

Vermillion County Board of Zoning Appeals
November 13, 2025
Second Floor, Vermillion County Courthouse

The November 13th, 2025 meeting of the Board of Zoning Appeals was called to order by Chair Barbara Phillips at 6:45pm. Those answering roll call were Joe Ellis, Travis Newman, Judi Paloncy, John Graves and Barbara Phillips. Also present: Executive Director/Recording Secretary Penney Carpenter, Attorney Ron Severt, Apex was represented by; Attorney Nikki Shoultz, Meagan VanVauren, Kent Dougherty, Taylor Strayer, Jack Elsnes, Erin Bowen, Liam Sawyer, Jeremy Spaeth, Tad Hardy, Jerald Hess, Hank Seltzer, Nathan McClellan, Greg Balsano from Baker Tilly, County Commissioners Mr. Dunavan, Mrs. Hess and Mr. Peebles, County Council members Ashley James, Rick Weir, Kelley Summerville, Neil Costello, Clinton City Mayor John Moore, Scott Carpenter, Grant Bradley, Jeremy Spaeth, Jeff Sisson, Jerry James, Robin Wright, Chuck (Sparky) Williams, Ken Wright, Judie Wright, Brian Hollingsworth, Margy Hollingsworth, Cliff Hartman, Keaton Cheesewright, Marty Shortridge, Quint Shambaugh, Jared Southard, John Milligan, Jacque Mack, Michael Mack, Wm Farrington, Nathan McClellan, Randall Morgan, Mitch Lubovich, Lee James, Les Zimmerman, Bill Hartman, Bill Rennels, Susan Harper, Karen Phillips, Scott McLoskey, Jim Seibold, Bill Morgan, Jerry Hill, Ross Holbert, Brady Jones, Kelly Cheesewright, Ross Hurlow, Garrett Leigh, Trina Drummond, Jeff Haltom, Steve Lawson, Brock Fortner, Rebecca Lawson, Michael Turner, Cynthia Bookwalter, Tom Bookwalter, Tom Cundiff, Shirley Downs, Doug Meadows, Don Carlevato, Peg Carlevato, Lilliam Floutsis, Sam Cooper, Allen Stoops and a few others I could not read on the sign in sheet.

The September 11, 2025 minutes were examined. Mr. Ellis made the motion to approve the minutes. Mr. Newman seconded. MC

New Business; Brouilletts Creek Solar, LLC has filed with the Vermillion County Board of Zoning Appeals, a Petition 25-07 for a Special Exception for constructing and operating a 200 MW Solar Power Plant on 2,913 acres located in Southern Helt Township, Vermillion County, Indiana. Apex made their 30-minute presentation.

Nikki Shoultz, "I am the local Indiana Council for Apex in the Brouilletts Creek project. My office is in Indianapolis. We're here tonight, as Madam Chair indicated, you're simultaneously hearing two matters. One is Petition 2025-07, the special exception permit request under section 9.10 of your UDO. The second matter is Petition 2025-08, which is the variance or the height of certain facilities in the project. We have worked really hard to condense all of that paper into a 30-minute presentation."

Meagan VanVauren, "I want to thank the BZA and APC for hearing our presentation today, and to the supporters who are here this evening, I want to thank you for putting your trust in me and partnering with Apex. Together, we have reached this milestone for the project. Just to start with a round of introductions, my name is Meagan VanVauren and I am the

lead developer on this project. I grew up in a farming community in Virginia and I hold a bachelor's degree from Virginia Tech. I reside in Charlottesville, Virginia with my family and I have been with Apex for over eight years. I have a brief presentation today where I will introduce both Apex and the Brouilletts team along with an overview of the project and some of the many benefits it will bring to the county.”

Erin Bowen, authored the study found as appendix S in our application. “As this study shows, this project will not negatively impact property values. I'm a director at Cohn Reznick. I'm a real estate appraiser and property value expert. As part of your ordinance, it needs to be demonstrated that the proposed use will not substantially impact property value in an adverse manner. I'm here to speak on that. At Cohn Reznick, we specialize in impact studies ranging from landfills to transmission lines and for the last eight years, we have studied solar facilities. So how do we research whether solar has an impact on property values? We approach this three-fold. The first of which is to review the academic literature. The second is to perform our own paired sales analyses, and third, we conduct market participant interviews. There have been eight published studies in the United States on solar facilities and property values. I have highlighted the four largest studies here. I'd like to um highlight the Lyola University of Chicago study that was published last year, which is the first of its kind to specifically study utility scale solar projects in the Midwest. Specifically, the study concludes that there's actually a small positive increase from half a percentage point to two percentage points with the authors attributing this increase to the additional real estate tax revenue to the local school districts. Okay, so I talked about the academic studies and while the academic studies tend to take a macro approach in which they're looking at homes up to one mile away from solar, at Cohn Reznick, we prefer to take a micro approach in which we're looking at the homes directly adjacent solar projects. Um, with the understanding that if the homes are looking at solar in their front yard and their backyard, if there is an impact of property value, it would be seen the greatest here at these homes. So, we look at existing solar facilities and identify every property that shares a property boundary with that solar property. We then track to see if any of these homes sell after the completion of the solar facility. Then we compare these sales to similar properties in a like to like or apples to apples basis. So, we'll compare a three-bedroom two- bath home to other similar three-bedroom two- bath homes. Large farmstead properties are compared to other large farmstead properties. So, we have completed this analysis on over 45 operating solar facilities throughout Indiana and the Midwest in a variety of settings including rural and suburban with solar surrounding properties on two, three, even four sides and with solar panels as close as 100 ft from the property. Our research on all these 45 studies shows that there has been no measurable consistent difference in the homes next to solar compared to the homes not next to solar and including total sale price, price per square foot, days on market, rate of appreciation, nor does it deter new development. So, I'd like to walk you through one of those studies that we've conducted. This is the Riverstart solar project in Randolph County, Indiana. This 300-megawatt facility was constructed on over 1500 acres. Finally, we have conducted over 75 interviews with county and township assessors in Indiana with solar in their jurisdictions. They have stated that there has been no impact to property values due to the presence of solar. They have not changed the way they assess these homes. In conclusion,

we have based our research and analysis using actual sales data. We have found no evidence that solar adversely impacts property values. This has been corroborated by academic papers, independent appraisers, real estate agents, and county assessors.”

Hank Seltzer, “I’m an environmental director with Apex Clean Energy. I’ve been with the company for almost nine years and I’m responsible for compiling the special exception use permit application and the development standards variance request that are with you tonight. I’m going to give a brief overview of the special exception use permit application and then the development standards variance requests that we submitted in early October. Then I will briefly summarize the nine combined findings of fact that are in articles 9.10 10 9.12 of the UDO. The UDO states that the BZA must consider these nine findings of fact before deciding whether to approve a special exception use application and the variance request. First, the special exception use permit application, which is the big binder. On October 2nd, we filed this permit application for Brouilletts Creek Solar. This application is intentionally organized to follow the UDO's requirements for a solar power plant, and it includes information about each solar power plant standard and each submittable requirement that's included in article 5.65 of the UDO. This application includes information about how the project meets development standards in an A1 district, how it complies with environmental standards, and it also addresses findings of fact that you're considering tonight. We’re also here to talk about our development standard variance request. The proposed project substation will require three electrical components, examples of which you can see in the photos up there, that will exceed the current 50 feet height limit in an A1 district, height limit for structures, I should say. These three components in the proposed substation must exceed 50 ft to comply with the National Electric Safety Code and to meet design requirements from the interconnecting utility, which is Duke Energy. These three components are typical electrical equipment found in substations of similar size, voltage. Okay, we talked about the two binders, the special exception permit application, the development standards variance request. Let's review the nine combined findings of fact that fall into these six subject areas. Again, this is article 9.10, 10 9.12. First, zoning intent and a comprehensive plan. First finding fact is that Brouilletts Creek is consistent with the intent of the zoning district and the 2022 comprehensive plan. Solar power plants are already contemplated land use in A1 districts. Brouilletts Creek is located entirely in an A1 district. As we've talked about, county identified three land use goals in the 2022 comprehensive plan. Goal number three in the comprehensive plan is to plan for the development and utilization of alternative energy. Approving the special exception use application is an important step towards achieving land use goal number three. Public health and safety. Brouilletts Creek is located entirely on private land and will be operated by qualified professionals as a secure and regulated electrical generating facility. Day-to-day operations at Brouilletts Creek will not result in hazardous waste or byproducts, create harmful emissions or noxious odors, or otherwise compromise public health or safety. The UDO requires an applicant to study a solar project's potential for creating glare and noise. We had a third-party expert analyze both and they found that neither glare nor noise impacts are anticipated. Those expert reports can be found in appendix E and appendix R

in the big binder. As a stated land use goal and comprehensive plan and as a contemplated land use in the UDO, solar energy is not inherently offensive to the community's morals. As you've already heard from Meagan, this project provides numerous benefits to the community. You'll hear more from my colleague Kent in a moment about ways that Brouilletts Creek can improve the general welfare of the community. According to the UDO, solar power plants are already contemplated in an A1 district. Setbacks help maintain harmony with adjacent land uses. Solar facilities at Brouilletts Creek are set back from homes and roads to maximize the distances from places where people work, live, travel. comply with the UDO. We've adopted a minimum of 50 feet setback from non-participating property lines, a minimum of 300 feet set back from all homes, whether they're participating in the project or not, and a minimum of 30 ft from a public roadway, or 60 ft from the center line of a road, whichever distance is greater. Further buffer yards will screen views of the project from sensitive areas like homes. Plantings in the buffer yards and in the project in general inside the fence will include native plant and tree species that are adapted for conditions in Vermillion County. Brouilletts Creek won't impede current operations on farms that are adjacent to the project and it won't impede future operations on farms that are participating. The solar project will provide farmers with diversified sources of income that helps keep farms intact. We will be using native plant tree species as I mentioned in the buffer yards and inside the fence that are adapted for conditions here. No exotic landscaping or ornamental plants that die after a hard Indiana winter. The solar project will be using plants that belong here and it will be harmonious with the character of the district. Finally, before granting our variance request, the board must find that a strict application of the UDO's development standards, that is limiting the height of structures to 50 ft, will result in practical difficulties in the use of the property. Three electrical components as I mentioned in the proposed substation cannot feasibly be designed under the 50ft height limit. These three components are typical of substations that are of similar size and voltage and they're required to construct a functional grid interface that puts renewable electronics on the grid."

Kent Dougherty, "I'm a vice president of development for Apex Clean Energy. I've been working at Apex for over 16 years. I think it's worth taking a second to mention that on my very first day 16 years ago with Apex Clean Energy, boots on the ground was here in Indiana. I spent the better part of three years in my second home at the Holiday Express in Bluffton, Indiana, Wells County. A lot of water under the bridge since that time. I've had two kids. I've put some pounds on. I'm a lot grayer. I'm probably grayer since I first came to Vermillion County six years ago. and we've gotten a lot smarter about how to develop these very complex projects. My point is at Apex, we're here for the long haul. We don't fade away easily. We're reliable and we have what it takes to develop world class energy projects in collaboration with the communities in which we work. My job here tonight is simply to summarize some of the key points you've heard tonight. First, I'd like you to please remember that this project is composed of respected local farming families, people who have given back to this community for generations and who want this project to happen. Second, it is also a project cited entirely on private property. We firmly believe along with many others in this county that private land owners have the right to make

decisions about what they can do on their property, especially when it comes to the long-term benefit of their families. We are negotiating agreements as we speak with Canadian Solar to buy panels for this project. Despite their name, Canadian Solar is actually one of the largest manufacturers of solar panels in the US. Just so you know, I'm not making this up for the sake of the hearing. This would be our fourth project with Canadian Solar. The cells for those panels would be manufactured 120 miles south of here in Jeffersonville, Indiana. The panels then would be assembled in Texas before coming back here to the site. So, US-based developer, US funded project, US-made panels. Makes me very proud to be able to make that statement to you. As you've heard, we've also engaged closely with St. Bernice, the community closest to this project and have entered into a long-term financial relationship with the town, committing, as you heard, over \$780,000. You have received letters and will hear from community leaders in St. Bernice later tonight. In short, I feel safe in stating that St. Bernice will benefit from this project and does support it. Part of the benefits this project will bring is in the form of an economic development agreement, EDA, to be negotiated with the Commissioners and County Council. The current proposed payment, as you heard, is \$5 million. An EDA payment, unlike regular tax revenue, can go towards whatever county leadership feels it's most needed. Discussions to date have included ideas for the following projects. Getting all the tornado sirens across the county up to speed, cost of about \$200,000. A grant to support renovation efforts at the Standard Opera House in Perrysville, also a \$200 cost. A new ambulance up to a \$400,000 cost. Apex is also in discussions with Joink about how the project could fund filling in various gaps in fiber in northern Vermillion County and St. Bernice. This is not just talk. Apex has completed similar projects in two counties in Illinois. We had a long call with Joink on Friday and just this morning they provided us with initial estimates. There are many more initiatives that could be funded with the EDA money. But let's be clear, none of this happens, none of it without this project progressing tonight. Two final points. Appreciate your patience. I'm almost done, but I think these are important. First, for better or for worse, Vermillion County hosts a number of high voltage transmission lines. That's one big reason we are here. It is also the reason several other developers are here leasing land in the county. So, yes, there are concerns about how much is too much in the county. We get that 100%. However, we are here tonight to review this project and only this project. I respectfully suggest that you should not deny approval of this project that clearly complies with the ordinance based on a fear of future projects. Instead, I would respectfully suggest that this project can be the gold standard by which other proposed projects are measured and let Apex be the developer that sets the standard for how companies should behave with transparency, professional conduct, and community engagement. Why is our application 400 pages thick? It's not because it's stuffed with nonsense. It's because we went to great effort to prove beyond a shadow of doubt that the project is designed to comply with this county's laws. That is the rigorous standard we set for ourselves and that you should set for anyone that follows us. Ultimately, you have ample tools at your disposal to control and limit future development, but that is a different conversation. And remember, it took us six years to get to here tonight. Nothing's going to happen tomorrow. You have time to figure this out. Second and last point, we have five additional agreements to negotiate with the county. You've heard about the economic development agreement. We also have to have the commissioners sign a decommissioning agreement, a road use agreement. We have to

present a drainage plan to the drainage board. And finally, we can't do anything without building permits. My point is, if the BZA approves this project this evening, that does not by any means give Apex the approval to start building this project tomorrow. Far from it. Apex cannot do anything without these additional agreements and permits. So, even with your approval, the county retains complete leverage over this project. This approval would only kickstart all the hard work that is to come with county leadership. The only thing before you tonight is a somewhat narrow question. Does our application meet the standards at the UDO? We have many more negotiations with the county that follow this decision. In closing, this is a good project. I believe that it has broad support across the county. The letters and emails that have been sent in and the speakers you'll hear from tonight demonstrate this. Apex has proven to be a trustworthy and reliable partner. We have been here for the long term and we will be here for the long term. We have shown professionalism in all our relationships. We've engaged deeply with this community, but most importantly, we've always done what we said we would do. When we couldn't, we've made very clear reasons why. This project will bring meaningful financial benefits to the community for years to come. The question before the board tonight is simply whether the application meets the criteria of the UDF, and I believe that we have clearly shown that it does. Thanks again for your service to the county and thank you for your time.”

The BZA members then began asking their questions from the Apex team.

Mrs. Phillips thanked everyone for the questions and the response. I think we've gone through most of our burning questions. I now want to open up to the people in the room, the public hearing to have everybody share their thoughts. So, officially opening the public hearing.

During the public hearing, 28 concerned citizens spoke, the majority in favor of the Brouilletts Creek Solar project.

Mr. Newman made the motion to close the public hearing. Mr. Graves seconded. MC

Mrs. Paloncy then made the motion to table Petition 2025-07 until the December meeting. Mr. Newman seconded. Motion passes 4-1 with Mr. Graves voting no.

Mr. Graves then made the motion to adjourn the meeting at 9:45pm. Mr. Ellis seconded. MC

Barbara Phillips
Barbara Phillips
APC Secretary, BZA Chair