LAPORTE COUNTY PLAN COMMISSION

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Michael Polan
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES
March 25th, 2025

MEMBERS PRESENT:	Rita Beaty	Steve Holifield
	James Mills	James Pressel III
	Harold Parker	John Waston
	John Matwyshyn	John Carr

OTHERS PRESENT: Doug Biege, Attorney; Michael Polan, Recording Secretary; Ashley Kazmucha, Administrative Coordinator

PLEDGE OF ALLEGIANCE

Rita Beaty asked for approval of the agenda for the March 25th meeting.

Harold Parker made a motion to approve the agenda as presented.

Steve Holifield seconded the approval of the agenda.

All Approved. Motion carries 8-0.

Rita Beaty asked for approval of the February 25th, 2025 minutes.

Steve Holifield made a motion to approve the minutes as presented.

John Watson seconded.

All Approved. Motion carries 8-0.

Petitions

Old Business:

1. Discussion for Consideration of a Solar Moratorium

Rita Beaty stated they'll go on forward to the old business for this evening which will be the discussion for the consideration of the solar moratorium, but she just had a couple things that she'd like to say that she'd made notes on from the last time they were here. She knows there's a couple people that want to bring up a couple things also for their discussion this evening that they have for the board. She thinks they needed to kind of take a pause for a moment to get this legally correct from what they acted quickly. They kind of took a motion on the moratorium, acting out of

emotions she thinks is what kind of happened with them. So, they need to get it legally correct. Looking at our attorney, they need to get this legally correct with their attorney, the Indiana Laws and Federal Laws. She would like to move forward with their discussion this evening up here and then see if they need to table it or see where they need to go from there. Anybody?

Steve Holifield stated his discussion would be that he researched all ninety-two (92) counties, thirty-two (32) counties and counting have had or are in the process of putting on moratoriums just to get a grasp around what's going on in Washington and until they get a grasp around what the people in the counties want. That's just how he feels about it from speaking with people.

Rita Beaty stated okay.

Attorney Biege stated the motion the Board made last month, based on the discussions he listened to, was too broad. He doesn't think that the Planning Commission intended to shut down solar for residential, commercial, and industrial. So, that's why he asked Ashley to set it for another meeting because he's not sure that motion was what the Board intended.

Steve Holifield stated no, it was not. It was industrial solar.

Rita Beaty stated correct.

Steve Holifield asked if they needed to make a motion to rescind that last motion?

Attorney Biege stated he would recommend they just rescind it. Keep it clean and then if they are so inclined, make a new motion that is more defined.

Steve Holifield made a motion to rescind the previous motion about the moratorium from last month.

Harold Parker seconded.

All Approved. Motion carries 8-0.

Steve Holifield made a motion for a six (6) month moratorium on large-scale solar energy systems in LaPorte County.

Harold Parker seconded.

Rita Beaty asked for any discussion.

Steve Holifield asked in six months, they can address this again, correct?

Attorney Biege stated it can be extended.

Steve Holifield stated extended or if something happens before the six (6) months they can call it off then.

Attorney Biege stated sure. Well, yes, subject to the County Commissioners approval.

Steve Holifield stated yes because they would have to approve it next month. That's all the discussion he has.

Rita Beaty stated if the Federal or the State or someone else steps in within that six (6) month period, does it do anything to theirs? Will it override theirs at that particular time or how does that work?

Attorney Biege stated it depends on what they do. He knows that is pretty vague, but seriously they don't know what is going to happen. A good example would be when they put all the work into the first Battery Station and he is proud of what they ended up with, but six to eight (6 – 8) months later, the State took it over completely. He is glad they don't have to do it because they don't have the engineers here to understand a lot of it.

Steve Holifield stated exactly.

Attorney Biege stated something like that is also possible.

Steve Holifield stated House Bill 1328 was going to try and do that to them, but it never made it out of Committee. They were going to strip all local authority and control over all of these energy projects and it died in Committee so at least they have a reprieve for one (1) year.

Rita Beaty asked if the discussion be that maybe they need to do up to six (6) months or does that wording not really make that much of a difference in their motion.

Attorney Biege stated he doesn't think it makes a difference. They should be done with their amendments; he already has the draft amendments to the Committee. They don't have a ton of changes; some of them are substantive, but there's not a log of language changes. What he foresees is that if the Board is so inclined to move forward on the moratorium, then they set this for a Public Hearing for next month on the moratorium and then they take a final vote on the moratorium and then after that, the following month they could have a Public Hearing on the changes to the Solar Ordinance.

Steve Holifield asked if the Public Hearing has to be done before it goes to the Commissioners?

Attorney Biege stated yes. The order is this: if they choose to pursue, which they are voting to proceed tonight, they are not voting a moratorium yet, the process will be they will have a Public Hearing next month, further discussion and a final vote, and then it will go to the Commissioners.

Steve Holifield stated while this is being addressed, no one can sneak in under the table like RWE did then?

Attorney Biege stated he wouldn't say they snuck in; they had at least seven Public Hearings. He doesn't think there was a whole lot of sneaking there, but either way once the moratorium is place,

nobody can come in until the expiration of the moratorium or what he is predicting, is that the Plan Commission will take some type of vote on the changes. If the changes go through, they will ultimately go to the Commissioners. When it goes to the Commissioners then they will have to take the moratorium off the table. They can rescind it without it coming back here.

Rita Beaty stated in the meantime, like Steve just said, so from now until they have the Public Hearing, if somebody does come in, can they go ahead and apply and make that application.

Attorney Biege stated they can. Now, a Public Hearing does not have to wait until next month's meeting. They can always set a Special Meeting if they are so inclined.

Steve Holifield stated that is why the time, correct Ashley, for posting?

Ashley Kazmucha stated that if somebody wanted to get in, they would have to file with her by Monday at noon. So, there is not a whole lot of time.

Steve Holifield stated if they wanted to have a Special Meeting to address this Hearing, what is the time frame to get it posted and notified.

Ashley Kazmucha stated they could do that, but that is up to Doug. How long does Public Hearing require for notification?

Attorney Biege stated it's ten (10) days. If they cannot file after Monday, then he is not sure they would need to do a Special Meeting also. They are not going to be on the agenda and they will have a vote before the following BZA drop dead date.

John Watson stated so the moratorium is to stop any and all forthcoming permits for solar on the industrial sized farms, correct?

Attorney Biege stated that is right. Well, yes, temporarily. In his opinion, a permanent moratorium is not going to be Constitutional. He thinks most moratoriums are set in place because a lot of the counties didn't have any solar ordinances in place. They already had theirs. They've tweaked it; they're going to tweak it again, but he thinks the main purpose is to make any adjustments that the commission will decide to make on the industrial solar. Once that is done, there is no purpose for a moratorium anymore. He doubts they will go six (6) months on this.

Steve Holifield stated he has to agree. The longest one (1) that he found was two (2) years and they wound up rescinding it before then because they had their Public Hearings and they had a new ordinance in place so they rescinded theirs before the two (2) years. Most of them are running anywhere between ninety (90) days and six (6) months.

John Watson stated so, basically, they are going to close the door for LaPorte County for solar.

Steve Holifield stated for six (6) months.

Michael Polan stated procedurally, if somebody were to file, it would be a petition and like Ashley said, it would have to be filed by Monday at noon and it would go to a hearing at the Board of Zoning Appeals, which they could approve, deny, or impose conditions. Procedurally, that's how it would go.

Rita Beaty stated but for this evening, if they vote to proceed with the moratorium from today, like Mike said, up until Monday only though, but let's forecast it a little bit further because she sees the hesitation here. So, if they go ahead and proceed this evening with the moratorium, Monday is the last day for the zoning, so next month, before they get their next meeting in, there still could be somebody possibly filed, they just wouldn't be heard. They can still file until they pass the moratorium. Do they see what she is saying? The door is still open. They could still file and petition, they would just have to wait that waiting period so they're really not closing it until they actually get the moratorium passed.

Attorney Biege stated it doesn't close until after the Commissioners take a vote.

Rita Beaty stated correct.

Attorney Biege stated last time the Commissioners did not make a decision and it just sat.

Rita Beaty stated yes, they brought it back.

Steve Holifield stated they didn't do anything.

Rita Beaty stated right. So, basically, they're just giving their procedure to move forward so if somebody did want to file, they could go ahead and file to do so or whatever.

Attorney Biege stated yes.

Rita Beaty stated she hates the words, "closing our doors" so she just hates hearing that LaPorte County's doors are closed. She doesn't like that term being said up here. She would like to reiterate that it's truly not closed because they could still petition.

John Watson stated once the moratorium takes effect, then the doors will be closed.

Rita Beaty stated yes, correct.

Steve Holifield stated or they could come forward after the new ordinance and the solar moratorium is off and they can re-file.

John Watson stated with what is in the new ordinance, it is essentially going to be doing the same.

Steve Holifield stated Porter County down out right banned all solar. Other counties are stricter than this one (1) even after he went through all ninety-two (92) counties. Some are less restrictive and some are restrictive. The people that he has spoke with really do not want this around. That's what they have to go by.

John Carr asked Steve what Porter County did to ban their solar?

Steve Holifield stated talking to Mr. Biggs, they just said no solar period is the way he understood it. That's what he told him and they haven't been sued or anything yet. They just do not want to have solar over there period because of the one (1) going down in Morgan Township in the southern part of the County.

John Watson stated there are people that want it, right? The people that are putting their land under solar want it. Whether the majority want it or don't want it, he would say it is still open. At the end of the day whenever something like this would get passed, they are taking the rights away from the people that may want it.

Steve Holifield stated they're also not infringing on the rights of those that are living around it. As in Shelby County, he spoke with one (1) of their commissioners, the way they revamped their Ordinance was that if they feel they have the right to do this on their land, then why do they have zoning and BZA's there because then they can do whatever they want with their land. If that's the case, what if he wanted to put in a dead animal transfer station like New Carlisle and Plymouth used to have, on his property. Then the neighbors wouldn't have the right to say no. If they want to follow the ordinances as the rest of the State is doing, they can do this. He went down to Lafayette the other day down 39 and 421; it's a mess from what he saw down there. There are signs everywhere that they don't want any of it. He spoke with some people at the road school; they don't want it either. He thinks they still have to listen to what the people say and this gives them another right to speak at the hearing over this new ordinance in this moratorium. It may become a moot point if D.C. rescinds all tax incentives and tax breaks for these projects like they have been slowly doing. During the House hearing down there for 1328, one (1) of the solar investors was questioned, without the subsidies, will they do these projects. He, under oath, said without the solar subsidies, it's not profitable unless they highly raise the rates for electric.

John Watson stated to build a solar farm in comparison to like a coal burner is thirty percent (30%) cheaper or equivalent juice.

Steve Holifield stated but look at the amount of land they are wasting.

John Watson stated the question was, the price to build it in comparison. It's thirty percent (30%) less.

Steve Holifield stated but they're only about thirty-five percent (35%) efficient. Those were statements made by RWE's representative.

Jon Watson stated this is what he knows. He can't give them statistics on a solar panel, but he knows that the Schafer plant in Wheatfield is going to stop the coal generating. They've put in solar panels. He knows that those people know, they are energy experts, and they have found a way.

Steve Holifield stated if they are the energy experts, why were they not addressing this issue ten (10) years ago when they knew it was happening.

Harold Parker stated the Wheatfield plant is going natural gas.

Steve Holifield stated yes, it is.

John Watson stated partially.

Steve Holifield stated they are also adding peaker plants.

Harold Parker stated they're going to do it because they can't get enough juice.

John Carr stated it is just a peaker plant.

Rita Beaty asked for any further discussion. They have a motion in place to put a moratorium on the large-scale industrial solar for a term of six (6) months on the table with a second. Please do a roll call for the vote.

Ashley Kazmucha read the roll.

Rita Beaty stated nay.

Steve Holifield stated yea.

Harold Parker stated yea.

Jimmy Pressel stated nay.

John Carr stated nay.

John Watson stated nay.

Jimmy Mills stated yea.

John Matwyshyn stated nay.

Ashley Kazmucha stated the nay's have it.

Rita Beaty stated okay. At this point, she needs to direct it back to Doug. They removed last months motion so that they opened it back up for solar. So, at this point, they are at a moot point where they are not going to proceed with the moratorium. At this point, do they go ahead and move on to new business or is there any other further discussion that they need.

Attorney Biege stated he thinks that's it.

Rita Beaty stated all right. Thank you all for your vote.

New Business:

Mitch Bishop stated as he mentioned in previous meetings, the comprehensive planned effort is commencing. He has his first meeting with the consultant doing the work tomorrow at 8 a.m. He knows one (1) thing, they're kind of in the data collection, right now, phase of the process. One (1) thing is that they wanted to have a steering committee formed like their previous endeavor went into the comp plan world in 2009. They had a steering committee. It was probably six or eight (6 – 8) individuals and then they also had an advisory committee. The advisory committee was sixteen to twenty (16 – 20). That was people from the utility world, home builders, realtors, etc., but the steering committee, primarily that's going to be probably four or five (4 – 5) meetings with the steering committee because this process will last sixteen to eighteen (16 – 18) months and they're going to be the more in between kind of guidance and they're looking for probably three or four (3 – 4) Plan Commission members. He spoke to Steve about it. He would serve on it and Mike has agreed as well, but they're probably going to need three or four (3 – 4) volunteers from the Plan Commission, so he'll leave it up to them to volunteer.

Steve Holifield stated he will volunteer.

Mitch Bishop stated all right, they have Steve.

John Watson stated he will volunteer.

Mitch Bishop stated two (2) more would be great so they have four (4). At least that gives them numbers in case somebody can't make it. They could have five or six (5 – 6) total.

John Carr stated he would be an alternate.

Harold Parker asked how many he has so far.

Mitch Bishop asked if he wanted to be on there. Rita was on there too, he remembers. Rita, are you interested?

Rita Beaty stated she wasn't going to bring that up.

Mitch Bishop stated they can put her on the advisory committee. That's a better committee because there's like twenty (20) people and she could hide. Nah.

Rita Beaty stated she will fill in wherever she prefers for her to be.

Mitch Bishop stated so he is hearing Harold, John, Steve, the other John.

Harold Parker stated they are meeting at eight o'clock (8 a.m.) in the morning then.

Mitch Bishop stated no, no, no. They are just meeting with him, but the first one (1) will probably be a month or two (2) away. They have to have them actually do some work first, but they need a lot of information. They are getting GIS data. They are getting housing data. They are looking at

their old comprehensive plan. They are looking at their housing study. So right now, they are kind of digesting everything around here and not only here, but also NIRPC and their plans because that is a three (3) county area. So, they will meet with him for the first meeting tomorrow morning at eight o'clock (8 a.m.). Now, the steering committee, they have to have them do a little work so it will probably be a month or two (2) before they meet, but he wanted to give them a list tomorrow morning. That's all.

Jimmy Pressel stated if he has room, he will get on there.

Mitch Bishop stated yes.

Harold Parker stated let's say May or June.

Mitch Bishop stated beginning of June would be his guess right now.

Michael Polan asked where a proper venue is to have the meeting.

Mitch Bishop stated here would be fine. He appreciates it.

John Watson asked what this is called again.

Mitch Bishop stated the Comprehensive Plan Steering Committee.

Michael Polan stated this is something that is done what, every fifteen (15) years or so.

Mitch Bishop stated the APA, American Planning Association, recommends they review their Comprehensive Plan every ten (10) to make some smaller changes, but the whole document rewrite should happen by fifteen (15) years. They adopted theirs in 2010 so they are right at fifteen (15). So, they are due.

Michael Polan stated that leads to some zoning.

Mitch Bishop stated yes. As he mentioned before in previous meetings, this is like a twenty-thousand-foot (20,000') level. It's not a regulatory document like a zoning ordinance. This is more policy and how they want to see growth, where they want to see it, what kind of developments they want to see, where housing and land use decisions. This guides a lot of their zoning maps, their land use maps, their future land use maps so an example would be if somebody came in for a variance, they have an existing land use map and a future land use map. If somebody came in and is in Ag zoning and they want to run a business, they can say they have a future land use map and their twenty (20) year goal for the county is this for this area and what they are wanting to do does not meet the interest of the community. So, those are decisions that could be made based on land use maps that are developed out of this twenty (20) year comprehensive plan. This guides their growth and development and where they want to place their funds as a County, their tax dollars, and where they want to see development occur with logical planning processes.

Steve Holifield asked if it will change any of the zoning.

Mitch Bishop stated it makes recommendations for zoning.

Steve Holifield stated so they could add or delete zoning.

Mitch Bishop stated that's going to be in a regulatory document.

Attorney Biege asked if it is actually changing the zoned maps.

Mitch Bishop stated no.

Attorney Biege stated it doesn't change any.

Mitch Bishop stated no.

Attorney Biege stated they could change some maps.

Steve Holifield stated they could add different zoning. Instead of things requiring a Special Exception, they could change the zoning and say yes or no to that.

Attorney Biege stated that is a different process. They can make the recommendation, but actually changing the zoning code or the zoning maps is a different process.

Steve Holifield stated okay.

Mitch Bishop stated that would be part of the zoning ordinance. What comes out of this, at the twenty-thousand-foot (20,000') level, is guidance on how they want to see growth and development.

Steve Holifield stated the City of LaPorte is doing theirs right now too. He is sitting on that Board.

Mitch Bishop stated yes, they are about six (6) months behind them, but as they know, they used to have a joint comprehensive plan with two (2) cities.

Rita Beaty stated everybody's was together.

Mitch Bishop stated they all shared the cost and a grant fund. He doesn't want to sound like Trump, but it was beautiful. Everybody came together and everybody shared the cost. But everybody wants autonomy now so they have to pay, but fortunately he got a grant to cover eighty-five percent (85%) of the cost.

Rita Beaty stated nice. Thank you for that Mitch.

Mitch Bishop stated he has their names and he will let them know tomorrow morning. He appreciates it and he will keep them abreast of what is going on. When he gets a meeting time, he will let them know.

Michael Polan stated thanks Mitch. For anyone interested, on the Board or home gamers or audience members, Berrien County recently updated and passed theirs and it is online for anybody to peruse through and take a look at what they did in their community. They will be following a similar process.

Rita Beaty asked for any other new business.

Michael Polan stated they received correspondence for Linda Meyer regarding her desire to see them regulate Airbnb's. He had a conversation with her and let her know that this was previously decided not to regulate Airbnb's so there are not currently regulations for them in the unincorporated areas of LaPorte County. She gave him a copy of the Michiana Shores ordinance who does regulate Airbnb's. He believes Michigan City does as well. He distributed that correspondence to all of them to review and he wanted to mention that they received that and he distributed it.

Steve Holifield stated he sent her back an email. The County already takes care of that situation. If she has a problem with her neighbors, he informed her she can call the police and if there are enough complaints filed, then the company that is in charge of that Airbnb needs to address the issues, how they are doing things, and maybe revoke their license. So, there are already issues out there to cover that.

Rita Beaty stated right. They unfortunately don't have the police power to take care of that.

Steve Holifield made a motion to adjourn.

John Watson seconded.

There being no further business before the Plan Commission, meeting adjourned at 6:27 p.m.

Rita Beaty, President

Michael Polan, Recording Sec.