

MADISON CITY PLAN COMMISSION

Minutes

June 20, 2024

The Madison City Plan Commission held a regular meeting on Monday, June 20, 2024, at 5:30 p.m. in City Hall. The meeting was called to order by Patrick Thevenow with the following additional board members present: Jerry Ralston, Karl Eaglin, Van Crafton Joel Storm, Joe Jenner, City Attorney, Ray Dibaya, Secretary/Associate Planner, and Nicole Schell, Director of Planning. Absent: Mike Armstrong, Board Member, Zac Laughlin, Board Member, Rick Farris, Board Member, Devon Sharpe, Attorney, and Josh Wilber, President.

P. Thevenow announced that they have a quorum and will proceed with the applications on the agenda for the night.

J. Jenner noted that he's sitting in for D. Sharpe and explained to the audience and Board Members the purpose of the meeting, as well as the process for applications to amend the official zoning map.

N. Schell then specified the rezoning requests for the applications. She stated that of the six total applications, three applications were requesting changes in zoning classifications from Low Density Residential (R-4) to Agricultural (AG) and three applications were requesting changes in zoning classifications from Residential Agricultural (RA) to Agricultural (AG).

J. Jenner then noted that the applicant, Ian Evans, had received consent from all property owners to submit these applications. J. Jenner then clarified that this meeting was a request by the Plan Commission to give a recommendation to the City Council, who would ultimately make the decision on whether to approve the rezoning changes. He added that the role of the Plan Commission in this meeting is to give either a favorable recommendation, a negative recommendation, or no recommendation to City Council-- but that regardless of their decision tonight, the applications would still move on to City Council where there will be a public hearing and follow-up meetings.

P. Thevenow asked I. Evans to approach the podium and then asked J. Jenner if the Commission should address the applications individually or as one item since they were all for the same purpose. J. Jenner stated that addressing them as one item shouldn't be an issue, but also noted that in order to get a favorable recommendation from the Board, it would take a majority vote from all of the Board members, not just the members present. So, a unanimous vote of all Board members present would be necessitated for a recommendation to City Council as this is a nine-member Plan Commission.

P. Thevenow stated that unless there were any objections, they would like to address the applications in two groups; one for the parcels currently zoned Low Density Residential (R4), and one for the parcels zoned Residential Agricultural (RA). He added that the first applications that would be discussed would be **PCRZ-24-1, PCRZ-24-2, and PCRZ-24-5**. P. Thevenow then asked I. Evans to give the Commission and audience information about the proposal.

New Applications:

1. **PCRZ-24-1-PCRZ-24-2, and PCRZ-24-5:** Ian Evans on behalf of Cedar Holdco, LLC – Application to amend the official zoning map. Parcels 39-08-19-000-003.000-006, 39-08-19-000-001.000-006, 39-08-20-000-004.001-006, and 39-08-19-000-009.000-006 are currently zoned Low Density Residential (R-4) and the applicant would like to request they be rezoned to Agriculture (AG). Zoned: Low Density Residential (R-4). Parcel 39-08-19-000-008.002-006 is currently zoned Low Density Residential (R-4) and the applicant would like to request it be rezoned to Agriculture (AG). Parcel 39-08-18-000-008.001-006 is currently zoned Low Density Residential (R-4) and the applicant would like to request it be rezoned to Agriculture (AG).
Location: 3247 W DEPUTY PIKE RD, 3201 + W DEPUTY PIKE RD, 2601 + W DEPUTY PIKE RD, and 3247 W DEPUTY PIKE RD, 3000+ W CHICKEN RUN RD, 3621 N 300 W.
Zoned: Low Density Residential (R-4)
2. **PCRZ-24-3-PCRZ-24-4, and PCRZ-24-6:** Ian Evans on behalf of Cedar Holdco, LLC – Application to amend the official zoning map. Parcels 39-07-24-000-002.000-014, 39-08-19-000-005.000-006, and 39-08-18-000-009.000-

006 are currently zoned Residential Agriculture (RA) and the applicant would like to request they be rezoned to Agriculture (AG). Parcels 39-08-18-000-003.000-006, 39-08-18-000-003.001-006, and 39-08-18-000-002.000-006 are currently zoned Residential Agriculture (RA) and the applicant would like to request they be rezoned to Agriculture (AG). Parcels 39-08-18-000-007.000-006, 39-08-18-000-010.000-006, and 39-08-18-000-003.004-006 are currently zoned Residential Agriculture (RA) and the applicant would like to request they be rezoned to Agriculture (AG).

Location: 4321 W DEPUTY PIKE RD, 3901 + W DEPUTY PIKE RD, and 3356 W DEPUTY PIKE RD, 3600 + W 400 N, 3500 + W 400 N, and 3621 N 300 W, 3621 + N 300 W, 3750 W DEPUTY PIKE RD, and 3356 W DEPUTY PIKE ROAD.

Zoned: Residential Agricultural (RA)

Ian Evans on behalf of Aypa Power, also known as Cedar Holdco, LLC, the applicant approached the podium and discussed the proposal and the reasoning for the rezoning, as this was the first step in the process to have the Solar Farms placed on the properties. He explained the current use of the land, Aypa's proposed use of the land, and opened the floor to questions from both the Board and the audience.

K. Eaglin asked I. Evans how much power they expected to produce with the solar panels.

I. Evans responded that it would produce around 150 megawatts per day.

K. Eaglin asked I. Evans about fire protection and how they would respond to emergencies.

I. Evans stated that they have several plans prepared in the event of an emergency. He added that they have met with emergency management personnel, drafted commitments to ensure fire safety, helped train firefighters on how to handle an emergency at the site, and noted that they're going to provide an emergency management program that they'll have to conduct once a year.

K. Eaglin asked I. Evans if the site would be manned 24 hours a day. I. Evans responded that there would be 1-2 permanent full-time employees, but they would not be on site 24/7. He added that they would have the capability to monitor the site virtually, and that they'll have a point of contact with emergency management personnel who could contact them if anything were to happen.

P. Thevenow asked I. Evans if the onsite employees would be based in Jefferson County or if they would be based remotely. I. Evans responded that the employees would be onsite as maintenance and operation of the power plant would require employees to be physically present onsite.

J. Storm asked I. Evans how long the current properties have been used as agricultural. I. Evans responded that the landowners would be best suited to answer that question but did mention that he believes the continued use would be agricultural.

J. Storm asked I. Evans by what means or methods would the land be able to continue to be used agriculturally. I. Evans responded that the property owners would want the land zoned as agricultural regardless of the project.

K. Eaglin asked I. Evans if the land could still be used to plant vegetables after the solar panels are erected.

I. Evans responded that the land would still have farming capabilities. He added that there would be no permanent concrete or gravel used and that only a small plot of land, which would be used for a building for operations and maintenance, would not return to agricultural use. He continued, stating that the solar panels are clipped onto poles that are attached to steel I-beams that are driven into the ground and are removeable. He last remarked that Indiana

Statute has specific standards for decommissioning of these sites that they must abide by to ensure the land is restored to its original use and that they would enter a decommissioning agreement with the city to decommission the site.

P. Thevenow asked I. Evans about the projected lifespan of the panels. I. Evans responded that the intended life of the project is 30 years. He elaborated, stating that they need a long-term power purchase agreement with someone who's going to buy the power for a minimum of 15-20 years.

P. Thevenow asked I. Evans if the applicant would be providing a bond to ensure there's funding for the decommissioning of the site in 30 years. I. Evans responded that that was a part of the decommissioning obligations, which also include security with the landowners and the lease agreements. He added that they will sign a separate agreement with the city to ensure that the money is set aside in a bond.

K. Eaglin asked I. Evans if there would be a containment area for the batteries in the event of a leak. I. Evans responded that the batteries sit in an 18-wheel tractor trailer, although he did not guarantee they would be leak-proof. He added that the batteries are separate from the panels and have already been permitted.

K. Eaglin asked I. Evans where the power source for the panels would come from, to which I. Evans responded that I. Evans responded that the sun would power the panels and that batteries don't necessarily have to be attached to the panels.

P. Thevenow asked I. Evans if the electricity generated at the site is fed directly into the power grid. I. Evans stated that that was correct, and that the electricity is initially generated at a low voltage, increases to a medium voltage when it reaches the transformer, and then becomes high voltage at the substation.

P. Thevenow asked I. Evans what the exterior perimeter of the site would look like and what they would be doing to shield any adjoining parcels. I. Evans explained that he's been in discussions with the locals, as well as the mayor to discuss the visual impact of the solar farm and that they've submitted a landscape plan with the Conditional Use Permits that include a landscape buffer to ensure visual impacts are at a minimum, especially on State Road 7.

P. Thevenow asked I. Evans how far from property lines would the solar panels be placed at a minimum. I. Evans responded that they would be one-hundred fifty (150) feet apart, with a buffer between the one-hundred fifty (150) feet.

K. Eaglin asked I. Evans what the fluid inside of the solar panels was. I. Evans responded that the fluid is silicone.

K. Eaglin asked what would prevent the solar panels from leaking silicone in the event of a hailstorm. I. Evans stated that if a large enough hailstorm did happen, the solar panels wouldn't leak, but they could destroy them to the point where they would no longer be efficient. He added that they can be stowed in a way that they're not exposed to prevent this from happening though.

J. Storm asked I. Evans if there was a plan to replace any broken panels. I. Evans responded that they do have a plan in place because they wouldn't be able to make any money if panels don't generate electricity.

J. Storm asked I. Evans if they (Aypa) would be responsible for the disposal of the broken panels. I. Evans responded that they would. J. Storm asked I. Evans if the organization was owned by a U.S. company or a foreign entity. I. Evans stated that there are no foreign entities involved and that they are based in Austin, Texas. J. Storm asked I. Evans if they were a subsidiary. I. Evans explained that they have a private equity backer that's American and located in the U.S., but that the company itself is an American company based in Austin, Texas with no foreign ownership or entities involved whatsoever. K. Eaglin asked I. Evans if a foreign entity, such as China, could become involved in the company. I. Evans responded no and stated that it would be difficult for them to ever permit anything if they were owned by a Chinese

entity, so it wouldn't be in the best interest of the company or any foreign entity. He insisted their intention is to stay in the U.S. and stay local.

K. Eaglin made a comment that the thousand acres that they're requesting is a lot of land to give up that can never be restored.

J. Jenner noted that a clipboard was being passed around and asked all attendees to sign their names on the paper attached.

J. Storm stated that although this meeting concerned the rezoning applications, the questions being asked were prudent to the ultimate proposal for the use of the land, which he stated they must take into consideration, and asked that the audience understand that they must ask certain questions to gain more insight about the proposal. He then asked I. Evans if there was a plan to expand their solar operations.

I. Evans responded that they do not, and that they must go through a lengthy process through a regulatory agency for the utilities--which they've already gone through--for this specific project alone.

J. Storm then asked I. Evans for more information about how the project came to fruition. I. Evans then explained that Aypa bought the project from another company which had permitted the battery storage facility sometime in late 2022, then decided that they wanted to build the solar with the batteries and began the process of approaching landowners in mid-2023, and conducting environmental engineering to determine the feasibility of the land.

P. Thevenow noted that Indiana Code requires that Planning Commission consider proposals such as this one and quoted the code--specifically a section that discussed how land use should be adapted then asked I. Evans to provide any information in regard to the conservation of property values in the vicinity of the proposal.

I. Evans stated that studies had been conducted in North Carolina that have shown that there would be a negligible impact but added that he does not have any studies on hand to provide to the Commission.

P. Thevenow stated that this proposal would be considered spot zoning and would make it harder to plan future uses within the buffer zone. He added that several other parcels would be surrounded by a new zoning classification and that the planned-out sections of land would then be essentially mismatched and difficult to use.

J. Storm added that the Commission needs to take into consideration the strategic analysis of how to develop the land and its longevity, as well as future considerations on how this proposal could impact that. He added that they need more evidence such as data to help lead them to a conclusion.

I. Evans responded, stating that they could provide documents such as 3D renderings and studies relating to property values that they intended to submit with the Conditional Use Permit to the Commission.

P. Thevenow noted that the Board had no further questions or comments and opened the floor to the audience for public comment.

J. Jenner noted that speakers will be called upon by a raise of their hand and asked that they try to keep their comments concise so other audience members had an opportunity to speak.

Lisa Hammock – 6126 N 400 W – A landowner approached the podium and spoke in support of the proposal.

Dean Ford – address unspecified – A landowner approached the podium and discussed zoning.

Sue Cline – 2410 N 533 W – spoke in opposition to the proposal.

Lexi Bennett – address unspecified – urged the commission and attendees to do their due diligence on the matter and to take into consideration the land's best use.

Sean Hammond – Washington Rd – spoke in opposition to the proposal.

Rick Reuss – 1876 Michigan Rd – spoke in opposition to the proposal.

Dana Hicks – 300 N 300 W – spoke in opposition to the proposal.

Mark Frazier – 3738 N 300 W – spoke in opposition to the proposal.

Nick Scott – 7338 N Halls Ridge Rd – discussed alternative locations for the proposal.

Charlie Ferguson – 718 E 2nd St – spoke in opposition to the proposal.

Martin Christie – 4385 W Deputy Pike Rd – discussed wanting to see more studies for the proposal.

Paula Wetherbee – 2685 W Deputy Pike Rd – spoke in opposition to the proposal.

Savannah Stout – 916 N Thompson Rd – asked I. Evans questions relating to the proposal and asked that a plan of action be presented.

Adam Stout – 916 N Thompson Rd – spoke in opposition to the proposal.

Paul & Cindy Goley – 2241 Clifty Dr – spoke in opposition to the proposal.

Ericka McIntyre – 3023 N 533 W – spoke in opposition to the proposal.

Tracy Lichlyter – 5512 W Deputy Pike Rd – asked I. Evans questions pertaining to emergency management and response, and the material used for the panels.

Eric Obsuth – 317 E St – a Board member for the Aviation Commissioners discussed the proposals approaches in relation to the airport.

Rodney Black – 2188 N Bernstein Rd – spoke in opposition to the proposal.

Brittany Grey -7101 SR 56 – spoke in support of the proposal.

Jed Skillman – 1505 Michigan Rd – spoke in opposition to the proposal.

Michael Greco – 1106 E St -spoke in opposition to the proposal.

Kenneth Hord – 4588 W Deputy Pike Rd – proposed a waiting period to learn more information about the proposal.

Robert Black -1988 N Borcharding Rd – spoke in opposition to the proposal.

Sherry Chapo – 10000 W Deputy Pike Rd – discussed the zoning ordinance and spoke in opposition to the proposal.

P. Thevenow made a motion that a 5 (five) minute recess be taken - Seconded by J. Ralston. Unanimous Consent vote – Final vote is four (4) in favor and none against – Motion carries.

A recess was taken at 7:00 p.m. and the meeting was resumed at 7:09 p.m.

P. Thevenow called the meeting back to order and more members of the public approached the podium to make comment on the proposal.

Karen Skillman -1505 Michigan Rd – spoke in opposition to the proposal.

Teresa Lichlyter – 3366 N 600 W – spoke in opposition to the proposal.

J. Storm made the motion to table the application to August – Seconded by J. Ralston. Before a vote was taken, J. Storm clarified his reason for having the application tabled, stating that he would like to give the involved parties more time to gather and present information about the proposal. J. Jenner asked if any other Board members wanted to make a comment.

N. Schell took roll call for the motion. P. Thevenow announced that the motion failed 4-1 as although the Plan Commission is a nine (9) member body, there was only a quorum of five (5) present and for the motion to pass all five (5) Board members had to vote in favor of tabling the application.

Motion to table the application failed.

P. Thevenow then noted that the discussion pertaining to the applications would continue and opened the floor to more public comment.

Dana Hicks - 300 NW -spoke in opposition to the proposal.

Lisa Ferguson – 718 E Second St – spoke in opposition to the proposal.

P. Thevenow asked for clarification on how the notices were sent out as some applicants stated they didn't receive a notice of the meeting. J. Jenner responded, stating that the notices were only sent out via a publication in the Madison Courier due to the number of parcels involved.

Several members of the public who had already once spoken reapproached the podium and spoke further. P. Thevenow and J. Jenner clarified what a motion would be for and how voting would work for the proposal, starting with this this meeting up to the City Council meetings.

K. Eaglin made the motion to send an unfavorable recommendation to the City Council – Seconded by J. Storm – Roll Call Vote – all ayes – Final vote is five (5) in favor and none against. Motion Carries.

PCRZ-24-1-PCRZ-24-2, PCRZ-24-5, PCRZ-24-3-PCRZ-24-4, and PCRZ-6 were sent to the City Council with an unfavorable recommendation.

P. Thevenow announced that the application will now move on to the City Council where it will go through a three (3) meeting process.

No additional items of business.

K. Eaglin made the motion to adjourn – seconded by P. Thevenow – Unanimous Consent Vote – Motion carries.

The meeting was adjourned at 7:25 p.m.

BY ORDER OF THE MADISON CITY PLAN COMMISSION

P. Thevenow, Board Member

Ray Dibaya, Secretary/Associate Planner