

December 9, 2024
Special Meeting of the
Marshall County Board of Zoning Appeals
Plymouth Wesleyan Church
11203 Michigan Rd.
Plymouth, IN 46563

MINUTES

President, Jeff Gustafson, called the special Marshall County Board of Zoning Appeals meeting to order at 6:00 p.m. on Monday, December 9, 2024, at Plymouth Wesleyan Church Plymouth, Indiana. Present were Commission Members Jeff Gustafson, David Hostetler, Trent Bennett, Jim Kephart, Matt Miller, and alternate Joe Allyn. Also present was Ty Adley, Marshall County Plan Director, Lori Lowry, Board Attorney Derek Jones and interested parties.

Mr. Hostetler made a motion to re-open the public meeting, seconded by Mr. Bennett. Motion carried.

Attorney Jones read into public record notices of the following meetings:

November 7, 2024 Notice of Public Hearing & Notice of Public Meeting was advertised on October 19, 2024 in the Pilot News.

December 3, 2024 Notice of Public Hearing & Notice of Public Meeting was advertised on November 16, 2024 in the Pilot News.

The public hearing portion of the meeting is over and we're now in the component of the public meeting section. This is basically time of deliberation where the board can talk amongst its members and to the applicant.

There is a decision to be made tonight. The decision is to be made in accordance with the Special Use/Exception Findings of Fact. Any motion or decision that is made has to be based on whether you find this project should be approved or denied should be based on general welfare, developmental standards, ordinance intent, comprehensive plan and other considerations spelled out in the ordinance. Any motion made will need to be spelled out in clear terms either for or against based on whether all requirements have been met on all findings for approval or one or

Marshall County Board of Zoning Appeals

December 9, 2024

more requirements have not been met for denial. These findings will need to be stated as well as written on the findings. The options the board has are to approve, approve with modifications, denial or to table.

Mr. Adley has resigned his position with the Marshall County Plan Commission as of the end of November. He is now employed as the Plan Director of the City of Plymouth. He had another work obligation tonight but plans to be back around 7:00pm to answer any questions the board might have of him.

Mr. Hochstetler asked Mr. Sternberg to clarify whether its four (4) years to completion or four (4) to start the project. Mr. Sternberg stated that it's four (4) years from the issuance of this special use permit before they pull a building permit. The applicant provided a timeline for the board to see. The process started with three (3) years of signing leases. Once the land was signed up different studies were done. Once the applicant obtains a county permit the applicant applies to the Indiana Utility Regulatory Commission to obtain their approval, which is a six (6) to nine (9) month process. During the process of the projects interconnection is where the project gets bottlenecked and is out of the applicants' control. Tamarack Solar understands that going from one (1) year to four (4) years is a big ask and they are willing to reduce it to a timeline that is measured from when they receive their state level approval. Another additional commitment Tamarack Solar offered was to provide annual updates of what process has been made.

Mr. Hochstetler asked Mr. Sternberg when the clock starts. Mr. Sternberg replied that the clock would start as soon as the board makes their decision. The applicant; however, is asking that the clock wouldn't start until receiving state approvals. After the state approval Mr. Sternberg thought that two (2) years would be an appropriate amount of time for completion.

Mr. Miller has a concern with the wildlife corridors. How many miles of fence are contiguous? Mr. Sternberg commented that this project is split up into an excess of 20 different array areas. Between each area the wildlife is able to traverse around each one.

Mr. Sternberg stated, "One of the staff conditions was to add a wildlife corridor and as I

Marshall County Board of Zoning Appeals

December 9, 2024

mentioned at the previous meeting we are prepared to meet generally all of the conditions as recommended by staff including the wildlife corridor.” Mr. Miller questioned how far the deer were going to have to walk around the fenced area? The applicant didn’t have the exact answer, but he didn’t think they would have to significantly go further than they do now.

Mr. Bennett asked when the project is up and going and when the wildlife gets inside the fence area what happens? Mr. Sternberg said that smaller animals isn’t usually a concern. If for instance a deer gets in and someone notifies them, they would work at diverting them to leave by way of an open gate.

Mr. Hochstetler questioned that when the project gets sold if the new owners are held to the same constraints or will the county have any say in the sale? Mr. Sternberg said, “Any approval, contract with landowners, other agreements with the county should the project be sold to another party they would all run with the existing agreement. The agreement cannot change because of who is in ownership of the project. Invenergy is a developer, contractor and owner operator where this has led them to long term success for them and community they work in.

Mr. Kephart asked if Tamarack Solar has any minor or half partners that are certified utility companies working on this project? Mr. Sternberg replied, “no not on this project.”

Mr. Kephart asked if you get certified for this project, you bring on a partner or you get bought out, public utilities can use eminent domain. Mr. Sternberg stated that when this project gets built and they get their state approvals, that doesn’t invalidate their agreements with landowners.

Mr. Kephart asked when the energy is produced does it go to the Midwest grid? Mr. Sternberg stated that they have an interconnection agreement with their que that is with Mid Interconnect System Operator. That is a grid that expands from northern plains from Canada to Louisiana. Invenergy is in the process of getting their agreement and once that agreement is completed they have the access to put it on the grid. The electric then goes to wherever the need is.

Marshall County Board of Zoning Appeals

December 9, 2024

Mr. Bennett asked about the facilities that you currently operate do you still own all of them and who have you sold them to? Mr. Sternberg replied in Indiana they are constructing a project for NIPSCO in Sullivan County, built a project in Clinton County, and working AES Indiana. A project like this would likely be desired by Indiana utilities because of the high demand. They own projects in Illinois, Wisconsin and Michigan. Many of the projects get sold.

Mr. Miller was not necessarily happy with the previous wildlife answer. Has seen solar arrays in Michigan Coldwater area where there are large areas with fencing around them leaving primarily roadways for the wildlife to travel. It would make most sense for a wildlife corridor no more than every mile. Have you seen something such as this? Mr. Sternberg stated that Invenenergy has learned a lot during construction of these types of projects. Invenenergy has found that vegetation management has been critical. They have their own team that specializes in vegetation management. Ben from that team shared their plan of the plantings of evergreens and shrubs and also an extensive corridor along the fence lines that will provide a good habitat for the wildlife to transit in those zones. In the building phase there are plans that will have offsets with natural ways where the habitat will naturally use. They are preserving the same edge habitat that wildlife would use if there was a field that was fully planted. Land management studies are done for every project and they are usually done just before the project. They also use wildlife friendly fencing for this project. Smaller wildlife will be able to travel through, whereas the larger deer will have to travel around.

Mr. Bennett asked for more detail on the buffer areas. Ben continued to reply that there will be two buffer areas. One per the ordinance that requires residential screening. All the residences will have screening either at the fence line or at the property line whichever provides the best screening benefit. In the ordinance it also requires screening at intersection and other roadways which is a secondary screening that softens the view. Mr. Sternberg added that staff had asked for additional screening in areas and they are willing to continue to work with staff.

Mr. Gustafson said that Starke County's solar areas screening is arborvitae and has a hundred (100') between them. What is the distance between the arborvitae of Tamarack Solar's project? Mr. Sternberg said that it would be twelve (12) trees per one hundred (100') feet. The intent for the screening would be a staggered row.

Marshall County Board of Zoning Appeals
December 9, 2024

Mr. Bennett commented that the setback is 325'. With adjacent parcels abutting Culvers zoning with residences shouldn't those setback be 325' as well? Mr. Sternberg replied that if they aren't planned for that, they would certainly be following at least that for the homes that are on the line.

Attorney Jones stated, "We have no jurisdiction whatsoever within Culver's zoning jurisdiction. We are not here to approve or deny that is for Culver to determine." They have to abide by Marshall County requirements if the real estate is where the solar array is in Marshall County. They have to abide by the Marshall County Zoning Ordinance, not Culvers.

Mr. Hochstetler commented that the staff report noted the property on Thorn Road's setbacks would be five hundred (500') feet due to panels being on more than one side.

Mr. Sternberg commented that at the end of the second meeting Tamarack Solar was willing to accept the conditions recommended by staff. In addition, there were many comments and concerns by the public. They are willing to address them with an additional list of conditions.

Mr. Sternberg stated that they have made many commitments during the question and answer with staff and in addition to that Tamarack Solar is willing to add conditions. The conditions are as follows:

<p>Buffering and vegetation secondary screening should be upgraded to the primary screen and the primary screening should be updated with an additional second row.</p>	<p>Matching recommendation that the</p>
---	---

<p>Staff Condition 4</p> <p>difficult, but would provide a second notification to landowners prior to construction that if they would like screening before construction, they would work with them to install that.</p>	<p>Screening before construction would make it</p>
--	--

<p>Staff Condition 6</p> <p>committed to minimize grading plan.</p>	<p>Related to grading across the site. They are and maintaining topsoil across the site. The final grading plan.</p>
---	--

<p>Staff Condition 7</p> <p>staff.</p>	<p>Buffers shall be extended as reviewed by</p>
--	---

Marshall County Board of Zoning Appeals

December 9, 2024

Facilities being too close to homes If any resident that is adjacent to panels on greater than one side... after the one side that setback should be increased to 500'. There aren't many of those instances. There are three (3) and they will increase the setbacks in those areas.

Mr. Gustafson asked why Tamarack Solar is coming to the board with this information now after the board hasn't had time to review it?

Mr. Sternberg continued with additional conditions:

Wildlife corridor (site plan) recommendation by staff #3

Staff Condition 9 Comments & commitments made as well as the ones this evening.

No permissible expansions of solar panels beyond current layout.

Inverters not moving any closer to residences in the current layout.

Sunset date of project to be 50 years following the start of construction to match the leases with landowners.

Timeline to pull a building permit and increase it to one year following issuance of state level approvals.

Miscellaneous requirements – Emergency Response Plan

Mr. Kephart asked that solar panels degrade at one percent per year. When will these degenerate. Mr. Sternberg replied that they plan to use has a 25 year useful life. At time of construction these panels will be the latest and greatest. If the energy has decreased enough that they feel they can upgrade with new panels and the old panels to possibly be used as residential or components be recycled and used.

Marshall County Board of Zoning Appeals
December 9, 2024

Mr. Bennett asked how long the lease agreements could go. Mr. Sternberg responded that it could go up to fifty (50) years.

Mr. Kephart said that EPA says the waste is hazardous. There is a concern for our landfill and recycling isn't cost effective.

Tom Braman, Westwood Senior Environmental Specialist, said as part of the decommissioning agreement, that his office prepared, the primary way is to re-use the solar components which is the most economic viability and secondary recycling. Recycling is done to the closest proximity of the project.

Mr. Gustafson stated that as a part of the decommissioning agreement the approximate cost is \$11,673,200 and \$77,821/ mgw. The net decommissioning cost after resale and salvage is approximately \$10,036,600 in surplus. Mr. Gustafson questioned the process of buying the panel, selling it for 75% of new and that person selling it again to make a profit and stay under new. Mr. Braman stated that this is their standard procedure for doing these calculations for decommissioning. Because of our Decommissioning Agreement Mr. Sternberg said they are required to put up a bond regardless the salvage value. When asked if they could do a Letter of Credit instead of a bond Mr. Sternberg replied, "yes that should be something they could accommodate."

Mr. Miller questioned that due to the newness of solar farms has Invenergy decommissioned any? Mr. Sternberg replied, "no". Mr. Braman said that he was aware of any pv solar being decommissioned at this time. Mr. Miller replied that these numbers are an accepted way to do this, but there is no real world experience to know whether it right. Mr. Braman said that is a fair response, but every future estimate has risk.

Mr. Bennett stated what happens if you sell an electrical utility such as NIPSCO. Mr. Sternberg gave an example of one of their clients. Utility companies like to purchase projects such as these after they are up and running. When the projects are sold Invenergy continues to operate and

Marshall County Board of Zoning Appeals

December 9, 2024

maintain. Mr. Bennett wasn't satisfied with the answer.

Attorney Jones spoke that the requirements of that agreement would be assigned to any successor or purchaser whether nipsco or public, they would have the same requirements.

In response to the rules of operation from Mr. Hochstetler Mr. Townsend replied. The conditions and commitments gets recorded and follow the property. So, if someone comes in and purchases they are obligated to the commitments that are recorded. The same rules will follow if there is a bankruptcy.

Michael Kaplan, Invenenergy Senior Vice President stated they use their own sponsor equity for funding the project. Once the project is de-risked Invenenergy would get a term loan for the project that would have as collateral the lease hold interest and equipment.

Mr. Miller asked if they've ever started a project and it not get completed? Mr. Kaplan said that Invenenergy hasn't found itself in that situation, but they have acquired one in that situation. Because of the bond in place before construction there is no liability to the public or landowners.

Mr. Gustafson asked what would happen if all subsidies were taken away from this project? Mr. Kaplan stated that they do not receive any subsidies until the project is brought online.

The Decommissioning Agreement is under the prevue of the County Commissioners, not the BZA. They retained counsel, Attorney Rick Hall from Barnes and Thornburg. The approval of said agreement is subject to the approval of the County Commissioners, not the BZA.

Mr. Gustafson asked why are we building solar farms. Mr. Sternberg replied that there is a demand.

Mr. Gustafson asked how many acres of solar panels would it take to replace all these coal plants? Mr. Sternberg replied that it's not a one for one answer. There is a demand for these types of projects.

Marshall County Board of Zoning Appeals
December 9, 2024

Mr. Gustafson asked if the panels attract heat? Mr. Sternberg that they are considered a latent type of heat. A small amount of heat that you are still able to touch.

Mr. Gustafson asked what his company does on the project. Mr. Sternberg replied that Invenergy develops all types of energy projects. They work to obtain land for the projects, conduct preliminary studies, procure project components, and hire a subcontractor to build the project. The panels for this site they hopes to procure from somewhere close but doesn't know for sure where they will come from.

Someone from Mr. Sternberg's team stated that they will work with all suppliers who will provide the right equipment for a given project at a given time. A large amount of Invenergy's projects have been supplied with products that were made in the United States. A company named Illuminate out of Columbus is one of the companies. China has overwhelmingly dominated that mark and many other Asian companies have followed. Some of their modules have been from there. He can't speak to every project. Mr. Gustafson shared his concern how solar is coming to the United States to replace coal fired plants when when coal fired plants are being built in the other countries.

Mr. Gustafson stated when someone has a project and comes to this board they ask first before they start the project and have an investment in it. Why didn't you do that? Mr. Sternberg replied that they wouldn't have been able to meet the burden that's required by your solar ordinance.

Mr. Bennett asked about neighboring agreements. Mr. Sternberg replied that Invenergy doesn't have any neighboring agreements on this project.

Mr. Gustafson questioned when people sign there contract how soon it gets put on their deed? Invenergy's practice is to have it on in a month after the agreement is signed. It is at Invenergy's best interest to have it recorded in case another company comes in to develop in the area.

Marshall County Board of Zoning Appeals

December 9, 2024

Mr. Bennett has if this project will grow and Mr. Sternberg replied that it won't.

Mr. Gustafson asked how fast the contracts can be prepared? Mr. Sternberg replied that each case is different especially if there are negotiations.

Mr. Gustafson gave specific examples if you can get out of a contract, and if a husband and wife get a divorce.

Mr. Miller asked about long-term investment in the community. How many employees will be based here? What is the economic benefit to Marshall County? Mr. Sternberg replied that a project of this size will have two (2) or three (3) local operations and maintenance. They plan to contract locally for example: fence repair, ditch re-routes, and mowing. The real benefit is the assessed value for the long term.

Mr. Gustafson asked about the personal property tax and if they will get an abatement. Mr. Sternberg replied that Marshall County's Council has said they aren't interested in an abatement. The taxing is on real property and personal property. The real property that is ag is currently being assessed at \$1,500-\$2,000. The land being assessed below solar is approximately \$13,000 per acre. The personal property 5-10% of the total capital investment of the property. The personal property on this project is projected to be a quarter of a billion dollars. That is new revenue that is coming from a different taxpayer that has the ability to reduce another taxpayers dollars.

Mr. Kephart asked what will happen to the taxes to the properties around the solar? Will it go up or down? Or an example for an existing site.

Mr. Andrew Lines, Principal Valuation Advisory Services, a certified general real estate appraiser in Indiana from Invenergy's team. Generally speaking the assessed values next to a solar farm doesn't change.

Mr. Gustafson asked if all the contract owners are being paid the same? Mr. Sternberg replied

Marshall County Board of Zoning Appeals

December 9, 2024

that he wasn't comfortable sharing contract information, but are generally paid the same.

Mr. Gustafson asked once you start construction can the owner be on the property? Mr.

Sternberg replied that he has been on sites with a property owner. However, there is a safety component to it.

Mr. Bennett asked about the access after the construction? Mr. Sternberg replied that they generally don't have people roaming inside the fenced area, besides maintenance. If a landowner is wanting to be in a specific area they are willing to work with them as the area is locked. This group has been meeting on a regular basis locally. Its possible that the same group will continue to meet for updates during construction.

The proposed panels are bi-facial that will work in all weather conditions. If we don't have coal fired facilities and we rely on solar what happens at night? Mr. Sternberg replied that there are all types of different markets available.

When asked about batteries from Mr. Gustafson Mr. Sternberg replied that this application does not include batteries. Mr. Sternberg agreed that these project work with batteries. When asked if there will be batteries hook to this project. Mr. Sternberg replied that they would have to have approval with the county. If you have a solar contract with someone can you put battery on their property without their approval? Mr. Sternberg replied that it is a private contract and that he didn't feel comfortable talking about it. Mr. Gustafson discussed specific information from contracts that included the cutting down of trees, and batteries on the properties. Mr. Sternberg replied that there is nothing within this application for a battery.

Mr. Gustafson asked about excavation on he project and the fall that is proposed. Mr. Sternberg replied that moving earth is not a cheap and they want to minimize having to do that. They use specific tubing and materials that assist in not having to disturb ground. If ground is moved they move the top soil first and keep it separate and then replace the top soil once the moving of dirt is done.

Marshall County Board of Zoning Appeals

December 9, 2024

Mr. Bennett asked about a retention plan near the substation. Are there not any others. Mr. Sternberg replied that during construction there may be temporary ones, but the only permanent one is near the substation. The land in the solar panel fields is considered an impervious area that doesn't require additional basins or detention in the array area.

Mr. Kephart asked if animals are allowed in the array area. Mr. Sternberg replied that in some areas they have had sheep grazing. Mr. Ben Balskus, Invenergy Vegetation Management, has an area with sheep grazing along and traditional vegetation that gets mowed. Sheep grazing in this fashion would require a lot of planning, but they are interested. During construction their plan is to mow 2-3 times per year. Once the perennial vegetation is established it is monitored to see growth.

Mr. Bennett asked the head height of the solar. Mr. Sternberg replied that it is generally two (2) to three (3) feet from the ground.

Mr. Gustafson asked if all the arrays will be at the same positions throughout the day? Mr. Sternberg replied that is their goal to maximize energy production.

In response to a question on an abatement, Mr. Sternberg stated that the Marshall County Council would have to give the abatement.

Mr. Gustafson asked if there is a tornado and the solar arrays are damaged and pieces land on someone else's property what happens. Mr. Sternberg replied that is why they have insurance to recover. It's no different if it was a home.

Mr. Gustafson asked how many contracted landowners live near the project? Mr. Gustafson listed off contracted owners showing they don't live near the project. Then he asked why the landowners didn't sign near where they live? Mr. Sternberg replied that's it's up to the landowner.

Mr. Gustafson asked how many of the contracted landowners live on the property as compared to

Marshall County Board of Zoning Appeals

December 9, 2024

other BZA requests of home-based businesses. Mr. Sternberg replied that about three-quarters of them live in Marshall County. How many of them will see a solar panel from their home? Mr. Sternberg didn't have the information on him. How many of them are going to have to deal with the construction or see the panels? Mr. Sternberg replied again that he didn't have that information and then asked if it's a requirement to live by the project? Mr. Gustafson said, "It's easy to put something like this around your neighbors' homes and not own." Mr. Sternberg replied that they don't have any control over it.

Mr. Bennett said that he noticed some fingers of the flood plain coming into the areas and asked if they can do that? Mr. Sternberg said they attempt to avoid floodway whenever possible. You can build in the floodway, they ultimately will have to decide whether building in that specific area is a risk worth taking.

Mr. Gustafson asked why the Lauren Hayn property has been pulled. Mr. Sternberg said it's a private agreement he didn't feel comfortable talking about.

Mr. Gustafson asked if Invenergy has done any studies of the leaching of zinc ammonia chloride from the pines in the ground? This is in reference to the study that was done at Ancilla with a slightly higher amount of zinc. Mr. Sternberg said that there are studies out there, but personally haven't studied it. They are planning to follow the EPA requirements.

Mr. Bennett said that he grew up in Burr Oak. In the Comprehensive Plan it states that we should preserve and enhance rural villages in Marshall County. With the proposal there is no room for growth. Many people can't afford houses in Plymouth and in Culver. If houses go up for sale in Burr Oak they sell right away. Mr. Townsend responded saying that in the solar ordinance it says that the comprehensive plan is a consideration and guide. Your staff has stated that Tamarack Solar's project is consistent with the comprehensive plan and the other three components. Mr. Bennett stated, "That is not my interpretation."

Mr. Gustafson stated that they aren't happy with what the commissioners did and what the plan commission did. He believes things will be better next year and will be better protected. Mr.

Marshall County Board of Zoning Appeals

December 9, 2024

Sternberg understand there will be a political change, but Tamarack Solar is willing to work with whoever that is. The solar ordinance that Tamarack Solar is working under was passed with an 8-1 vote earlier this year.

Mr. Gustafson believes that Tamarack Solar should withdraw their application and reapply. For the reason that they Tamarack is not ready to apply since you are not building for a couple years. Plus you are wanting to change a lot of the rules. Would you consider withdrawing your request? Mr. Sternberg replied that would significantly impact the project timeline they are to follow. Tamarack Solar has been following the ordinance that is in place, that is the best they can do, said Mr. Sternberg.

The board didn't understand the changes in the last hour and why they weren't proposed from the beginning. Mr. Townsend stated that there were many conditions in the staff report that he felt needed a response. Plus Invenergy listened to responses and wanted to respond to those as well. The intention was to give a response from the staff report. With not having the opportunity to discuss this with the board any other time he felt writing out responses and whether Tamarack is willing to meet the conditions.

Mr. Gustafson stated that this board is here to help protect the neighbors, their quality of life and their value of land. He believes what the county commissioners and plan commission did it did them no favors. If Tamarack Solar would pull their application; that would give the newly elected people the chance to get the rules straight and get them right. Mr. Townsend replied that he is not in a position to do that.

Mr. Gustafson asked Mr. Townsend if it is required by law to notify a new purchaser that there is going to be solar next to them? Mr. Townsend doesn't know of anything on a sales disclosure that would require that. The Sommers transaction wasn't an Invenergy transaction. Since he wasn't a part of it he couldn't comment.

Mr. Sternberg commented that knowing the concern on this subject they added additional setbacks and added an exclusion area on page 8 that they wouldn't instruct panels until after the

Marshall County Board of Zoning Appeals

December 9, 2024

ditch to the northwest of the ditch. On page 10 there was a plan to have solar panels west of the transmission line. They are adding an exclusionary until after the right of way of the transmission line to accommodate concerns.

Mr. Gustafson wished they would have put these larger setbacks in from the beginning and not have waited till the last hour.

Mr. Sternberg pointed out on page 11 they have added 500' setbacks on both sides of Thorn Rd. as it was an area of concern.

Mr. Gustafson asked Mr. Jones if the county commissioners can override their vote before they get out of office? Mr. Jones stated this board controls the vote of this special use application. The decommissioning agreement, road use agreement those are agreements are under the purview of the county commissioners.

Mr. Bennett asked Mr. Jones if there are a couple of variances hidden in this application? Mr. Jones stated that for this application the applicant approached the plan director and talked about additional time that is needed for several reasons.

Mr. Gustafson wasn't willing to extend the time past the one year as it's standard practice. Mr. Sternberg asked if the board would be willing to extend to one year after state approval. Mr. Gustafson said the rule is one year from the approval of the variance. However, Tamarack Solar could come back to the board for an extension if needed. Mr. Sternberg asked for clarification what that process would look like. Attorney Jones confirmed that the applicant would need re-apply, not ask for an extension.

Mr. Townsend asked the president if his position was the same on tolling during litigation? Which means if they approve the project the remonstrators would have 30 days to remonstrate. The trial court could say you made an error and need to be reversed which could take 6-9 months and then appeals court which is 12-24 months. These suits put them in a difficult situation to forge ahead as a different court and possibly reverse the decision. That is why a request for

Marshall County Board of Zoning Appeals
December 9, 2024
tolling is in there.

Mr. Gustafson's stance is the same as he's not willing to give more advantages.

Mr. Gustafson played an audio of a recording for 23 seconds of what people are going to hear that live by a solar project.

Mr. Gustafson read a letter from Kenny from Starke County of what it's going to be like at the start of construction of a solar farm.

In addition to the concerns is also zinc and the sound effect their health. There is also going to be a devaluation of properties. People in attendance spoke that they wouldn't have bought their property if they new there was going to be a solar farm near them.

Mr. Gustafson shared concerns of neighbors about the loss of property values and does feel this fits in with the character. Marshall County doesn't have something like this out there.

Attorney Jones reminded the board with their options. They can approve, approve with modifications, deny or table the application. The board needs to follow the findings of fact. When making a motion it's not just sufficient to say to approve or deny. You need to site the basis of your motion.

Mr. Kephart made a motion to deny **24-BZA-45 TAMARACK SOLAR ENERGY LLC-** A request for a Special Use to allow a 150 MW (446 panel acres) Farm Scale Solar Energy System that has 1,435 acres within perimeter fencing in portions of West and Union Townships. The project is spread across the following properties; located at the following parcels: # Parcel Number 1 50-31-20-000-005-000-017 2 50-31-20-000-003-000-017 3 50-31-20-000-007-000-017 4 50-31-20-000-008-000-017 5 50-31-20-000-011-001-017 6 50-31-20-000-009-000-017 7 50-31-28-000-001-000-017 8 50-31-29-000-004-000-017 9 50-31-29-000-005-000-017 10 50-31-29-000-003-000-017 11 50-31-29-000-002-000-017 12 50-31-29-000-001-000-017 13 50-31-30-000-006-000-017 14 50-31-30-000-003-000-017 15 50-31-30-000-003-001-017 16 50-31-30-

Marshall County Board of Zoning Appeals

December 9, 2024

000-035-000-017 17 50-31-30-000-029-000-017 18 50-31-30-000-011-000-017 19 50-31-30-000-014-000-017 20 50-31-31-000-004-000-013 21 50-31-31-000-005-000-013 22 50-31-31-000-002-000-013 23 50-31-31-000-033-000-013 24 50-31-31-000-024-000-013 25 50-31-31-000-014-000-013 26 50-31-32-000-011-000-013 27 50-31-32-000-013-000-013 28 50-31-32-000-009-000-013 29 50-31-32-000-006-000-013 30 50-31-32-000-004-000-013 31 50-31-31-000-010-000-013 32 50-31-33-000-037-000-013 33 50-21-04-000-002-000-013 34 50-21-04-000-003-002-013 35 50-21-05-000-008-000-013 36 50-21-05-000-007-000-013 37 50-21-04-000-003-003-013 38 50-21-04-000-005-000-013 39 50-21-04-000-008-000-013 40 50-21-05-000-011-000-013 41 50-21-05-000-015-000-013 45 50-21-05-000-014-000-013 46 50-21-05-000-010-001-013 47 50-21-05-000-026-000-013 48 50-21-05-000-012-000-013 49 50-21-05-000-030-000-013 50 50-21-05-000-001-000-013,

For the following reasons: General welfare, house values, safety, morales and general welfare of the community, staff recommendation of denial, too many variances to change, not good for the neighbors and the health, seconded by Mr. Miller.

Mr. Kephart agreed for Mr. Miller to amend the motion to include the intent of the ordinance, the injury to other properties specifically in value, the general welfare wildlife habitat, wildlife corridor, and general welfare of the community, seconded by Mr. Miller

Mr. Kephart agreed for Mr. Bennett to amend the motion to include farmland, open space, preservation, comprehensive plan, rural character, aesthetics, general welfare are not met, also believes that the sale prices of homes are going to go down, seconded by Mr. Miller.

A voice vote was taken of 4-1 to deny, with Mr. Hostetler voting against. The request was denied.

With no further business to come before the board Mr. Miller made a motion to adjourn the meeting, seconded by Mr. Kephart. Motion carried.

Respectfully submitted,

Marshall County Board of Zoning Appeals
December 9, 2024

Secretary