are putting the solar project farther away, but is the farmer going to be able to use that land in between to plant anything. That is a conversation to have with some of your farmers, your Purdue Extension Agent, about those setbacks and just how much it is really taking out of production, can they do something different such as specialty crops in there?

Screening, again fencing and trees, fencing is required because it is producing electricity within there so there are certain requirements for fencing around these projects no matter what. Trees and other vegetation, it needs to fit in your area, sometimes I have seen in a zoning ordinance that it is so restrictive, you have to have it this high, this type and it is not even something that going to grow well or maybe the landowner next to it doesn't want it there. Again, some of the ordinances are putting in waivers, no I don't want a buffer of trees between my property and the solar farm. So, again landowners should have that right to waive those setbacks or those buffers if they so choose. They can't waive the fencing, but they may want to waive some of the others, we have seen that happen.

The vegetation, the appropriate type of seed and I see in your draft that it says that you are going to work with the seed specialist and USDA on the types of seeds and seed mixes, again that makes a difference as to what is planted sometimes that wording can be prohibitive to what is actually allowed to be planted around solar fields. In the conversation with a farmer, what if the farmer wants to graze his sheep in that area which is happening is some solar areas. They will put clovers under the panels and they will move their sheep from field to field. Don't make your vegetation so strict that it is going to limit what the farmer may want to do. I know there are pollinators, some farmers are raising bees now near the solar projects because of the pollinators that are planted there. Purdue has completed a study that shows that pollinator habitat within solar areas does actually help the yields of other crops within, I forget how many miles of a solar area. So, it helps increase that yields which is exciting to see.

This is a picture of a gas power generating plant at 1,000 feet, you also have a picture of a solar field at 1,000 feet, you really can't even see it because most of them are no higher than 15 feet at the highest peak, she shared photos of the same sites at 300 feet, yes you can see the solar at 300 feet, they have a 6 foot evergreen screen on the right that pretty much blocks the whole solar field. When we are talking visuals, when working with the landowner it is important to see what they might like. The solar projects are not as visually offensive as especially the wind farms. The wind farms are very tall, some people say I just don't like to look at them, I have had one woman tell me that they remind her of gentle giants as she watched them slowly go around.

When we talk about solar projects specifically there are co-uses with the farmland, so it is diversification. Think of the farmers today, over the last several years through the trade wars and the price of crops, the price of seed. They need to diversify because they have had challenging times. I had one farmer tell me that now that he has signed solar leases he will actually be able to keep his farm. His kids don't want to farm it anymore and he is getting too old to farm it. He is going to be able to keep his farm and pass it on to his grandkids, because of the solar leases. The economic opportunities are great for the farmers. I would really consider a solar project as similar to your set-aside, the Conservation Reserve Enhancement Program. The USDA just expanded that from 15 years to 30 years and that is really what the solar leases start out with, 30 years, so they are setting aside that land.

When they are putting in solar projects, first of all, there is no gravel or cement, they have piers that are U-channels that they pile drive down that they put the racking system on. There is no cement there. After the life of the project all they have to do is come along and pull those piers right up. You do have, depending on the vegetation that goes on there, you actually are not using as much water because you are not watering the crop just from the rain so the water is still there to help other things. You have fewer chemicals that are going on these fields where the solar project is and you do have improved soils. I have had a soil specialist tell me that the soil is actually in better condition after 30 years of a solar field being in there and being pulled out because of the vegetation that is being put in there and the care for it. They do have to take care of it.

Even the equipment that they use to put in a solar field, it is basically the size of a fork lift with a pile driver on the front. I was in Randolph County, the Riverstart Solar Project, is under construction right now, so I went out there and walked the field. The piece of equipment is no longer than this desk here. It is not heavy equipment like cranes for the wind farms. They do park the trucks generally on the county road and then they unload the solar panels with the fork lift and place them. There is some compaction of the soil but nothing like on a wind farm. Drainage tiles, the companies in the agreement with the landowner do have to watch those drainage tiles and have to repair them if they should break a drainage tile, especially when they are pile driving the piers.

Wildlife impacts are really minimized, they do have to have wildlife studies before they even put these projects in. Again, with the vegetation it's not really limiting the wildlife and then afterwards that it is returned to productive farm ground.
From a community standpoint it is increasing your assessed valuation, some of these projects are a couple hundred million dollars each. As assessed valuation goes up generally tax rates generally go down. It is not just the tax rates just where the solar project is, it is every parcel of land throughout the whole county. I have myself as an example, we owned a convenience store in

Monticello about 16 miles away from the wind farms. They have now put in a 1.4 billion dollar economic investment in White County in the wind farms. My daughter managed the convenience store for us, every year she would get the tax bill and she would say mom it went down again, why, and I would say that is thanks to the wind farm. They offered a tax abatement and as that tax abatement rolled off and the assessed valuation added our tax rates dropped. We started out at $1.39 per 100 dollars of assessed valuation and we have dropped down to less than 90 cents per every 100 dollars of assessed valuation on the average tax rate across the county.

Infrastructure improvements, again, it provides funding for that. Community services, Purdue did a study on the cost of community services here a while back and it shows that projects in agricultural areas cost the community less than for residential projects that go in or for business projects. It does help to attract other projects. Here is an example in Henry County, their assessed valuation dropped 57 million dollars in the last 5 years, so if they had a 260 million dollar capital investment from a solar project that can make a huge difference in that county.

When we talk about the amount of land that is being used, yes solar projects do take more land than wind farms generally because wind turbines take about ¼ to ½ acre out of production for each turbine. Solar projects, depending on the size, say a 200 megawatt project could take 1,200 acres. Now is that 1,200 acres of solid panels? No because there could be some areas that could be shadowed so they are not going to put the panels there. It is going to be a puzzle that is going to be put together with panels here and there to come up with the whole area. Generally, only about 40% of the total project acreage is actually under panels, it's not the whole project. An example in Posey County they have a solar project that is a 264 million dollar capital investment, it is using less than 2% of the county's total farm land and is bringing in about 35 million dollars-worth of tax benefits to that county. So, we see that happening, the largest project is in Pulaski County which is at 8,800 acres, it's still taking less than 4% of the county's total farm land, so it's helping them immensely, they were in financial trouble.

Mrs. Godfroy, when you give those statistics is that for the whole acreage because somebody said they only get paid for the area that the solar panels actually cover, so are your statistics saying the whole lot? Mrs. Neininger said that the lease payment will be on what is on the inside of the fence so you have got your total project area that they will take options on until they can determine just where the panels need to be located and you will get a small fee for that option acreage. Then once they say this is going to be the actual project area, the fence, and then inside that fence area it is still only going to be about 40% of that is going to be under panels and you will be paid for everything in the fence.

Mr. Hann said so that 1,200 acres is going to be inside that fence so there is still going to be 1,200 acres of farm land that is not going to be tillable. Mrs. Neininger said that is correct. That is why we say for a project it could be 2% of the county's farm land if it is 2,000 acres like in Posey County and that is in the fence area being taken out of crop production.
Mrs. Neininger shared an example of Benton County, when they started in 2007 with the wind farms their town rate was $3.49 per $100.00 of assessed valuation and the average was $2.87. In 2018 the average had dropped down to $1.61 property tax rate on $100.00 of assessed valuation and the town rate dropped from basically $3.50 down to $2.73, so it does make a huge impact.

When you have lower taxes that does attract new development for residential, for business all the way across the board.

I mentioned the cost of community services, when you have a new residential subdivision being put in or even one house, it is going to cost the county $1.29, this is an example for Jay County, for every dollar that is put in, it is costing the county approximately 30 cents more to provide the services needed for that residence, for a business it is costing the county about 31 cents for every dollar so they are getting close to 70 cents, and then for agricultural development such as solar projects it's costing 19 cents so that is even more money going into the county's pocket out of that $1.00 that is being invested. You can Google Cost of Community Services by Larry DeBoer at Purdue University and it will show every county. For a 200 megawatt solar project they will spend about one million dollars annually in the community for payroll, supplies and services within the community. A couple of examples of what has happened in Indiana today, Randolph County has the first major solar project under construction and already they have received a million dollars from renewable energy projects, they have improved their schools, their bleachers, their gym floor, the running track, playground, and locker room, and new school chiller. They are using the economic development payment to help provide funds for other projects, I stress when you do an economic development agreement you don't want to call it a PILOT payment, payment in lieu of taxes. If you call your agreement a PILOT that means the money has to go right back into your taxing units and you have no flexibility on how that is spent, it is going to be disbursed the same way all your other tax dollars are. If you call it an Economic Development payment then the county has some flexibility as to how those funds are spent. You can actually have an agreement with both PILOT and an Economic Development amount coming to the county up front. In the case of White County their economic development funds from the wind farm they used three million dollars as an incentive to entice a new buyer to buy Indiana Beach so it could be re-opened last year. If they had titled it a PILOT it would have had to go back to the taxing units and they wouldn't have had those resources.

Mr. Howard said that it was his understanding that in looking at the options, PILOT could not be more than the total assessed tax value. Mrs. Neininger said that is correct, if it is titled as an Economic Development payment, those are basically out of the ordinary funds that comes into the county, you would want to set them up in a separate fund within the county that can be controlled different. In your resolution you would determine how those funds are to be spent or be general enough that you are not going to tie your hands. Mr. Howard asked, when we were looking at the different options as I understood it, an Economic Development Agreement (contributions) could exceed the amount that the assessed tax value would be if you were to tax them. Mrs. Neininger said if it is an Economic Development agreement there is no limit to the amount except for what the developer is willing to pay, if it is listed as a PILOT it cannot exceed what your normal taxes would be. Mr. Vogel asked if that is occurring each year or is that a one-time up front type of thing. Mrs. Neininger said some of these Economic Development payments they may be a one-time upfront payment, they may be over the first three years, if the county provides a tax abatement for 5 years those Economic Development payments may come in over 5 years, it is a negotiation. I know when we were negotiating with White County the county said we want you to pay us something like 20 million dollars and the company was like no we want a 10 year tax abatement, then the county said no we are not going to give you a tax abatement unless you pay us instead of 20 million 10 million, so they negotiated back and forth until they came up with something that

everyone was happy with. That is why the county has over 12 million dollars sitting in its Economic Development WIP fund today, it can be used as a match on a federal grant. It put water and sewer out to a new industrial park, it bought new computers for all the schools, they made sure the resolution for that fund was so general what you consider economic development, workforce development is economic development, school training is economic development, infrastructure. Economic Development payment gives you more flexibility than a PILOT piece does, but you can do both. Especially in today's tax situation when we never know what is going to happen next year with the taxes. It is important to have a PILOT back-up so to speak in the Economic Development agreement, that if the state would ever change you would agree to make a PILOT payment that is equal to the amount it would have normally been. In Benton and Randolph County they are actually using four million dollars of their funds to put broadband out across their counties, they will have over 75% of their population internet accessible which is not happening today. That is kind of an overview of why renewable energy is happening here in Indiana, the opportunities that it brings. At this point I am here to answer any questions, I did look over your ordinance, the draft that you now have, I would be happy to take any questions you have on that and give you some comments I see.

Mr. Vogel asked the power that is produced in this county how do you ensure that power is used in this county. Ms. Neininger asked, does every manufacturer that produces something in this county, does that product stay in this county? Mr. Vogel said no, and you said that our power comes from South Dakota, I am not sure if that is good or bad. Mrs. Neininger said that has to do with our grid system, Indiana is fortunate because we have two different grid systems, MISO (Mid-continent Independent Systems Operator) covers most of the state, they also connect to almost every state in the Midwest including up into Canada. The other grid system is PJM, which is Pennsylvania, Jersey, Maryland, it covers the northeast corner of IN basically all the counties around Ft. Wayne, that power goes all the way out to Pennsylvania, New Jersey and Maryland. When we produce power here the good thing is it can spread it out to anywhere that needs it. We can send it about anywhere, likewise if we need power we can get it from other states also. I am sure you heard the woes of Texas this year when their grid system was shut down, they are a stand-alone grid system. They do not ship power to any other state and they cannot get power from any other state. Their turbines that were put in were not freeze protected turbines, ours are. They couldn't get power from anyplace else because their grid system stopped at the state lines, there is one section at the northeast line that does touch the MISO grid but it is not enough of a population center. When we are putting power on the grid, you can't just continually put power on the grid and let it sit there and wait, there has to be demand for the product. When you said you want it to be used here, you have to have enough demand by other manufacturing, industrial businesses, residential, other businesses that can use all the power you are producing here. Otherwise, it has to go somewhere, if it doesn't and you try to keep it on your grid system and it just sits on your grid system here in the county it will blow your grid system and every house that is on the line. The demand is what is important, that is what is neat about wind and solar projects, it was a beautiful day today, how many of you opened your windows and turned off your air conditioners, it was so nice, well guess what our power demand went down and because of that they had to call the wind farms and say shut off the power now, because otherwise it is going to start back-feeding and blowing transformers. Wind farms and solar farms can do that, they can flip a switch and shut it off almost instantly. You can't shut a coal fired, or a gas fired or nuclear powered generation facility down like that, it can take hours to days to shut it down and likewise it can take hours and

days to get it back up to production. Are we going to replace all of our other base load generation with wind and solar, no, but it can help support. Because we have a grid system that can take the power where it needs to be that helps us. The other thing with Indiana, we do not have a mandatory renewable portfolio standard, Indiana has a voluntary that basically our legislators said utility companies if you want to use renewable energy great you go ahead but you don't have to. Ohio has to meet 25% by 2030 so in other words they have to use renewable energy. They are going to shut down other projects and use renewable energy so that they can meet those goals otherwise they will be fined so much by the state if they don't. Indiana doesn't have that; we have more flexibility but it also means that if you produce it here that doesn't mean that it is going to stay here.

Mr. Vogel asked if the solar farms have to be close to a substation or some special electrical facility. Mrs. Neininger said that they have to be somewhere within that project area, somewhere within that 1,200 acre (if it is a 1,200 acre project) project area there has to be a high power grid system, high power lines. In this area we have a 345 KV line that runs through they are going to want to tap into that power, they are not going to tie into a NIPSCO or REMC line because they couldn't carry 200 megawatts of power at one time. Mr. Vogel asked how far away do they want to be, within a mile? Mrs. Neininger said that for every mile of high power line they have to build to reach that system it costs them a million dollars per mile so they want to be really close. If a project developer starts looking in the area the first thing they are going to do is look for the high power lines. Then they are going to look for are any gas fields, are there any other things, are there a lot of trees they don't like to cut down trees and I notice your ordinance says that they can't cut down trees so that is not their goal by any means but they still have to stay away from trees because of the shadows. The more shadows that are over the solar panels the less efficient they become.

Mr. Vogel asked, the fence that is around the perimeter, is that a chain link type fence. Mrs. Neininger said you can put some requirements in there, most are chain link, usually there will be some kind of barbed wire over the top because that is a requirement. She explained that there might be some smaller wildlife that could get into the fence, and if you are using the facility to graze sheep the fence would keep them in.

Mr. Vogel asked if the wiring between the panels is all put underground. Mrs. Neininger said as the panels that go across, in between there are some wires that will come underneath here, between the panels they have inverter boxes. Some panels like a smaller array, if you are a house array each panel will have its own micro-inverter. For a large project the inverter is going to be the size of a mobile home, so they are going to have wires that are underneath here and that is why you do not want to put goats around solar panels because they will chew on things. The wires will go in between then underground into an inverter box and then underground to the overhead lines.

Mr. Dawes noted that on the one slide she presented showing the 75 sites, it appears that the northeast corner of the state didn't have very much solar activity in it, is there a reason? Ms. Neininger said that is because of the development around the Ft. Wayne area plus that is a different grid system up in that area. We are starting to see, up in Noble County, LaGrange, Dekalb County, all of them are starting to talk about their solar ordinances right now so we are starting to see more of it move up into that area as the MISO grid becomes full.

Mr. Rice stated that he has friends in eastern Allen County that have been approached about their ground for solar farms. Mrs. Neininger pointed out that Adams, Jay, and Randolph County have quite a bit going on. You can tell just about where the high power lines run where you see all these projects, she pointed out where the lines run through the state. You can do a Google search for where the high power lines are for Indiana.

Mr. Schortgen said the planning aspect of it makes me more comfortable about the whole thing. In Wabash County we are a rural county and one of our most valuable resources is the land. One question I have, when they are looking for sites to put this on are they considering wind history, solar history, crop history, are they going to say we know this is your best crop land but would they contact the farmer and say maybe we could work out a deal and use your 50 acres of clay, garbage soil verses this the nice organic, well-drained soil. Do they put those sorts of things into consideration, because again I lean more toward let's keep our ag ground but then again there are those places, puzzle pieces that we can put together, again that is more the farmer working with the company that sort of consulting thing.

Mrs. Neininger said exactly and that is where the farmer has to speak up, I want you to go here because I want to keep my prime acres because I still want to farm. The developer will not necessarily do that, I realized recently that the USDA has prime farmland maps, even though we have some great yielding crops under the USDA definition they may not be considered prime so it is a challenge for some of these. That is really where you and the land owner need to start having these conversations, educating them and saying hey first of all do you have somebody that can take over your farm and is this the only option. These land owners, I have been hearing the highest lease, we had been hearing between $700.00 to $1,000.00 dollars per acre for leasing to solar. I just heard a developer paid $1200.00 per acre in southern Indiana. It is hard to look at a farmer and turn down $1,200 an acre because even prime farm land they are not going to get that yielding generally. That is a private conversation and a conversation you especially can have with your farmers to say we realize this might happen but let's look at some of these lower yielding fields for these projects. Some developers like Innovative Solar out of South Bend they actually go in to communities and look for Brownfield sites, old industrial parks. They put an 80 acre site in Kokomo that was in an old industrial building that had been torn down and was contaminated. They aren't going to be the large scale projects, but they can help, if you have some of those areas, they have potential. The price per acre is a challenge when you look at what they are getting on their crops.

Another thing, 40% of our corn acres go to Ethanol, did you see the announcement where the new electric vehicle plant is coming in to Indiana, so what is going to happen to Ethanol? What is going to happen when we have more electric vehicles than cars using Ethanol. These farmers are going to need another diverse crop for their fields so this is an alternative for them. Do I want to see every acre in solar or wind, no. I don't mind wind because you can actually plant and graze right up next to those turbines. To me wind farms make more sense in agricultural areas than solar because they aren't taking so much of the land out. It is a challenge because people don't like the looks of wind turbines and we need the energy.

Mr. Vogel stated that he thinks White County is a less dense county than some to the east. Whitley and Kosciusko had the wind and they pretty well stopped it with remonstrance from the community.

Mrs. Neininger said another thing to think about is one county is doing an overlay district for solar because they want to say which area in their county the solar fields can go in to. That is an option especially if you know there are some fields that are less productive. Could you put an overlay district so if you put a solar project in this area you are not going to require a Special Exception it is automatically approved, you just need your Improvement Location Permit.
Mr. Howard said that in our new county ordinance we are doing different zones and we will have Ag1 and Ag2 zones based on prime farm ground or our better tillable farm ground. The draft we are trying to get through right now is still under our old zoning ordinance which has one ag zone so we are not able to stipulate something like that but in the future we could do that with the new county ordinance.

Ms. Neininger added that one county put a maximum on the percentage of how many of their acres can go into solar projects. Mr. Vogel asked how they came up with a number, Mrs. Neininger said she thinks they just guessed at it and that it might be 20%. The largest project we have is in Pulaski County and it is up to about 4% of the total farm ground, that is approximately 8,800 acres. Mr. Vogel said it looks like they are going to follow these power lines. Mrs. Neininger said yes definitely. Mr. Vogel then asked, would it be common, if I had 100 acres under the lines and they might want to lease mine, then they would also try to lease my neighbor's land too, do they try to keep the project under the high power lines. Mrs. Neininger said that they don't have to have the whole thing under the line, they just have to have maybe a corner of it so they can feed all the power from one cut line. Basically, they go up there with a large pair of scissors and cut the high power line and feed in. Mr. Vogel asked, they are not going to veer off those lines very far. Mrs. Neininger said that depends, they are going to have different strains where they place the inverter boxes. Mr. Vogel asked what is the most common size of land unit that they are using for a site, this 8,800 that is several different locations? Ms. Neininger said it all touches in some manner, it all connects in some way.

Mr. Howard said, say it is a 1,200 acre site that they were being basically paid for 1,200 acres, my understanding was that they are only being paid for the acreage that is under the panels, so if you have a 40 acre site and only 30 acres are covered with panels you will only be paid for the 30 acres not 40. Ms. Neininger said they will be paid for what is inside the fence because they have to have access to it. The access road and everything going in, so they are going to get paid for that full parcel, everything that is in the fence. They would actually probably take more than 1,200 acres total, they may take 2,000 acres that they will take options on and some of that 2,000 acres will be the setbacks or buffers, but then they are only going to pay you for what is inside the fence. Mr. Rice asked if the fence is usually close to the panels and the edge of the field. Ms. Neininger said not real close, again that has a lot to do with where your setbacks are in your ordinance and how far they have to be back from a house, so if they have to have their buffer, you will have the buffer and the fence and the panel so if they have an area that they are taking and they have solar panels here and then you've got an inverter box that has to be 500 feet away from a house then that may move the whole thing back farther or they may have to rearrange just depending on what your setbacks are. That is why it is really rare for a solar project to come in day one and say this is our

project and this is where it's going to be, because until they review your solar ordinance requirements with the land that they actually have options on, the roads, the participating, the non-participating and all of it comes into play.

Mr. Rice said that I imagine that the more acres they can get in one location the more economical it is for them. Mrs. Neininger said they will try to get more acres in one spot, you may only get paid $50 - $100 an acre on the option phase. Mr. Rice said that the gentleman he was talking to said that they were getting $240 on the option and they have a 7 year option. Mrs. Neininger said the project area is in the fence, so that is taken away from the farmer to use whatsoever. Mr. Vogel asked, other than possibly grazing sheep. Mrs. Neininger said that is something to negotiate with the land owner and the company.

Mr. Schortgen asked, for the solar or wind companies, what sort of certification or licensure do they need. If you had a company come in and they say "we've got this project., what would you look for because we take our farm land pretty seriously. We want to make sure that these people are licensed, reliable, backed. Do you have any quick bullet points to look for? are they reliable? Ms. Neininger said, call us, we know every viable developer working in the state, there are companies out there I call them on a fishing expedition, Ask them for other projects they are doing, landowner names, where have you done a project that we can call or go see, take trips over to look at the projects that this company is doing so you can know first-hand, talk to the landowner ask did they do good, or call the county official to see what they know about a company, do your research there. Definitely contact Hoosiers for Renewables we know every developer, there are some out there right now that are signing up option agreements on hundreds if not thousands of acres, they have no intention of doing these solar projects, they are going to wait until a developer comes in and then they are going to try to sell them their option at a higher rate. You do have to use caution. Check, ask for their financials, that's for the landowner, some communities the landowners actually develop their own committee because the landowner who is going to sign the lease with somebody has the right to ask let me see your credit report so I know you are a valid company. It is hard for a county to do that or for a state to do that. Landowners a lot of times will form their own little committee and hire an attorney and that attorney can say we want to see your credit rating and do the research for you.

Mr. Dawes asked if she saw any red flags or things that you think are good in our proposed ordinance. Ms. Neininger said that she did notice that you did restrict concentrated thermal solar power in there, I hope it never comes to Indiana because it is dangerous. Concentrated thermal, has gas in it, we want the PV solar in Indiana. The decibels for the sound I believe was 32, Mr. Howard said 32. Mrs. Neininger said the inverter does make noise but it does not run at night, it is not a loud noise but it is like a refrigerator. I noticed the setbacks from residential those are very high setbacks from residential or businesses. Generally, if you are looking at 100 acres you've got a 1,320 setback, that is basically telling the solar developer that you don't want solar projects in your community. Mr. Vogel asked what Mrs. Neininger would recommend, she replied that she doesn't recommend any one thing, but tells you what is out there as examples.

Starke County they have 50 foot setbacks from the property line, 100 feet from the road and 200 feet from the house; Warren County is 75 feet from the road, 200 feet from a property line, an inverter must be 500 feet from a house; Blackford County has 50 foot road setbacks, 50 foot

property line setbacks and 300 feet from a house; Adams County is 100 feet from a property line, 150 feet from a house, and 150 feet from a park or recreation. Noble County is putting in 300 feet from a house, most developers say that is doable. When you get up to 1,320 from a house that makes it very difficult for a developer to put in a project unless you know you've got an area out there with 2,000, 3,000 or 4,000 acres in it then you've got potential, which actually, we are trying to get a project in reclaimed coalmine land which has about 7,000 acres with no houses so that would work.

Don't make your vegetation or buffer so restrictive in case the farmers themselves have something they would like to see in there they've got a negotiation or a minimum. One thing I did see was liability insurance naming the county, because these are privately owned solar projects that are on leased land with private individuals so how could the county be named as the insured on a policy. Mr. Howard said that he would check with the county attorney, but noted several counties have it in their ordinance.

Mrs. Neininger said the decommissioning agreement there is quite a bit of information in there, I would want to leave that very general because that way you are not going to have your hands tied if you want to ask for something more in the agreement with the company.

Mr. Vogel asked, say they want to decommission the panel, is there hazardous material in it. Mrs. Neininger said that they are inert materials they are no different from what you would find in your cell phone today, there is no liquid. Mr. Vogel asked if they could go to a landfill, Mrs. Neininger said actually they can, but Purdue University is studying them, every component within a solar panel can be upcycled, used in other components. They are sending whole solar panels to third world countries to make houses or shelters out of them, they are solid, they are secure. The goal is not to put them into a landfill, the very old panels first generation, yes they did have some liquid in them, they were not good, but today's do not. Mr. Vogel brought up the windmill blades, he thought they were taking those out west somewhere to a landfill, Mrs. Neininger said that they are grinding them up and using them in asphalt on your roads. Mr. Vogel asked if they are doing that in Indiana, Mrs. Neininger said that we haven't had that many in Indiana that have had to be replaced, we have had some. The tempered glass in a solar panel is being ground up and the reflective stripes down your highways they can be used in the reflection tape.

Mr. Vogel asked if there is very little cost in decommissioning, Mrs. Neininger said there is still a lot of cost, because you still have to take all of the components out if the company walks away and that is where you want to have a bond to make sure you are being covered. In the past it was very costly to recycle the components but because of technologies they have changed considerably.

Mr. Rice asked if most of the components are made in the USA, Ms. Neininger said no unfortunately, most are coming out of China right now, some out of Thailand, right now we have a company, Jayco, in Florida that is starting to make them, and a company in Ohio is starting to make solar panels. There is an economic development opportunity.

Mr. Hann asked as far as the economic development goes, since we are dealing with private companies and individuals, farmers, do they have to work with the Commissioners and the Council to figure out where that economic development money will come from and where to put it. Ms.

Neininger said that they strongly urge you to use a financial advising firm, I don't know if you use Baker Tilly here in Wabash County for your finances they are a good one that does a lot, and you also want very strong legal counsel for your county. Someone that represents and understands renewable energy projects. Barnes and Thornburg are phenomenal and Mary Solveigh does a lot of renewable energy work. It is a negotiation basically you are basically playing poker between the company and the county. As you walk through this you want to know and negotiate what you want first, through that agreement, generally the County Commissioners are going to have to sign any economic development, road use, or decommissioning, that is their policy. Your Council will control the money, so if you can get your Commissioners and Council to do it jointly it makes life much easier because then the left hand knows what the right hand is doing. As they negotiate what they want to do with that, having an attorney that can develop your resolution to set up this new fund as to where this money is going to go and explaining how it is going to be used and who has the authority to disburse the funds. In White County they have the Economic Development Organization, the County Council and the County Commissioners jointly have to approve any expenditures coming out of that wind farm fund. They have some general guidelines for what they can use for economic development purposes. They list some examples but they don't make it so stringent that their hands are tied if something new comes up that they didn't think about yesterday. Once the county works with their legal advisors and their financial advisors and has decided what they want, the first thing the county should do is do a financial analysis if we have a 264 million dollar capital investment coming in next year, it is going to add to the assessed valuation in year two. What is that going to do, should we offer a tax abatement should we not, The advisor will give you a spreadsheet out over the next twenty years saying what is it doing for the assessed valuation for your county. That is what is going to tell you what you can do and how you can work that. Generally, they say don't be so stringent in your zoning ordinance that you might tie the County Commissioners and the Council's hands in getting something into those documents. Generally, they say these agreements must be negotiated and approved by the Commissioners and Council before an Improvement Location Permit is issued.

Mrs. Neininger offered to send some sample ordinances from around the state, Mr. Howard said he thought he has already received some from her, but any additional would be welcome.. Mrs Neininger, I always like to see a county trying to work through this process early on instead of run after the fact it really helps. Every zoning ordinance, solar ordinance, wind ordinance, whatever, it isn't etched in stone, if you find something that is working right in the next year you can amend as you go through.

In White County, especially on the vegetation plan what they did they put some strict things in there on vegetation but then they said the developer can submit a vegetation plan and it will be reviewed and discussed, so they are giving themselves an out if there is something in there that they need to think about.

Mr. Howard noted an article that came out about Boone County Board rejected a plan based on the fact that their Comprehensive Plan didn't allow solar in ag zone. For us I don't think that would necessarily fit in our current ordinance or in our new draft it might be something we could say could be regulated on Ag 1 ground but still would leave Ag 2 ground open. Mrs. Neininger said that is a very good point, first of all a Comprehensive Plan is a guideline not a regulation, it's not saying you have to do this, when was it written, was it written even when we had solar. A lot

of the comp plans written out there across the state were written before solar or wind was even brought up so a lot of counties are now looking at comp plans and updating them because of this. But to say that what they are doing isn't ag, some people say that it is still Ag I am just farming the sun instead of farming a commodity product. It is still ag land, there are arguments both ways. Some counties are saying we know that the comp plan was written so long ago that we didn't have these options, and so we feel that we will be able to maintain that ag character because we are not putting in an industrial manufacturing facility that is going to have semi-trucks driving down the road, awful noise and awful smell coming out of that plant, that is putting tons of cement and stone in that farmland that you will never return back to its normal state. We do have a couple of counties that have turned down solar projects because they said it didn't fit their Comprehensive Plan. There is talk about those were inappropriate decisions we don't know if the developer is going to walk away or if they are going to try to fight it.

Mr. Vogel asked about batteries, such as for the electric cars, are those batteries hazardous. Mrs. Neininger said they have been discussing training for fire departments on how to fight fires in a solar facility and in the electric cars.

The board thanked Mrs. Neininger for her time and all of the information she presented.

Mr. Curless: next on the agenda is the unsafe premise order on 4537 E Old 24. Mr. Howard told the Board that the original owners are both deceased, the property was bought in a tax sale by Hess & Hess, it has sold again and the deeded owner is listed as 4537 E Old St. Rd. 24 Land Trust, with no other name attached to the deeded owner. Mr. Howard shared photos of the property, the house and garage need to be razed, the current owners had the opportunity to appear tonight and discuss with the Board but they are not here. They have till October 1 to do something with the structure. Findings of Fact were reviewed by the Board, Mr. Rosen made a motion to pass the Findings of Fact as presented, this was seconded by Mr. Hann, the motion caried. Mr. Curless signed the Findings of Fact. Mr. Howard said they will still have until Oct. 1st to remove the structures, if at that point in time they have not done so I will forward the information to Mr. Thrush to file for a court order to have it done.

Mr. Howard informed the Board the Mr. Downs has reviewed chapters 7, 8, and 9 of the County Ordinance draft. We are continuing to work on it.

Mr. Dawes gave the update for Imagine One 85: The meeting scheduled for September 8th has been postponed and will be held on October 20th. He said he was told that Kyle would not be at the next meeting. Mr. Rice asked if there is an issue they are battling with that they keep pushing the dates back. Mr. Dawes said that he will check into that and if Kyle will be working on this in the future.

Mr. Howard, complaint updates:

- Hollingshead – the deadline was today, shared photos of the property it has not been cleaned up, will have Mr. Thrush file the unsafe premise order.
- Cyclone Mfg., Ms. Sellers called today and asked if there is a timeline on their plans, we will monitor this.
- The survey for the Treska confined building, the building does fit according to the survey.

- Tim Roberts has asked to be on the agenda for the Sept. 28th BZA meeting to discuss the variance that was granted to Bass & Bucks

David Wamsley stated that the survey copy for the Treska building is small and very hard to see. If somebody had drawn a fan or feed bin or anything on here it would not be visible, he asked for an expanded copy. He was provided with a copy on legal paper. Mr. Howard recommended that he get in touch with the survey company to see if they could provide a larger for him. Mr. Wamsley stated that he feels the survey is missing some pieces. Mr. Howard said the we still have a long way to go before considering the issuing of any permits.

There being no further business Mr. Curless asked for a motion to adjourn. Mr. Vogel made the motion to adjourn, this was seconded by Mr. Rosen. The meeting adjourned at 9:15 pm.

Libby Cook
Secretary, Wabash County Plan Commission Board
mth