

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION
BOARD MEETING MINUTES

February 2, 2023

**Wabash County Plan Commission Board
Wabash County Court House
Wabash IN 46992**

Board Members: Randy Curless, Jeff Dawes, Patty Godfroy, Sam Hann, Mark Milam, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Joe Vogel
Attorney Larry Thrush, Plan Director Mike Howard, Secretary Amanda Lyons

Roll call was taken with the following Board members present: Joe Vogel, Sam Hann, Randy Curless, Jeff Dawes, Patty Godfroy, Cheri Slee, Geoff Schortgen, Mark Milam. Those absent were: Doug Rice and Christian Rosen.

Others present: Cris Renn, Jerome Malott, Latheda Metzger, Dan Metzger, Alex Metzger, Austin Shepherd, Alex Downard, David Cotton, Sasha Sare

The Wabash County Plan Commission Board met on Thursday, February 2, 2023 in the Commissioners Meeting Room of the Wabash County Courthouse. The meeting was called to order at 7:00 pm by Board Chairman Mr. Randy Curless. Mr. Curless asked if there were any additions or corrections to the minutes of the November 3, 2022 meeting. Mr. Vogel made the motion to approve the minutes as written, this was seconded by Mr. Dawes. Roll call vote on the motion was taken with 7 voting members present in favor. The minutes will stand approved as written.

Mr. Curless: First on the agenda is our Election of Officers for 2023. Mr. Campbell, Plan Director, opened the floor for nominations for chairman. Mr. Curless was nominated by Mr. Hann, second by Ms. Godfroy. No other nominations were made so the board proceeded to vote unanimously to retain Mr. Curless as chairman. Mr. Campbell then opened the floor for nominations for co-chair. Mr. Rosen was nominated by Mr. Dawes, second by Ms. Slee. No other nominations were made so the board proceeded to vote

unanimously to retain Mr. Rosen as co-chair. Mr. Campbell opened the floor for nominations for secretary. Ms. Lyons was nominated by Mr. Vogel, second by Mr. Hann. There being no other nominations the board proceeded to vote unanimously to retain Ms. Lyons as secretary.

Mr. Campbell then presented the Board with the Year End 2022 Report. He reviewed the Unsafe Premise Fund balance, Monthly Summary of Collections, Letters & Legal Ads Summary, Monthly Permit Summary, Permit Summary by Type, Annual Permit Income, New Homes List, 1990-2022 Summary, and Complaints for 2022. He noted that for 2022 there were 230 building permits issued and 48 complaints worked. Of those 41 were new complaints, with 7 being rolled over from 2021. Thirty-six complaints were resolved and 12 complaints were rolled over from 2022 to 2023. There being no further discussion, Mr. Curless asked for a motion approve the Year End Reports. Motion to approve by Mr. Dawes, second by Mr. Hann. Board proceeded to a roll call vote. Motion passed 7-0.

Mr. Curless: Next on the agenda is Special Exception #1, Sasha Sare, poultry in LR1 Zone. Mr. Campbell shared with the board that Ms. Sare, resides at 7 Circle Drive, Roann in Pleasant Township. This is lots 64-67 of Continuation of Kingston Park Addition. Ms. Sare is asking to raise chickens at this location, which is zoned LR1. Ms. Sare began inquiring about the process in late 2022. Under the current zoning ordinance that became effective January 1, 2023, Section 6.2.6 states that the raising and / or boarding of livestock shall be prohibited in all residential districts. This ordinance defines livestock to include chickens. The Covenants and Restrictions for the Continuation of Kingston Park Addition specifies no hogs or cattle, and that no noxious or offensive trade shall be carried out on any lot nor shall any activity become a nuisance to the neighborhood. Mr. Campbell then introduced Ms. Sare to share her plans with the Board. Ms. Sare shared with the Board that she would compost her manure for future use on her gardens. She shared plans of her manure storage and composting plan. She then reviewed the property with the Board and showed them the proposed locations of the chicken coop and manure storage. She is currently considering a 6'x8' coop with a 6'x8' run attached. She would like to keep 10-15 chickens at a time, with 10 being layers and 5 being meat chickens for butchering. She has no plans to keep roosters. Ms. Godfroy asked how close the neighbors are. Mr. Campbell used GIS map to show the Board the property location in relationship to other homes and shared that property across the street is zoned ag. Mr. Milam asked if the chickens would be in the coop all the time. Ms. Sare indicated most of the time yes, they would be. She would like the option to have them free range on the top of her yard, particularly if she encounters supply issues with feed. Mr. Milam then asked if she would sell eggs or if they would all be for personal use. Ms. Sare responded she anticipates using them personally, in the event she is getting more eggs than she can use she would be sharing with family members. Mr. Schortgen asked if she had a breed in mind. Ms. Sare replied that she is looking at Rhode Island Red, Brahma, and Osterloh. Mr. Schortgen shared he sees no huge noise concern with those breeds, and that manure should be manageable for the number she plans to maintain. Mr. Dawes asked Ms. Sare if she had

received any feedback from neighbors. Ms. Sare said she had not discussed with neighbors yet as her neighbors are seasonal residents. Mr. Curless asked if there were any other questions or concerns from Board members or the public. There being none, he asked for a motion to make a recommendation to the Board of Zoning Appeals. Mr. Dawes made the motion to give Special Exception #1 for Ms. Sare a favorable recommendation to the Board of Zoning Appeals, second by Mr. Hann. The Board proceeded to a roll call vote, with motion passing 7-0. Mr. Campbell informed Ms. Sare that her Board of Zoning Appeals Hearing will be Tuesday, February 28.

Mr. Curless: Next on this evening's agenda is Special Exception #2 for Austin Shepherd. Mr. Campbell shared with the Board that Mr. Shepherd resides at 5853 W. Old 24 in Noble Township on a 0.415 acre parcel. He is applying for a Special Exception to allow his business in an A2 zone, in a 32' x 32' pole barn already existing on the property. Mr. Shepherd explained to the Board that he currently works out of Fort Wayne doing wiring in off road racing vehicles. He is looking to begin doing the work from his own shop at his residence. Each vehicle takes about 100 - 300 hours, and all he completes is the wiring. Vehicles would arrive at his location on a trailer and would leave his location on a trailer. These would never be street legal. Mr. Hann asked if he would just have one vehicle in the shop at a time, Mr. Shepherd responded yes. Mr. Shepherd explained that as time consuming as the process is, he usually completes 8 to 12 cars per year. Mr. Schortgen asked if there would be any risk of liquid waste issues from the vehicles. Mr. Shepherd explained that would not be a concern because in most situations these vehicles would not have the engine or transmission in them. Mr. Curless asked if this would create extra vehicles being parked at his location. Mr. Shepherd indicated it would only be his personal vehicles. Mr. Curless asked if there were any other questions or concerns from Board members or the public. There being none, he asked for a motion to make a recommendation to the Board of Zoning Appeals. Mr. Hann made the motion to give Special Exception #2 for Mr. Shepherd a favorable recommendation to the Board of Zoning Appeals, second by Ms. Godfroy. The Board proceeded to a roll call vote, with motion passing 7-0. Mr. Campbell informed Mr. Shepherd that his Board of Zoning Appeals Hearing will be Tuesday, February 28.

Mr. Curless then asked Mr. Campbell to provide the Board with information regarding the Cloud Permit system. Mr. Campbell shared that Cloud Permit is an online permit system. Cloud Permit submitted a price of \$6,000/year for building permitting, \$1,800/year for code enforcement, and a \$2,000 one-time set up fee. The pricing from Cloud Permit was based on population number served. Mr. Campbell hopes to check with other entities that use the system for feedback. He is also looking at a couple other options as well.

Mr. Curless then stated that next on the agenda was the Solar Project Update from Mr. Campbell. Mr. Campbell shared that a group from Wabash County made up of Plan Commission Board members, Board of Zoning Appeals board members, County Council

members, County Commissioners, and Grow Wabash County representatives took a tour of NextEra's Dunn's Bridge project in Jasper County on Wednesday, February 1. He shared that the group was allowed to tour and ask questions about that site only, no questions were allowed about the potential Wabash County project. Mr. Curless then asked if there were any questions or additional comments from Board members or the public.

Mr. Renn: (presented a handout to Board members) I want to get it on the record. Do any of the Board members have an interest in the solar field area?

Ms. Godfroy: When you say "the solar field area"?

Mr. Renn: The only area I'm aware is on 850 S between Meridian and 13.

Mr. Curless: I have a farm that falls in the area.

Mr. Renn: So just one person present? I would like this question to be presented to all boards and commissions and get everyone on the record if they have property involved.

Mr. Curless have you filed a Uniform Conflict of Interest Disclosure Statement Form yet?

Mr. Curless: I have not filed anything.

Ms. Godfroy: The solar company has not applied for anything yet to require it.

Mr. Renn: I guess it is not all on the record yet because they have not come and said what farms would be involved specifically?

Mr. Campbell: Correct.

Mr. Curless: I have not. But in interest of disclosure, and the Board is well aware of this, I have not taken part of any votes or any of the discussions regarding the solar ordinance that was passed.

Mr. Renn: Okay

Mr. Malott: That is a good question, who removed the ordinance? And isn't public sentiment, knowledge of, and transparency to the public taken into account? Was it this committee that did that?

Mr. Campbell: Did you say remove?

Mr. Malott: Was it removed in this county to bring forth this?

Mr. Campbell: The solar ordinance was not removed; it is Chapter 13 of our County Zoning Ordinance.

Mr. Malott: Okay, so why the surveying and everything that is going on? So is that in preparation of a future vote?

Mr. Dawes: The company involved has to do environmental impact studies. They are in the process of completing those.

Mr. Malott: So the ordinance is still in place for no solar panels in Wabash County, Indiana? Is that correct, am I understanding that?

Mr. Dawes: We do have a solar ordinance in place that deals with setbacks and such.

Mr. Malott: Who determines setbacks for the project?

Mr. Dawes: The Plan Commission Board put the ordinance in place, then the ordinance was approved by the Commissioners. I will note, one Commissioner does have ground in the solar field area. He also has recused himself from any votes and any discussion on the solar ordinance.

Mr. Malott: As far as the setbacks they were changed to allow the ball to start rolling on this?

Mr. Dawes: We adopted initially a set of setbacks and before it went to the Commissioners we revised them.

Mr. Campbell: I believe prior to March 2021 Wabash County did not have a solar ordinance. An ordinance was approved and then amended in October 2022 – the setbacks may have been part of that amendment, and then approved by the Commissioners in December 2022 and brought in as a part of the comprehensive zoning ordinance. It's in our overall ordinance that took effect January 1, 2023.

Mr. Malott: Why the change in setbacks? Was there discussion with the public about that at all? Was that important in the discussion to make that change?

Mr. Dawes: We spent great time debating these issues in meetings over several months.

Mr. Renn: Were the setbacks changed to allow the solar company to come to Wabash County?

Mr. Dawes: I do not know that they were changed for that reason. We had a person from Renewable Energy and a gentleman from NextEra, the company that is doing these leases.

Mr. Renn: Who contact the solar company about coming to Wabash County? They didn't just come up here from Florida to start this did they? Are they the ones that requested you change the setbacks?

Mr. Dawes: No.

Mr. Renn: Well who did that?

Mr. Dawes: I think it came out of discussion amongst the Plan Commission.

Mr. Renn: Why? There had to be a reason you decided to change setbacks?

Mr. Dawes: I think after we discussed we felt that we put the Solar Ordinance in place to protect the community and allow land owners personal property rights. So in that discussion we looked at the setbacks.

Mr. Campbell: I am not certain setbacks were changed; the ordinance was amended but I have not seen exactly what was changed. The solar ordinance was amended in October 2022 but I have compared them word for word.

Mr. Renn: Is it not those changes that allowed the company to come?

Mr. Dawes: The original setbacks were fairly restrictive and after reviewing them we decided that to allow companies and landowners the option to participate in this yet still protect the county we needed to review it.

Mr. Renn: So you changed it to allow the solar company to come in?

Mr. Malott: It's a yes or no question.

Mr. Dawes: We didn't change it to allow this company to come in.

Mr. Renn: Well then why change it?

Mr. Hann: The ordinance is in place to give property owners the right. We made it less restrictive yet restrictive enough to limit solar companies. I believe changes were made so it would have to come to board for approval.

Mr. Malott: Is public sentiment taken into account?

Mr. Hann: You are more than welcome to come to any meetings.

Mr. Malott: Very few people read the minutes of these meetings. I am concerned about public awareness of the project. I have not seen it in newspapers, heard on the radio, and neighbors did not know about it. Transparency has been zero on this. We need to know what is going on.

Ms. Godfroy: The meeting agenda is posted to the Wabash County Government website.

Mr. Malott: I have talked to all my neighbors, and not one single person knew about this until we saw the surveying going on. Now transparency, if we have to read the website, typically citizens don't read that until it's big. Public sentiment is huge in this.

Ms. Godfroy: The company has not applied yet, but once they do, if they do, every land owner within 250' is notified by mail and ads will be placed in the newspaper.

Mr. Campbell: I have encouraged NextEra to hold public information meetings, but I have not heard anything back from them. I hear from the public about the concerns, but until they bring us an application, we are limited on what we can do.

Mr. Renn: I would like anyone with property involved in the project to be on record.

Mr. Campbell: I think Randy has done that.

Mr. Renn: I read through the minutes. I didn't see anybody claiming to be part of the project.

Mr. Curless: The thing is to remember right now officially there is no project. When we started talking about it as a Board, I spoke with the Board to remove myself. Once an application is made it is different.

Mr. Renn: Well, how did you know not to be in the discussions or voting on things?

Mr. Curless: Well, I knew NextEra was in the area and talking to landowners.

Mr. Renn: So they have talked to you?

Mr. Curless: Yes, and I brought that to the attention of the Board and we decided it was best that I not participate in those discussions and votes.

Mr. Dawes: We adopted the ordinance because we heard there were companies interested in Wabash County. At that time, we had nothing in place to guide us or the public.

Mr. Renn: But you relaxed the setbacks?

Mr. Dawes: We knew it would probably need amended from time to time because we reviewed what other counties had in place and put ours in place to protect the community before we got to the point where we are.

Mr. Malott: To protect the community you made the setbacks less?

Mr. Dawes: No, I'm talking about adopting the whole solar ordinance not just the setbacks. Later, yes, the setbacks were amended too.

Mr. Malott: The setbacks were decreased?

Mr. Hann: Yes, they were.

Mr. Malott: Can you explain that?

Mr. Hann: That was to allow property owners if they chose to go that route.

Mr. Malott: For the big farms.

Mr. Dawes: What we strived for was an ordinance that would protect the community and allow individuals to have their personal property rights. There is a fine line between

telling an individual what they can and cannot do with their property and protecting the public.

Mr. Malott: In this case, small land owners lost when the setbacks were shortened.

Ms. Godfroy: Unfortunately, I had a neighbor come in right behind me. I would have loved to have purchased that property to have avoided that, but I couldn't. So if we want to control what's on property we have to buy it, right? For total control?

Ms. Metzger: If NextEra applies, will they have monopoly or jurisdiction for the whole county? Can they add wind towers to easement? Just curious since NextEra does operate both.

Mr. Hann: No, no wind. No talk of wind.

Ms. Metzger: What if they come back later on and decide they want to place wind towers?

Mr. Dawes: No, we have a wind ordinance in place, and it has been in place for quite some time.

Mr. Renn: But you have changed the setbacks now.

Mr. Dawes: But we did not have a solar ordinance in place so that is the reason for adopting it.

Mr. Renn: So setbacks are still in place for wind?

Mr. Dawes: Yes, as far as I know. We have not had any discussion over the wind ordinance.

Mr. Campbell: Yes, our wind ordinance was adopted about 6-8 years ago.

Ms. Godfroy: Won't this application just be for solar?

Mr. Campbell: Yes. There will be a review process for the plans of the overall project. Changes from the plan would require board approval.

Ms. Metzger: So if they apply, it will be on the agenda?

Ms. Godfroy: Yes.

Mr. Malott: Do you have any information on devaluing other properties around the site in other counties like Jasper or Starke?

Ms. Godfroy: No, I personally I do not know.

Mr. Cotton: How is this positive in your mind? Has anyone checked to see the negative side of this anywhere? I read tons of things about the negative, now and in the future, but everyone seems to be on board with this, including the Board.

Ms. Godfroy: I personally think there are positives. We need more and more energy all the time.

Mr. Cotton: Given the conditions in the state of the Indiana, what about snow and clouds?

Ms. Godfroy: My understanding is they are wanting to use double sided panels to maximize productivity even in the snow, using the reflection.

Mr. Cotton: Will the panels be recycled? There will be better technology in the future, what is the rush?

Ms. Godfroy: The company indicates the estimated life span is 30 years. At the end of the time, they have said the panels are 95% recyclable.

Mr. Cotton: And where would they recycle them?

Ms. Godfroy: I am not sure where that is, I'm sorry.

Mr. Hann: They did say yesterday on the tour that if there is a chance to repower and put a newer panel in, they will do so.

Mr. Cotton: What would happen if the business would go out of business?

Mr. Hann: There's always that possibility. They have shared it would be bonded to cover the decommission without hindering the county. There would be decommission plan to protect the county.

Mr. Cotton: If you want people to move to this county, which has been losing people for quite some time, do you think this is attractive to grow our county?

Ms. Godfroy: You may not think so, but to some yes because they are futuristic and realize we are always needing more and more power.

Mr. Malott: I work in Howard County and people ask me where I live. I tell people I live in Wabash County and how beautiful Wabash County is with 2 reservoirs, beautiful downtown, architecture, 4 major rivers, beautiful rolling areas. Take a look at Pulaski or Starke County where these projects are going and tell me if it compares. I love this county, and love it for the right reasons. This seems to be a green deal for a select few, and to me nothing is more green than corn or bean fields. If someone does this, they should not be able to call themselves a farmer.

Ms. Godfroy: So go talk to those neighbors about not signing those contracts. There are pros and cons, everyone has to determine what they want. Power, corn fields, soy bean fields.

Mr. Malott: Do you live in the area, is one of these properties adjacent to your property?

Ms. Godfroy: No, I do not.

Mr. Dawes: Nobody claims to be a solar expert on this Board. If an application is made by the company, you will have the opportunity to ask the company questions when they hold public meetings.

Mr. Malott: These will be given by the solar company. Will we hear negative from them?

Mr. Renn: Yes, the Board needs to bring the negative side in.

Mr. Curless: When we were working on the solar ordinance, we did have people testify both sides.

Mr. Renn: Was it somebody who actually knows the science behind it? What were their credentials?

Mr. Curless: I do not recall who all came to testify when we were doing that.

Mr. Renn: I would encourage you to speak with people living near the panel up north.

Mr. Curless: Any other questions or comments?

Mr. Cotton: People in this county put their trust in this Board to protect them and the land, and not just money. You can say power, but these decisions are all about money.

Mr. Curless announced next on the agenda is a complaint update. Mr. Campbell shared with the Board that he had reviewed a couple cases with Mr. Thrush. Mr. Campbell has been working with Ms. Ada Ebert. Ms. Ebert owns a residence that was previously owned by Robert MacOwan. Mr. MacOwan rented the residence to Ms. Ebert's son. While Mr. MacOwan owned the home there were complaints of his tenant not keeping the property properly. Ms. Ebert purchased the property and continued to allow her son to reside

there. A few days after purchasing the property it burnt. Ms. Ebert has been in contact with the Plan Commission office. She has the residence boarded up and is working on removing the trash. She has had several contractors tell her the house is not able to be salvaged. She is getting contacts for the demolition and will be in contact with the Plan Commission office with updates.

Mr. Curless asked if there was any other business to be brought before the Board. Mr. Campbell discussed the following with Board members:

- I have provided each Board member with a copy of our Verification of Drainage form for your review. Under the new ordinance every ILP must have approval or exemption by drainage board. Currently we take this form along with information about the project to Ms. Slee in the County Surveyor's office and she determines if it qualifies as exempt or if it needs to go before her board. Ms. Slee shared the Drainage Ordinance indicates that approval is not needed for situations where less than ½ acre is disturbed.
- Each Board member also received a copy of the Chart of Designated Uses. This identifies everything allowed in each zone. For example, a truck stop cannot go in A1 zone, but could apply for a Special Exception to located in A2 Zone. This chart is from Chapter 3 of the Zoning Ordinance. Mr. Vogel asked, after reviewing the chart, mobile homes are not allowed anywhere? If updating an old mobile home with a newer one can it be grandfathered? Mr. Campbell explained yes, there are options that allow for updating to a newer home. There is also a terminology change that comes into play with mobile homes becoming known as manufactured homes. Mr. Vogel reiterated, so they could update? Mr. Campbell stated yes, in the same location. Mr. Vogel then asked if one could be used as a temporary dwelling, such as in the case of an elderly family member needing to be close. Mr. Campbell reported that yes, that is allowed under the new ordinance. Mr. Thrush asked if the ordinance would allow for a double wide to be placed where a single had been? Mr. Campbell said he was not certain, that would take some research. Mr. Thrush shared that in most cases you cannot expand with a non-conforming use.
- Mr. Campbell also asked the Board to review their contact information and make any necessary updates for our records in the office. He would like to begin emailing members agendas and information packets for review prior to the meeting to reduce the amount of paper and printing.

There being no further business Mr. Curless asked for a motion to adjourn. Mr. Vogel made the motion to adjourn, seconded by Ms. Godfroy. Vote on the motion carried unanimously. Meeting adjourned at 8:12 pm.

*Amanda Lyons
Secretary, Wabash County Plan Commission Board
(bc)*

**If any names are incorrect or spelled incorrectly in these minutes, we apologize.*