

Huntingburg Board of Zoning Appeals
Minutes of the Regular Meeting
Wednesday, August 9, 2023, at 5:30 P.M. Local Time

The Huntingburg Board of Zoning Appeals (BZA) met in regular session on Wednesday, August 9, 2023, at 5:30 P.M. in the Council Chambers at the Huntingburg City Hall. Board Members present were: Primo Nino, Todd Humbert, Riley Schumacher, Ronald Mundy, and Dave Schipp. Planning Director Paul Lake and City Attorney Phil Schneider were also in attendance. Michael Wellman (petitioner), Douglas Everette (petitioner counsel) and numerous citizens were also in attendance. A list of attendees who signed the attendance sheet and those who remonstrated is attached and incorporated.

The Minutes of the July 12, 2023, BZA meeting were reviewed and a motion to approve them was made by Riley Schumacher and seconded by Todd Humbert. The minutes of the July 12, 2023, meeting of the BZA were approved.

Paul Lake introduced Petition # 2023 – 01 (SE) and noted that confirmation of mailing to Interested Parties and publication of the Notice of Public Hearing are in the petition file. The petition is a Special Exception request from Crossvine Solar #1, LLC. The petitioner proposes to develop a large commercial solar generation facility, a portion of which lies within the Extraterritorial Zoning Jurisdiction of the City of Huntingburg. The portion of the project within the City's jurisdiction is zoned Agriculture (AG) and within the Floodplain Overlay District (F-O). Commercial solar development is a permitted use within the AG Zoning District, however a Special Exception is required due to the F-O. Due to the proximity of the Huntingburg Airport and being within the Aircraft Overlay (A-O) District, the petitioner had Woolpert prepare an Aviation Evaluation for the project. Paul confirmed

that he had a printed copy of the Woolpert if any BZA members wished to reference it at tonight's hearing.

The Public Hearing was opened at 5:56 pm. Paul indicated that he has received one (1) written remonstrance from Brian W. Meyer via email stating his opposition to the proposed solar development. A copy of Mr. Mey's remonstrance is included in the BZA member packets. Paul explained that anyone wishing to address the BZA or ask questions need to come to the podium and sign in before speaking.

Michael Wellman, LightsourceBP, introduced himself and presented the project to the BZA/Attendees. The portion for which the Special Exception is being requested is a part of a \$250 million project totaling approximately 650 acres within greater than 1600 optioned to lease acres. Electricity generated will go to the grid via a substation/interconnect to be located outside of the city's zoning jurisdiction. The panels will be pole mounted and will track the sun. Additionally, there is 50 MW of storage (with the potential to augment by another 50 MW). This storage capacity will also be located outside of the City's jurisdiction. The acreage lies predominantly south and west (towards Holland) from the parcels included in the Special Exception request. Mr. Wellman indicates that an environmental analysis has been conducted concerning the project and that it will comply with all requirements of the Indiana Department of Natural Resources relative to improvements in a flood plain. Drainage might be slightly impacted, but because the amount of pervious soil will not change significantly any impact would be negligible. A Hydrologic and Hydraulic study was completed with areas of significant pluvial or fluvial flooding avoided. In the event of high water caused by significant rains, some panels may rotate to a horizontal position. All setbacks and visual screenings required by the City's Unified Development Ordinance (UDO) will be met.

Mr. Wellman explained that based on an independent economic study, the project, the footprint of which extends outside of the City of Huntingburg's ETJ, would generate approximately \$18 million in local taxes for the community of which approximately \$12 million would go to local schools. He also explained that hundreds of jobs would be created during construction with about twenty long-term jobs in the State.

Following the project summary, BZA Member Dave Schipp asked what setbacks would be. Michael indicated that they would be 50-feet from the property line and 250-feet from all residences. Primo Nino asked what type of grass/non-invasives would be used for groundcover and what would be the process for maintaining the site: Sheep, goats, power cuttings, etc. Mr. Wellman indicated that nothing had been settled yet, but that all aspects of ground maintenance would be considered. The exception being goats: They tend to jump and climb on things.

Phil Schneider asked approximately what percent of the floodplain would have solar collectors in it. Mr. Wellman states that there is a total of approximately 33-acres of floodplain on the parcels and that he believed collectors might be erected on 15-16-acres. Dave Schipp asked what the life expectancy of the field would be. Answer: Approximately 35-45 years. Dave Schipp Question concerning the Decommissioning Plan: What if federal funds are not available to cover the decommissioning? Answer: Money will be set aside in an instrument to cover the cost.

Keith Sermershein stated that he is opposed to the project and does not wish his property devalued. The property involved in the petition is located within the A-O. He also has concerns that the project will have a negative impact on aircraft safety due to how close to the Huntingburg Airport. Pilots he has spoken with indicate development of the site will reduce the amount of safe landing area in case of emergency.

Terry Brown indicates he purchased property nearby a year ago and does not wish to drive by a solar field daily or see his property value reduced. He is also a licensed pilot and is also

concerned about glare from the solar panels and also losing emergency landing areas near the airport. Mr. Brown asked whether there is a 'Certificate of Public Need or Necessity' for the project. Douglas Everette responded that under the Indiana Utility Regulatory Commission's permitting and public hearing process such a certificate would not be required. Instead, the Indiana Utility Regulatory Commission would need to decide whether to approve the Project owner's petition for a Declination of Jurisdiction and that among other things, the Commission would need to determine whether the construction, operation and ownership of the solar project was in the public interest and did not negatively impact electric ratepayers. He explained that that process is separate from the local approvals necessary for project siting. Mr. Wellman also indicated that although no longer required by the FAA, a glare and glint study was included in the Aviation Evaluation conducted by Woolpert and that there were no harmful effects identified in the Aviation Evaluation. Mr. Brown also indicated that he is not opposed to solar or windmill power generation projects, or even the utilization of wetlands/floodplain areas, but only when the projects are 'away from everyone in places such as Nevada.

Gene Michel indicated, 'he was a neighbor of Terry Brown and agreed with everything he said. He is opposed to ALL solar projects. Received notice, but that 10-days did not allow him enough time to submit comments. Mr. Michel submitted 3 articles obtained from the internet into the record: 1) Rest in Peace: The list of Deceased Solar Companies (dated 4/6/2013); 2) The Environmental Disaster of Solar Energy. (dated 8/15/2019); and The Solar panel Toxic Waste Problem (with picture of solar panels. Dated 9/15/2019). Due to rain, water containing carcinogens will flow from solar panel site to his land. Also mentioned the \$30 million lawsuit over a solar project near Grandview Indiana.'

Jeff Hartke is opposed to the project for the reasons previously stated by others.

Phil Michel stated. 'he lived south of Terry Brown and was opposed due to the proximity of the airport. That AG zoning should be reserved for agricultural. That LLCs are so that a company can walk away from a project. Our community takes all the risks while the

company makes all the money. Solar projects in US will not do anything to impact climate change’.

Tyler Wendholt is a pilot and works out of the Huntingburg Airport. ‘This project will be a hazard to flight. In reference to the study conducted by Woolpert: no matter what technology is used, he bet there will be some glare from the panels. Additionally, he would prefer to have a bean or cornfield to make an emergency landing in versus one which is occupied by solar panels and posts.’

Paul Lake identified that there are a large number of solar panels surrounding the Indianapolis International Airport located near the end of runways and you can see them as you fly in and out of the airport.

Greg Englert indicated that he agreed with everyone who has spoken in opposition to the project and that he is sorry he sold ground to the Schmetts (a portion of Schmett property would have solar panels on it).

Mike Steckler indicates his 17-acres will be surrounded by the solar project and he is concerned about how it will devalue his property.

William Fenneman ‘I recently purchased property along County Road 750. Grew up in Duff. He would like to see an exact map of the entire footprint for the proposed solar farm. Not just what is in the Huntingburg Jurisdiction, but the entire project. Pointed out an error in the mailing. One of the properties was indicated to be in Huntington Indiana instead of Huntingburg. Phil Schneider pointed out that though one property owner’s parcels were mislabeled, the others were not, and the intent was clear. Mr. Fenneman asked about permanent long terms jobs from the project. He indicated that Huntingburg and the area around it were heavily vested in businesses which support agricultural uses: Hopf Equipment, Blesch Brothers, Steinkamps, Hoosier Bandag and Superior Ag and Toys Auto Parts as examples. The more agricultural land taken out of production, the greater the losses to businesses dependent upon agriculture.

Other unattributable questions and comments concerned: Water Run-off, what the highest point of flooding had been in past, that there is a capped gas well on one of the parcels, that whoever in city determined that commercial solar operation was a permitted use should be

removed from office, that the 'city has jurisdictional control over the entire A-O overlay, not just within its extra-territorial jurisdiction.

Michael Wellman indicated that he would make himself available for questions. BZA member Dave Schipp asked what impact solar fields have had on surrounding property values. Michael stated that there have been few long term studys concerning impacts on property value, but that a 2018 indicated that an almost neutral impact. Dave Schipp then asked about chemicals and compounds which h would be in the panels. Michael indicated that all panels sourced by Lightsource bp must pass the Toxicity Characteristic Leaching Procedure testing established by the US EPA to ensure no harmful amounts of any hazardous materials are released into the environment.

Primo Nino made a motion to close the public hearing at 7:28 pm. Seconded by Ronald Mundy. The public hearing was closed.

Phil Schneider read each finding which must be made and voted upon:

- 1) Property Notice of the Hearing on this Petition **WAS** given (**YES - Approved**).
- 2) All persons who own or have controlling interest in the subject property **HAVE** joined in the petition (**YES - Approved**).
- 3) The Special Exception requested **WILL** comply with the requirements under the Chapters of the Huntingburg Zoning Ordinance on Aircraft Overlay District (AO) and Floodplain Overlay District (F-O) (**YES - Approved**).
- 4) The SPECIAL EXCEPTON requested **WILL be Detrimental** to or endanger the public health, safety, morals, or general welfare of the community (**YES. This finding is not approved**).
- 5) That if the SPECIAL EXCEPTON requested is granted the use and enjoyment of other property in the immediate vicinity for the purposes already permitted **WILL be affected in a substantially adverse manner** (**YES. This finding is not approved**).

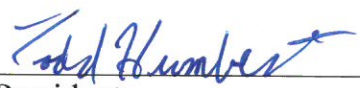
- 6) The establishment of the SPECIAL EXCEPTION requested **WILL impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.** (YES. This finding is not approved).

- 7) The SPECIAL EXCEPTION requested **WILL** have adequate utilities, access roads, drainage, and other necessary facilities provided (or being provided). Adequate measures have, or will be taken, to provide entrance/exit to the property to minimize congestion on public roadways. (YES – Approved).

Phil Schneider explained that due to the BZA responses on the findings in questions 4, 5 and 6, that they are obligated to deny Petition # 2023 – 01 (SE). The BZA members marked the Petition as DENIED and signed it.

The August 9, 2023, meeting of the Huntingburg Board of Zoning Appeals was adjourned at 7:45 pm.

Submitted by: 
Secretary

Approved by:  Date: 10-16-23
President