

## APC MINUTES

APRIL 23, 2025

Members present: John Reece, Abby Journay, Don Calhoun, Jason Brewer, Amy Alka, Steve Hernly, Terry Alfrey, Todd Holaday (arrived late)

Members absent: Will Greer, Jim Hufford, Coy Applegate, Tom Kerns, Adrian Moulton

Legal Representation: Jason Welch

Staff present: Debra Johnting, Area Planning Director and Kristi Halloran, Recording Secretary

Others present: Ed Thornburg, Tom Griffey, Nathan Stomm, Randy Abel, Jon Peacock, Jerry Warren, Rex Harshman, Brad Dilger, Keith Fields

President Calhoun: It's past seven o'clock now so we'll go ahead and start with our Area Planning meeting. Approval of the minutes from our February meeting. Has everyone had a chance to look at those? I would entertain a motion to accept the minutes.

J. Brewer: I'll make a motion.

President Calhoun: Is there a second?

A. Journay: Second.

President Calhoun: It's been moved and seconded to accept the minutes from the February 19<sup>th</sup> meeting. All those in favor say, Aye.

All: Aye.

President Calhoun: All those opposed, No. Next on the agenda, Old Business—Amendment to the Rules of Procedure for APC. Has everybody had a chance to look at those? Is there any questions? Do we want to adopt these new rules for our meetings? These are basically the same rules that we have for the BZA meetings and they work really well. I'll have to admit to that.

D. Johnting: Do you want to go over the changes?

J. Welch: It basically just gives the hearing a little bit more structure, sets guidelines, sets conduct for the people who are here where you're supposed to sit, how long you had to speak, those kind of things. And it's worked really well in the BZA because it gives a little more structure. We don't have people standing over each other, we don't have people filibustering for an hour. People have time to give their people what they need to say and that it's set down and so they don't feel intimidation or pressure from multiple people at the table. But that's basically

what it is. It's the same thing that the BZA uses. And they put this in after we had some long hearings, and since then it's worked really well. I feel like we've done here.

President Calhoun: Yeah, I think it has.

D. Johnting: And another thing, if someone can't be here or even if they can be here, they can't bring you 30, 40 pages of the document to read in the two minutes that you have before the hearing starts and then vote on it. So they can't come in and drop the flyer off in front of you and say. You know you're going to vote, but you didn't get a chance to read all the material. They have to have everything in seven days before. Whether it's someone who can't be here and it's a complaint, or whether it's a petitioner that has something. A last minute picture—absolutely. If it's something you just look at it and see what it might be, but not documentation. They need to make. They've got thirty days to make their case so. That really helps you.

J. Brewer: I make a motion we accept them.

A. Journey: I'll second.

President Calhoun: It's been moved and seconded we adopt the new rules for procedure. We'll need a roll call vote for this.

K. Halloran: Steve Hernly, yes. John Reece, yes. Abby Journey, yes. Don Calhoun, yes. Jason Brewer, yes. Terry Alfrey, yes. Amy Alka, yes. That's seven.

President Calhoun: So this will go into effect at our June meeting. Being Chairman, on this next amendment to the solar ordinance. Seeing that we only have seven people here tonight. I really feel like we don't have a very good representation of the board. So I would encourage us to table this until our June meeting. Is there any discussion?

J. Welch: You'd have to have a motion.

A. Journey: I move we table this until our next meeting.

J. Brewer: Second.

President Calhoun: We need to have a roll call vote.

K. Halloran: John Reece, yes. Abby Journey, yes. Don Calhoun, yes. Jason Brewer, yes. Terry Alfrey, yes. Amy Alka, yes. Steve Hernly, yes.

President Calhoun: So the Solar Ordinance will be tabled until our next meeting. I hate that we don't have enough people here tonight to vote on this, but I really appreciate.

D. Johnting: Positive recommendation would take the unanimous vote. It's not unanimous, and everyone takes the time to talk and everything. Half of you have heard that, and then we do it

again in June and those folks then coming in don't have the opportunity to have heard the things said tonight, so.

President Calhoun: I apologize for everybody to take time out of their schedule to come tonight, so we have to cancel or table to the next meeting.

R. Abel: When's the next meeting then?

K. Halloran: It will be June 18<sup>th</sup> because we do not have a meeting in May.

President Calhoun: Is there any other business that needs to be brought up at this time?

A. Alka: I do have a question since we got a couple of minutes. So in this governing body, when we approve something to be done, is there any follow up with the people that sit here and tell us they're going to do something to go and make sure that they've completed what they have said they're going to do.

D. Johnting: I'm not. Do you have an example?

A. Alka: I do, but I'd rather not disclose that.

D. Johnting: How about a hypothetical?

A. Alka: So somebody says that they're going to do X at their property location. Who goes up and who goes and makes sure that they have completed X. Or there's another situation where somebody sat in here and made a statement about something that is not true and I can drive to the property location and prove it.

D. Johnting: Unfortunately, that does happen. I've made notes. Some of them were even provable because they misquoted the ordinance. I've made notes in the minutes that that was not true and hopefully...

A. Alka: So let's say I say I'm going to paint my house purple. And that's been approved. Because everybody wants me to paint my house purple. And then I don't do it. Who follows up on this?

J. Welch: This board, those are not really good examples for the Area Planning. They would change the zoning map, change text in an ordinance. Those are things that we would vote on here.

A. Alka: Well, like somebody says they're going to put up a barrier, so you can't see certain things at their property. And then we vote on that with their...

J. Welch: With a condition.

A. Alka: As a condition, yes. So does anybody ever follow up on that?

J. Welch: If there's a complaint, then it can be investigated and we have a procedure for complaints that are investigated. As far as having a police force—it's just Deborah and Randy.

R. Abel: I'll tell you one thing. What you all do is a recommendation, and then it goes to a legal authority. That legal authority, then, is the one that has jurisdiction to enforce that condition. We just passed the condition on and if they pass the condition, it's their responsibility for enforcement. If they come and get a building permit, then it's my responsibility. But if they're not building a fence, obviously they're not coming to get a building permit. So I can't enforce them not getting that.

A. Alka: I was. I was just because I've sat here for years and you know I'm going to do this. I'm going to do that. And I drive by and I'm like, you haven't done it.

R. Abel: If it's the BZA, we have full authority to go in and enforce that. Because BZA is the final authority on that. The APC just recommending it, so it falls back to the legislative body.

D. Johnting: And I think in years past there has been a temptation to put a condition on everything. And then there's one or two people in there trying to chase down all these conditions. I went through a couple of years ago and made notes of all the hearings and all of the promises. And there are still trailers out there that were supposed to be gone when the elderly person passed away that was sitting on someone's property. You would have to read the obituaries every day and check all of those to make sure, and then you're actually asking someone to knock on the door after their loved one has just passed away and to say, "Get that trailer out of here!" because that was the condition.

R. Abel: So a lot of these conditions could be put/recorded on the deeds and that's what they should be done.

D. Johnting: And they won't.

R. Abel: So when you do that, you know, then it could be enforced because it's on the deed and whoever 's inheriting it or buying it is fully aware that that condition is on the deed. So that's the problem that a lot of times in the past our previous predecessors never went down and recorded it.

D. Johnting: And it's easy to say we should put a condition on this. You should put up a fence or you should. Now commercial property and manufacturing property they have. There are rules. It's not a condition. There are rules if we would rezone this property across the street and we're going to put in a manufacturing facility. They have to build a berm around so that no one can see what's behind that. That's part of their construction project. That's not an addition.

A. Alka: What if it's not a condition? If they just say this is what we're going to do because a lot of times you vote in in favor of something because they state that this is how they're going to handle this situation.

R. Abel: That needs to be put in writing.

J. Welch: If it's a condition that has to be in writing has to be on the deed. You're just taking them at their word. And I understand what you're saying completely. People come in. We're going to do this and that if you vote to change something, you have to realize that somebody else is going to own it later, and if you change the zoning map, then they can do anything in that zoning class to that property. So you're not just voting on Joe Smith to put this in here, you're voting on this property to be able to use for all of these things that are on the list forever. So it's not just because you like somebody or somebody you know puts on a good show. That's not what it is. It needs to be considered long term.

D. Johnting: And people will make promises here. But if without a condition without an actual signed form recorded, we've had people make very strong promises that they would do this or do that. It went on to the next body and instead of putting it in writing, they did a gentleman's agreement. It was never done, but there's. You go back to the minutes and there was nothing signed. There's nothing recorded so.

J. Welch: And maybe if you need a condition, you should vote no. If you got specific things on, because those aren't going to carry on over a long term. Just as a policy.

D. Johnting: And it is, you know it, you know our office is small and there's a lot going on and so it's hard unless word gets to us. That something's going on for us to look at, we just don't know. I had someone that called me and said, well, there's a brand new house over by South Salem. Okay, we'll go take a look. At it, he said. Well, don't you drive the roads every night on your way home. I don't go by Union City on my way to Lynn.

A. Alka: So yeah, I get it. It's just as I've looked back, I've just noticed that there's a lot of things presented here that are not completed on their part and it's not good.

President Calhoun: Yes.

K. Fields: Just have a question I guess. So. The ordinance that is in place right now is 40 feet from the property line. Is that true? Right. Okay. So has EDP got another project in the works that may happen before June?

D. Johnting: It doesn't matter when it happens, they've already signed all their agreements, so this they're working under the ordinance that's there now.

R. Abel: I think he's asking if there's another agreement?

K. Fields: Is there another agreement that is ready to be signed? So if you keep kicking the can on down the road, so to speak here.

R. Abel: They could come in between now and June and sign another two or three agreements.

K. Fields: Exactly. They could sign another big project because...

D. Johnting: You'll know before we do.

K. Fields: ...and not make a decision here so. I'm just asking.

J. Welch: There's a specific date on this of April first, so only the ones who have a signed agreement before April the first are covered by the old ordinance if this. If this amendment takes place anything after April 1<sup>st</sup>. It's got to be approved by her, so the Commissioners would have to go through the whole procedure to do that. So April 1<sup>st</sup> is really the deadline that's in the new language. If you look at that. Could they? Yes, I think there are three in the pipeline that I think they've already got deals with the county on those already signed is my understanding. I don't know where they are or what the acreage projects ...

K. Fields: You mean the projects are already signed?

J. Welch: I don't know if it's three different parcels, I think there are there are a few. There are a few. Anyway, no. We don't have permits yet, right? The Commissioners would have to be able to tell you what they've actually signed or up to this point, but I know there's some in the works already that the Commissioners have already approved and had signed agreements on.

K. Fields: Does anyone have that map yet? About where the projects are or what stage they're at?

J. Welch: The Commissioners should know if they have a signed agreement with them, they should, they should know where and when and who and how much of those type of things, because they're the ones who have taken that step. They haven't come in and gotten a permit from Deborah, so she would know nothing about it. Right?

D. Johnting: Right.

J. Peacock: I'm just wondering, Don, you've got eight people here now, is that correct? Yes. And there's a thirteen member board. You don't feel like this is? I mean, because BZA for example if there's four people there. We have a quorum. You have a quorum tonight.

President Calhoun: We do now.

J. Peacock: Yeah, understood. One more helps. Especially when he was on the sub-committee. Is there any reason you couldn't address it tonight?

R. Abel: There's no rule that it couldn't come back next month anyway is there? If it's turned down tonight because of one vote or whatever, there's no reason they couldn't come back in June. No, it's not like the BZA.

J. Welch: No, because this is an amendment originating from this board. So they can come back as many times as they want to. There's no time restriction. It's just whether or not. I think Don's concern was that there weren't enough people here for it to be a cross section recommendation to the county if they're going to recommend a change. I think you wanted more people to be here to be able to sign off on it so you have a thirteen or eleven or twelve, or whatever zero recommendation to the county to do that because we don't have the final say. It's got to go to them anyway after this.

President Calhoun: It wasn't my intention to kick on down the road like you were saying. I wanted to have a vote tonight, but I didn't know whether with several members here whether that was going to represent our board fairly.

President Calhoun: Board, if you want to go ahead and vote on it this evening. I don't.

D. Johnting: The concern was with just seven people, we had to have seven yeses or it was pointless. And then we have two hours of discussion and then five more people walk in next month and say, well, I didn't, I didn't hear any of that. So then you not only had said, I know everybody wants it done tonight and I'm fine with that too. We don't have to come back in June. You know, we come back in June. But if it's a no, then you do it all over again in June and half the people haven't heard what you have to say, but the rest of us get to hear it again.

T. Holaday: Did you guys clarify page eight, that word talks about the inverter? The sentence doesn't really say what the setback is from, it says.

President Calhoun: We hadn't discussed anything on it.

T. Holaday: Well, as I was looking at the changes, I just thought that one was incomplete. So it says "An inverter shall be 500 feet." But it doesn't say 500 feet from what.

R. Abel: Yeah, it'd be the dwelling again. That shouldn't have been crossed.

T. Holaday: I think "... just from the dwelling." should not be crossed out.

T. Griffey: Do you know any changes in the ordinance where they can't get within a mile of the city limits? Does anybody know of any changes on that? It's not changed.

D. Johnting: No. And it could. It's a special exception like what we did before.

T. Griffey: But they have to discuss it with us and the board? So what they're doing, I can wait to hear all of it.

D. Johnting: Right.

T. Griffey: Just that they're going ahead and just doing their thing.

D. Johnting: Yeah, that wouldn't happen because of this or with or without this, that's already in place. And it wouldn't sneak up on you. They wouldn't be able to just you know.

T. Griffey: Okay. That's the local farmer that's calling me because they don't want it either in that area and I just. I'm looking for our ordinance in the town. The county sent me their ordinance and just trying to make sure we're covered here because we did it once before for Alan, but I'm, across from the school, I just can't let that...

D. Johnting: And that's the hearing that we had.

T. Griffey: Yeah. Yeah, I was up here on that one.

D. Johnting: And it would be the same. They would have to apply to us, send out notices.

T. Griffey: So when they're doing soil samples and all that out there, it's nothing to be concerned about?

D. Johnting: Did they do that before with Alan's ground?

T. Griffey: I don't, I don't know because see, that happens so fast. I didn't know about it until. I mean, they did approach me. The actual solar panel place actually came to my board meeting and discussed it with us. And that's when I started talking with Alan and getting out, you know, four cases got involved and we all ended up here over.

D. Johnting: Yeah, they brought us that months before they ever presented it.

T. Griffey: But you've never gotten nothing from across the school at all?

D. Johnting: No and we did know on that quite a bit ahead of time.

T. Griffey: Okay, I just didn't want them to start doing things and then I'm sitting there like an idiot because I didn't realize that, you know, something changed that I didn't know about.

K. Fields: You know, is there an ordinance around Saratoga about 1.5 square miles? Does anyone know about that? That's what I was told but I don't know. Do you have a record of that?

D. Johnting: Well the ordinance says one mile radius around every incorporated town is Ag Limited.

K. Fields: I was told it was a mile and a half.



D. Johnnting: It's still a mile and that's in the ordinance and we've already had hearings for that. Not there, but for another area for Ag Limited.

President Calhoun: As for the board members, do you want to go ahead and go on tonight? Yes. No.

J. Welch: Why don't you just take a vote to reopen it and see if you get seven votes?

K. Halloran: Don Calhoun, ...

A. Journey: So we're voting that we want to reopen it tonight

President Calhoun: Yes.

K. Halloran: To see if we can get a majority of the vote. Don Calhoun, yes. Jason Brewer, yes. Terry Alfrey, yes. Amy Alka, yes. Steve Hernly, yes. John Reece, yes. Abby Journey, yes. Todd Holaday, yes.

President Calhoun: We'll go ahead and reopen it. So have the board members had a chance to look over to the ordinance?

A. Journey: I have a couple questions. So when I was reading it and I recalled that we had established a new committee, but I didn't really quite understand why, like, what is the problem that we're trying to solve by revisiting the ordinances. And I was just seeing like there's drastic increases in like feet and what's, like, what's been the problem that? I don't mean to like sound like a just landed off the turnip truck, but what is that? What's the rationale behind the changes, I guess like?

President Calhoun: There's citizens that felt like that the setbacks weren't far enough.

A. Journey: And then how so how as a committee do you come up with like such like from 40 feet to 500 feet? That seems like a lot of from 40 to 500 hundred or was it 20 to 480? I was just wondering the. Like such a huge change, right?

T. Holaday: One of the things we did was to get some maps from Mr. Abel and see on the existing solar farms, if you were to draw 250, 500, and 1,000 feet radiuses around the existing homes, what would that have done to the existing projects? Four hundred to five hundred feet circle minimally affected the projects that have happened so far and also it created...

A. Journey: So is this meant in the deterrant? Is this meant as a deterrence from other, like, more projects being done so because that's what I remember hearing the concerns?

T. Holaday: If you ask different people in the community, you know different people committee, they would have different thoughts on that. Some are more about deterring it, some are more

about protecting the person who has all of a sudden, the 40 foot solar farm right outside the one side of their property, because there are different setbacks for like third and fourth sides of the property, but we're talking about the shortest distance that there could be. I believe that around 400 hundred feet we came up with almost no effect based off of the ones that had been built, but that doesn't mean that another one couldn't come and build within the current ordinances of 40 feet. But it just hadn't happened yet. Other people can probably explain this better than I can, but there were several meetings.

A. Journey: Coming into this, I'm kind of like, I don't know that I would really myself my vote would be in supportive of going from something to such a huge jump, and it's hard for me to even visualize 500 hundred feet.

T. Holaday: I'll let other people explain more, but they're that they're I believe I'll stop. Okay. But I believe the original proposal years ago, best I understood it was 500 feet. And that was adjusted down to 40 feet by the Commissioners when the first projects were put into place. So this isn't a new concept. It's just revisiting the original.

A. Journey: Okay, the original five hundred feet recommendation.

T. Holaday: And then I'll let others speak. That's what I gathered from the three or four meetings that we had.

J. Peacock: Can I say something?

President Calhoun: Yes.

J. Peacock: So Don, some of us started out hoping to tap the brakes on how many solar farms were coming in. I think in the course of our committee work, we learned that maybe the priority should be making sure our neighbors are being respected. So that's where some of us that wanted a larger setback than 500 feet even were willing to compromise just to get something done. So the reason I ask, why don't we go ahead and vote on this? I see this 500 feet as a minimal change. Frankly, it's not going to restrict future projects from coming in. What it will do is it will these neighbors, there are some people who have definitely been affected by not understanding a solar farm was coming in when they bought a property. And it was already decided. I mean, there's some examples of neighbors who have really had their rights affected.

A. Journey: And this doesn't limit the right to like a smaller landowner. To give us the companies usually come in in sections. And want to use these sections. And will approach a land owners saying we would like to use X, Y, and Z.

J. Peacock: Well, so the thought is they could try to buy down.

A. Journey: Say that again, sorry.

J. Peacock: They can try to buy or word agreements with that neighbor to get it closer if they wanted to.

A. Journey: Okay.

J. Peacock: Abby, a lot of this is just trying to have some compassion for the people that didn't know they were going to have a solar farm right next to it until it was too late. That's really to me, what it came down to. Don and Jerry, we have, we all have, like Todd said, we all have slightly different opinions and that's okay. But we tried to compromise on something that would at least account for neighbors to a certain extent. The 500 feet is minimal because of studies that show property values are affected when it's within a tenth of a mile. That's over 500 feet. And that's where it's just on one side, right? So we're trying to come up with a compromise that is not going to keep projects from coming in. Yet we'll show some respect for our neighbors.

R. Abel: I think it's important to note, too, that it's economic agreements are based on megawatts produced. So it's not going to affect the payments to the county one bit. So it's based on megawatts. It's not based upon the return of investment for this solar companies or anything like that, just basically based on the megawatts. And if they over produce, they got 200 megawatt project coming in. If they produce more than that, there's even a calculation from the county that they get paid more. I don't know how they determine that, but I don't. I didn't see anything in that contract, but so it's not affecting what the county would get. It's not limiting the investments and it's not limiting the counties.

D. Calhoun: Can I get anybody in the audience to come up here so that we can get it recorded.

K. Fields: Well, I just have one question. I want to make sure everybody understands the difference of 40 feet to 500 and the way I understand it, 40 feet ordinance in place now is from the property line the 500 feet is from the dwelling. So if you have a one or two acre lot that that could be a stick with the 40 feet that's going to be very close to your property line. Is that the way I'm understanding? So when you're talking 40 to 500, seems like a lot, but it's not apples and apples, okay? At least the way I understand.

R. Abel: And the side setback on most of these properties for a house is 20, 25 feet.

D. Johnting: Fifteen.

R. Abel: Not for the house though. In Ag?

D. Johnting: Yes.

R. Abel: Okay. If it's fifteen foot to the property for a house. Forty feet from that, so 55 feet you stand at this end of the hall. Look at the other end of the hall. There's your solar panels from your back doors.

A. Journey: I understand what 40 feet, but for me to visualize from 40 feet to 500 feet, I'm just wondering how did it go to such a huge jump. And I don't know that I feel comfortable and really voting on something I don't fully understand and what that means and what's that mean then to like in all fairness, not just the main verbiage to a landowner or to go from something if it was more like 250 feet. That's a little bit easier for my mind to go that far.

K. Fields: But again, you're talking about two different measurements. Sure, you're starting from the property line of the ordinance now, and you're talking about from the dwelling 500 feet, so. Draw it out there, that's two different things like.

A. Journey: And it depends where it's going. If you're from the back it would be something completely different. Just going on the side. That's why I'm saying like. I guess I need to fully understand something before you know like I'm like.

J. Peacock: You want to fully understand. I'll give you an opinion, okay. This board recommended 500 feet. Then it came back to four hundred, right Don, for the final recommendation to the Commissioners?

President Calhoun: I think maybe the first time around.

J. Peacock: So, Abby, what's interesting. Your question is interesting. There's a huge difference there. So how do they go from 400 or 500 hundred down to 40?

A. Journey: Right. No, I completely agree. Absolutely. It's fair each way, I guess to me, in my mind, I've taken this very seriously and I understand that I would not personally want 40 feet from my property line solar panels. And my family farms, we haven't you know bought into the whole solar thing either or are we ready to sign up? At the same time, I'm trying to look at it very objectively from a landowner's perspective, also then respectful to a homeowner, or a potential homeowner. So that's why I just have the question is, yeah, I completely understand the opposite way as well. We if the 400 feet and the Commissioners like we're going to actually approve 40 like I understand that. I'm just thinking I'm just trying to gather more information before I'm like, you know, yes or no on whatever recommendation that might be. And that's, that's where I stand personally. And I feel like I'm just, you know, I've read this, but I didn't get a chance to really ask any questions until just now. I've read this few weeks ago when she sent it out. That's where I am personally just...

R. Abel: I think you need to maybe relate it like Jerry's talked about CAFOs and hog farms and stuff too. He's aware of the setbacks. So setbacks don't necessarily benefit him in the hog buildings, but in a way they do, because now we found that that works, wouldn't it back fifteen or a thousand feet doesn't affect the neighbors negatively, and so it actually benefits him and the

and his neighbors both if he can locate these in a place where it's not going to be objectionable to either party. And I think it the clear thing...

A. Journey: And so that's what you guys were looking at, the committee were trying to find something basically what I'm concerned about, like the fairness for all parties.

R. Abel: And I think the point we've made that if you draw circles around the current map and development at 400 and 500 really doesn't affect very many places at all. The most ones it affects are that poor guy that's on half an acre. If he was on five acres and he was in the middle of the property it probably wouldn't affect him at all. That's about the size of the circle, so it wouldn't even affect him. So really what it's doing is protecting that neighbor who's on a smaller property.

A. Journey: Right. And that's kind of what I was even looking at for that landowner.

R. Abel: Yeah, it's not really eating into that landowner that much. I mean, you look at the hundreds of acres you might be taking down an acre, two, three, four. Like I said, that circle is approximately five acres. So if that house is in five acres. It's not going to affect that neighbor at all.

A. Journey: Okay and I understand you because there's some, there's some properties aren't going to surround it.

J. Warren: So when we developed the CAFO setbacks, we found some really good studies on how far we needed to set these barns back from the house to have a minimal impact. And our ordinance is based directly off of that. So when we setback a 1,000 feet for 5,000 head operation and I always speak in pigs, it actually relates to animal units. But because I have pigs I speak. So when we set that at a 1,000 feet from the nearest house for 5,000 pig operation that was where this study said it should be. And so we based our ordinance on that. And interestingly the 1,000 foot circle actually only took out half of the counties acres for development of hog barns. So it what it didn't make the impact, you might think it would on the available acres for a hog barn. A solar farms it's the same way. I mean, you know, if you made a 1,000 feet circle, you really would only impact about half the acres in the county and they would have the other active development. And of course the option to buy down was would still be there. So, but we base that on university studies. And because that way we would have something to hang our hat on. Truthfully this 500 feet setback is not near what the university studies are saying it needs to be to not impact the value of the homeowners. I mean we it was just kind of a gun shot. To be honest with you, if you actually said we don't want to impact this homeowner's home value. It would stop all the development in Randolph County and that may be why so many counties have shut it down. You know, I think Randy was talking about a study and if, if I recall correctly. It was

talking about that a five acre solar farm a tenth of a mile from a house would impact it by seven and a half percent on value. And so when you start looking what's going to happen if you put 100 feet around the house or these smaller numbers, even 500 feet, is going to have a pretty significant impact on that homeowner's property. Now there was a there was a study from the University of Austin, Texas, that we looked at and probably was the most comprehensive study that we looked at. And that study talked about, you know, if you want no impact at all, you're looking at about 3,000 feet. And so you've got to arrive, you know, if you want this type of development, you've got to arrive properly at something that is going to impact the homeowners. But you've got to decide how much you're going to give. And so the 500 feet was kind of a place that the committee somewhat agreed on. I'll be honest with you. I was at a bigger number because I felt like they still have the option to buy down and of course, we set a hog barn is 1,000 feet back. I don't know why we wouldn't have a foreign owned company with twenty-three percent Chinese ownership of their stock, do more than our hog farmers or people who are residents of this county for decades.

J. Peacock: So what we tried to come up with was a compromise that would still allow. Because our county really appreciates the money that is coming from green energy. And they've helped me see that better. However, if we don't change something and that's really why we compromised. If we don't change something for the individual homeowners then it's up to the good graces of the green companies to be nice to the neighbors. I personally feel like we've given up control of taking care of our neighbors to the benevolence of a huge company. Which I'm not picking on that company more than companies I'm affiliated with. I think it's. They made golden rules out of things like this guys, you know. You should treat your neighbors good. We should make sure that they're treated okay. This is not over the top on restricting new development projects from coming in here. It hardly affects it, frankly. And you can see the maps that we have a chance to really look at. Randy took a lot of time to put together. We can do 500 feet and not tremendously affect the project. So it still lets the landowners have a chance to make some money on their ground. But we also consider our neighbors and that's what I think Jerry and I came down to. And then there was several others on the committee. We were trying to find a compromise that would allow both to happen and to me this is very basic. It's not what either side wants, frankly. If it's not what either side wants, then we're probably getting close to what it ought to be if you know what I'm saying.

R. Abel: This is an observation I've made over the over the past few years. These solar farms actually lose much, much more acreage to the flood plain. And if you look on each one of their wind turbines, they're 150 - 200 wind turbines. There's a 500 foot circle around every wind turbine. So they lose it to their own wind turbines and they keep the 500 feet from them. So that's just an interesting observation I've made looking at the maps.

Siri: I didn't get that. Could you try again?

[laughter]

A. Journey: So this goes, this vote then goes straight to Commissioners?

J. Welch: If there's a positive recommendation then it would go to the Commissioners with a positive recommendations to amend the ordinance and then it would be up to them.

R. Abel: And I will say on this ordinance while you're looking at it, if you look at the purple lettering and the blue lettering. So I want to point this out. So the blue lettering is what we have already passed as an ordinance, okay. So if you're looking through there, there's a few things if you look on page seven. You seen the purple like the bottom? So that was not passed the last time, but I think it clarifies maybe more of the intent. If you want to read that, it says a waiver under 19-6-1-4 can be applied to residential uses when ten kilowatts is marginally exceeded, but still under a 120% of the annual usage, as evidenced by utility bills of said residential use. And that waiver is given by the Area Planning Director. So just allows a little leeway there so if they go over that. And I will say another consideration that Deb and I had. So we went and looked at past projects and so if you say a panel is 400 kilowatts, the average residential use is probably around ten kilowatts, but some of them are double that, actually twenty kilowatts. So I've almost proposed to change to ten to twenty, or she's going to have a lot of waivers to go through, and it just allows her to go that expert to that 120%, which that's the rule of AEP or utility company that they won't let you produce any more than 120%. That kind of keeps everybody on the same path. It lets her okay a project that's 120%, but it doesn't allow her to okay those projects where it's going, you know, it's about 60 panels. But you're talking about the school. You know it's going to be half an acre, an acre that would still have to go through the over ten or twenty kilowatts, whatever you want, she wouldn't be able to get away with that.

A. Journey: So what are we actually talking about? Like are we talking about blue, purple and yellow?

R. Abel: The blue is already approved.

A. Journey: Okay and then the purple not?

R. Abel: The purple would be what we would add on to what's already been approved.

A. Alka: So we're voting on the purple and on the red?

R. Abel: You're really voting on the purple and the red, yes.

A. Alka: Then I have a question on this measurement. So on this chart, you said the it's going 40 feet from the property line. And now we're changing it to 500 feet from the residence.

R. Abel: It's still 40 feet from the property line.

A. Alka: so why not make it 500 feet from the property line why are we moving and then. I heard somebody say that it really doesn't make any difference then?

R. Abel: If you have a house. The protection we looked at the property value saying it, it's always measured to the house, not the property line.

A. Alka: Okay.

R. Abel: So the original was 40 feet from the property line. So if you have a big property, it's still going to stay that 40 feet from the property line. So if you're over five acres, your house is in the center. Probably not going to do anything for you. You're still going to have that 40 feet on two sides and 100 feet on the other two sides. So it didn't. It's not going to change that. The only thing it's going to change is the 500 feet to the house. So if you are on small property in the 500, it actually protects that individual.

A. Alka: Well, why not protect the large property owner as well. I mean, most people, they got a five acre property. They're wanting to use it to the edge of it.

T. Holaday: Yeah. When we looked at that, the 500 feet really did dent the existing projects if you do it from the property line, they would almost make them impossible.

A. Alka; Okay.

T. Holaday: And then think of it as you know, sticking a compass in on the house and drawing a circle around 500 feet that sometimes you just would make a mark into that field on the opposite property line where you've got 40 feet, 40 feet, and then a bit of a swale. Like when you see the maps, it really starts to make sense to you of what the existing projects look like and how far they've stayed away from houses and a lot of cases you can see that arc where they tried to stay the 400 and 500 feet away from the house and other places where people didn't mind. A lot of times it was the people who you know, were invested in the project and they got closer. So but the 500 feet from the property line and when we look when we discussed that, it just got real. Looked like it really would cause lack of investment or lack of projects to occur.

A. Alka: What about the vegetative barrier? Did you guys talk about that at all?

T. Holaday: Mostly we talked about trying to change the ordinance to get the, or at least the process to get those planted earlier instead of later, because a lot of times we don't start those until after the project and so that takes years for those to ever be of any value.



A. Alka: Right. And the first solar ordinance I brought in information about what should be planted and what that would be quick growing and that kind of stuff. And then one thing I said, I would not plant is what was planted.

T. Holaday: What was that?

A. Alka: Whatever them cone things are out there then. You know, half of them die in the winter time.

T. Holaday: I don't think we've addressed any of that. We didn't make any changes here.

A. Alka: Okay, I didn't see any.

T. Holaday: I know Andy Fahl talked a lot about trying to get EDP to plan that better so that the boundaries.

A. Alka: Well, when I drive by, it's not. It's not, it's not bearing. It's not keeping you from seeing anything.

R. Abel: I will say we're actively working with EDPR on that. They've really been good at if their setbacks and everything. And I think they know we've got issues with that so we're working with them on it. I think we're tightening up. Maybe they'll change the species. We've gone three years it and was supposed to be so you couldn't see through. And of course you get landscapers in there. They're like, oh, yeah, we can do that. We can do. And then I don't think they watered right the first time they planted. They had all kinds of problems. Know it's a learning experience. And I think we are working with them to kind of correct a lot of those issues.

A. Alka: Did they ever plant all the wildflowers they said they were going to plant the first go around?

R. Abel: Clover I think? What did you plant?

B. Dilger: And there was a pollinator mix that was approved in. Within the pollinator mixes that have been planted, there are just different seeding arrays, seed mixes.

R. Abel: I don't know that we really went out and walked it with anybody but.

A. Alka: It's it just looks to me like some of the vegetative barriers are worthless.

R. Abel: I think for the most part they are. I think we realize that after three years you know it's like you learn from your mistakes, but they are in the process of trying to correct that. I don't know if we're going to talk about second rows and staggering. Whatever we got to do I'm sure they're going to work with us on it.

B. Dilger: Yeah, I don't. I'm sorry. I got here late, so I'm not sure in the format. If this is just an open discussion report.

D. Johnting: We might not be able to hear you?

President Calhoun: Yeah, that's the biggest thing is trying to hear what we're talking.

D. Johnting: We're supposed to type this up later.

B. Dilger: Well, I again. I'm happy to come up. We're participating in the conversation. My name is Brad Dilger. 850 Massachusetts Avenue, Indianapolis, Indiana. I am a project manager with EDP Renewables. As some of you may know or likely know, we have the renewal projects here in the county with Headwaters and River Start Solar Park. So yeah, as I've kind of heard some of the discussion that's going on, I, you know, agree with Randy's assessment that the 500 feet from residences would not have a dramatic impact to future development and I'm definitely speaking on behalf of EDP, but also just any solar developer that would come in like. That's what the ordinance is set to do is to set the rules for any solar developer that would come in. So for our operation, 500 feet would not dissuade future development. There was talk about property values. I mean that's not within the ordinance, but it really depends on what study we're looking at. You can look at one study it says one thing, another study says completely different. What we have seen from real estate professionals doing assessments and looking at properties around solar parks, especially immediately adjacent, I mean our process involves offering those neighbors what is called a neighbor agreement, and that comes with a yearly payment for the life of the project, so that yearly payment does accrue like on our leases they do accrue at an increase every year so that is increasing over the term of the project, so there is value to that that stays with the property because that agreement stays with that real estate. If they sell it again that agreement stays with the real piece of real estate. So we haven't seen the negative impact for property values. As we've discussed what development can happen in the county, 500 feet is not, you know, anything that would stop development. The one thing that that gives me pause is knowing the life cycle of the project and when we start navigating all of the ingredients that go into a project. The first thing is the real estate, the land and the interest from the owners. So that's a process that starts years before anything really starts to happen. So that work is finding land owners who are interested, finding communities that are interested in land owners that are interested. And then building off of that, building the interest. And you know hearing some of the discussions or what has been discussed, it seems that notice is what is really desired and from when I read the text about a hearing being involved to essentially provide notice to the communities of the land owners in. you know, as similar fashion that CAFOs are required to send notice. Agree that we could have done things better in the past and again like the ordinance was a rule book to follow and we were following the rule book and we may not have done the

best job of informing everyone in the community, in the area through the required postings with like public meetings and whatnot. I think that doing a better job of that and requiring a notice at a certain stage like within that process definitely makes sense. It again outlines within the rule book what is necessary to proceed with development. But again, if I were in your shoes and try to think about how am I going to create these rules to protect our community, but also balance that with how do we continue to welcome businesses into the community through many different methods, provide income to individual land owners, to neighbors, to county government for that government body to listen to the constituents and figure out what to do with the money. Like how do you balance those two things? Do you require a hearing for any future development and potentially scare away that development? Or do you require just a simple notice so people are informed? And it's done in a more effective way than what's been done in the past. So I think that's from a developer's standpoint like I think the rules that you guys have in place right now and what you've proposed is, changing the setbacks you know to 500 feet. It makes sense you're trying to protect the land owners, the neighbors but not restrict what those land owners who do want to participate, what they're going to do, how much they can diversify what they're happening, what's happening on their property. So those are just some thoughts and again I'm happy to answer any questions that might have just from the developers perspective or from EDP specifically. Yeah, those are just a few thoughts that things that I had. Thank you.

J. Warren: Hey, Brad.

B. Dilger: Yes, Sir.

J. Warren: Weren't you guys the ones have asked the 500 feet setback to get reduced to 40 feet and let the news to the property owners get taken out? I believe you guys did ask for that.

B. Dilger: I'm not sure when or who "you guys" are, but.

J. Warren: EDP.

B. Dilger: Did this happen recently or years ago? I wasn't with you at that time, but I'm sorry I'm sitting my back to you guys, but.

J. Warren: Yeah, I think actually you guys did ask to have that taken out. Both of those things.

B. Dilger: And again, I'm not sure what discussions happen with the original ordinance, but if that's the discussion that had, I'm not going to argue that it didn't happen because I'm not sure what we've discussed at that time.

R. Abel: At one time it went down to 40 on four sides. I took a GIS map up there and I showed a couple of commissioners.

B. Dilger: Yeah, that doesn't make a lot of sense.

R. Abel: It doesn't make any sense.

B. Dilger: As you as you showed as you kind of measured out like we go above and beyond that. You know what's in the table. As we've built projects, so we don't want to have a negative impact. We want to be able to continue to operate in this community. So we're not going to jam it up on every side and irritate more people by just following the ordinance, but again, the ordinance has to pertain to everybody, not just us like. We see a long relationship with the county. You don't want to sour that. So we're trying to be a good neighbor.

R. Abel: And I'll say I think EDPR done a very good job of that. Like I said, if you can draw those circles on anything good and the point we've always tried to make is. This ordinance isn't for you—it's for everybody. So that we've got other companies coming in here. You know what they're asking? They're looking at our ordinance and saying 40 feet, right? 40 feet? And I'm telling you that other companies coming in aren't going to be as nice as EDPR. Just a warning. So you all know. That we've had a lot of inquiries, it's not going to be pretty if we don't do something for everybody.

B. Dilger: Hundred percent.

R. Abel: And I think they want an even playing field. You don't want to be competing with somebody that's going to cram up and then give solar a bad name. That's going to give you a bad name, even if it's not your company.

B. Dilger: It's still the technology, it's still what we're trying to do.

R. Abel: Exactly.

K. Fields: How many projects do you currently have in place?

B. Dilger: Here in Randolph County.

K. Fields: In Randolph County.

B. Dilger: We have two phases of winds, two phases of operational solar, one phase under construction and one phase that's getting closer to construction.

K. Fields: So where do we find out where these projects are? Because nobody's been notified. You mentioned that before, notifying the property owners and there's more projects coming and I don't think anybody's seen any notifications.

B. Dilger: The notifications that we file are with the recorder, so any memo that so if we just sign any agreement with the landowner, there's a memo of that option that was recorded with the county. So those are public documents that are out there we don't notify anyone specifically. Like usually it's the landowner that had the option on their property, they start talking to their

neighbors. And if questions come up like they have our information and we can share that information, there are like we've attended like the Saratoga Town meeting before, just to give information, give out our cards. We present at the Commissioners and Council meetings and we. I guess there are so many ways that communication can happen with what we've been doing. I hear that it's not working well. So that's something that we need to change and if it's a notice that is triggered by. You know there's we're getting ready to go to the Commissioners, to sign or negotiate economic development agreements, road use agreements, decommissioning agreement. Maybe that's when the trigger is. I'm not sure. I mean, that's also based on feedback from the APC, from the Commissioners like if that's when the notice happens, that's when we'll do it.

K. Fields: You mentioned Saratoga Ordinances, what is the Saratoga ordinance with regards to no solar.

B. Dilger: Well, there's not a Saratoga ordinance necessarily. It's a Randolph County ordinance. We went to the Saratoga Town meeting because that's the closest town within any incorporated area. And Randolph County there is Ag Limited and Ag Intensive. So depending on the classification that requires. If you're within that one mile radius or buffer like that triggers a BZA special exception, but that triggers a hearing if you stay out of that then it doesn't require a hearing. So again like I'm.

T. Griffey: What distance?

B. Dilger: It's one mile from incorporated, city limits.

T. Griffey: That's what I was telling them. They've been taken soil samples over there across from Union School on Highway 36, which is six tenths of a mile from our city limits.

B. Dilger: OK.

T. Griffey: Saying they are going to put them in that farm and that's not outside of a mile from the town.

B. Dilger: Yeah, and if. That, you know, project would happen, then it would trigger a BZA hearing.

T. Griffey: Yeah, that's why I was scared because they've done soil samples and this farmer come to me that rents it and said hey. And that said, it was going to happen when he stopped up there and talked to them. And it's like okay, no it's not.

B. Dilger: Well, no, I mean whether something happens depends on what that soil sample comes back. So they're trying to figure out what's buildable, if it is buildable, how do they build it? You know, they start going through that engineering process, so. It could happen. It might not happen. If it does come back, it's like, Oh yeah, it's, you know, seems like this is a viable area of the solar

then that would trigger the BZA special exception. And that would like require obtaining that special exception to build the projects? So I feel like, I mean, I'm again happy to answer any questions, but I don't want to derail any conversation that you guys were having.

President Calhoun: So, Board members. Any other questions or comments? Have we answered your question? Okay. Is there anybody in the audience that has comments or questions? Well, I guess we're ready to make a vote. We'll need a motion to proceed.

T. Holaday: I'll make a motion that we proceed with the changes to the ordinance.

J. Welch: For a favorable recommendation.

T. Holaday: For a favorable recommendation.

President Calhoun: So a favorable recommendation would be a yes, right?

J. Welch: Yes.

President Calhoun: Is there a second to the motion?

J. Welch: That would be the red text and the purple text in the amendment. Is that correct?

T. Holaday: I get confused between purple and blue. Is it purple or red?

R. Abel: Purple is supporting the one that's already passed, but yeah.

T. Holaday: So blue and red is what?

R. Abel: Blue is already passed, yeah.

T. Holaday: OK, purple and red. Yeah. The actual changes to the amendment.

President Calhoun: We haven't got a second yet.

S. Hernly: I'll second.

President Calhoun: And we have a second. We'll need a roll call vote.

K. Halloran: Jason Brewer, yes. Terry Alfrey, yes. Amy Alka, yes. Steve Hernly, yes. John Reece, yes. Abby Jounay, yes. Todd Holaday, yes. Don Calhoun, yes. That's eight.

President Calhoun: It's a favorable motion. So now it will go ahead and go on to the Commissioners.

D. Johnting: May 5<sup>th</sup> at nine o'clock in the morning.

President Calhoun: There any other business that we need to discuss this evening? I appreciate everybody who made it tonight. Everybody in the audience, thanks for coming. Your inputs been well taken. With that I'd consider a motion to adjourn.

A. Jounay: So moved.

T. Holaday: Second.

President Calhoun: Thanks again for everybody coming.

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President Don Calhoun

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Vice President Coy Applegate

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Recording Secretary, Kristina Halloran