

**PREBLE COUNTY PLANNING COMMISSION**

**September 21, 2023**

The Preble County Planning Commission was called to order in the Assembly Room, Preble County Office Building, Eaton, Ohio, at 7 pm.

Bd Members Present: Art Smith  
Clark Brown  
Celeste Caplinger  
Jim McKee  
Edward Garrett  
Jeffrey Kiracofe  
Annette Harris-Mann  
Dave Haber  
Adam Craft  
Mike Dare  
Brad Kramer, Zoning Director  
Kaelee Rivers, Recording Secretary

Citizens Present: Jane Marshall  
Mark Gebhart  
Ric Prater  
Felicia Prater  
Pam Johnson  
Junior James  
Michelle Wiggins  
Bill and Charlene Hemp  
Mike and Stephanie Hornback  
Nathan Hake  
Lyndsay and Clinton House  
Jill Sorrell  
Dinah and Jerry Worley  
Wendy Aker  
Crystal Rother  
David and Deniece Harris  
Harold Bischoff  
Williams Bowers

Clark Brown: I call to order the Preble County Planning Commission. Roll call.

**Upon call of roll, the above members were found present.**

Clark Brown: Now we need to look at the minutes from last month's meeting. I will need a motion.

Art Smith: **I make a motion to approve it.**

Celeste Caplinger: **I second.**

Clark Brown: Roll call.

**Upon call of roll, the vote was as follows:**

**Art Smith, Yes.**

**Celeste Caplinger, Yes.**

**Mike Dare, Yes.**

**Dave Haber, Abstained.**

**Adam Craft, Abstained.**

**Annette Mann, Yes.**

Jeff Kiracofe, Yes.  
Ed Garrett, Yes.  
Jim McKee, Yes.  
Clark Brown, Yes.

Clark Brown: Now we need to approve the agenda for tonight.

Art Smith: **So, move.**

Celeste Caplinger: **I will second.**

Clark Brown: Roll call.

**Upon call of roll, the vote was as follows:**

Art Smith, Yes.  
Celeste Caplinger, Yes.  
Mike Dare, Yes.  
Dave Haber, Yes.  
Adam Craft, Yes.  
Annette Mann, Yes.  
Jeff Kiracofe, Yes.  
Ed Garrett, Yes.  
Jim McKee, Yes.  
Clark Brown, Yes.

Clark Brown: Now we will do the oath or affirmation. Please come to the end of the table here because your comments will be recorded and she needs to hear.

Kaelee Rivers: Please stand and raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give, is the truth, the whole truth and nothing but the truth to the best of your knowledge? If so, answer, "I do". **(All in attendance replied in the affirmative)** Please be seated. You have taken an oath or affirmation to tell only the truth in this proceeding. You are hereby advised that knowingly making a false statement under oath or affirmation in an official proceeding can constitute a violation of Ohio Criminal Law. If the statement is made with the purpose of misleading a public official in performing the official's function, such behavior could subject the maker of the statement to criminal prosecution for Falsification, a misdemeanor of the first degree, punishable by a sentence of six months in jail, and a fine of up to \$1,000.00. Knowingly making false statements under oath or affirmation in an official proceeding when the statement is material, may also subject the maker of the statement to criminal prosecution for the offense of Perjury, a felony of the third degree punishable by a sentence of up to five years in prison and a fine of \$10,000.00.

Clark brown: **Case # 1591. Michael & Stephanie Hornback submitted application requesting an amendment to the Zoning Resolution of Preble County, Ohio, in order to amend Sections 1103.02.OO Wind Projects and 1103.02.TT Solar Energy Systems and related language in Article VIII- District Requirements and Article XVI- Definitions.**

Clark Brown: Mr. and Mrs. Hornback can come up. You have adequate time to present what comments you want to make. After that, anybody else in the audience, if you want to come up and talk, we're going to have

to limit that to three minutes. There is a lot of you here, if everyone talks, we'll be here all night long, so we'll have to set it to three minutes.

Michael Hornback: (States name.) I'm going to speak for my wife and myself. This here is just aerial's view of what some of you may have already seen or know about, but this is what I'm proposing that we can change and just put things in the proper place. I don't know where to set this to make everybody view it. First off, I want to thank everyone for taking the time to hear us, to see if we can move forward with something that I felt for months, maybe even a few years that needed to be changed. Brad and I have had conversations, many times about the need for change of zoning and I've said about that. Preble County was founded on agriculture for a long time. Most of Preble County that I'm aware of. I moved from Green County because it became overloaded with development. Couldn't get up and down the streets with the tractors, couldn't do nothing without some kind of sign language. We'll leave with that. Moved out here 16 years ago into a rural community and completely satisfied with the way Preble County presents itself in kindness. If you run down the street with a tractor, they'll move off the side of the road for you and that kind of stuff. Where I came from, that wasn't the case. With that said, we're going to go ahead and get started on the possibility of changing the zoning for Preble County. Federal and state incentives have accelerated the energy industry's efforts to bring facilities online as quickly as possible. With our communities being caught unaware and unprepared for ramifications. The commercial industrial solar, wind energy systems are creating a magnitude of size and speed at which they're being proposed and installed. Communities are struggling with how to evaluate these energy systems because these facilities are so new and the land use regulations may not be sufficient to properly mitigate the impact of these facilities on the communities of Preble County. To meet the demands of any proposed facility is imperative to the county that any existing zoning regulations for energy system facilities to be evaluated for the relevance or effectiveness at which time to be updated as soon as possible. Amending these documents will bring structure, consistency, transparency to the evaluation process for these energy systems, making it proactive to have a structured plan of execution in place for protection of Preble County and its residents. 41,000 people in Preble County. That's just the ballpark. It was 42,000 at one time, 41,000. We're talking about the county for everybody. This isn't just for one county or one community, this is for the county. All of us sitting here, all of us. I think that's very important. Unlike many land uses, these solar wind installations will occupy vast tracts of agriculture for one or more generations. They require tremendous local resources to monitor during construction and presumably decommissioning. That's a whole thing all by itself, but we could go there if you choose to. They can have significant impacts on the community depending on the location and that's really what we're talking about tonight is location. These commercial industrial solar wind energy systems facilities are often pitched as a temporary by developers, but it has significant duration, typically projected by applicants up to 40 years, one or more generations. Such concentrated use of commercial industrial, solar, wind energy systems on agricultural land changes the character of the area, alters the natural historical development pattern of the communities of Preble County. What I'm about to read is from the Preble County Land Use Plan. Page six. 72% of Preble County is cropland. This book was printed in 2017, so we don't know what's exact at now, but at that time 72%. Page 11, agriculture has historically been a strong sector of the economy of Preble County. Page 20. Where agriculture and agribusiness services prevail to protect active farming enterprises from incompatible non-farm development whose effects would be detrimental in continued future use of farming industry. The second one is to protect the land best suited for agricultural use to protect the land for agricultural use. Without proactive approach and zoning the onset of this energy system facilities being presented to the agricultural landowners to which these facilities would be contracted for installation, leads to the question, will the county be held to the liabilities of the facilities being installed under the present zoning codes? Are these energy facilities really a reliable industry, enough to remove valuable prime agricultural land from Preble County? If there's not a proactive approach to keeping our zoning codes up to date, these facilities can come like a runaway train. If one developer is given permission without proactive zoning codes in place to protect the entire community,

the county, the door will be wide open for other developers to follow suit. The next thing we will experience is that all facilities should spread across throughout our county. Removing agriculture, an integral part of which the county was built on. The responsibility to these updates lies with this current generation, us, we the people. It's our responsibility. Planning to ensure wellbeing, continued healthy growth at Preble County's future. That is why zoning needs to be updated to the current needs of the community of Preble County at this time. I ask for you to vote on this tonight. It's imperative that we get this going. Whatever the language needs to be. If there's language changed or needs to be changed, let's act on it. Let's fix this. That's what I'm asking. With that said, there's two other people that came together to put this all together to make sense of it. One of them is Jane Marshall and Michelle Wiggins and I ask that they have the time to speak as well. Is that request permissible?

Board: Sure.

Michelle Wiggins: I have some handouts I just want to share with everyone as I speak. To make it short and sweet, I printed it out. Hi, my name is Michelle Wiggins and I reside and own property here in Preble County. I'm here to support the application pertaining to zoning district case number 1591 dated 8/30/2023. First, I want to mention that solar facilities are not solar farms and assets should be removed entirely from the current zoning districts at agriculture and ag business. On page one of the handouts I've given you, you'll see the State of Ohio defines agriculture in section 519 titled Township zoning agriculture defined. It is defined in many ways; however, wind and solar energy facilities are not listed as acceptable uses. On page two, you'll see that the State of Ohio also defines the agriculture district's definition and Section 929. Once again, the state does not include wind or solar energy facilities in the agricultural district definition. On page three, you'll see the State of Ohio and section 303 under section B, the State confers powers to the Board of County Commissioners or the Board of Zoning Appeals to adopt zoning regulations governing acceptable locations, erection, construction, et cetera, so there is no doubt the State has given the zoning authority to each county to do what they feel is best for their community. On page four, the Preble County Zoning Resolution under Agricultural district Section 801 titled, purpose and section A1 states to Protect land best suited for agricultural use from encroachment of incompatible land uses and to preserve valuable agricultural land for agricultural uses. On page five, the Preble County Zoning Resolution under chapter 1601 titled Interpretation of terms or words, Agriculture also mirrors our state and local definition as I previously mentioned. On page six, also referencing the Preble County Zoning Resolution, the definition of nuisance says anything that interferes with the use or enjoyment of property and dangerous personal health or safety or is offensive to the senses. It further states that the separation of uses through zoning IE: industrial from residential help fosters enjoyment of residential areas, free from pollution, noise, congestion, and other characteristics of industrial areas. Finally, on page six, I uh, highlighted the Preble County Land Use Plan under definition of agricultural area, which Mike mentioned in his speaking. So, I won't go over that, but you'll have that. So, from everything I could find on this subject at the state and local level, these documents all support the application to remove solar and wind facilities from the zone districts of agriculture and ag business. I respectfully ask for positive vote this evening to move this forward to the zoning board. Thank you for your time this evening.

Jane Marshall: Hi guys. How are we doing? I brought water because I will be thirsty. I want to go over that with you so you can see why we changed what we changed. So, if you look at the first page under 801.02. My name's Jane Marshall, sorry. I live in Lanier Township. A lot of you know me. Under B17, under Conditional Use, it had solar farms. We removed that and under b. conditional use, under ag business, we removed that. I don't think that solar and ag go together, that solar and farms don't go together. So that's why we removed those from there. Now on the first three pages, and if you have questions, please stop me. On the first two and a half pages, there was the same change in every one because I really wasn't planning on doing much with wind because, you know, I don't think we have wind here too much because of the Indiana bat and they won't

let you put stuff like that up. But what I learned, so I got to give you a little primer. We have the Ohio Power Siting board. How many people have ever heard of that? They regulate solar 50 megawatts and above and they regulate wind five megawatts and above. Well, I thought that it was all 50. So, when they said five, I wasn't too overly concerned. And then I realized it's five megawatts and above. So, six in all these 801.02, I mean it's in there 14 places. I counted them and I changed them a lot. It was a permitted use. Anybody could have gone and put wind turbines anywhere they wanted to. It was a permitted use that can't stay in the zoning code. We don't want those without regulation anywhere, do we? I don't. So that's why it's not there. So, any questions on the first page? Second page is the same way. It's still the wind stuff and then half of the third page is the same stuff, until 812.02 Conditional Use. It had solar farms was Conditional Use. We changed that to solar energy systems, less than 50 megawatts. And we, so if you look up like under 12 in the permitted uses it says private or non-commercial solar energy, that's permitted everywhere. So, if you want to put solar panels on your roof, nobody's going to stop you from doing that. You'll have to get your permits and things, but you don't have to come ask any board. Private or non-commercial wind, it was a Conditional Use in industrial and they called it solar farms again, I'm not going to leave solar farms in there. So, we changed it so the wording is all similar commercial solar energy systems, less than 50 megawatts to generate energy to be sold. That's the deal. They're designed and to generate energy to be sold. So, we took it out of the two agriculture districts, ag and ag business. We left it in here. You have to leave it somewhere. I'd like to take it out, but we can't. We have to leave it somewhere. So, I use the example, a lot of adult entertainment. Do you know adult entertainment is in your zoning code because you have to allow it someplace. So, we have chosen, and it's in highway service district, so we have chosen to make it, put it in the industrial thing. Now if you want to add it to two more, since we took it out of two, we can add it to commercial, we can add it to the other industrial, but we're not willing to leave it in the agriculture districts. Either one of them. Any questions to that point? They had the wind in the plan development. It just cracked me up. Okay, then we go to TT. So, TT is all the rules that pertain to this and we beat these up. I want to give a caveat here. We worked with Michelle and with Mike and his wife and then in the back, please raise your hands. The house family. We are the ones that worked on this. Then I also met with Brad and Adam at some point. And then I met with the Commissioners one day and we, we made some more changes. This wasn't just me, this was a lot of people and every one of these people that I've just mentioned made changes to this and suggestions and we put them in there. The only thing I'm not willing to do and the only thing I said no to was leave it in ag business. I'm not willing to do that. And so, we didn't. TT is, we just beefed it all up. I think in your part of the application was the rationale behind it and that explains a lot of it. We changed some setbacks and how close noise producing stuff can be. We also put in decommissioning, we used a lot of that. We also took out anything that said solar farms. We changed those words. So, all the definition, all the words flow really nicely because they all say the same kinds of things. We talked about setbacks. We borrowed some stuff from the gravel pit industry that we, the part of our zoning code that's in there. So, you'll find that in there. We added a security plan because there was no security. So, if you think about the things, if you think about a 50-megawatt thing that goes to the Ohio power siting board and if it's 49.9, it comes to through the zoning, the Board of Zoning Appeals because it's Conditional Use. So, we need to have those same kinds of things in our zoning code because it's important that we protect Preble County and that's what this is about. It's about land use and it's about protecting Preble County. So, there's a huge decommissioning section in here. There wasn't a lot in decommissioning. We added a bunch of that. We also added a periodic review because one of the problems that people have with solar companies is sometimes they're fly by night or they change ownership or the land changes ownership and you don't know who it is. So, we're having a periodic review. So, you, you all know what the process is. If you have a car shop in your barn or something, you have to go through the Board of Zoning Appeals every periodically. So that was the thought is let's do something like that to this so that, that we can keep track and the Board of Zoning Appeals, because it's still a Conditional Use in industrial. The Board of Zoning Appeals can set the time that it will be to that they have to come back. But then they have to also provide any changes of ownership and that kind of stuff throughout. We put a section in there, we have assigned a notarized statement that we

want from the landowner, the lease, and any other party involved in the development, acknowledging that they're responsible for this. So, if a big mess happens, they're responsible for cleaning it up. And then we have the decommissioning funder bond because that's another big deal. It's, if you think about like the landfill, the Commissioners have to have a decommissioning, well it's not called decommissioning, but to close the landfill and that's what we're talking about here, is we need to have the funds available to tear this stuff out and to get rid of it wherever it goes. They're not recyclable so who knows where they go. That is where all that is. Any more questions? Any questions on TT which is the solar part? And then we did OO which is, we didn't do much changing there, we just made the words make a little more sense. Then the last page is the definitions or what I would call the definitions. There's a lot of yellow there, but this went with a lot of people working on it because it was changed throughout and it's fairly uniform so wind says the same kind of words as solar and the different size solar's are the same kinds of words, just different, just the same basic words. Just whether it's for individuals or whether it's for, you know, larger scale under 50. I also want to read to you because you're saying to yourself, why do we want to do this? Well, the reason that we want to do this is because if you look, many of you have your zoning book with you. If you look at 201, which is the purpose, not going to read it all to you, but I'm going to read a little bit. It's for promoting and protecting public health, safety, comfort, convenience and general welfare. To encourage and facilitate orderly, efficient, appropriate growth and development. And you know, we're the big thing we're doing here, first to admit, we're taking it out of agriculture. These solar panels do not fit into the, to the farming atmosphere we have in Preble County. It just doesn't. And it's to provide orderly, efficient and appropriate growth and development to predict agriculture, residential business, commercial, industrial alike. This is an industrial commercial kind of thing and that's where it should be. When you think about there's, oh, there's been a lot of talk about and back to the solar. There's also, which might give you some heartburn, but we can remove it. The reversion to previous zoning that, was suggested well, I actually suggested it on a Sunday night before I met with the Commissioners, and that's what we came up with because they did, they were concerned about having large amounts of industrial land without anything on it. So, we came up with reversion to the original zoning prior to whatever change you've made, you know, after a project gets done. If that gives you heartburn, take it out. If that gives legal heartburn, take it out because it's going to be years down the road and it's just, I'd rather have these changes need to be made. That's the least of the changes in my mind. The other changes really need to be done. Going back to some more of these, to avoid inappropriate development of lands, taking prime farmland out of production is inappropriate development, and provide SRA drainage, curbing or erosion and reduction of flood to foster a more rational pattern of relationship between agriculture, residential, business, commercial manufacturing uses for the mutual benefit of all. To protect these areas which are not or cannot be served by central sewer, which that really doesn't pertain here to establish. It's not population densities either. To zone all properties with the view of conserving the value of buildings and encouraging most appropriate use of land throughout the county. So, I ask you to support this tonight. I ask you vote yes for this tonight so it can go to the zoning board and keep moving through because these need to be changed. Just so you know, in case there's any question about how a process if this gets passed. So, if somebody wants to put solar panels on an Ag land, they're going to have to first change it to industrial and then they'll have to go through the Board of Zoning Appeals to get it approved because it's conditional use. What questions do you have of me? Okay, I'm sitting down. Thank you and thanks for your time and I ask you to support this.

Clark Brown: Okay, is there anybody else?

Bard Kramer: And just a reminder, we are going to limit testimony to three minutes to give each person an opportunity.

Ric Prater: (States name.) Harrison Township Trustee. I'm here with a resolution supporting changing the solar and taking it out of agriculture.

Brad Kramer: To whom it may concern, this resolution serves the notice to Preble County Board of Commissioners, Preble County Planning Commission, and the Rural zoning Commission that we, the trustees of Harrison Township support the application for change of zoning district rezoning case number 1591 dated August 30th, 2023, presented by Michael and Stephanie Hornback, including attachments A and B, which is the highlighted yellow that we just went over. B is the rationale that's also part of your package. This was dated September 18th of this year and I can pass it around if anybody wants to see it.

Lyndsay House: (States name.) I live in Washington Township. I would just like to read the definition of agriculture for you. I know we might be familiar with it, but it's very specific. The science, art or practice of cultivating the soil, producing crops and raising livestock and in varying degrees, the preparation and marketing of the resulting products. This is not agriculture and I ask that it be moved to industrial where it belongs. Thank you.

Clark Brown: Anybody else?

Jerry Worley: I appreciate you having us here, giving us a little bit of time to speak.

Brad Kramer: Your name, sir?

Jerry Worley: My name is Jerry Worley. I live in Lewisburg, Ohio. Basically, my statement has to do with something that was brought up tonight. I think primarily any type of problems that we're having that people are wanting to discuss up until this time have done with solar or with wind turbines. However, it doesn't matter whether it's solar, wind turbines or an industrial other industrial type of project. There are going to be changes to properties, to roads, to conditions, to everything that happens in the county or the area that's going to happen to. We need to protect those areas. We need to have some type of control over those areas for the roads. There's water diversion. There are so many things that need to be addressed in this, that it's up to you people to do that. And I can only hope that you take the best interest of the entire county into effect when you talk about this. Thank you very much.

Nathaniel Hake: (States name.) I am a Washington Township resident. I'll ask you guys all to ponder something. Does anyone remember when there was a McDonald's in this town? Because that was about 40 years ago and I would say there's only a few people short and few ladies because I don't know your age, but I do know Mr. Dare and I do know Mr. Craft and they were young enough not to have seen the McDonald's maybe when it was first built, but 40 years a lot can change and a lot of us got a lot of gray in our hair and a lot of us have carried this county and supported agriculture for all these years. Almost all of you were born on a farm, raised on a farm, supported farms, supported agriculture, clerked places, worked at the fairgrounds, worked at the Pork Festival, and all the agricultural things that we all love and that we would like our children to be able to love. I don't want to see a solar panel festival here in town. That's not something I'm wanting to see. And 40 years is a long time. A long time. And we don't know what these solar panels arrays could bring. They could say the panels first and then they could say, oh, there's phase two, we got something new. It all falls under the same things. We don't know the health or safety risk because really there's not old enough. We have no idea the effects that this can have on the environment. We can speculate, but we don't know. Do you remember when they told us margarine was better than butter? Do you remember when they told us not to eat eggs? You don't know. I don't know. You don't know. And if we are claiming that we are, we're all lying to ourselves. But what I do know is that Preble County has a proud agricultural history and there's hundreds of farms with hundreds of miles of drainage ditches. I do know from what I've been told, that these solar panels go in on farms and replace the growing crops. Those drainage ditches are cut. Kyle Cross will not be permitted

to enter those facilities and fix those drainage stitches. He will not, that's going to affect the neighbor here, the neighbor there, the neighbor down there maybe miles away. I know it just for example, I will throw Celeste under the bust, her father's farm, I think there's a 24 or 30 inch tile that the county has running off the back of the farm here just east of town and if they put a solar panel array in there, I don't even know how far that goes, but I think it goes clear over to Lexington Road miles away. Once you lose control and you do, the minute that this becomes a solar panel farm, no one in here has any control over any of those things. Once you give and you say that a solar panel array is now a farm that's ludicrous, that's absolutely ludicrous. I can't think of one thing that grows on a solar panel farm.

Clark Brown: Sir, could you wrap it up really quick?

Nathan Hake: I'll just reiterate what they have said that there is, there's nothing agriculture about a solar panel array. There is not one thing growing or living, but there are things dying and that is farm ground in this community. Let's save it.

Brad Kramer: Yeah. If you're going to speak tonight, you need to be sworn or affirmed. Just raise your right hand.

Kaelee Rivers: Please stand and raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give, is the truth, the whole truth and nothing but the truth to the best of your knowledge? If so, answer, "I do". **(All in attendance replied in the affirmative)** Please be seated. You have taken an oath or affirmation to tell only the truth in this proceeding. You are hereby advised that knowingly making a false statement under oath or affirmation in an official proceeding can constitute a violation of Ohio Criminal Law. If the statement is made with the purpose of misleading a public official in performing the official's function, such behavior could subject the maker of the statement to criminal prosecution for Falsification, a misdemeanor of the first degree, punishable by a sentence of six months in jail, and a fine of up to \$1,000.00. Knowingly making false statements under oath or affirmation in an official proceeding when the statement is material, may also subject the maker of the statement to criminal prosecution for the offense of Perjury, a felony of the third degree punishable by a sentence of up to five years in prison and a fine of \$10,000.00.

William Bowers: (States name.) I am a landowner in Washington and Twin townships. What I have witnessed in other counties in Ohio and my travels in my profession is we go through Union and Madison and Pickaway counties when Conditional Use Permits are the method for industrial solar is that once you get that first use permit in hand, then the elected officials of that county quickly lose control as outside interest induced panic selling and come into a township or a neighborhood and sign up quick before the money's gone. Get it before your neighbor gets it, do it before the next election because the next administration will wipe out the money. And what that conditional, first conditional use as precedent, it's very hard to stand in the way of that and you wind up with a very chaotic and sporadic development of solar panels without consideration and forethought of infrastructure and tying them all together. The wonderful work that this group has done in property for you, you will help preserve the authority of our county officials by not saying no to solar is very important. We're not saying Preble County says no to solar, this says if we're doing solar, it's going to come through this committee and subsequent committees and a method that's thought through and planned out and, put together logically and insulate us from the panicked selling that any outside influences brought to our neighboring counties. It's a very good argument, it's a very good set that closes a loophole and it also, you know, it'll clear up confusion on the property taxes as well with the CAUV and the authority of the County Auditor and how all that's handled. This cleans up a lot of messy bits and puts it in a very clear language and a specific spot in our zoning code that is controlled and governed by our county officials and not as easily influenced from outside money. So, thank you.



Tony Pope: (States name.) I'm a Washington Township resident. I live on Kayler Road, about a thousand feet from where the proposed site is be the south farm. I just wanted to say that I'm strongly opposing the solar farms and historically Preble County's been agricultural minded. There's nothing agriculture about this industrial plant that they're wanting to put in. That's basically what it is. Let's keep Preble County rural the way it was when we grew up and the way it always has been. We have a 40-acre rule in this county for a reason. It's to keep it agriculture. I ask you, please don't sacrifice the happiness of so many for the profit of a few. That's all I got to say.

Mark Gebhart: (States name.) Harrison Township. We appreciate the County Commissioners who did ban the mega Solar's in Harrison Township and this is for you Commissioner Haber, who was disappointed that somebody did the stand up and say the farm that I grew up on and now as part owner of an LLC was purchased by my great-great-great grandfather in 1831 and it's been in our family ever since. He noted too that in Harrison Township there was a lot of strips of houses built along farms and different things. But my hope is that even though the Planning Commissioners, Zoning Commissioners, whoever it was back in the days, allowed that to happen, that you guys will be better than that, that you will follow the planning of Preble County and keep it agricultural.

Clark Brown: Anybody else like to speak? Any discussion with our Board?

David Haber: Brad, I got a question. You got the Zoning book in front of you? Industrial uses. What is under that?

Brad Kramer: So, we are looking at I1, limited industrial. That's Article 811.02 that starts in my book on page 56. I hope its page 56 in everybody's book. Well the question is what are the permitted uses, right?

Dave Haber: Yeah, and Industrial.

Brad Kramer: Okay, so on page 56, article 811.I.1, Limited Industrial District and this for the audience, this is what we're, we already have it as a Conditional Use in this district and, and the proposal is to leave it in this district. 1102 A permitted use is any use whose principal function is basic research, design and or pilot or experimental product development or technical training. Office buildings, number 2 of an executive or of an administrative nature or incidental to those uses previously listed. Number 3, sales offices for business slash industrial equipment and supplies. Next page number 4, businesses, industrial service facilities. Number 5, the manufacturer compounding, processing, packaging or treatment of such products as but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool dye, gauge and machine shops. Number 6, there's quite a few, so bear with me. The manufacturer, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bone canvas, cellophane cloth, court feathers, felt fiber, fur, glass, air horn, leather paper, plastics, precious or semi-precious metals or stone sheet metal excluding large stampings such as automobile, fenders or bodies that dates our code. Steel, textiles, tobacco, wax, wire, wood excluding saw and planting mills, mills and, and yarns. Number 7, permitted use is the manufacturer of pottery and figurines or other similar ceramic products using only previously pulverized clay and kiln fired only by electricity or gas. Number 8, the manufacturer of toys, novelties and other similar products of metal, plastics or rubber. Number 9, the manufacturer assembly of electrical appliances, electronic instruments and devices, radios and photographs. Number 10, laboratories experimental, film, testing. Number 11, the manufacturer repair of electric or neon signs, light sheet metal products including heating and ventilation equipment, cornices or eaves. Number 12, permitted use in this district is the administrative executive, financial accounting, clerical and drafting offices. 13 is restaurants but

not including drive-in or fast food establishments. Number 14, governmentally owned and or operated buildings or facilities. Number 15, accessory buildings incidental to the principal use such as facilities or excuse me, such facilities are subject to review under article 815. 16, small wind project less than five megawatts. If conditions found in article 1103.02 OO are met. 17 is radio towers if certain conditions are met. Number 18 is private or non-commercial solar energy systems if conditions found under TT are met. Those are the 18 permitted uses in the Industrial district.

Dave Haber: So, once you go through three or four months of zoning, somebody could put a factory in there to make toys?

Brad Kramer: That's right. All those that I just read, if the property is rezoned to I-1, then these could come in without further zoning inspection. Of course, they'd be required building permits and all those types of things.

Jane Marshall: But that's not where the Commercial solar is. The Commercial Solar is in 812.02. There're two industrials.

Brad Kramer: Oh, did we have it in I-2 after all that? I apologize then I just spent a lot of time reading the wrong one. Okay, now this, this is actually, this is a little more striking because this is heavier but I'm sorry, I looked on Jane's thing and, and Mike's thing. I saw that I-1 and so I went right to that. So, it's I-2, General Industrial, that's heavier. The permitted uses there and we're starting on page 60 and then flipping to 61 and now we're getting into the heavier stuff. So, I do apologize for that. So, it's all permitted and conditional uses as provided with the Limited Industrial District, which I just read. Okay, so all those are valid, but then we add to that. All permitted and conditional uses provided with the limited industrial. So, there's permitted uses, I just read those are also allowed in the I-2 district. Okay, so now we add to that list that I just read. Cement, number 2, cement block and formed products manufacturing. Number 3, railroad train yards, classification yard, team tracks and depots. Number 4, sawing and planing mills. Number 5, chemical products such as drugs, paints, wood chemicals, and allied chemicals. Number 6, stone clay. Chemicals. Number 6, stone clay, glass, brick abrasives, tile and related products. Number 7, fabricated metal manufacturing including ordinance engines, machinery, electrical equipment, transportation equipment, metal stamping wire product, and structural metal products. Number 8 is meat packing. Number 9 is accessory buildings, incidental to the principal use. We have a regulation under 815 again, and that has to do with accessory buildings. Number 10, small wind projects, number 11, ham towers and 12, private or non-commercial solar energy. So those are the, in addition to the previous list. So, all those I just read in I-1 are permitted uses plus these more intensive uses these. So, again, if you rezone to I-2, I shouldn't talk about that, then both of those long lists I just read are permitted to be used in the I-2 district once zoning, rezoning to that district has accomplished.

Art Smith: I got a question here. Comment, maybe. Under Conditional Uses under B, number 24. Would you read that also?

Brad Kramer: Then it would be a solar farm would be under Conditional Use. So, as this code stands right now in the I-2 district, a commercial solar, we call them solar farms currently, and that's what they were saying they want to get rid of, that term solar farm, but Commercial Solar Facilities, are a Conditional Use. So, with the proposal, if you pick a piece of land, you would rezone it to this I-2 district, if it's not already zoned to that. Then you would apply to the Board of Zoning Appeals for a Conditional Use permit. Most of our land in Preble County is agricultural land. That's just, it's rural zoning. This is not City of Eaton zoning. This is rural zoning. So, this has to do with our townships. So if you found an agricultural piece of land that you wish to have one of these solar facilities on, it was a good chance you would want to rezone it to I-2 and then that's a four-month process or so to rezoning. Once it's rezoned at that time, that long list I just read, could be put on that

property. If that owner still wants to then go forth with a solar plan, then they would have to come before the Board of Zoning Appeals for a Conditional Use permit. That's a big part of the reason there was a reversion clause put in that, hoping to try to find a safety so that once a property rezones to I-2, they don't take off their solar hat and then suddenly they put in a sawing and plating mill or a toy factory or engine plant or an engine or meat packing or whatever you can think of.

Katie West: So to that end, I did begin looking up whether the reversion clause was legal or not, and for the most part, if it's in actual zoning, so just so you know, what we're doing here is a legislative process, right? Rezoning is a legislative process. So that means that as we go through all of these different stages, at the end, the County Commissioners are going to make a legislative decision to change our zoning resolution. Then any of the little middle things like Conditional Use permit or any of that, those are administrative decisions. So just to understand the difference between the two. So what I was finding through my research was courts were not looking favorably upon this reversion of zoning because if you think about it, when you're making a legislative change to that property, you need to be able to have some sort of understanding knowledge in the future. This is what it is and it can't be changed. I did find something though that is possible that one court said no, but then there were quite another few courts that let it go. And the court that said no, both parties agreed it was unconstitutional. So I have questions as to whether, anyways, and that would be, if it was a, made a Planned Use Development, that if you went under a Planned Use Development, a PUD, then if they didn't get everything done within a certain period of time, you could say it reverts back to the underlying zoning. Because what a PUD does, a Planned Use Development, kind of overlays that district, just kind of hangs out there, and then you have to have your plan, and the plan comes to the Planning Commission and the County Commissioners, to make it actually then stick to the property. But then if we put in something in there, you know, within three years or whatever time period that they did not move forward with the plan, then it could revert back to the underlying zoning. So, there was, that is something I found as a possibility. Another thing as I was looking through here, I understand wanting to change the terminology. That's fine, however, I'm going to suggest that the terminology match what's in the Ohio revised code when it refers to this. So, then that would mean that the wind projects would actually be Small Wind Farms, but the solar would be Small Solar Facilities. So I would suggest that we make that change from what they have presented to us, just so that we are, we're talking apples to apples, just like we use the Ohio Revised Code's definition for agriculture and for many other things, we should use the language that they have. Another thing I was looking at was the continued review by the BZA. I think they were suggesting that the BZA look at this every one year to six years, it can work. My other thought would be instead it just seems that that's kind of an onerous process to have to go through every time that instead it be set up that within the zoning resolution that every, I don't know, five years or six years that they have to provide this information to the zoning office. Brad would send out a letter, the Land Use Planning Office would send out a letter to them, you need, hey, it's time, send in your information, your update. And then if they did not, then they would be in violation of the zoning resolution and at that point in time they could lose their Conditional Use Permit and they would have to go back before the BZA, so they could still end up in front of the BZA. Also, any complaints in that that were made would still likely be able to go in front of the BZA anyways, so at any time. Another thing I was looking at was the bonding that the decommissioning bond, I think that's a great idea, having a decommissioning bond. I was wondering though, if we wouldn't want to set it up something similar to what they did at PUCO. I believe it is. I didn't have a chance to look at it again, but I believe that it's set to, I don't know if it's the consumer price index, something like that, that every 5, 10 years they look at it and then based upon what interest rates are or whatever, how much the cost is, you know, a thousand dollars today isn't a thousand dollars tomorrow so that that bond could be increased to cover any decommissioning cost in case these people, whoever it is that has it, you know, we want to make sure they're decommissioning them. So that was another thought with this. I'm not sure it says that it has to be approved by the County Commissioners, I'm not sure on that. I don't know. I have to look into that part, but those were some of my thoughts.

Clark Brown: Okay. There's two ladies want to speak, the lady in the back.

Brad Kramer: Yeah, please come forward and state your name.

Lyndsay House: Again? I am still Lyndsay House.

Katie West: She's doing the minutes.

Lyndsay House: My question was, you said that you would suggest that our language matches Ohio. Yeah. The State of Ohio does not recognize solar as agriculture, correct? It does not. So, shouldn't we want our zoning to match the State of Ohio too and we not recognize solar as agriculture and put it in industrial where it belongs?

Katie West: Oh, that's not what I was talking about.

Lindsey House: Well, no, but I'm just saying, if you want everything to match Ohio, it would make sense for us to do what the State of Ohio does and put it in industrial. If you go to Richmond, Indiana, I know our Commissioners visited there, it's zoned Industrial. There are businesses around it. No homes. It's industrial.

Dave Haber: There are homes around some of it.

Lyndsay House: Not close, sir.

Brad Kramer: Lyndsay, Katie was talking about definitions.

Lyndsay House: I understand that. But when she said match the language, to me it makes sense to match it, match everything. We're the only county who does this. The State of Ohio classifies as an industrial, so should Preble County.

Jane Marshall: Wind Farm was not, is not in the zoning code right now. It didn't get put in when it was and I think it's important to have the two energy systems to their language to match. I wouldn't change the Wind Farm to that. The P.U.D or the PUD, whatever you want to call it, I think that could work fine, or you could use, x number years Temporary Use Permit. Temporary is in the eye of the beholder so you could do that and accomplish the same thing. I do think that the people ought to come in. I think that it just, I think it's a lot cleaner thing to have them come in and Brad, correct me if I'm wrong, and I could be very easily wrong, but I think sometimes in the, gravel pit, I think they have to come in because I think it's important to have the neighbors, you know, because there's, if, if something gets approved, there's going to be screening, green screening and you know, pretty to make it so it's not so obnoxious. What if it's died and you know, the neighbors, maybe something happens at midnight every night and the neighbors understand that. So, I think it's important for the neighbors because this is about protecting Preble County. This isn't about making it easy for somebody that's coming in. So I think it should stay in there that they come in and periodically, and if I remember it was Dave that suggested we moved it to six years because it had been five and it had something to do with the decommissioning bond. So, I think, or unless it was Adam the night before, but one of the two had something to say about that.

Katie West: It was just a thought Jane, it could go either way.

Adam Craft: I appreciate your thoughts, Katie. Has the Prosecutor's Office, have they prepared a formal legal opinion in writing for the court?

Katie West: I have not seen one yet.

Brad Kramer: We did have Mr. Chairman one more hand.

Nathan Hake: I'm going to ask after I speak that Brad explained this to everyone and clarified. One of the things that I think is vitally important, knowing the difference now between Agricultural, I-1 and I-2 and those changes and the long-term impacts of those is notification of neighbors. Because the county offices and zoning have a certain protocol if we want to change on a Conditional Use to notify, I think the bordering neighbors and Brad, please clarify this afterwards, but if you were to change it to Industrial, that notification changes immensely because you're impacting people immensely going from Agricultural to an Industrial. It is going to have a wider and broader impact than the under a Conditional Use. So, I believe that I'm correct when I state, that it is vitally important. I also want to reiterate what others have said with the decommissioning money. That is so important. I think that the decommissioning bond should be set at the time, that this comes before the zoning boards, and I think it's so important that the decommissioning bond be paid ahead so that, let's say that they miss a payment on the bond because let's be honest, most of these are shell companies and they're going to file bankruptcy and they're going to go away. But before they file bankruptcy and they go away, they can be clean up their mess. I hear so many people, I have cousins that are in northern Ohio and they own lots of property in Indiana and they share with me a grave concern that these wind farms up there, the leases transfer so fast from one company to the next. They don't even know who's supposed to be paying them. No one even knows who's in charge, and what's on the sign may not match who even is in control of the property. That's a big problem, and that's why it's so important that they come in every so many years and they keep it updated with Brad at his office as to what's going in. Because otherwise it's a free for all. We would not allow, I've just used an example, I don't think they have any industrial waste, but Bullen Ultrasonics or Silfex, for the county not to know who to contact, who's in charge of that property. The chemical plant in in West Alexandria, I'm sure Brad knows exactly who he needs to contact. The fire department knows who they need to contact all of the above. It's very important that there is records of who's in charge of these properties because of the nature of their business, because they're often leased and sold and transferred so often, according to what I've heard. So, I think that's vitally important.

Katie West: I'm wondering, I'm looking in here, do we have something in here that says that they're supposed to name a contact person from the solar group? If not, that should go in there.

Brad Kramer: Mr. Hake, to answer your question for the applications before the Board of Zoning Appeals, which a Conditional Use Permit would be, that is the immediate neighbors touching that property. Applications for rezoning expand out a little bit, not immensely, but to a 500-foot radius from those property lines. So, you can see in a rural area that could capture a few of the smaller lots and certainly in areas where we have residential, then it picks up a lot more neighbors and should. So, what we're looking at right now Board, is whether under TT Solar Energy Systems we talk about naming an individual.

Jane Marshall: Page six under G at the top or underneath decommissioning. It also says someplace that any change in ownership needs to be reported even between times.

Katie West: I'm just wondering. I know, I know it's an easy ad, but that's not my thought is we probably should have that and then also require them to provide us with the new name of a contact person at the time that it does change hands.

Brad Kramer: The revisions also for the record, the proposal for tonight, they bring in a notarized statement. They bring in the landowner as well. So, the landowner, the lessee and any other party involved in the development of the project.

Jane Marshall: Wouldn't that cover that Katie?

Katie West: I mean maybe, yeah, I don't know. I'm just wondering if we want to have the specifically named this is the contact person because a lot of times, you know, you can bring in Joe Schmo who's the front man for it, but not necessarily is going to end up being the contact person for it.

Jane Marshall: It says and any other party involved in the development.

Katie west: They can develop it, but not be the contact.

Ed Garrett: Development and operation.

Katie West: Yeah, I like that better.

Jane Marshall: That's good. Thanks Ed. So, point of how do we fix this in the midst of a meeting, Brad?

Brad Kramer: So, if you want to fix a particular portion then make sure you note it in your margin and then, you know, you bring that up specifically as a proposed change in your motion.

Jim McKee: **Mr. Chairman, with all the important testimony and documents that we've been presented with tonight, I personally would like a composite made up so I we can read them, I'm saying table this motion till next month so we have a chance to read them and digest them instead of trying to digest in an hour and 10 minutes what everybody presented.**

Clark Brown: Okay. Let's have a little bit more discussion then if you want to make that proposal to the table in case anybody else wants to bring something up first then we will accept that.

Jim McKee: What?

Clark Brown: We realize what you're proposing. If we table today, it's all discussion what you want to do. But does anybody else have anything else they want to say before we make that vote?

Katie West: Or you could do a second and then everyone can just discuss in general, and then it could die and people can vote no if they wanted to.

Clark Brown: The landowner, they lease the land to the solar project to..

Jim McKee: Time out. You're getting ahead of yourself. Listen to what she said.

Clark Brown: I did, but I want some clarification before we do that.

Jim McKee: Improper (inaudible) of orders.

Clark Brown: I haven't accepted it yet though. Mr. McKee has made a motion to table this.

Art Smith: **I'll second.**

Clark Brown: Now for further discussion. If the landowner leases the land to the solar people and the solar people, they sell their project to another company, company B, doesn't the landowner immediately know that their property's been leased to somebody else?

Katie West: Maybe. I don't know. I would think that there would be some sort of legal document out there. I don't know if they file it in the Recorder's Office or somewhere. I would hope that there would be something, but I've never dealt with it, so I can't say.

Clark Brown: I know if I leased my land off to somebody else and he decided he doesn't want to farm anymore and he gets another guy to come in and farm it, I know that immediately he has to, that has to be discussed with me first.

Katie West: It depends on what their agreement with that company is to begin with as to what that's going to look like. I don't know if that clarifies.

Clark Brown: Yes, it does.

Brad Kramer: I wish I had an answer for you. You know, you see in the deed and lease language, the assignability of those things.

Clark Brown: Have you seen the contract yet?

Brad Kramer: No, I just tell you is when my mortgage gets sold, I get a notice. Now whether I read it carefully or not.

Katie West: I'll tell you they hold those contracts like poker cards.

Brad Kramer: So, I just don't have a great answer for you or an answer that would probably give you comfort.

Clark Brown: That wouldn't be right if they just keep moving it around and you don't know who owns, who's operating the solar fields.

Jim McKee: Mr. Chairman, you have a motion on the floor or did you forget that?

Katie West: We're in discussion.

Clark Brown: We are going to vote to table. Anybody else? Yes sir.

Nathan Hake: I'll just share one example. So, cell phone tower, there's a cell phone tower on my property north of town. It is leased to American Tower Company and beyond that don't have a clue. I suppose someone has Verizon, someone has AT&T, but I don't know and I will never know and neither will ever want anyone in here. So, if it's handled in the same manner, I would guess that there's going to be a no way that anyone know. But I will note quickly to the board that of all the testimony that we have heard tonight, why it should be carefully reviewed, there hasn't been one person come up here and testify that we shouldn't move this

motion forward. There hasn't been one person make the request of the constituents after notice given in newspapers of this meeting. Not one person has said don't do this. Every single person has said move this motion forward.

Art Smith: Nathan, I got a question. Are you still getting payments on that tower?

Nathan Hake: I do not get the payments directly.

Art Smith: Then what difference does it make who owns it?

Nathan Hake: I don't know who to contact. All I'm saying is.

Clark Brown: It would make a difference if he didn't get a payment. He'd want to know who owns it.

Crystal Rother: (States name.) I'm from Harrison Township. Just kind of what Nathan had said and stuff. With the solar fields in particular, they are there for approximately a 20-year process and they are known to change leases because of bankruptcy and buyout at least 8 to 10 times within that 20 years. Your point or your question and kind of discussion was just asking like, shouldn't somebody know? There is a possibility, obviously we don't know for sure there is that possibility that yes, just like your mortgage changes over and stuff like that, that landowner knows. Speaking from experience from my property being surrounded, a lot of that stuff is kept hush hush by that particular landowner. So, for me, in my situation, the land on two sides of my property went under contract with a large solar facility. I was not made aware of that until it was made public of who that company was. We had to do a lot of research to find that out. That particular landowner once I decided to no longer allow him to use my grain bins, once I fenced off all of my property along the line and once I kicked him off of my property to farm the three acres that I have, he no longer spoke to me. So that being said, if he, if solar had gone to that area and he had, it had been placed in there and he had been updated, I would not have been able to get that information from him if I had a problem with any of the solar that was on my, right beside my property line. So if the growth of plants or whatever had died off and I needed those replaced, if there was damage caused to my property from anything that had happened over there, I still as an adjacent property owner would not be able to contact anybody because I wouldn't know over that process. So, I think my point is, is that it, for that reason alone, it is very important for these people to provide that information. Thank you.

Brad Kramer: Okay. Just a point of order here. We have a motion on the floor and we have a second and the chairman has called for board discussion. Is there more board discussion on this?

Dave Haber: Would we have an opinion from the Prosecuting Attorney by next meeting?

Katie West: I don't know. I'll speak with my office.

Dave Haber: We are changing law and I don't want any of us liable and make sure we're doing something correctly. I want to make sure it's done correctly because we don't be in the middle of something, you know, and it's been said here.

Unknown audience member: I'm sorry I can't hear you.

Dave Haber: I just want to make sure we have an opinion from the attorneys so that we are not caught in the middle of the lawsuit because if something's not legal here. Even in this meeting it was said, we're not trying



to zone out solar. We wish we could. That's public record in this meeting and I don't want it to become part of it. I want an opinion from the Prosecutor before we move any further forward.

Clark brown: No matter what happens under these meetings, it'll go through the zoning board and then it'll go to the Preble County Commissioners and they are elected officials and they're the legislative people who will make that rule.

Nathan Hake: Once again, I'm going to guess that the Preble County Prosecutor's Office has been and was aware of this meeting and this proposed legislation. They provided no legal guidance other than the testimony here by Katie this evening, and no legal opinion against it, nor for it and they had every opportunity to do so, and the Commissioners were well aware of this stuff coming through and they had every opportunity to ask for this, not kick the can down the road at the ninth hour.

Adam Craft: Well I guess as the President of the Board of County Commissioners, I'll say something to that. Number one, the Board of County Commissioners has been very, very, very active with citizens group from day one on this proposal. Number two, the Prosecutor's Office was given a request from the Board of County Commissioners to review this. However, these requests take a lot of time. They take their reviewing case law. I've met with Prosecutor Votel, not once, but twice on this. He's working on it. He said it's a very large, broad case. He also mentioned that it is a case that hasn't been very commonly flushed out yet in the State of Ohio. So, this is complex. This is more than just, we changed this setback rule to 75 feet instead of 50 feet. This is more than that. You're proposing a major overhaul to the way that this county is going to view not only, an installation, you're proposing a major overhaul as to how we view land use countywide. So, the idea that anyone's kicking the can down the road could not be further from the truth. We're working hard on this. We're trying to get this done. Like Ms. Marshall has said, I've met with her on it. I've met with, you know, the, the concerned citizens. I've met with the Prosecutor's Office and I'm continuing to you know, kind of field this and work our way through it. So, what we don't want to do is get ourselves into a position where the county ultimately gets sued and has to pay legal fees because we didn't measure twice and cut once.

Brad Kramer: Okay. Just to remind a point of order is we're actually in board discussion now. I know we did call for public input and the board may call and you've but let them chew on this right now. It's a motion to table with a second and followed up by board discussion.

Clark Brown: Prior to our voting here, we'll let you make comments.

Art Smith: I've got one comment for Jane. Today, six of us went to Winchester, Indiana to look at solar panels up there., and she said in her comments that these solar panels are not recyclable. The main guy we talked to up there today said everything on these solar panels is a hundred percent recyclable. They're sand in these solar panels. That's what makes the charging go on. The glass that comes in the top is recyclable, the aluminum frames are recyclable. He said everything is a hundred percent recyclable. So, I don't know where you got the information, but it is wrong.

Clark brown: And there were some homes very close to these solar panels.

Art Smith: Three sides on these solar panels.

Lindsey House: It doesn't make it right.

Tony Pope: That's all well and good. They want to recycle panels over in Indiana. So be it. We don't want this here. We don't want the eyesore. We don't want to drive up down 127 and see this. It shouldn't be out in everybody's face. Thank you.

Mike Hornback: There's three types of solar panels. There's a mono, a poly, and they're all made of different materials. Do you have the safety data sheet on it?

Art Smith: I do not have.

Mike Hornback: Safety data sheets explain so much. I have one for the mono. There's cadmium tellurite, there's lead, which is the most efficient one. What's the most efficient one today? 25% with my last research. What's it take to convert that to even make it to the transformer? Roughly 10 to 15% loss of a 25% solar panel possibility. So, there's truth to some of it. Some of it is silicon, some of it's not. Which one are they using today?

Clark Brown: So, the ones we looked at were silicon and they're supposed to be a 30-year life on them before deteriorated.

Mike Hornback: How fast does it break down?

(Unintelligible. Too many people talking at once.)

Brad Kramer: Let's just keep it down just for the recording purposes.

Mike Hornback: Decommissioning as a whole, if solar is so good, why are they decommissioning after 20 or 30 years? Why aren't they just upgrading it to the latest and the greatest material? Why are we decommissioning it?

Art Smith: Because they start losing their power as the years go on. That's why they're getting rid of them and replacing them with new ones.

Mike Hornback: But are they replacing them or are they decommissioning and pulling everything out? That's just a valid point.

Art Smith: That's what he said. They're recycling them.

Mike Hornback: And where did they send them?

Art Smith: There were several places in Indiana, I don't know about Ohio, but there was several.

Brad Kramer: He said that market is growing. There's a growing market of individual's wanting to recycle these, take advantage of the opportunity. These were automatic tilt panels that we saw and there were some that were flat and I pointed that out thinking it's not working. He mentioned those are the ones they're working on or replacing is when they actually turn off the tilt so they can see, they look differently and then they can drive up to the ones that are lying flat. So, I don't know. I don't know that I have a great answer for you, Mike, but sounds like Art was saying that yes, they do plan to upgraded from single side to double side.

Mike Hornback: There's reflection off the ground on some of them that are even picking up now. I'm aware of that.

Brad Kramer: That's why those are double sided. They're installed the same, but the underside actually picks up reflection.

Mike Hornback: Just for an example only, there's a shipment of glass. There're micro fractures from the glass from the manufacturing's that they can't stop. So recently there was a hailstorm June 29th in Nebraska. A hundred and I think there was 14. 14,000 solar panel glasses that were broken that was supposed to be hail damage resistant. Eleven and a half acres. Somebody has to clean it up. Not necessarily a decommissioning, but definitely a cleanup. Thank you.

Michelle Wiggins: I am on MIT Technology and in their article it says millions of solar panels have been installed in the last two decades and since they typically last between 25 and 30 years, many will soon be ready for retirement and probably go to a landfill. New efforts to recycle these panels could reduce both the amount of waste and materials that are needed to be mined. However, only about 10% of the panels in the US, are currently recycled. It isn't mandatory or it isn't mandated by federal regulations and recycling the devices is currently much more expensive than discarding them. That's from MIT.

Brad Kramer: And by the way, to that point, they were telling us how these are also landfill safe.

Nathan Hake: So, these things are going to change. That's what we're hearing. 40 years ago, cars had chrome bumpers and art sprayed on oil-based paint. It's all changed. 40 years ago, McDonald's had meat in their cheeseburgers and there were dairies on every corner. And I think in this county today, there's only one. Not very many, not what it was. 40 years ago, they dropped milk off at your door. 40 years ago, we had leaded gas.

Adam Craft: Kroger's doing that again.

Nathan Hake: Once you approve for a solar array, you need to know, number one, that the solar array today may not be the solar array of tomorrow. 40 years ago, Silfex wasn't here. Henny Penny was in a garage. You don't know what this could grow and become. It may become a monster that we all lived to regret some of us 40 years. Some of us might not make it 40 years, but I hope I do, but I don't know. I better start eating better. But 40 years is a long time. But this is something our kids are going to pay for. This is something our grandkids are going to pay for in generations ahead. And that's why I think it needs to be so carefully considered. And that's why I think that this needs to fall into the correct thing of industrial action. It's industrial. You're selling a product, which is energy. If I wanted to build an oil refinery, there'd be people up here jumping up and down just like they are about these solar panels. It's the same thing, just different words.

Mike Hornback: How can we fix this? How can we make this go forward? What's the possibilities of making this happen? That's what we came in here to do tonight. To ask for. We need help. The community needs help. What can we do as a group to fulfill that?

Clark Brown: That's a good question. But I think we need to, to study this very carefully to make sure what we do is legal and it doesn't come back for a lawsuit against us. Maybe we can make a determination after we study a little bit longer.

Nathan Hake: So, I'm going to give you just a minute, Katie, and this, this question is directed to towards you. So as Katie well knows, she talked about case law and what's happened in dozens of counties across this state

is they've already taken this step. They've already left. We're behind. We're way behind. We're five years behind, we're three years behind. We are behind taking this step, changing this zoning. So, do you want to get sued for being behind or do you want to get sued for being a leader? And case law, that's something that will take years to sort out. We won't know case law for 20 years on this. And I may be wrong, 10 years, five years, but it will take time. But do you want to air on the side of risking a bunch of solar panels coming in and ruining agriculture in this county? Or you want to air on the side of a big mad monster, oh we're going to have to determine the case law? Because I would rather pay 10 million lawyers than pay 10 million people to go clean up the mess if you ruin the environment in this county. People in my generation, they move away. They're moving away because we're not providing opportunities here and agriculture and, and other industries. They're leaving. They're leaving. They're living in Springboro. They're going to Illinois. My brother lives in St. Louis. They're leaving. And when you take farm ground out of production, you are hurting the equipment dealer, the fertilizer dealer, the seed salesman, the mechanic, the fuel man, the propane guy, the grain dryer salesman, the feed deliverer, the feed company. You're hurting them all. You're not just hurting one person. So, save this county from this terrible thing and be a leader and join the other dozens of counties that have already done it. They're strength in numbers. They're strength in numbers. We're not doing anything that hasn't been done in other counties. This has been done. It's been done. You're not the first, but you don't want to be the last through the door either. Thank you.

Adam Craft: For the Board consideration, we have a process in Preble County currently on the books if the board chooses to go forward with a table vote. You have to have a Conditional Use of Agriculture, which means you would be sending out public notice. You would be going to the bureau of or Board of Zoning Appeals. Pardon me? You would be, and the Board of Zoning Appeals is held to a fairly rigid standard.

Katie West: It's abusive discretion. It's very hard to overturn a Board of Zoning Appeals decision.

Adam Craft: With that, they also are held to a high standard when it comes to the Appellate Court, things like that. There you can appeal a Board of Zoning Appeals, the decision all the way up to the Supreme Court. We have protection in place today if Brad receives an app, which he has not yet, to my knowledge, if he receives an application tomorrow. It goes before the Zoning Appeals; the Zoning Appeals has to come up with a case either for or against and it can be struck down. And then that lessee or that solar company would then have to appeal it to first the Common Pleas then to the 12th Appellate Court and ultimately to the Supreme Court of the State of Ohio. So, we have a process in place. So I think that the fatalist argument that if we don't act now, that the ship has left without us is, is kind of a, is kind of an invalid argument because we have good people, we have good boards in place and we have appeal process in place that has the rule of law behind it right now. So, there's nothing wrong with slowing down, measure twice, cut once and doing this right the first time.

Clark Brown: So, there's no approval yet for solar or wind to operate in Preble County? Absolutely not.

Jill Sorrell: I'm with the concerned citizens of Preble County. I'm in the Alamo project and the Angelina Projects in Israel Township. We took our case to the Supreme Court on April 23rd. We are still waiting. Hope and pray.

Katie West: I think you will be getting the decision in the next month or so. The only reason I say that is because there was another one that was argued in January, February and I was counting the months so I'm thinking hopefully we'll have a decision in the next month or two.

Jill Sorrell: Okay. Thank you. I hope and pray that Sharon Kennedy and the high justice makes the right decision for Preble County because I feel, I all feel for you. We've been fighting this for five years, so I feel for you. Our project is 800 acres and a thousand in Israel Township and it surrounds our farm. So, I feel all for you.

Michelle Wiggins: So, your point that there's not really a fire to put out that we have systems in place, but we don't have the language, you know, the beefed-up language and the TT, we don't have the contact.

Adam Craft: Those are all points of order that the BZA can request of the lessee and the proposal of the project at the time of the hearing.

Michelle Wiggins: Is that written somewhere? I've just never seen anything.

Adam Craft: If you go through and read it, the BZA has a lot of discretion as to how these cases are handled and these cases are heard. They have a lot of discretion.

Michelle Wiggins: Gotcha. Just wanted to confirm that. And to your point, on page three that I gave you guys, the State of Ohio in section 303, 213 under section B specifically that was past April 6th, 2023, they confer the power to the County Commissioners and Board of Zoning Appeals to adopt new zoning regulations specifically relating to wind and solar. So, I mean, I can't say you'd never get sued, but I'm saying you guys have the right to change the zoning and that comes from the higher power of the State.

Dave Haber: That's right. We just want to be correct.

Lyndsay House: You already have the power. It's stated right there.

Michelle Wiggins: That's what I'm trying to point out. So, you have the power. You don't have to necessarily ask anybody else. Just wanted to reiterate that.

Clark Brown: Okay, sir, last time.

Nathan Hake: We've had the Prosecutor's Office say that the current language and zoning doesn't line up with what the State of Ohio defines. Right? So, in my mind, you've left yourself wide open for a lawsuit already. So, if lawsuits is what you're worried about, in 2017, there was zoning passed that doesn't match the definition of agriculture.

Katie West: It does.

Nathan Hake: Solar farms?

Katie West: It matches. Agriculture is defined exactly as it is in the revised code in our zoning resolution. It mirrors the language.

Michelle Wiggins: But it doesn't include solar facility.

Katie West: I would agree. It doesn't say that, but the agriculture says that. Now that it says solar farms or small or wind farms, at the time, there really wasn't anything out there. So yes, I would agree that needs to be changed, but that's not necessarily fatal.

Nathan Hake: Okay. Well, all I was saying is, there's a window or a crack that you already have and we're saying as concerned citizens who have all showed up here tonight, let's fix it. Let's fix it. And we've brought, not only that, we've brought what we said was the fix. I talked to Jane hours one day, I talked to these other

people. People are concerned. People are here and their livelihoods, the things that they've worked their entire life to pay for and all their hopes and dreams are sitting in your guys' hands and they're here begging you. There's no one here begging you to table this. There's no one here that hasn't spoken clearly what our objectives are. Not one person.

Clark Brown: I think we're saying we're not ready to vote on this right now. So, we just want table it to stay a little bit further.

Ed Garrett: I've just got a question. I hear a couple people saying they've got reservations about voting on this right now, but I'm not really clear on what are the reservations you're worried? David, you said you're worried about being, the county being held liable in the future, but on what point?

Dave Haber: On the language that they're changing just like the reversion, anything, and it was stated tonight on record, I've said this before, we're not trying to zone out solar, we'd like to, that's on public record now and that, that winds us right up.

Nathan Hake: Who said that?

Jane Marshall: Probably I did. What I said, I'll try to clarify, was they're like adult entertainment, nobody wants that in Preble County, but you have to have a place for it. I don't want solar, freely admit that, raise my right hand. But you have to allow it somewhere. It is in industrial in the second big general industrial, it's fine there. It's not a problem there. It does not belong in agriculture. Everybody clear on that? Dave, you have any more questions about that?

Dave Haber: I just wonder what you do with the ground around it because if it's brought in so far.

Jane Marshall: Ground around what?

Dave Haber: Solar. You've got these 250 feet you want in away from everything, what you do is that 250 feet all the way around it?

Jane Marshall: I think it's 250 feet away from Noisemakers.

Brad Kramer: I think you're right.

Dave Haber: But you still have perimeter all the way around.

Jane Marshall: What's the setbacks for putting a house up or a barn or something?

Brad Kramer: I'd have to look at in I-2 industrials. I can look.

Jane Marshall: You don't need to look. They're setbacks everywhere.

Dave Haber: You're talking 80-acre field.

Jane Marshall: There's setbacks everywhere.

Dave Haber: A hundred feet around the outside or a hundred feet.

Jane Marshall: What do you do? What do you do? What do you do? Three Commissioners approved this on a Monday and then they re-nigged on Wednesday. So just so that's on the record too.

Adam Craft: Mr. Garrett, I think the main reason that I would have reservations to answer your question is that, we just don't have a formal written legal opinion from our Prosecutor's Office as to whether or not, hey, can we move forward on, on sections A through B or can we move forward on the entire document as it's written now? So, I think that if we had that in hand, and I think that if the Planning Commission had an opportunity to review that, I think that yeah, we call a vote, we move this thing on. But I think at this point I just don't, I just don't feel like, we need to be doing that. To answer your question, you asked that question specifically.

Ed Garrett: No, I appreciate the answer. I am not seeing such drastic changes here that we have to pull the reins in. Changing the terminology, I think is the right thing. Even if State of Ohio calls something a farm, I don't care. It's not a farm and we don't have to do that. The fact that we're moving things into industrial, that's not that big of a thing because it's already mentioned in industrial. The things we are adding seem to line up with what the state already requires for the big projects and if we're at, I think Katie, you said 49.9-megawatt project.

Katie West: Jane said it but that's correct what you're saying.

Ed Garrett: Okay. If somebody wants to do that, they're under, they're not big enough for the state regulations. But if we don't put something in here, we're not overseeing it like somebody put one up on their barn. I just don't see the trepidation that's there.

Adam Craft: Let me pose it to you maybe another way. Okay. What if we're missing something? What if there's some, what if there's an entire paragraph that needs to be added that the Prosecuting Attorney comes in and says, hey, you know what, you guys, you can, this proposal you can approve.

Lyndsay House: Then amend it again!

Ed Garrett: We don't have it now. I think we all recognize that we're off now and taking this step forward is a giant step forward that in my opinion makes sense. Are we going to get it right the first time? Well, if we were, we wouldn't be changing it. We would've already had it right.

Clark Brown: Okay. We know you're against it. You made that firm.

Nathan Hake: I just have a question.

Clark Brown: Sooner or later I want to go home tonight. I said it would be the last time you came up. I understand your point. My dad bought a farm in 47. I was born in 49. I'm still on that farm. The last time I worked at that farm was yesterday. So, I'm a farm boy.

Nathan Hake: I just wanted to ask for clarification that Mr. Haber or Mr. Craft will get the opportunity to get a legal opinion before they make their official vote and their capacity as Commissioners. So, if their legal opinion comes in at, on the fourth meeting, which would be them, they can vote as they see fit. That would allow plenty of time for the Prosecutor's Office to make any recommendations and they would have the opportunity to amend it prior to their vote. Am I right?

Katie West: I'd like to see the language updated in here if that would be my thought before it goes next. So, what my only thought is when it goes to the next board, just so that it's all clear that any of the changes that have been suggested by this board are in the document that the Rural Zoning Board has.

Clark Brown: Anything we amended here at this Board and it went forward is always come back all the way back down to us to start all over again. So, we need to get it right the first time before we send it forward.

Jane Marshall: I should've brought my iPad and changed it on the fly like I did the last time that, which I did multiple times.

Jim McKee: Changed it on the fly would cause a problem.

Jane Marshall: It's not bad. This is a very positive change, but they can make the amendments as you make a motion if you want to pass it on.

Clark Brown: We can't make an amendment to pass it on. It will come back to us.

Jane Marshall: Yeah you can. I think for clarification, we've talked about this a lot, Brad, can this be changed at every point along the way? If somebody wants to?

Brad Kramer: It can be.

Jane Marshall: It can be changed every point along the way. We've talked about that repeatedly,

Clark brown: But I've never seen it happen that way. It's always going back to us.

Brad Kramer: Any other thoughts from the board? It's a good discussion.

Clark Brown: Okay, so we have a motion and a second. We've had discussion, so now let's vote. The vote is to table and second by Art Smith.

**Upon call of roll, the vote was as follows:**

**Jim McKee, Yes.**

**Art Smith, Yes.**

**Mike Dare, No.**

**Dave Haber, Abstained.**

**Adam Craft, Abstained.**

**Annette Mann, No.**

**Jeff Kiracofe, Yes.**

**Ed Garrett, No.**

**Celeste Caplinger, Yes.**

**Clark Brown, Yes.**

**Attest: \_\_\_\_\_**



Brad Kramer: I have counted 5 yes, 2 abstentions, 3 no's. The motion to table this has been approved until next month.

Art Smith: Now Brad, will we get revised copies in our packet next month so we can check all that again?

Brad Kramer: Yes. We will give you updates based on comments from this meeting tonight and we will hopefully see some progress maybe.

Jeff Kiracofe: Will it be ready next month Brad?

Brad Kramer: Read over these. Think about these corrections. Even what you have right now, so that when you see what changes come in, you're ready. Call the office if we have questions for the applicant, we'll ask. Everybody's got my number. Let's use it.

Clark Brown: I want to thank the audience for coming in because I think we had some good discussions. Very good.

Stephanie Hornback: Can I Just say one thing before we all leave? I'm from Harrison Township. I just want to ask each and every one of you, please don't let this fall through the cracks. We need help.

Art Smith: I move we adjourn.

Clark Brown: Don't we have to go through the other business? Any other business?

Brad Kramer: Mr. Chairman, no other business and just what you see there for Directors Report.

Clark Brown: All in favor of adjournment say aye.

Board: **Aye.**

**Attest:** \_\_\_\_\_  
**Kaelee Rivers**