



Michael Polan
Building Commissioner

June 24th, 2025

6-24-2025 1

no conflicts of interest, they are more than welcome to remain here as a member of the Plan Commission. They have had people discuss tenant farmers. They feel the need to have the attorney to make sure that this is addressed at this time and they have it on record if they feel that if anybody does have any conflict or there are no conflicts for this evening. She wanted to get that out there for everyone to understand to begin with. Also, a few things before they get started. They do have remonstrators that are for or against their discussion for this evening. They are not here to discuss any particular project or company that may be here this evening. They are going to ask that everyone please be considerate. No rudeness. No interrupting. They are going to have a timer. If they are up here to discuss their feeling, they are okay with that, but remember they do not want any redundancy. They are going to allow them three (3) minutes. If there are any groups that have something set up with an attorney possibly or a spokesperson, they will allow them a little bit longer time, but please don't take advantage of that opportunity that they are going to give them. They might ask that they move on. There might be some Plan Commission members that might have a question for them that they might want to address, but please remember, Ashley has the timer that she is going to be running and she can be wicked with it. Keep that in mind. So, thank you for their time. They will ask that when they do come to the podium to please state their name and address for the record and please address the Plan Commission and not the audience. Thank you for this evening and let's have an informative discussion. Once again, they are only here for the Ordinance Changes. Thank you.

Old Business:

1. Public Hearing of an Updated Solar Ordinance Draft

Attorney Biege asked if they can say the words, they are now having their Public Hearing.

Rita Beaty stated sorry. They are now beginning their Public Hearing. Thank you all. Thank you, Mr. Attorney.

Nathan Vogel stated his address is 5474 Winding Brook Dr., Mishawaka, IN. He is an industry and solar veteran here in Indiana. He has been in the Solar industry for twenty (20) years. He worked for a solar EPC and development company here in Indiana for twenty (20) years. They have been working in LaPorte County planning projects for the past five (5) years. Both EPC which is engineering, procurement, and construction and development of projects.

Steve Holifield stated excuse me, this is only supposed to be for LaPorte County citizens, correct?

Attorney Biege stated they are only addressing the changes in the ordinance.

Harold Parker stated he is from Mishawaka.

Nathan Vogel stated he lives in Mishawaka, Indiana. He doesn't think that matters, does it.

Attorney Biege stated he doesn't think it matters where he lives.

Rita Beaty stated they have had people here from Indianapolis.

Harold Parker stated he thought they needed to be a County resident.

Attorney Biege stated no, they don't have to be a County resident to speak.

John Carr asked who he said he represented. He didn't catch that.

Nathan Vogel stated he represents Inovateus Solar. They are a developer and EPC in Indiana. When they do projects in local communities, they bring a lot of jobs to those local communities and to Indiana so this is important to us being LaPorte County and in Indiana to bring local jobs through the solar industry. With that said, he would like to make the following statement. As an interested party on these proposed Ordinance amendments with the advice of counsel and to be sure that this is a fair transparent proceeding, they request to have this issue on the record and in the minutes of the Public Hearing. Pursuant to Section 27-06 C. of the LaPorte County Zoning Ordinance and Indiana Law and Indiana Code 36-7-4-223C a member of the Plan Commission is disqualified and may not participate in the Hearing of the Plan Commission concerning this zoning decision if the member has a direct or indirect financial interest in the outcome of the zoning decision. Further, in Indiana Code 36-7-4-223B states that members of the legislative body may not participate as a member in the Plan Commission or the legislative body in a hearing or recommendations concerning a legislative act described in I.C. 36-7-4-1016. If the member has a direct or indirect financial interest, Indiana Code Section 36-7-4-1016 (f) (3) lists as one of those legislative acts adopting, rejecting, or amending a zoning ordinance. The indirect or direct financial interests in this proposed Ordinance is expressly prohibited by State law and needs to be included in the record of this Public Hearing. Thank you.

Rita Beaty stated thank you.

Harold Parker asked if he is a lawyer.

Nathan Vogel stated no sir. He works for a solar company.

Harold Parker stated but he did the lawyer thing there.

Nathan Vogel asked if that was a lawyer thing?

Harold Parker stated it damn straight is saying all that. He just wanted to know.

Rita Beaty stated thank you for their time.

Corey Campbell stated his address is 510 Grassfork Ct., Wanatah, IN. He is coming before them as both a LaPorte County resident and the Business Manager of Laborers' Local 81. Laborers' Local 81 has nearly fourteen hundred (1,400) members many of whom reside here in LaPorte County where they contribute to local economy with wages earned by working locally in many capacities including solar jobs. They will find many here in the audience that are LaPorte County residents, just in case Steve was worried, they will find many of them here in the audience today. He would like to express his concern about the proposed changes to the existing Solar Ordinance. Changes

like those proposed are simply designed to kill solar jobs in their County. Not only will it kill the solar farms in the County, it will kill good paying construction jobs that their members and other trades rely on. These jobs are the future no matter how they look at it. There is a strong movement in the direction of green energy. Solar farms are coming to Northwest Indiana. This is an opportunity for economic boom for LaPorte County. We shouldn't pass up the opportunity for future employment for LaPorte County residents just to watch solar farms be placed in our neighboring communities. As a part of the construction industry, Laborer's Local 81 members and other building trades are also relying on the next big project. Not only would a solar farm in our County be a great opportunity for their members who live in the area now, but also long-term opportunities. A project of this size, or any size would certainly open the door for future economic growth opportunities for the County, its' residents, and the members he represents. In closing, he asks them to look at the members that came tonight in support of this project or any future projects in support of good paying construction jobs, all of whom are LaPorte County residents. They live here, work here, shop here. Their children attend schools here. Instead of asking all roughly twenty (20) members that came tonight in support to speak in favor of the solar jobs, he is speaking on their behalf. They strongly encourage them to move this project or any future projects so that their members can get to work here at home in their community. Thank you for your time.

Rita Beaty stated thank you.

Harold Parker asked what the number of his union was.

Corey Campbell stated Local 81.

Harold Parker stated 81.

Corey Campbell stated yes sir.

Bill Dankert stated his address is 7606 S. Young Rd., LaPorte. IN. He is a little bit nervous out here. He lost his hearing driving a farm tractor, a 1206 International, so he is hard of hearing, so if he says something wrong or they have any questions please let him know. He is for the solar. He wants to put it on his farm land. On the way here he talked to a friend that owns a dairy store; his name is Dave and they have played basketball for years and he said that he is against solar. So, they had a discussion of why. He told Dave that he didn't want to do something that is harmful for his neighbors, so tell him why he is against solar. He told him they are having a meeting today where they will have Ordinance changes that would basically end all solar for LaPorte County. He said, "Bill, let me tell you something on why he is against solar. I don't like the idea of farm land taken out of production into solar." He said, "Dave, he will tell you something, it's not permanent. This farmland is going to be temporary. I have a bond that says they have to put it back to farmland when they are finished twenty-five (25), thirty (30), forty (40) years from now." So, he said it isn't going to be permanent. Dave said, "Bill, I didn't realize that." He told him that it's a misconception and he wants to find out why he is against it. Dave said, "The second thing is, Bill, what about all the harmful stuff to the ground?" He said, "Dave, as a farmer and there is nothing wrong with farmers, they put chemicals, herbicide, insecticide, fungicide, and a lot of other things on their crop. When they put a solar farm in, it is basically a pasture. There is hardly anything better for ground than pasture. Farming isn't harmful, but pasture is much better which solar is." Dave said, "Bill, I didn't

realize that. Let me ask you a question, what happens if we run out of food? What if we have a bad drought and there is no food for Americans?" He said, "Dave, let me tell you something. Almost half of their corn crop goes into ethanol. He doesn't know what farmers would do without ethanol. Today corn is three dollars and eighty-five cents (\$3.85) for fall delivery from Kingsbury Elevator. It is a losing proposition for today's farmers at today's prices. They are hoping it gets better. They have a two-billion (2,000,000,000) almost surplus of corn every single year. They have corn coming out of their ears. If they ever had a bad terrible drought, which hasn't happened in almost thirty-five (35) years, all they would have to do is make ethanol mandates. They have all the food they need for the next fifty (50) years." Dave said, "Bill, I didn't realize that." He said, "Dave, a lot of the thing is this, I don't want to put something in with his neighbors that may be harmful. So, I am glad you are being honest, most people won't do that with me, but I am glad you are. Let me ask you something Dave, what is less invasive on his farmland that he wants to rent temporarily than solar? It's not a housing subdivision. It's not an Amazon building. It's not this. It's not that. It's not permanent; it's temporary Dave. Does it kill birds? Can you see it twenty (20) miles away?" Dave said, "Well, it's not attractive." He said, "Dave, unless you live next to it or drive back to it, and they will put some kind of brush or scenery on it. Dave, maybe it's unattractive to some, not everybody, but is that his only argument?" Dave has a lot of things against solar like a lot of people do here, but what he wants to say is this. If everybody can get their questions answered, then have all the knowledge, and then make a decision. Maybe they will be against solar; maybe they will be for it, but let's get all the questions that they have answered and go from there. That is all he wanted to say. Thank you for listening. Does anybody have any questions for him before he leaves.

Rita Beaty stated thank you for your time.

Steve Holifield stated thank you, Bill.

James Pressel III stated thank you.

Timothy Powers stated his address is 1316 E. Washington St., South Bend, IN. He represents Inovateus Solar. They are a local design build firm and solar developer who has been based in the Hoosier stated since they were founded in 2008. Many of their employees and business partners are Hoosiers as well. They live, work, and play in their Northern Indiana communities including LaPorte County. Their projects that they have worked on over two (2) decades now have served schools, commercial and industrial clients, cities, utilities, and they have helped all of them save energy and resize their energy consumption with clean energy. He is here today to say as a resident that they are a big fan of responsible solar development as well as the implementation of solar projects in LaPorte County being a neighbor right across the border in St. Joe County. In theirs and their partners experiences, their projects create local jobs and provide both public and private diversified revenue streams for the communities that they are sited inside of. So, looking at the Draft Ordinance that is front of the Commission tonight, it is very clear that every new proposed amendment is meant to act as a ban on any new commercial solar development in LaPorte County. It appears these amendments were borrowed from other counties who attempted to put a default ban in their counties as well. These amendments are definitely not from the State of Indiana. The State, a couple years ago, issued a baseline solar draft ordinance which was meant to help county's craft their own ordinances and welcome some development and projects into their own counties. LaPorte's current Ordinance, to be very clear, is extremely thorough. It has a lot of requirements for

developers to get permits awarded. That Ordinance currently goes well beyond the State one (1) that he just mentioned. Since 2020, LaPorte County has worked through multiple updates of the current Ordinance including last summer in 2024. As he said, this is one (1) of the more thorough Ordinance in the State if not the Midwest that they have seen. A few other items on this current Ordinance, that they as developers may be required to fulfill. Projects in the County would have to enter into a Decommissioning Agreement to insure the project's responsibility to decommission when it is done operating. A Road Use Agreement as well as an economic development agreement all of which are thoroughly reviewed by their respective Departments and Boards around the County prior to any permit being approved. So, they certainly understand the County and this Plan Commission's attention to create an intentional Ordinance which protects residents and operations of the County and well-being of everyone who might be near one (1) of these projects, but he wants to say that in support of this, they have found the County's current Ordinance to be thorough, but workable. Thank you for the time. He would just like to suggest that the amendments be left out of the Ordinance and the Ordinance be kept as it is currently. Thank you.

Rita Beaty stated thank you for your time.

Steve Holifield stated there are other counties in the State that have the same things in their ordinances as this one (1). He spoke with County Commissioners, County Council Members, and read over their solar ordinances so this is not something that they have created and nowhere in this Ordinance is used the word "ban".

John Carr stated he is sorry; he didn't catch his name.

Steve Holifield stated Steve Holifield.

John Carr stated no, he was asking for the remonstrators name.

Timothy Powers stated Tim Powers with Inovateus Solar. They are out of South Bend.

Rita Beaty stated thank you.

Michelle Bonick stated her address is 4888 E. 200 S., LaPorte, IN. She is against solar. All of it. Any of it anywhere in the world. It comes from. . . It started with the United Nations which is a very evil organization. This is around the world. Around the world. Yea, John, sit there like that.

John Carr stated he is sorry, what's that? He didn't hear her.

Michelle Bonick stated it's evil. It comes from evil and it is evil. It is evil and it's wrong. They shouldn't have this. They don't have to have it just because the rest of the world or the State has it. They don't have to have it in this County, but they look at it like it's the big cash cow; the County Council does that and he's on it. He is on it. Yes, she was a voter, but she actually did not vote for him. So, anyway, but it is wrong. This whole thing is just evil. They need to go to the United Nations website. They don't hide it. It's all there. She has 2030 Agenda training and there is so much more that they don't know and this cash cow thing with the County Council, let her tell them something, if this is all about money for the County and greed for the people that will lease and get

their quarter of a million (\$250,000) or whatever a month for their thousand (1,000) acres or whatever and things like that and it's just greed. She is not against capitalism at all. She is a Republican. She is actually a Conservative. She will tell them who she is really quick. She is a Biblical Christian Constitutional Conservative which stand for life and liberty. Making this some cash cow for the County with the property taxes they're going to get when the assessed values go up because the solar thing is going to make all this money. It's wrong. She thinks that if this County came to the Lord, if they all came to the Lord, she is already there, and if they relied on God and prayed to him, let her tell them, He will fund the County. It will be funded, absolutely, but nobody wants to be about God. Everyone wants to stay in their sin. Solar panels, arrays, and installations are sinful in her opinion. She's not bringing religion into this, but she is bringing God into it because he is very much all about all of them and she is all about Him because He is all about her. She will tell them, this should have never happened and they should have never on the Zoning Board last year approved what they approved.

Rita Beaty stated thank you for your time.

Michelle Bonick stated you're welcome.

Paul Wyman stated his address is 211 Sandy Ct., Kokomo, IN. He appreciates the opportunity to share a few words with them all this evening. Little background on himself, his real estate company the Wyman Group is celebrating its twenty-fifth (25th) anniversary next year. He spent sixteen (16) years in County Government; four (4) as a County Councilman and twelve (12) years as County Commissioner in Howard County. Also, last year, Governor Holcomb appointed him to the Indiana Land Use Task Force Committee at the State based on the work that he had done as a County Commission pertaining not only to solar and wind projects, but also his experience in real estate and understanding in twenty-five (25) years land uses. So, tonight, he is here for several reasons. First and foremost, anytime there are restrictions that might prohibit the advancement of industry or a company in their community, he has been asked to speak around the State on this topic in a number of communities that have proposed restrictions in Ordinance. To Steve's point, they're not talking about ban, they're just talking about the level of opportunity for a company to come in and actually set up shop and do business, but more importantly, where he comes from on this and all his years of experience and work on these types of projects is understanding what the true demand for energy really is. If they look at any energy study, they will see that between now and the year 2050, there will be a fifty percent (50%) demand in energy. He will tell them as a Conservative Republican; he loves his fossil fuel. Loves it. What he loves equally as much is renewable energy. The reason why is because he understands with that demand coming, fossil fuel cannot meet that demand by itself in 2050. It will take a mixture of fossil fuel and renewable energy. So, in Howard County, the work that they did to work on their solar projects and work with their neighboring county, Tipton County on the wind farms was to insure that there was an opportunity for renewable energy to play a role in that. In Kokomo, they may have heard and seen where they have a new battery plant and one (1) now coming in New Carlisle. So, the advancement of those type of technologies is critically important. Two (2) quick things he wants to point out: in twenty-three million (23,000,000) acres of land in the state of Indiana, three hundred and forty thousand (340,000) acres were taken out of service for work such as real estate development and those sorts of things in the twelve (12) years prior to him serving on the Land Use Task Force. That's point-zero-zero-one-two percent (.0012%) per year they are lost in land. In that same exact twelve (12) year period, productivity went up. The

technologies in farm and the production of food is critically important. So, just as much as they are consuming food, they are consuming energy at the same or a higher rate. The last thing he will share with them, and he realize his time is up, is that they have in his company is an extensive property value study for probably the last seven to eight (7 – 8) years. It is one of the most comprehensive property value studies on wind farms and solar because they have them in their region. He would be glad to share any of that with them, but he can tell them emphatically that their property value study will show that there is no impact on property values in wind farm areas or solar areas that are happening currently in Howard County. With any of that, he would be glad to answer any questions and if they ever need any additional information when it comes to things like property values and energy uses and the development work they have done, he would be glad to share that with them.

Rita Beaty stated thank you for your time.

Paul Wyman stated thank you.

Richard Parker stated his address is 9122 W. Joliet Rd., LaPorte, IN. He has seventy (70) acres there which he is under contract with Pattern Energy along with Parker Farms who farms his property. They have for the last thirty-eight (38) years. Either Parker Farms or the family. He is for solar on his property. He is not pushing it on anybody else. He doesn't care what they do up on the east end. He doesn't care on the south, but his property that he has been on for over forty (40) years, he thinks he ought to have a pretty good run at what he does there as long as it is safe and doesn't violate or hurt anybody else. He doesn't see where the solar does, in his opinion. Now, the big thing with him is that he doesn't farm. His brother and his family have farmed it for thirty-eight (38) years. He is a retired operating engineer Local 150 and pretty darn proud of that. This solar contract that he has, when it goes through, if it goes through, if it gets passed all of this, someone else telling him what to do with his property that he has owned forever, put his life's work into, this will set up his next generation. It passes seamlessly. Then it goes to his four (4) grandkids. This isn't just something fly by night. He has been working on this for ten (10) years. He hopes they see past just what they have going. Thank you for their time.

Rita Beaty stated thank you.

Dan Straka stated his address is 8136 5th St., Highland, IN. He wants to talk specifically about some of the line items in this Ordinance. They will go to Section 3. Solar Energy Systems; General Subsection 2 where it states large-scale solar energy systems where the proposed amendment for twenty-four hundred (2,400) acres of farmland as a land cap is proposed. He can completely understand wanting to conserve land here in LaPorte County. He, himself, is a Conservative and believes that sometimes they do have a little bit too much development, however land caps are restrictions on their residents to use their land as they choose. He would like to propose something that maybe meets in the middle of residents being able to use their land and the County not being overrun by something; that would be about ten thousand (10,000) acres, somewhere around there. They will move to the next section where it says total use of land for a single large-scale solar energy project to not exceed four hundred (400) acres. Again, he could go over how this is restricting their residents to using their lands, restricting their private property rights, but he would suggest moving that total acres not to exceed four hundred (400) to four thousand (4,000) acres.

That will give a little bit more leeway for their residents to use their land as they choose. He will move on to Page 5, Section J. Subsection c. the setback. They will actually just talk about setbacks in general a. through c., instead of the mile setback from waterways and the non-participating land owners not having solar on two (2) sides and the thousand-foot (1,000') setback from property lines of non-participating owners, he suggests they do what Allen County did just a few weeks ago taking their suggestion of a thousand feet (1,000') setbacks down to four hundred feet (400') setbacks. That allows for development. It doesn't totally cut off development, but it does still allow for those protections that they are looking for, for those non-participating land owners. He believes that's all he has as far as line items in their Ordinance, but he has twenty-three (23) seconds so he is going to use them. They have been at this discussion table quite a bit here in LaPorte County. He has been here. He and Commissioner Holifield have butted heads back and forth and he has the utmost respect for everyone on this Board and the job that they are doing here in LaPorte County. He wants to offer Land and Liberty as a resource. They work on these ordinances all the time and he wants to make sure that they are able to protect their non-participating and participating landowners so that their land owners can continue to use their private property as they see fit. Thank you for your time.

Rita Beaty stated thank you.

Steve Holifield stated thank you.

Steve Miller stated his address 988 N. 250 E., LaPorte, IN. He has been to several of these meetings here, seen how they have gone and that. It looks like the farmers and those that are participating in the solar farm are coming out real good. Across the road from him, fifty-foot (50'), starts the solar farm. He is on the west side of the solar farm. So, the thing that he is not seeing is people that live on the other side of the road aren't being taken care of. The farmers are presumably going to get three to four (3 – 4) times their income that they make on the farm. They can sell their farm machinery, go to Hawaii, everything is working great. If his house was on the other side of the road, presumably from what he understands, he would get five thousand dollars (\$5,000) per each side his house faces the solar farm. He doesn't know if that is correct or not, but that is his understanding of what was in there. On their side, they get nothing. He has approached the meetings and that and mentioned why don't they get something, possibly like a reduction in their property tax. His daughter tells him that with the solar farm on the other side of the road, they will not get the same if it wasn't there. So, at that point in time, they get nothing at all. Why can't they at least get the electricity from the solar farm? Anybody that can see that solar farm should get their electric bill paid for. It looks like he has one (1) or two (2) people that agree. See, they need to take of both sides. It's just like being born on the wrong side of the town or the good side of the town. It looks like he moved to the wrong side to where if he had acreage over there, he could retire the rest of his life, but the way it is now, he basically gets nothing. That's the way it looks like it is going to go down so there are concerns that he thinks this committee needs to look at and say, "Okay, what can we do for these folks here?" The other thing that he brought up, he sees he has a minute left here, is the fact that he looked at the drawings and that for the solar farm and that and one (1) of the things he brought up was that on the layouts of it is that seventy-five percent (75%) was deciduous plants or evergreens; seventy-five percent (75%) were evergreens. Twenty-five percent (25%) was deciduous. When those leaves fall off that twenty-five percent (25%), they are going to see the solar farm and that. His understanding at the last meeting he was at, the person that was the manager of this project said they could do one hundred percent (100%) of that, but he doesn't know if that will

go down, but that is something the committee needs to think of. If people want flowers out there or blooming trees, okay, but in the wintertime those leaves are going to fall off and they're basically going to get nothing out of it so that needs to be something of concern. The other thing is that he lives probably three (3) miles from a town that's called Rolling Prairie and they have hills in Rolling Prairie; that's why it's called Rolling Prairie. The field across from him has a fifteen-foot (15') rise. If they put twelve-foot (12') panels on it, it will take him thirty (30) years before that five-foot (5') evergreen that they are going to put in to cover those panels up so they need to consider that. They are getting nothing on that as far as immediate coverage as far as not seeing those panels. They're basically not getting anything out of it and they're getting detrimental for the next twenty to thirty (20 – 30) years before those plants get up there high enough where it will screen it. Thank you.

Rita Beaty stated thank you.

Steve Holifield stated thank you.

Dale Tuholski stated his address is 3564 E. 400 S., LaPorte, IN. Like many of them, he has heard a lot of concerns about solar farms. As a farmer, he takes these concerns seriously. He has spent decades trying to protect soil and not damage it. He uses no till methods and cover crops because he cares about the long-term health of the land. When he first heard about solar panels on land, he had questions too. He took time to read up on it and here is the truth. These panels don't leak chemicals on the ground. They don't poison the soil. If anything, they are a chance to let the land rest like long-term fallow. Many of these projects include native grass and wildflowers planted under the panels which helps pollinators and prevent erosion. Farming is a blessing that is not always easy. Every farmer here deals with unpredictable prices, rising input costs, and extreme weather. A solar lease is sometimes finding a way to keep the family farm alive. Setting it could make the difference between holding onto land or being forced to sell it off. Panels and fields are thankfully temporary. As the lease ends, they come out and the land goes right back into rural crops often healthier than before. Solar is not the right fit for every acre or family. They should not shut the door on it completely. Setting smart balances rules can protect the community and give the farmers options. If they make it nearly impossible to do so, that feels shortsighted. They should be the kind of County that looks ahead and supports working farms and takes conservation seriously, not just in words, but in action. He hopes they keep listening to each other, that they stay curious, and make a decision based on facts, not just today, but generations too. Thank you for giving him an opportunity to speak.

Rita Beaty stated thank you.

Steve Holifield stated thank you.

Deb Allison stated her address is 5791 E. State Road 104, Walkerton, IN. She is retired. She helped her husband farm for the last forty-two (42) years. She is sorry, but no on solar for farmland.

Steve Holifield stated thank you.

Tony Hendricks stated his address is 6833 W. Linda Ln., Michigan City, IN. He knows they worked very hard on this Solar Ordinance and they have come a long way over the years, but what is going to happen with this Ordinance that they have in front of them, he thinks they need to ask their legal attorney for advice, to protect themselves as Plan Commission members. In his opinion, what they have in this Ordinance is a de facto exclusion. It's not a ban. They don't say ban. He thinks they need to ask their County Planner and ask their GIS person before. At a minimum, they need to table this. At a maximum, they need to deny this. This picture here and he will give this to them when he is done, is all the property owners in LaPorte County. For full disclosure, he is a licensed surveyor in the State of Indiana and he is working with Hoosier Solar to help people who would like to put their farms into solar if they would choose. So, this Ordinance that they have in front of them is a thousand feet (1,000') from property lines, non-participating or not. This picture here is one (1) mile from defined waterway. Do they see the picture behind there, the photo of what is left? Nearly nothing. This picture here shows wetlands. That's why he says this is a de facto exclusionary Ordinance they are seeking to pass. This here picture is the wetlands and the waterways; even less ground that anyone is even available to put permitted solar on. This picture here is all three; waterways, wetlands, and property setbacks. There was no land left. If they would like to pass a ban on solar, please be honest with the public and do that. Don't put things in there that they know are not a ban, but they are a de facto exclusion. The Supreme Court just ruled a case a month ago where people were tired of going to local courts and they went to the federal courts. The Supreme Court had to rule on that. The Court said that the government may not target a business or industry through stringent and allegedly unlawful regulation and then evade the resulting lawsuits by claiming the targets of the regulation should be locked out of court. *Village of Euclid v. Ambler Realty Company*; a zoning ordinance is not unconstitutional unless it is clearly arbitrary and unreasonable having no substantial relation to public health, safety, morals, and general welfare. *Pennsylvania Coal v. Mahon*; if a regulation goes too far it would be recognized as a taking for compensation must be paid. They have an Ordinance here asking for a maximum amount of twenty-four hundred (2,400) acres. Again, they need to ask their attorney his advice. They are Commission members who are protected by their attorney. If they make decisions and do not follow his advice, they can be liable personally. The 14th Amendment does not allow people in different zoning ordinance to be treated differently. The Zoning Ordinance covers the whole zoning; they cannot say twenty-four hundred (2,400) acres. In his opinion, twenty-four hundred (2,400) acres is the maximum allowed in the zoning. It covers the whole zone. The last thing is de facto or partial exclusion when an ordinance permits a specific use, but fails to provide sufficient land or negates a practical development of that use, this type of exclusion relies upon the Fair Doctrine. If a municipality provides too little to accommodate a land for use which demand is forecast could be considered exclusionary. If a municipality permits land use but through its regulation prohibits the practical development of that use, it could also be considered exclusionary. He thinks the one (1) thing they are missing in this Ordinance that would be very wise because they have worked very hard to get to the point they are now; they don't give people who are non-participating adjacent owners to waive the setback. Maybe they are fine with it. Maybe they are going to work a deal with the neighbor and get some money. Who knows, but what they are asking for is to take people's land rights away. Farmers might need to do solar. They had the highest producing crops in America all time last year. Corn and beans are down. The subsidies this year were sent. . . Corn was forty-two dollars (\$42). Soy beans were twenty-nine dollars (\$29). Wheat was thirty dollars (\$30). They need the subsidies just to plant the crops. They might come to this season and might not have any money. They went through this in the 80's with Farm Aid. They remember what happened. People lost their

farms. This Ordinance seeks to take it away from them. He hopes that they would move on and at minimum table until they get the information they need from the GIS Director or Planner on if this is exclusionary or not and if the County is going to be liable for trying to take away the rights of people and their farmers.

Rita Beaty stated thank you.

Steve Holifield stated he started farming in the 80's. He remembers what they were like.

William Allison stated his address 5791 E. State Road 104, Walkerton, IN. All he has to say is the neighbors around these things that don't want them have property rights too.

Peter Gorka stated his address is 8910 S. 300 W., Rochester, IN. He presently lives in rural Fulton County. He will further explain that. He had lived in LaPorte County since the fall of 1979 until relocating to Fulton County due to an employment change in the fall of 1996. He purchased and has owned a farm property since the spring of 1991 diligently paying his property taxes on both properties when they were due. He addresses the members of the LaPorte County Planning Board regarding the recent proposal increasing the County's required setback for new construction. He has spent many months with the representatives of Inovateus Solar working out leasing agreements to build a commercial solar collector system on a portion of his farm. The setback proposal could very well jeopardize the construction and adversely affect his financial situation. This action by the Board effectively legislates against his ability to use his property in any reasonable way that he chooses and severely restricts his decisions regarding the use of that property. In fact, using reasonable engineering estimates that one (1) acre equals forty-three thousand five-hundred and sixty square feet (43,560²') is a given. That proposed setback of a thousand feet (1,000') or yet alone ten thousand feet (10,000') would completely eliminate the parcel for consideration. Ever since acquiring the farm, it has been actively cash rented by Steve Holifield for grain and hay production and partially along with his father when he first acquired it. The proposed solar project would still keep the property in production providing needed, clean, renewable sourced electricity. This additional electricity availability could be a strong to new industries with the potential of increased employment and additional County tax base. If the solar project is allowed to proceed without further enacted restrictions, he can be part of that increased tax base with the installation on his farm of the equipment to generate and transmit that electricity. He can be part of that clean renewable sourced electricity availability. He can be a part of the potential increased industrial investment and employment as a result of that voltage availability. He can be part of that resulting increase of tax revenue as a result of that availability. He urges them, so can they.

Rita Beaty stated thank you.

Steve Holifield stated thanks, Pete.

Rita Beaty asked anyone else? Hearing none, they will move on to discussion with the Board.

Attorney Biege stated yes, he thinks they can close the Public Hearing.

Rita Beaty stated one (1) more chance. At this time, they are going to close. . . Alright, one (1) more.

Lori Johnston stated her address is 5704 E. 200 N., Rolling Prairie, IN. What she doesn't see in the proposed Ordinance is testing for the soil or testing for the water. These solar projects are too new. What do they know is going to happen in thirty (30) years. They don't. The decommissioning, do they know how that is going to go? They don't. This is all something new. They need to hold off and see what could happen. The poles that they pound ten feet (10') into the ground are galvanized. What does galvanized post do in soil? The water, the Kankakee aqua filter is only fifty feet (50') below ground level. A lot of that she hears is going to go to the Amazon. What about the rest of them? Is her water going to be safe in thirty (30) years? These are things she would like them to do more research on. Does anybody know what a decommissioned solar field looks like? Do they just cut them off at the ground level? Do they pull those miles and miles of cable up or do they just cut everything off and walk away? They don't know. It's too new. Thank you.

Rita Beaty stated thank you.

Steve Holifield stated thank you.

Rita Beaty stated they will close public comment at this particular time. Board discussion for the Board Members.

Steve Holifield stated every one (1) of these ordinances that they have looked at across the State, they have some of the similar things in them. Some of the counties have far stricter requirements than this. Now, the landowners do have the right to do what they want, but they don't have the right to affect their neighbors. How many of them would be upset if they put in ten thousand (10,000) hogs next door to them. Nowadays, to go through that, a hog farm or a cattle farm or anything else has to jump through a lot of hoops. All this had to do was two (2) simple words; Special Exception. The people in the County, the majority that he has spoken with and contacted him, really don't want these things. That is just his statement.

Rita Beaty asked for any other discussion.

Eric Pointon made a motion to table the motion to next month to allow the Solar Committee to meet again and talk about the suggestions from the Public Hearing and also seek advice from their legal counsel.

Joe Tuholski seconded.

Rita Beaty asked if there is any discussion regarding tabling the Solar Ordinance Draft issue until next month.

Steve Holifield stated the question he has is, if they are waiting a month, can they apply for a permit under this old Ordinance or do they have to wait. . .

Attorney Biege stated first of all, they don't know who "they" is. Secondly, they have been working on this for three and a half (3½) years. Okay. Let's be clear.

Steve Holifield stated they are.

Attorney Biege stated the second draft that they left on and the public needs to know this, the current draft, the one (1) they want to change, was on the agenda for a year while they were waiting for comments from the public and input. Not one (1) time did anybody show up to help them when this was brand new. So, they could apply, but it would still be set for a hearing before the BZA.

Rita Beaty asked for any other discussion.

Eric Pointon stated okay, if he overheard that correctly, there would have to be another Public Hearing if they did make a change.

Attorney Biege stated yes. If they make a change, they will have to have another Public Hearing. Right.

Rita Beaty stated they have a motion on the table to table the Solar Ordinance Draft for another month so they can concur with the attorney and get some more information before they move forward with any other changes. Can they do a roll call vote as to the tabling of the Ordinance?

Harold Parker stated so for or against? How is that voted?

Rita Beaty stated yes, that's what they are voting on.

Harold Parker stated for is for the tabling. Against is against the tabling.

Rita Beaty stated correct.

Harold Parker stated okay.

Rita Beaty stated yes to table. No to not table.

Ashley Kazmucha read the roll.

Rita Beaty stated yes.

Steve Holifield stated nay.

Harold Parker stated yes.

Joe Tuholski stated yes.

John Carr stated yes.

James Pressel III stated yes.

Eric Pointon stated yes.

John Matwyshyn stated yes.

Andy Chlupacek stated yes.

Approved. Motion carries 8-1.

Ashley Kazmucha stated okay. It is tabled.

Rita Beaty stated alright, the motion is tabled. So, Solar Ordinance Draft Review will be tabled until the next meeting which will be July. Thank you. Any other new business for this evening.

Michael Polan stated yes, Madam President. He thinks they need to reestablish the Solar Committee because they have lost a member.

Rita Beaty stated excuse me, we still need to finish their meeting here is they can refrain from visiting until the meeting is over. Thank you so much. She's sorry.

Michael Polan stated he thinks they lost one (1) or more members of their committee, so it should be reestablished, the Solar Committee.

Steve Holifield stated so they just need one (1) member to replace John Watson. Do they have any volunteers?

Harold Parker stated he's already on there.

Steve Holifield stated Rita.

Rita Beaty asked who do they have on the Committee at this particular time.

Ashley Kazmucha stated Harold, Eric, and Steve.

Michael Polan stated Harold, Eric, and Steve are currently on the Committee.

John Carr stated how about John.

John Matwyshyn stated he attended the meeting.

Ashley Kazmucha asked if he would like to volunteer.

John Matwyshyn stated yes. He assumed he was on the Committee.

John Carr nominated John Matwyshyn.

Steve Holifield stated he wasn't sure that he was on there. He thought they just let him sit in.

Eric Pointon stated he thinks he showed up to the meeting that got cancelled and then stayed is what happened.

Rita Beaty stated okay, so they have Harold, Eric, Steve, and now John.

John Matwyszyn stated yes.

Rita Beaty stated alright. Is that good? Is that enough for them? Four of them.

Steve Holifield stated yes. They can't have a quorum so that's four (4).

Rita Beaty stated okay. They will add John to that Committee. Any other new business?

Steve Holifield stated last month, Jimmy and he attended a tour of the data center in Hammond. It is quite impressive. He thinks they could be a very good economic development for this County. Speaking with other commissioners and council members across the State, tomorrow morning he has a phone call with Thornburg, Blackburn out of Indianapolis, to discuss what other counties are doing. He thinks they need to get ahead of this and see what other counties are doing because they have them coming here. They need to come up with some kind of ordinance to handle these and see what they are using. Some counties are just treating them like another industrial development, but he thinks they need to, since they have a committee started for this, they need to look at that in the next couple months.

Harold Parker asked whatever happened to that one (1) on Boyd they were going to start. They bought ground for it.


Steve Holifield stated that's pushed off until 2028 he thinks according to the City.

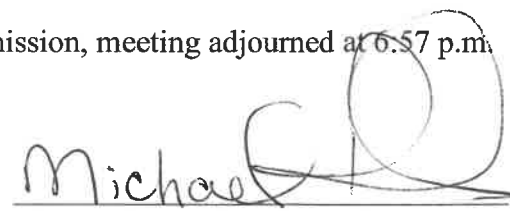
Rita Beaty stated thank you, Steve. Any other new business.

Steve Holifield made a motion to adjourn.

Eric Pointon seconded.

There being no further business before the Plan Commission, meeting adjourned at 6:57 p.m.


Rita Beaty, President


Michael Polan, Recording Sec.