

MINUTES
BARTHOLOMEW COUNTY BOARD OF ZONING APPEALS
MONDAY, JULY 22nd, 2024 AT 6:00 P.M.
CAL BRAND MEETING HALL, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA

Members in Person: Arnold Haskell, Eric Scheidt, Roger Glick, Michael Speaker and David Flohr

Members Absent: None

Staff in Person: Melissa Begley, Kyra Behrman, Andres Nieto, Janie Meek, Deputy County Attorney-Jim Shoaf, Colleen Hughes, Michelle Cox

Mr. Flohr opened the meeting at 6:05pm with a brief explanation of the board and its responsibilities. All available options to participate were gone over. And proof of adequate public notice for the case was confirmed.

Mr. Shoaf, administered an oath to all who were in attendance that would be speaking during the meeting.

5 voting members are present. Michael Speaker left the meeting after declaring he had a conflict of interest, and would not vote on the proposal.

OLD BUSINESS REQUIRING BOARD ACTION:

None

NEW BUSINESS REQUIRING BOARD ACTION:

BDS-2024-009: Swallowtail Solar, LLC, Arevon Energy, INC.

A request by Swallowtail Solar, LLC for a conditional use approval per Zoning Ordinance Section 3.5(B) to allow a Commercial Solar Energy System in the AP (Agriculture: Preferred) zoning district. The project includes building a 200-megawatt commercial solar energy system across 21 privately owned properties (1,192 acres). This project is located generally located south of 450 North, east of 425 East, north of 200 North and west of 700 East, in Clay and Flat Rock Townships.

Ms. Begley presented for the Planning Department.

Mr. Flohr asked the board if there were any questions.

Mr. Haskell asked Ms. Begley is all that was submitted, in accordance with zoning ordinance that was passed by County Commissioners.

Ms. Begley responded, "yes, it meets all of our zoning ordinance requirements, in the off chance it will be looked at again in more detail if it comes before us for a zoning compliance certificate".

Mr. Flohr asked the board, is there any more questions?

Ms. Jemma King- 8800 N Gainey Center Dr, Scottsdale, AZ 85258, Development Manager for Arevon Energy Inc. She shared that she has been working with Arevon for 4 years, working on developments

specifically in Illinois and Indiana. Ms. King is a 6th generation farmer. Ms. King grew up in central Illinois, and her family has a leased land for a solar project. Ms. King states this solar energy project slated to use less than 1% of total farmland in Bartholomew County, no plans of expansion. Zoned for preferred agricultural land. Commercial solar energy systems an approved use of this land. Temporary use of land, the project life is estimated to be 30-50 years before it would be decommissioned and the land be returned to what it was previously.

Mr. Kevin Smith- 4422 N 75th, Scottsdale, AZ 85251, CEO of Arevon Energy, Inc. Mr. Smith has been in the energy business for 40 years, graduate of Purdue University in Mechanical Engineering. Mr. Smith stated that he was here to show support and the long-term commitment for the length of the solar project and become a member of the community. Mr. Smith went over the economic benefits of solar energy project.

Mr. Kyle Resetarits- 2700 Market Tower, 10 W Market St Suite 2700, Indianapolis, IN 46204, Attorney for Arevon Energy, Inc. Representing renewable developers across the state of Indiana for 10+ years. Mr. Resetarits discussed the proposed use of land per ordinance and safety requirements, and recommended conditions upon approval.

Mr. Andrew Corcoran- 8452 W Layton Ave, West Allis, WI 53221, Engineer of Environmental Resources management. Mr. Corcoran retains a license in Indiana, because he supports projects frequently in the state of Indiana. ERM has supported studies in support of solar development across the country. Mr. Corcoran states there are 6 participating county landowners and 21 parcels of land.

Mr. Rich Kirkland- Raleigh, NC, Land Appraiser (Certified in Indiana)

Mr. Scheidt asked how much of the 1192 acres will be under panels? Ms. King explained that they do not have that in the site plan but will be a part of final site plan. The 1192 acres is what is inside the setbacks. 1192 acres does not include wetlands or setback, only buildable equipment for solar energy project. They are staying out of the floodplains.

Mr. Flohr opened the meeting to public comment at 7:16pm

Mr. Jason Kuchmay- 4211 Club View Dr., Fort Wayne, IN 46804, attorney with Snyder Morgan & Kuchmay LLP. Mr. Kuchmay represents a group of 11 property owners who are against Swallowtail's application of conditional use. He shared binders of information to the Board Members. Mr. Kuchmay's information gave reasons as to why this project should be denied, citing reasons that solar arrays are dangerous, there is a negative impact of property values. These solar panels are industrial utility plants, they can change the face of your county long term. It is very important that the Board protect the county, and the people who live in this county.

Ms. Cheryl Carothers-4800 E 300 S, Columbus, IN 47203. Ms. Carothers gave a brief explanation of the group that is being represented "B4CSF". Ms. Carothers shared her disapproval of the solar project, and gave some examples of projects that they deem appropriate for Solar. She shared that it should be denied so that we can preserve productive farmland, and to maintain the productive capacity for a strong county agricultural industry.

Janice Scheidt-3443 N Meadow Dr. Hope, IN 47246. Mrs. Scheidt stated that the Comprehensive Plan is to protect and serve Bartholomew County for the future. Please follow and honor our long-range plans and guidelines. Deny this conditional use application; and any future commercial solar energy systems that come before this board.

Adam Wade-6630 E 350 N Columbus, IN 47203. Mr. Wade shared a slide presentation of data gathered from the USDA AG statistics website regarding corn and soybean crops within Bartholomew County, Pollinators and soil samples. Our community needs to preserve very productive farmland, preserve its productive capability, deny this application conditional use 4 is not met.

Mel Hasler-6680 450 N Columbus, IN 47203. Ms. Hasler shared a slide presentation regarding preserving, protecting and increasing profits on productive ground used for crops and animals. Deny this application based on Swallowtails negligence to meet and respect criteria 1 and 4.

Ms. Katie Stoner-10411 N 150 E Columbus, IN 47203. Ms. Stoner shared that she is a graduate of Hauser in May, and will study agriculture at Purdue University this fall. Ms. Stoner fears the future of her generation in an agricultural career is at risk, due to the harm this project can cause to the wildlife and farmland.

Ms. Willa Wetzel-8681 E 450 N Columbus, IN 47203. Ms. Wetzel is a senior at Hauser H.S., 10 year 4 H member. Ms. Wetzel stated that she wants the board to follow the comprehensive plan, protect our farmland, our culture and our community. Deny this application based on criteria 4.

Ms. Grace Hasler-1401 Pennsylvania SE, Washington, DC.(via voice recording) Ms. Hasler works in Grass Root Advocacy for the National Corn Growers Association. Ms. Hasler shared her disapproval for solar energy and gave reasons to this.

Ms. Caitlyn Murphy-6405 E 250 S, Columbus, IN 47201. Ms. Murphy spoke on the adverse effects of weather and the possibility of reoccurring damage that could take place over the next 30 years. Ms. Murphy feels that criteria #1 is not met and is against this project.

Mr. Jeff Hilycord-4345 N 425 E, Columbus, IN 47203. Mr. Hilycord shared that he is a real estate broker. Mr. Hilycord shared further information on research that was collected on housing prices on rural homes that are near solar installations. Mr. Hilycord is against this solar energy project.

Mrs. Christine Kimerling-3704 Ironwood Ct., Columbus, IN 47203. Ms. Kimerling shared some financials on assessments within the county. She spoke about the possible difference in property taxed that won't be collected, if this project is approved. She is against the solar energy project.

Mrs. Emily Welsh- 8845 E CR 350 N, Hope, IN 47246. Mrs. Welsh states the solar energy project surrounds three sides of her property. Mrs. Welsh is concerned about the environmental concerns of Swallowtail Solar Project. She is against the project.

Mr. Tim McNealy-915 5th St., Columbus, IN 47201. Mr. McNealy spoke on the targeted solar lease contracts in Bartholomew County. Mr. McNealy spoke on the economic development losses that come with solar farms. Mr. McNealy is against this project.

Mr. Ben Eckert-11166 E 200 N Hope, IN 4724. Mr. Eckert shared a slide presentation. As solar developments continue, farmers stand to lose the most. Ask to deny application due to criteria # 4 not being met.

Mr. Dan Schroer-3950 High View Way, Columbus, In 47203. Mr. Schroer shared a slide presentation regarding the materials required by solar farms. Mr Schroer asks to vote no to the request brought before the board.

Mrs. Jeni Bonnell-Smith-4875 N 700 E, Hope, IN 47246. Mrs. Bonnell-Smith states, before a decision is made there are several critical questions that need addressing. Mrs. Bonnell-Smith shared that criteria #4 has will never be met, and to deny this application.

Mr. Henry Wischmeier -5550 E 275 S Columbus, IN 47201. Mr. Wischmeier asked the board to deny this project based on not meeting criteria # 4.

Mr. Jim Moore-4242 E 300 N, Decatur County. Mr. Moore is a farmer, and a private solar array owner. He stated his concerns with the equipment in years to come, when the lease is up.

Mr. Connor Bonnell-2208 Canyon Creek Drive Lafayette, IN 47909-Mr. Bonnell shared he opposes this application.

Mrs. Cindy Finkel-3609 Colonial Dr. Columbus, IN 47203. Mrs. Cindy shared information regarding lost farmland in Bartholomew Count for new subdivisions, new BCSC school, Toyota etc. We as farmland owners who have signed solar leases ask that the board approve the solar farm application.

Mr. Robert Finkel-6002 N 600 E, Hope, IN 47246. (Read by daughter Cindy Finkel). Mr. Finkel stated that he has signed an optional solar lease, and considers this a business opportunity. Evaluate and approve this application based upon information presented by Swallowtail Solar.

Mrs. Lois Bonnell- 4350 N 425 E, Columbus, IN 47203. Mrs. Bonnell stated that she supports and approves the Swallowtail Solar project. Would like the board to consider the Swallowtail Solar application, and allow farmers do what they would like with their land.

Mr. Greg Daily-8950 E 25TH St, Columbus, IN 47203. Mr. Daily stated that he would like the board to consider the alternative farming from sources, and help save our family farms.

Mr. Lynn Finkel and Ms. Carol Kelleghan-16240 W Boulder Dr., Surprise, AZ 85374. Mr. Finkel shared his approval for the lease of his land for solar farms. His children is the generation that will see this project to conclusion. He asks the board for their consideration for allowing the application for solar farms. Mrs. Kelleghan shared her concern for the availability of clean air, clean water, and renewable energy for their children and grandchildren.

Mr. Joseph Kelleghan-1487 N ½ Rd., Loma, CO 81524. Mr. Kelleghan shared his support for the Swallowtail Solar project.

Mr. Dennis Tibbits

Mr. Dennis Allen-12275 E 250 N, Hope, IN 47246. Mr. Allen shared his concern for not being able to enjoy the wildlife on his outings, if these solar farms are taking over this countryside. Opposes the Swallowtail Solar project.

Ms. Mariah Finkel-5293 Cozy Glen Ln., Alexandria, VA 22312 (Mrs. Lois Bonnell read a statement on her behalf). Ms. Finkel shares her support for the Swallowtail Solar project. Her objective is to retain her family holdings and agricultural use.

Mr. Jessie K. Finkel-6502 Dryden Dr. McLean, VA 22101. (Mr. Joseph Kelleghan read a statement on his behalf). Mr. Finkel shares his support for the Swallowtail Solar project.

Mr. Joe Bush, 4393 N 500 E, Hope, IN 47246. Mr. Bush shared a slide showing 4 years ago the complex of houses that were built on highly productive farm ground. This farmland will never be put back to productive use again. Trying to preserve this ground for future generations, giving them a choice of how this land can be used at the conclusion of the solar contract.

Mrs. Kathy Bush- 4393 N 500 E, Hope, IN 47246. Mrs. Bush stated that she hopes the board respects the rights of landowners, and allows them to make decisions about their own property even if they decide to lease it to solar.

Mr. David Wildemann-944 Parkside Dr., Columbus, IN 47203. Mr. Wildemann states he expresses his support for the Swallowtail Solar project, and the landowners who want to lease their land willingly for this solar project. The claim renewable electricity generated will feed into the local grid, and since electricity flows to supply the closest needs first that means it will supply local homes and business in Bartholomew County and Columbus. It will also help improve electrical stability.

Hope Moore-4242 E 300 N, Decatur County-(Mr. Jim Moore read a statement on his wife's behalf) Mrs. Moore states how corn is a world trade, that is how the USA is how they trade on the world market is with grain. Mrs. Moore opposes the use of productive farmland for solar energy.

Mr. Stan Overly-5303 Cameron Ln., Lafayette, IN 47905. Mr. Overly shared that he agrees with the solar energy project. Farmers are struggling to survive hard economic times. He urges the board to stick to the facts and respect property rights.

Mr. David Hudson-1445 S US HWY 31, Columbus, IN 47201. Mr. Hudson shares that farmers can use their grounds as sees fit, as long as fits in with those goals set by the county. This project does not fix the hunger problem in this world. Concerns with the amount of fencing used to go around this project, and how it will affect the wildlife. Mr. Hudson opposes the solar project.

Mr. Eric Riddle-2204 Home Ave, Columbus, IN 47201. Mr. Riddle supports Swallowtail Solar project.

Mr. Tyler Bense-5841 E 700 N, Columbus, IN 47203 . Mr. Bense is a 4H and FFA member in Bartholomew County. His primary concern is the amount of trees that will be displaced for this solar project. Mr. Bense requests that the board deny this application on the basis this project will affect the community, and its members for generations to come.

Mr. Flohr asked if anyone else wishes to speak.

Mr. Flohr closes the public portion of the meeting at 9:29pm, and that they will take a short break.

Mr. Flohr calls meeting back to order at 9:43pm.

Mr. Flohr asked the petitioners if there was anything to add.

Mr. Smith shared answers to notes that he had taken from the public.

Mr. Haskell asks Mr. Kirkland to defend his study and methodology regarding special transactions.

Mr. Kirkland shared he has researched over a thousand solar projects across the country. He uses a well-accepted methodology utilized in every state, to conclude solar energy systems do not have an adverse impact on neighboring property values.

Mr. Scheidt asks petitioners regarding a piece of testimony indicating that they have not sold any of their projects, that they maintain them from start to finish. Testimony came in that Posey Solar was sold to a utility company but was a unique project.

Mr. Smith answered that 99% of their projects have maintained long-term ownership and that is their intent of our investors.

Mr. Haskell asks petitioners if Swallowtail were to become part of that 1%, what happens to the funds that have been put into escrow for de-commissioning. If this was sold to a utility, will funds still be there for that purpose and would the requirements still be there that the utility use those funds to make this once again productive farmland?

Mr. Resetarits states that the utilities are purchasing the assets in the entity from Arevon, so their ownership structure that is set up at Swallowtail Solar, their either buying membership interest in the entity or they are buying the assets and selling the assets to the utility. Under either scenario, the contracts that Mr. Smith mentioned, most importantly the leases with the landowners will require the project be de-commissioned after the end of the project.

Mr. Haskell asks the petitioners for answers on how much hardwood land will be impacted for this project, and how will it be returned to its original state after the decommissioning. Will large amounts of top soil need to be removed, and stored somewhere. What happens with wide scale destruction of the panels, does that or does that not release chemicals into the soil.

Mr. Flohr asks the board if they have any other questions for the petitioners.

Mr. Haskell wants to state for the record what was included in Ms. Begley's staff report regarding setbacks for different types of projects.

Mr. Flohr asks if there is a motion for approval or a motion to deny.

Motion: Mr. Haskell made a motion to approve the development standards agreeing with staff report that all criteria has been met. He would like to add to the proposal the recommended conditions that were put forth by the petitioners. The motion failed due to a lack of a second.

Mr. Flohr asked if there were any other motions or discussions to have.

Motion: Mr Scheidt made a motion to deny this application, stating that he felt that criteria #4 Has not been met. First goal of Bartholomew County Comprehensive plan is to "preserve productive farmland and maintain the productive capacity for a strong county agricultural industry". Mr. Scheidt stated that he does not believe that this us promotes that goal. Mr. Glick seconded the motion. The motion carried 3-1, with Mr. Haskell voting for his disagreement. The motion for denial passed.

FINDINGS OF FACT:

BDS-2024-007: Jeff Smith

Motion: Mr. Scheidt made a motion to approve the findings. Mr. Arnold seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

BDS-2024-009: Evan Elsbury

Motion: Mr. Arnold made a motion to approve the findings. Mr. Glick seconded the motion. The motion passed with a voice vote of 4 in favor and 0 opposed.

APPROVAL OF MINUTES: Minutes of the June 24th, 2024

Motion: Mr. Scheidt made a motion to approve the minutes of the June meeting as amended. Mr. Glick seconded the motion. The motion passed with a roll call of 4 votes in favor and 0 opposed.

DISCUSSION:

None

ADJOURNMENT: 11:00pm

Motion: Mr. Flohr made a motion to adjourn. Mr. Scheidt seconded the motion. The motion passed with a roll call vote of 4 in favor and 0 opposed.

David Flohr, Chairperson

Eric Scheidt, Secretary