

**Starke County Plan Commission
Regular Meeting
November 8, 2021**

- ❖ Call to Order-Vice President Jackson called the meeting to order
- ❖ **Pledge of Allegiance**
- ❖ **Roll Call:** Bill Crase, president & surveyor (absent); Todd Jackson, vice president and citizen member; Bryan Cavender; Commissioner; Howard Bailey, councilman (absent); Phil Woolery, extension educator; Mark Allen, trustee (absent); Todd Lawrence, Denise Cultice, and Karl Swihart (absent), citizen members; Martin Bedrock, commission counsel; Wallace (Boz) Williams, building commissioner; Robby Blodgett, code enforcement officer; and Pamla J. Starkey, administrator. There were (9) nine visitors present.
- ❖ **Approval of the minutes** of the September 13, 2021 meeting: Member Cultice made a motion to approve the minutes as written, seconded by Extension Educator Woolery. Motion carried (5-0)
- ❖ **Old Business and Violations**
 - **Rudd property**-Admin. Starkey stated that nothing has been done and Attorney Bedrock said that we will need to start over because it has been to long
 - After little discussion, Vice President Jackson said to hold a public hearing in January of 2022
- ❖ **New Business and Violations**
- ❖ **Code Enforcement Officer Report**
 - **Kaply 202 N Fisher St. San Pierre**
 - Code enforcement officer Blodgett explained that there were to be people coming to the meeting to complain about this property but no one came. She went on to explain that she has been working with Kaply's and they have very slowly made progress.
 - **Egolf 10702 W San Pierre Rd, San Pierre**
 - Code enforcement officer Blodgett explained that the previous building commissioner told Mr. Egolf that he could keep the container if he cleaned up the rest of the property and kept where it is not visible from the road, she also stated that Mr. Egolf only has 1.15 acres and containers are not allowed on property less than 5 acres without a variance.
 - After discussion, Vice Pres Jackson asked code enforcement officer Blodgett to tell Mr. Egolf that he will either need to remove the container or apply for a variance thru the Board of Zoning Appeal to possibly keep it on the property
 - **Trusty/Brewer in Monterey Resort**
 - Attorney Bedrock stated that he sent a letter to Brewer, the land owner, regarding the camper needing to be removed with no response, he went on to say that he will check the ordinance to see what the next step will be.
 - Vice Pres Jackson stated that we might have to rent a dumpster and hire a crew to dismantle it.
 - Attorney Bedrock let the board know that the Litzkow property on Toto Rd. was sold on tax sale in September of this year so we will have to wait to see what happens now.
- ❖ **Other Business from the Board**
 - **Discussion regarding the above ground cabling for the solar panels**
 - Vice President Jackson stated that the board will not be making any decisions on this discussion tonight and the reason being is we will be having a special joint meeting with the Starke County Commissioners sometime this week or next and no public comment will be allowed. We will be discussing amendments the commissioners and this board want to see done to this ordinance to make it more clear that is why we will not be saying yes or no to

anything tonight but we will listen to your concerns tonight so that we can take those concerns to the joint meeting.

- Larry Wickert asked the board what their concerns were
- Vice President Jackson stated that some of the concerns were prohibited cost information, that was not brought to the last meeting, which we ended up not having a quorum, for us to make a qualified decision went on to say the voltage that runs thru the lines, wild life control as well as the vegetation control that is suppose to be out there, at one time there was discussion about animals being on the property and you know goats and other animals are known for chewing on everything and we are afraid they would chew on the lines too. He went on to say that the changes that would be made to the ordinance would have to get approved by the commissioners as well as this board.
- Larry Wickert asked Vice Pres Jackson what is the prohibited cost that he is referring to
- Vice Pres Jackson stated that is one of the statement that is in our ordinance that we need to define
- Larry Wickert asked if that pertained to putting the wires into the ground
- Vice Pres Jackson stated that what we intended by the prohibited cost statements within the ordinance is if the project or a step in that project appears to be a prohibited cost or to high of a cost that it doesn't make sense to do, then that could fall into the prohibited cost guidelines he went on to say we need to define, one as a group, what do we value as a prohibited cost because everybody here has a different opinion on what that may be so that is why we need to define what that may be
- Larry Wickert stated that he can give a little background on the prohibited cost because he was here when the tech committee was working on the ordinance and it came up, and he got them a copy of the Jasper County Ordinance and his understanding is that it did require the ones to be buried into the ground and they wanted them to bury them in the ground and he said that he brought up the point that you have tile in every field and he suggested to them that may be a problem to have two crews out there, one to install them and one waiting to see if he needs to repair tile and that could get costly so that is why they talked about the prohibited cost
- Vice Pres Jackson said that is why we want to define a prohibited cost, we need to justify not only the safety but also the ability of the solar company to be able to access their equipment as well as the welfare of our community so we have to define what that prohibited cost would be
- Larry Wickert asked if they were going to allow someone with the solar company to explain their side
- Vice Pres Jackson said that we are still deciding, we want to take all considerations into effect but we don't want it to turn into a dog and pony show with everyone wanting to speak their piece at the meeting, we don't have enough time to be able to do that
- Larry Wickert stated that they are the principal ones in this and have the experience with solar fields and thinks that they could bring some information that you may not have, and he suggested that you allow them to participate in the discussion
- Vice President Jackson stated that we have multiple parties attending, Starke County Commissioners, ourselves as well as others involved and the reason for that is we want to amend the ordinance to clarify some of the language in the ordinance and we do it here as a group and then we send it to the commissioners for final approval and if they say something that is in there that they don't like, then it would come back to us and could take months to get approved. With us getting together as a group and working through that together it

might go a little quicker and that is why we are doing it that way. We can't have public comments because it would just take too long to get things done the correct way

- Larry Wickert stated that they aren't really part of the public, they are part of what is involved and would like to be able to give some input.
- Vice President Jackson said this is our county, we are looking out for our people and we need to build our ordinance based in the way we need it to be, not the way the Doral group or any other groups that come and have consideration within the county we can't play favoritism to this group just because they are the first to the table. We have to do things based on what we think is best for our county
- Attorney Bedrock stated that it is up to them to present to us the cost of the procedure that they want to utilize and then have costs of other methods and then we decide what is prohibited or not.
- Chris Shelmon stated that according to the ordinance the planning director decides
- Vice President Jackson said the planning commissioner is Boz, but he also works for the board and he is going to take in all of our consideration on what our wishes are as a board. Ultimately he is going to make the final decision, but his job is to also take in to account the opinions of our county people, our commissioners, us as a board, so he is going to develop his opinion on multiple different ways and then be able to relay that back.
- Nick Cohen from Mammoth Solar, president of Doral, thanked the board for having them there, stated the one question is the cost prohibited interpretation, and it sounds like there were other concerns like you said animals possibly nibbling through the cables if those concerns are satisfied is there any others to that point
- Vice President Jackson said that the things that this board is concerned about is loose wires laying on the side of the panels and said that he knows that they aren't loose and are in cable holders but at the end of the day you have mice and rodents in the fields and if you have goats and sheep etc, they will also be chewing on them and you wouldn't have those things if they are below ground those are things we have to take into consideration, one of the other things that was brought up by this board is putting them in a lockable cable tray where there is no wires exposed and protected from the elements but you said in the report that you sent, that is not a feasible option either. He also explained that we are in a very low income county in the state of Indiana and have a lot of drug problems and people go out and steal a lot of wire and knows that you do not use copper wire but when people are desperate they will steal anything. As a board they need to take into consideration the safety of the project over all and the vagueness of the current ordinance and that his most concern is the definition of the prohibited cost.
- Chris Shelmon explained that the project has always planned on using this current system because of the prohibited cost and for all of the utility wires to be underground isn't practical the harness system that is solely running along the end of the invertors below panel height buried inside the project so to get here our interpretation of the ordinance was that it was compliant and stated that he just wanted to be clear that this was not changed or to be deviant and everybody got here on good faith.
- Amit Nadkarni stated that going back to about a month ago we tabled a bunch of action items and the first item on there was, if this is safe and designed for the NEC and the answer is yes it is fully in compliance with the national electric code and has a letter testifying that exact item. The second item they took away was this industry wide acceptance to this particular design there is about 5,000 megawatts off this product that is currently being used our project is 400 megawatts there is almost 15 times usage already nation wide and those projects are not ours, there just wherever their developers are utilizing that particular

design so it is industry wide accepted, and as a matter of fact insurance entities as you are very aware are very mis coerced they also excepted this particular design and for a very good reason. The next item was already touched upon was, which they failed to mention last time was that this is very low valued aluminum not copper cables and more importantly the layout warrants discussion because next to the road there is going to be landscaping such as brush, tall grass, and trees and then there is a fence to make it inaccessible to begin with and these lines that we are talking about installing are setback another 50 to 100 feet deeper from the fence and the fence line. According to the ordinance is 100 feet which makes it somewhat safe in itself, and the lines are above ground for the ease of maintenance everything within the fence is going to be by protocol, safety, and quality and they want to make sure this plan is functioning as well as it can be if there are any issues it can be fixed quickly as opposed if they were underground. He stated again as Chris has said, this has always been the plan, the AC lines would be below ground and the DC lines above ground and ultimately the cost to putting them underground wouldn't be feasible.

- Attorney Bedrock asked about them saying at one time of having animals in the field and asked if the land owners prohibit the grazing of the farm animals
- Amit Nadkarni stated that everything inside the fence is controlled by them all of the vegetation inside the fence line is controlled by the vendor and there would be very little grazing if it were to happen at all.
- Chris Shelmon stated it would only happen with their consent
- Building Commissioner Williams asked how many amps would be going thru the wire
- Amit Nadkarni stated that he did not know but will check into it
- Building Commissioner Williams is concerned about things chewing on the wire and went on to say that they have had this ordinance over a year and now don't want to have this all underground and you knew it needed to be underground and stated that he doesn't want to be the one to make that decision alone and said that the board will have to be involved in making that decision and go from there
- Chris Shelmon stated that is the point that they are making , that this was the plan all along
- Building Commissioner stated that the ordinance says that all wires are to be buried except what goes up to the transformer
- Chris Shelman stated that isn't practical
- Building Commissioner stated that they knew it wasn't practical then why are they now not wanting to bury the lines
- Chris Shelmon stated that they did submit the plans at the tech review
- Vice President Jackson stated that Building Commissioner Williams meant that it was you guys that made the decision that it wasn't practical based on your information you did not come to our county board and let us decide what is or isn't practical had we had this hashed out a while ago as you were working on your plans to put your wires on the side instead of underground
- Chris Shelmon state that is the technical review process, just like when you submit your building plans for your house we submit the plans based on what we think are compliant with the building code. The building department reviews it and determines if changes need made. It isn't the matter of pushing off the decision, the ordinance states that the Planning Director makes that decision and goes thru the technical review committee and reviews the plan, that's where the issue came up. Ultimately what needs to be decided would be resolved by the planning director and he believes they were just following the steps of the ordinance the technical review committee reviews to make sure it is compliant and makes a

recommendation to the building commissioner. He stated that they think it is consistent with what is supposed to be done

- Amit Nadkarni stated that if they were to bury the wires it could destroy the drain tiles and they could run into boulders and would take forever to get thru that hurdle and that would be a huge risk that they are trying to avoid altogether. Also, it is easier to find a problem that would happen above ground verses underground and again it has always been their plan that the AC wires be below the ground and the DC cables above the ground
- Vice President Jackson asked if any board members had questions
- Member Todd Lawrence stated there are effects having underground cables and they do have issues at times and thinks we need to look into it more
- Rich Linkus asked if there are solar farms in other counties and how they do it and have they had any issues such as safety issues with them being above ground
- Amit Nadkarni stated that he will look into that and bring that information back to us.
- Building Commissioner Williams stated that they never came to us a said this is swamp ground can you work with us here and that they are just taking into consideration that there may be a big boulder here and you haven't tried it to see if you hit the boulder and if you did then come to him and see what can be done instead of just saying it is too much money
- Chris Shelmon stated that you just can't try it we have to have a contractor there and it is 200,000 linear square feet
- Extension Educator Phil Woolery said that it isn't only practical it is the cost that is in the ordinance
- Vice President Jackson stated that there is not going to be a decision made tonight and we are going to have a special meeting on this because there are concerns with this group and there are a lot of things that need to be clarified and they interpreted the ordinance in their way and never came to any of us in the county stating that it isn't cost prohibited and never asked what cost prohibited is, and he went on to say that it is not defined, but it will be shortly we see now that there needs to be more work done on this ordinance to better clarify some of the language, not just because they brought it up but for future generations that will bring it up as well, there are too many things in the ordinance that are clearly undefined that we need to clearly define
- Amit Nadkarni asked the board how they can make them get comfortable with their design
- Attorney Bedrock stated prohibited costs, you bring us the cost analysis of doing the systems of what they are wanting to do and then he is sure its not all underground so then we will have to see the cost of putting it underground so that we can compare then we can decide whether the cost is prohibited
- Vice President Jackson stated that they did send us an email on the comparison
- Tom Busch asked what the difference is between just burying one set of the wires as to burying both sets of wires, wouldn't you have the same problems burying the AC wiring as you would the DC wiring
- Amit Nadkarni started that one is hire voltage then the other
- Nick Cohen stated that the wires that are above ground are within the array
- Amit Nadkarni and Chris Shelmon continued to explain
- Vice President Jackson stated that there will be a public meeting either the end of this week or next week with no public comment and will be posted so if you do have comments please get a hold of the office before the meeting so that your comments are heard by Boz and Pam so that they can relay them to the boards for the meeting
- Amit Nadkarni asked how they make sure the county commissioners get the information and how do they respond to any of their questions or concerns

- Administrator Starkey stated that she can get him the County Commissioners email addresses
 - Vice President Jackson stated that when they do finally apply for their permit there will be a whole lot more review of the information that you give us
 - Building Commissioner Williams asked as far as the contract, the bond, etc where is that coming from
 - Amit Nadkarni said that they will prepare the contract and decommissioning contract and any other documents that need to be done and bring them before the board
 - Member Lawrence asked if we had looked into what Jasper County has done as they have a solar farm going in or any other county
 - Vice President Jackson stated that he has a meeting with their planning commission in two weeks
 - Extension Educator Woolery stated that he has reached out to several counties and a couple of them have stuff about burying the cables like Lake and Porter County and then others just go by the NEC standards not anything uniform across the state
- ❖ **End of the month reports**
 - ❖ **Next Scheduled Meeting-** will be Monday, January 10, 2022 at 5:30 p.m. **NO MEETING IN DECEMBER**
 - ❖ **Adjournment-**With no further business, Commissioner Cavender made a motion to adjourn the meeting seconded by Member Cultice. Motion carried (5-0)

This meeting was recorded and will be on file in the Starke County Plan Commission Office.

Unless stated otherwise all Plan Commission meetings will be held on the second Monday of every month at 5:30 p.m. with the Board of Zoning Appeal meeting on the same night the latter of 6:30 p.m. or the conclusion of the Plan Commission meeting.

Pamla J. Starkey
Administrator