

May 16, 2023

Council Chambers  
Vigo County Government Center  
Terre Haute, Indiana

**Present:** Mike Morris, Chris Switzer, and Mark Clinkenbeard  
9:20 a.m. the Board held a rezoning hearing.

Jared Bayler advised that there are two rezoning ordinances similar in nature. He will just mention the individual locations and then give an overview. They are UZO #5-23 and UZO #6-23. Keyrock Energy is the petitioner in both cases. Locations are 2982 Lower Sandford Road and the other is 80 acres of vacant ground with a parcel number only. For both cases, the current zoning is agricultural and proposed zoning is A-1 Mining Overlay District for gas drilling and extraction site. The surrounding uses are mostly agricultural with some scattered residential. The comprehensive plan calls for these to be preserved for agricultural uses and existing rural residential. The petitioned properties are on large acre tracts. Area Plan does feel that extraction of minerals should occur on large scale acreage tracts to decrease impacts on surrounding neighborhoods. Road cut permits may be needed at either location. Area Plan offered a favorable recommendation on both UZO's. There were remonstrators present. On both instances, the Area Plan Commission forwarded a no recommendation. There was an initial motion for a favorable recommendation that did not pass so they moved to a no recommendation on both of these cases. Richard Shagley, attorney for the petitioner, was present on behalf of Keyrock Energy. They are asking these properties to be rezoned for the extraction of methane. In light of what appears to be some misinformation about this process, Mr. Shagley asked that these two rezonings be tabled. It is Keyrock's intention to invite adjoining landowners to a public session where they can present some additional information in response to some of the concerns expressed by the various residents. Chris Switzer said that before any action was taken on tabling these requests, he thought it would be appropriate to let members of the audience make any comments they wished to make since some of them had taken time off work to be here. Mr. Switzer advised that individuals could have 3 minutes to speak and asked everyone to be civil and kind in their remarks. It is likely that these matters will be tabled until next month until more information could be presented. Comments were then made by the following individuals: Gerald Hargis; Rick Stephens; Larry Mason; Donna Rader Keefer; Lori Roberts; Lee Edwards; Bob Curley; Eric Emrich; and Larry Robbins. All expressed their various reasons and requested that the Commissioners vote no to this request.

Mark Clinkenbeard thanked everyone for coming and said they were taking this very seriously. He believed that there is more to know which is why they have asked this to be tabled in order to have a community meeting so questions can be asked and answered and concerns addressed. Mr. Clinkenbeard then made a motion to table both requests. Chris Switzer seconded the motion and said that means the next meeting for action to be taken on this would be June 20. Upon a voice vote of 3-0, the motion unanimously passed. Gerald Hargis asked if it would be possible to establish some sort of direct communication with residents in the area to keep them informed of when and where the community meeting will be held. Mr. Switzer said they would work with Key Rock and their attorney to come up with a date and put the date on the County website along with informing the local news media. Mr. Switzer said he would also email Mr. Hargis directly. This matter will be on the agenda for the June 20 meeting, after the public meeting, for any further discussion and decision.

**Docket #28 Resolution #1-23, Senate Bill 411/390.** Jared Bayler said rather than trying to give a summation of the contents of Senate Bills 411 and 390, he would defer to an email he received from Connor Wong, Indiana State Senate Legislative Assistant to Senator Jon Ford. Mr. Wong's email is as follows:

During the 2022 Legislative Session, the Indiana General Assembly passed *Senate Enrolled Act 411 ("SEA 411")*, which created voluntary, consistent statewide commercial solar and wind energy standards. If a county chooses to adopt either or both of these solar and wind energy standards, the local unit would then be declared a "solar energy ready community" and/or a "wind energy ready community." This session, the General Assembly passed *Senate Enrolled Act 390 (SEA 390)* which is a follow-up to SEA 411. The legislation, if signed by the Governor, would go into effect on July 1. SEA 390 seeks to incentivize implementation of the voluntary, consistent statewide solar and wind energy standards for Indiana's counties through the use of state incentive grants. Those counties that adopt the standards would receive \$1.00 for every megawatt hour of energy generated by the project every year for a decade. The state grant funds would be paid for without using state taxpayer dollars.

The SEA then goes on to create the Office of Energy Development ("OED") which establishes the Solar and Wind Energy Ready Community Development Center ("Center") and the Center provides comprehensive, easily accessible information concerning permits required for solar and wind power projects and work with permit authorities concerning those projects. The Center would also be required to create and administer a program to certify counties and municipalities as commercial solar and energy ready communities.

SEA 411 focuses around solar setbacks, height limitations, and buffers, ground cover, fencing, underground cables and above-ground infrastructure, glare minimization, signal interference, sound level limitations, drainage repair, and decommissioning, abandonment, and a "force majeure event". On the wind side, it deals with setbacks and height limitations, shadow flicker mitigation, signal interference, sound level limitations, light mitigation technology, drainage repair, and decommissioning. Since this was very legal, Mr. Bayler sought consultation with Area Plan Attorney Joe Etling. Mr. Etling elaborated on his findings with his final statement being: "There are no current restrictions or ordinances in place in Vigo County that would preclude the Commission from adopting the standards set forth in IC 8-1-41 and 8-1-42 if the Commission weighs the policy reasons and believes that it is in the best interest of the citizens of Vigo County to adopt the standards." Staff offered a favorable recommendation and Area Plan also forwarded a favorable recommendation. There was a brief discussion and Mike Morris said he was not comfortable taking any action at this point in time. Chris Switzer said he thought it would be a good idea for County Attorney Terry Modesitt to work with Rick Hall of Barnes & Thornburg (who had been consulted in the past) to get an opinion on this issue. Mr. Switzer made a motion to table this to the June 20 meeting. Mark Clinkenbeard seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

Mark Clinkenbeard moved to adjourn the meeting. Chris Switzer seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed and the meeting was adjourned at 9:55 a.m.

  
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Mike Morris

Chris Switzer  
  
\_\_\_\_\_  
Mark Clinkenbeard

Attest:

  
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James W. Bramble, Auditor