

WABASH COUNTY PLAN COMMISSION

Wabash County Court House

One West Hill Street

Wabash, IN 46992

Telephone 260-563-0661 EXT 1252, 1267

Fax 260-563-5895

[*plandirector@wabashcounty.IN.gov*](mailto:plandirector@wabashcounty.IN.gov)

Wabash County Board of Zoning Appeals

Wabash County Court House

Wabash IN 46992

BZA MEETING MINUTES

TUESDAY, FEBRUARY 28, 2023

BZA MEMBERS: Dan Dale, Patty Godfroy, Mark Milam, Joe Vogel, Jerry Younce, Attorney Larry Thrush

PRESENT: Mark Milam, Joe Vogel, Dan Dale, Patty Godfroy, Brian Campbell, Plan Director; Larry Thrush, Board Attorney; Amanda Lyons, Board Secretary;

others present include: Debra Chandler, Jerome Malott, Cris Renn, Austin Shepherd, Allyson Suman, Tim Suman, Bryan Burcroff, Mike Howard

The Wabash County Board of Zoning Appeals met on Tuesday, February 28, 2023, in the Commissioners Meeting Room of the Wabash County Courthouse. Board Chairman, Joe Vogel called the meeting to order at 7:00 pm. Mr. Vogel asked if there were any additions or corrections to the minutes of the January 24, 2023 meeting, there being none he asked for a motion to approve the minutes as written. Motion to approve by Mr. Milam, second by Mr. Dale, motion carried unanimously 4 – 0.

Mr. Vogel: The first item on the agenda is Special Exception #1 for Sacha Sare. Mr. Campbell shared with the board that Ms. Sare is requesting to have poultry in a RL1 zone. Her residence is located at 7 Circle Drive, Roann in Pleasant Township. This is lots 64-67 in the continuation of the Kingston Park Addition. Ms. Sare appeared before the Plan Commission Board on February 2, 2023 and was granted a favorable recommendation to the Board of Zoning Appeals. With the new ordinance, the raising or boarding of any livestock is prohibited in this zone. The Kingston Park covenants and restrictions it does not specify, just states no hogs or cattle. Mr. Vogel asked Ms. Sare how many chickens she plans to have. Ms. Sare responded 12-15 with 4-5 of those being meat birds. Mr. Milam asked if she was wanting any roosters. Ms. Sare shared she does not plan to keep any roosters. Mr. Vogel asked that the chicken not be allowed to be kept as free-range birds. Ms. Sare agreed that they would be caged. Mr. Milam indicated he thought Ms. Sare had a very nice looking set up planned, his only concern would be dogs in a RL1 zone. As long as the chickens are contained, and she is aware of that potential issue he has no concerns about it. Mr. Vogel asked if there were any questions or concerns from the public. There being none he asked for a motion to approve Special Exception #1 with the restrictions of no roosters and no free-range birds. Motion by Mr. Dale, second by Mr. Milam. Roll call vote was taken, motion carried unanimously 4-0.

Mr. Vogel indicated next on the agenda is Special Exception #2 for Austin Shepherd. Mr. Campbell shared with the board that Mr. Shepherd is requesting a Special Exception to allow a non-ag related business in an existing structure in A2 zone. The business would involve building off road vehicles / race cars. The property is located at 5853 W Old State Road 24 in Noble Township. The existing structure is a 32 x 32

pole barn that was permitted by the Wabash County Plan Commission Office. Mr. Shepherd appeared before the Plan Commission Board on February 2, 2023 and was granted a favorable recommendation for the Board of Zoning Appeals. Mr. Vogel asked Mr. Shepherd to share with the board what his business would be. Mr. Shepherd shared that he currently works in Fort Wayne doing wiring on race cars. Each car takes 100-150 hours to complete, with only 8-12 cars being done in a year. He would like to start doing this work from the pole barn he has at his residence. These cars would be brought in on a trailer and leave on a trailer. Ms. Godfroy asked if he would ever be starting the cars, Mr. Shepherd responded no as they would not have the engine or transmission installed when they came to him. Mr. Vogel asked if there would be a chance cars would pile up on the property, how many would he be working on at a time? Mr. Shepherd said he would have 1 at a time due to the size constraints of the barn, these would not be sitting outside. Mr. Milam inquired if Mr. Shepherd would have any employees, he responded no, the business would be just him. Mr. Vogel then asked if there were any questions or concerns from the public. Ms. Suman came forward and shared a statement with Board that included the following:

I brought pictures and videos (on a usb drive that was turned over to Mr. Campbell during the meeting) to show what issues we have had in the past with Mr. Shepherd. I am here this evening to tell how we went from friendly neighbors to these issues that have resulted in police visits, altercations, and even the killing of a family pet. I have PTSD from previous abuse. The blaring music and revving of race cars at Mr. Shepherd's residence have caused struggles with my PTSD due to issues in the past from my alcoholic father doing the same. I have gone to Austin and tried to work it out, it worked for about a month. I have videos of Austin and friends racing trucks up and down Old 24. I have contacted police and the county commissioners about Austin dumping trash on another neighbor's property, which then blows to my property. I am not one to tell another what they can and cannot do on the property they pay for, but at this point it is obvious he shows no concern for his surrounding neighbors. For the last two years I have been running a no-kill sanctuary for cats. I have filled out the proper paperwork to obtain my 501C3, or non-for-profit organization license this year. Doing so will allow me to gain access to grants and donations from companies and other organizations as well as recognizing me as a legit sanctuary. When I started, I had a total of 50 cats and am now down to 15. Some are inside, some are outside, some are both. I have been open with the neighbors about the cats, asking that if they are bothersome to please just shoo them away but to please not hurt them. I have never had a problem with the cats and neighbors. That ended when all this drama started with Mr. Shepherd. His pettiness continued when he thought he was going to get me in trouble with the local animal shelter. He complained that the cats were tearing up his cars. Even though the shelter knew me for my sanctuary they still had to come out and do their job. Nothing ever became of it because of the condition of which the said cars were in as well as what I was doing to save the animals. I have worked with the Wabash County Animal Shelter and the Humane Society of Fort Wayne, and the Miami County Trap and Release program to care and foster cats with personal funds, sometimes up to \$300/week. I have done all this to only have one cat murdered by Austin and his girlfriend Amber, there were witnesses to that incident. The cat was placed on the road to make it appear as though it was hit. Even though I had all this my lawyer and police told me it was not enough to charge them with destruction of property or even animal abuse because it was a he said, she said scenario. They are pet owners as well. As a result, I have stopped fostering because I am afraid history will repeat itself and that they will murder another innocent animal because they don't like me. When the building was built, I began building a privacy fence to keep cats from venturing over there. You would think living on Old 24 I would be more worried about them getting hit on the road but no, I am more afraid of them being murdered for just being a

cat, and especially being my cat. After the murder of my cat, I invested in cameras because according to law my cats are considered free roaming animals and the only way I can have anyone charged with hurting them is if I caught them in the act. I worry not only about them being abused, but I worry about them getting into the chemicals from his so-called off-road vehicles. I am afraid the business will be more of a junk car business than what he is applying for. I worry about the antifreeze and oil that they could possibly get into due to Mr. Shepherd's inability to keep his property free of junk and trash. Besides my concern for my PTSD and my sanctuary, I am afraid of accidents and traffic issues in the curves in road, there is reduced visibility. He gets deliveries from full size semis. Cars will be backed up. Trucks and trailers from south would pull into my driveway to enter his. We have moved our mailbox for fear of these trucks and trailers taking it down. The speed limit is 45 mph, but people fly through there. I have put a huge sign out toward the road on my property. I have police reports of many incidents with Austin that I would be happy to share. I admit that in them, you will see I have not always acted in the most responsible, adult manner either after finding out they killed my cat. I hope this board will take my concerns into consideration.

Mr. Dale asked Ms. Suman if she realized the board cannot solve those issues with neighbors. Ms. Suman stated she did understand. Mr. Dale then asked if this business would make the situation worse. Ms. Suman responded yes, it would because it is a small area, low visibility, would be hazardous, the noise would be a problem, Mr. Shepherd and his friends yell and harass them when outside, and she would have no peace on her property. If he wants race at the track, fine, but please don't bring it home or to my road. Ms. Godfroy asked Ms. Suman if she heard that these vehicles being brought in for the business would have no engines, no gas, no oil. Ms. Suman replied sure, that does not take into account the others he has that are running and sitting outside of his building because those do run. Some of those may not be legal, but they have been on the road. Mr. Milam asked Mr. Shepherd to clarify if vehicles would have motors or not. Mr. Shepherd shared that those brought on property for the business would not have motors. The cars that are his personally – that he builds with friends and brother- would be running cars. One lives at the house with me. Ms. Godfroy reiterated to Ms. Suman that tonight we are talking about his personal cars, just those coming in for the business without motors to be wired, that would not be started. Ms. Godfroy apologized to Ms. Suman for her past, what she is going through with this situation, and reiterated by stating so tonight all we are talking about is those with no motors. Do you not believe that? Ms. Suman stated no, she does not believe it because she has seen them load and unload running vehicles. Mr. Dale asked both parties to show where each residence is on the GIS map. Both showed their property to the Board. Mr. Shepherd showed where the barn is also located that he wants to run business from. Ms. Godfroy asked what the distance is between the two homes. Mr. Campbell measured the distance to be 87' on the GIS map. Mr. Dale asked Ms. Suman about fence she is building, what type of fence it is. Ms. Suman stated she has started building privacy fence because she does not trust him and I worry about the cats going over there. All that is up right now is the poles. Ms. Godfroy asked Mr. Shepherd the name of the company. He stated he worked for Mid-America Customs in Fort Wayne, but this would be a new business. Mr. Milam asked if each car takes 100-150 hours to complete how many would be done a year. Mr. Shepherd stated 12 cars would be an annual maximum. Mr. Milam stated that would involve 24 trips for trucks with trailers. Mr. Dale asked about material being used, would it be stock piled somewhere. Mr. Shepherd replied that it is just wire, and would be kept inside the building. Mr. Shepherd shared with the board that he felt the pictures were probably auto cross cars for the county fair, which are for personal use. He stated he could bring in pictures of the types of cars that would be coming for the business. Mr. Dale asked that he bring those in. Mr. Howard encouraged the Board to consider a continuation to allow Board members an opportunity to review the pictures, videos, and reports. Mr. Vogel asked if there were any other questions or concerns from the public.

There being none, he asked for a motion on Special Exception #2. Ms. Godfroy made the motion for continuation on Special Exception #2 to the next Board of Zoning Appeals meeting. Mr. Dale gave a second to the motion. Roll call vote was taken, motion passed unanimously 4-0. Mr. Campbell informed Mr. Shepherd and Ms. Suman that the Board would continue to review the request at the March 28, 2023 meeting.

Mr. Vogel stated next on the agenda is Variance #1, for Burcroff Family LLC. Mr. Campbell shared with the board that Bryan Burcroff was representing Burcroff Family LLC and asking for a variance from the sub-division ordinance for more than 1 split / sell of less than 20 acres in a 5-year period. The property is located roughly ¼ mile north of 200 N on the east side of County Road 500 E, in Lagro Township in A2 zone. The parent parcel is in a family trust with Bryan, his brother Scott, and his father. Bryan is looking to make a split on the north end, but not certain on exact acres due to set back requirements. Mr. Campbell shared the property location on the GIS map with the Board, as well as Mr. Burcroff's tentative plans which include a house, pond, barn, and pasture area for horses. Ms. Godfroy asked Mr. Burcroff if his drive would be off 500 E. Mr. Burcroff indicated yes, it would be 10' from the property line onto 500 E. Ms. Godfroy asked about neighbors to the north. Mr. Burcroff stated that property is owned by Rice Farms, but no homes are on it. Mr. Milam asked for a rough idea how many acres he would like to split. Mr. Burcroff indicated originally he was planning for 3.5 acres, but due to setbacks for everything he may need 5 acres. He has had the ground tested and has a location approved for his septic. Mr. Burcroff went on to say he wants to split as little as possible to keep as much as possible in the LLC and even with the split that his brother made from the parent parcel recently. Mr. Dale reminded Mr. Burcroff to be sure he gets approval to split enough that you are not coming back. Mr. Dale also stated he felt the Board would need an amount of acreage to vote on. Mr. Burcroff stated he would like approval for up to 10 acres to be split. Mr. Vogel asked if there was any questions or concerns from the public. There being none, he asked for a motion on Variance #1. Ms. Godfroy made a motion to approve Variance #1 for a split of up to 10 acres, second by Mr. Dale. Roll call vote was taken, motion passed unanimously 4-0.

Next on the agenda is CAFO / CFO map amendments. Mr. Vogel asked Mr. Campbell to share with the Board what amendments were needed. Mr. Campbell shared with the board that when a pre-application is turned in their place is held on map while they go through the state permit process with IDEM. The pre-application process is costly and has a 12-month time limit on it. Applicants can apply for a six-month extension if needed. Currently, two pre-applications have expired. Those applications were submitted by Grant Kelley and Josh Holmes. Those site holds will be taken off the GIS maps. Mr. Campbell wanted Board to be aware and have it on record that they were being removed.

Complaints

Mr. Campbell shared with the board:

- Dustin Hurst, LaFontaine Town Marshal has called in three complaints late last week. Mr. Campbell will begin processing those. One was the Arnett property that is already being discussed.
- Curt Arnett property, located at 23 W Branson Street in LaFontaine. Mr. Arnett sent a letter to the Plan Commission Office indicating he intends to work on cosmetics and roof after winter, and the vehicle will be moved or sold. Mr. Campbell shared pictures with board showing roof collapsing in. Ms. Godfroy asked if anyone was living there. Mr. Campbell indicated no one was living there. Ms. Godfroy then asked where Mr. Arnett lives, Mr. Campbell stated that the address for the deeded owner is Columbus Street in Wabash. The

town of LaFontaine is very concerned, Mr. Campbell would like to send another letter asking for a time line of the plan of action. Board felt property presented safety concerns. Mr. Dale made a motion for an Unsafe Premise Order to be issued for the property, second by Ms. Godfroy. Roll call vote was taken, motion passed unanimously 4-0.

- Linda Trent residence located at 1106 E. 800 S. in Liberty Township. Mr. Campbell has followed up with pictures showing windows open, garage door open slightly, cats coming and going from residence and garage, and trash left in the yard. The skirting is missing, and hay bales have been placed around it. The shelter has been contacted, determined the cats are healthy. Mr. Vogel asked if the residence was occupied. Mr. Campbell shared no; Ms. Trent is currently residing in Marion. Ms. Trent was given the house by her grandmother. He shared a letter that Ms. Trent submitted to the County Commissioners indicating she would be remodeling or tearing it down in April. She also stated she would be renting a dumpster and hauling away all debris. Mr. Dale asked if he felt that was a satisfactory plan of action. Mr. Campbell indicated no, he did not see how she would find a contractor in March and have it done in April. Mr. Howard recommended the Board file an unsafe premise order because the issues at this property were first addressed by the Plan Commission last fall. Ms. Godfroy made a motion to file unsafe premise order, second by Mr. Milam. Roll call vote was taken, motion passed unanimously 4-0.

Other business:

Mr. Vogel asked if there was any other business to be brought before the Board.

Mr. Campbell shared with the Board he is still working through the options for online permitting. He has discussed with a number of companies and is trying to ensure there would be integration with the county's GIS mapping system.

Mr. Renn and Mr. Malott were present with questions about the potential solar project.

Mr. Renn: Have people presented the downside of solar project to the Boards, and if not what would the process be to have someone come in to present that? I have a couple people I would like to have come in.

Mr. Campbell: We would need those people to contact the office to be put on the meeting agenda.

Ms. Godfroy: Are these people with a certain company or who are they?

Mr. Renn: I am working with a resident from Pulaski County that is fighting solar there that went from 2,000 acres to 22,000 acres and someone with a PhD.

Mr. Vogel: You might get their names to Mr. Campbell so they can be scheduled and included on the agenda

Mr. Malott: I just have a question that didn't get answered in the last meeting. During removal of ordinance to let solar get a foot hold in county what were previous setback dimensions? What were they and what are they now?

Mr. Vogel and Mr. Dale both stated that they don't recall the exact numbers without having a copy of both ordinances to look at.

Mr. Malott: This board always seems concerned about neighbors, but before voting on such a mammoth project that will deface the county for decades to come the neighbors were not considered. No one was even contacted. Nobody knew about it. You probably found that out when no one was here.

Mr. Milam: No applications have been received for this yet, correct?

Mr. Campbell: Correct.

Mr. Malott: But the ordinance was changed, correct? That is what I'm commenting on. Why was the ordinance changed and who started it?

Mr. Howard: I'm Mike Howard, the retired Plan Director. The solar ordinance has been changed multiple times through meetings that were held in an effort to be proactive.

Mr. Malott: Can I ask who starts that conversation?

Mr. Howard: Who starts it? It was started through our office because of the fact that...

Mr. Malott: What office?

Mr. Howard: The Plan Commission Office.

Mr. Malott: Doesn't it have to be a justifiable citizen to start that? It's not just on the Plan Commission is it?

Mr. Howard: A justifiable citizen to start what?

Mr. Malott: A farmer for example or somebody, or who starts the conversation?

Ms. Godfroy: To start the change?

Mr. Howard: In 17 years it has amazed me that agendas and minutes are posted to the county website every year since I have been here. It always amazes me that we go through the processes and people come in after the fact and complain that they were not notified. It is publicized, agenda and minutes are posted. The solar ordinance has been worked on for probably three years, those minutes are available. Legal ads are printed in the newspaper as required by law. It is frustrating that the public comes in to comment after.

Mr. Renn: Do you call the radio station? People get their information from all different sources. I don't read the paper. I've not read the paper in twenty years.

Mr. Howard: That is not the Board's fault. Notification is given as required by law.

Mr. Renn: But you guys don't want people informed.

Mr. Howard: No, that's not true at all.

Mr. Renn: Well that's the way it turns out because most people in this county are still unaware that there is a solar field going in.

Mr. Howard: We had a meeting probably 2-3 years ago and the public was here and there wasn't one person from the south of Wabash County. There were 6-8 here from the north of Wabash County.

Mr. Renn: Because we didn't know what was going on.

Mr. Howard: How do you think those 6-8 people knew about it? Because they read the paper, they stay involved with what is going on.

Mr. Renn: 6-8 people, that's the county?

Mr. Malott: This Board represents 30,000 people of this county, don't forget that. This is still a democracy.

Mr. Howard: How would you like us to notify?

Mr. Malott: I think it should have been on the radio. I find it extremely, that nobody knew about this. If you're saying it's such a common way to notify people then every person I talk to on 850 South, how come people don't know about it. If this is such a great method?

Ms. Godfroy: Mr. Howard or Mr. Campbell can't possibly be expected to write to 30,000 people. We obey the law for notifications. Ordinance was updated to try to make it better for the citizens of the county, it wasn't done to make anyone mad. It was to help the citizens of the community in 2023 instead of whatever the original date of the ordinance was made. Should a letter be sent to everyone each week with what is discussed, since not everyone reads the paper or listens to local radio. We have to be reasonable about this and follow the law.

Mr. Renn: I listen to the radio, how about announcing there? Or just cover all the media outlets? Not just what is legally required.

Mr. Howard: A schedule of meetings is sent to the radio stations and newspapers at the beginning of the year, as required. I will agree the newspaper is struggling. They lost their editor recently, but that is out of our hands.

Mr. Renn: So the radio stations are a part of that?

Mr. Campbell: Yes

Mr. Renn: I asked Wade Weaver if he knew anything about it, he said he had heard a story about it.

Ms. Godfroy: As we've said, when an application is received a letter will be sent to those property owners within 250'.

Mr. Campbell: The Special Exception process requires all property owners within 250' feet to be notified by letter.

Mr. Malott: What do you do at that point?

Mr. Campbell: There's been no decisions on anything up to that point. That's when you have the opportunity to come in and speak on behalf of a project or against a project. You've seen examples of that here tonight.

Ms. Suman: I will say the Board does follow this process. I received a letter as a neighbor of a project discussed tonight. I contacted the office when I received the letter and was told this was my opportunity to have my voice heard. I understand everyone's frustration with newspapers, but they did their part with letter notifications of what my neighbor wanted to do.

Mr. Vogel: At this point we have nothing to inform the public about on the solar because there's been no permit applied for. We know they've done some testing, but we don't have anything to put out to the media.

Mr. Malott: Do you have proof of the print for the newspaper?

Mr. Howard: Yes. For a Special Exception, after it goes before the Plan Commission Board, if they give a favorable recommendation, between the Plan Commission Board meeting and Board of Zoning Appeals meeting they have to put legal ad in the paper and send mailers to property owners within 250' at least 10 days before the hearing. They are printed in the legal ad section of the newspaper.

Mr. Campbell: We did those ads and mailers for all three cases brought before the Board this evening.

Mr. Vogel: Is that posted on the website as well?

Mr. Howard: The legal ad would not be.

Mr. Campbell: We keep proof of mailing for the notification letters, a list of who letters are sent to, and an affidavit that it is printed in newspapers. Copies of the ads are maintained in the office.

Ms. Godfroy: If you want to change method of notification that is a legislative issue.

Mr. Malott: We're not that naive, we know there would have been a huge response to this if people had known about it. So the way that contact was made didn't work that well.

Mr. Milam: It hasn't happened, there's been nothing to contact about.

Mr. Malott: But the ordinance got changed. The setbacks got changed. The things in place to protect us is gone.

Mr. Milam: In your opinion.

Mr. Malott: In my opinion, yes. Especially given where I live.

Mr. Renn: So we're way ahead of the time we would be notified about this?

Ms. Godfroy: We don't know. They could come in tomorrow, in 6 months, or they may not come in.

Mr. Dale: The part that you are discussing, the solar ordinance and setbacks that we came up with, at that time we didn't know that there would ever be a solar project. That was the Plan Commission trying to be ahead of it.

Mr. Renn: Randy Curless was the one that brought that up, correct?

Mr. Dale: I'm not certain.

Mr. Renn: I read it in the minutes. Randy Curless asked if we had a solar ordinance in place. And he ends up being one of the property owners involved in it.

Mr. Howard: Randy Curless became a land owner involved due to the death of his father.

Mr. Renn: Well he asked about it for one reason or another whether he's a sole owner of the land or not, he was related to his father.

Mr. Dale: The reason Randy probably asked was they were probably contacted by the solar company, nothing to do with the county. So far that is all that has happened, the solar company going to individual farmers, your neighbors, and leased ground.

Mr. Malott: So there's 280,000 acres in this county. So the 1,200 they've landed on are owned by two prominent board members. And there was no discussion? It is upsetting that two board members are land owners.

Mr. Howard: What two board members sir?

Mr. Renn: Randy Curless and Barry Eppley

Mr. Howard: Like I said previously, Randy Curless obtained it through his father's death. I will say that any solar discussion that has taken place after Randy asked if we had a solar ordinance he did not participate in.

Mr. Renn: Whether he personally owned the property or not doesn't really matter.

Ms. Godfroy: What Mr. Howard is saying is during the meetings that we discussed it, he did not say one word pro or con. He did not participate.

Mr. Renn: I understand that, but he's the one that brought it up.

Mr. Howard: If he hadn't brought it up maybe we wouldn't have one at all and they could come in and do whatever they wanted to.

Ms. Godfroy: If you do not have a solar ordinance that means anyone can just come in and put one in wherever.

Mr. Renn: But they weren't coming in until you created the solar ordinance.

Mr. Howard: We started working on the ordinance because we had heard rumors that there were people in the area looking to lease property for a project.

Mr. Renn: And Randy just happens to be one of those land owners.

Mr. Howard: I will say I agree that in Mr. Eppley's situation it may not be illegal, but it's probably not reputable to be a part of it. But we can't do anything about it.

Mr. Dale: The biggest land owner isn't even in Wabash County.

Mr. Renn: But doesn't Eppley farm that ground of Campbell's?

Mr. Dale: Not any more.

Mr. Renn: I didn't know.

Ms. Godfroy: Mr. Renn, did you sell land into this?

Mr. Renn: Yes, to Kratzer's. I know he's involved in it too. We would not have sold if this was known. How do you plan to keep this project from growing?

Ms. Godfroy: We've talked about this before, it's hard to control ground we don't own.

Mr. Malott: That's not necessarily true, just tonight a lady had to ask permission to have chickens on her own land. It's the same thing here. Right?

Mr. Vogel: Yes, but she was in a residential area.

Mr. Renn: If this thing gets started how are you going to stop it from growing to 80,000 acres?

Mr. Vogel: The project area is limited by the wiring by my understanding. Typically, those areas are long and narrow I believe. And to expand away from them becomes too expensive.

Mr. Renn: Those wires run from the reservoir to the cut in the town.

Mr. Dale: Your detailed questions we are not going to be able to answer. We are not experts on solar.

Mr. Renn: You guys all need to become solar experts before voting on this.

Ms. Godfroy: We took a trip to visit a site in Jasper County. As a board we are trying to learn more about this. Many of us had to use vacation days or personal days to do this.

Mr. Vogel: I felt the Jasper County area is much different than what we have here in Wabash County. It was a lot of unpopulated areas and fairly isolated. I think the big difference is they had theirs on marginal ground and this one would like to go in on prime ground and there is a lot of houses around. But I do not know exact locations of this project.

Ms. Godfroy: While we were in Jasper County, I asked someone from the solar company what the neighbors thought. I could see there was a house nearby. They explained to me that initially the homeowners were not happy, but the company put trees up to help screen and now the homeowner seems happier since they don't have to see them.

Mr. Renn: You should have talked to the homeowners.

Mr. Malott: These people with the company are not going to give the downside. Have you taken a drive to Starke or Pulaski County? There's thousands of acres.

Mr. Vogel: Do you think that is a better location?

Mr. Malott: No. But this is prime farm ground, I would love to have it, but no opportunity to acquire it. I don't know why I care so much more about the dirt than the next guy, but I do. I wish you all would have to drive by it every day like I would have to.

Ms. Godfroy: I'm not sure what's best. Yes, we need corn, beans, and hay. But we also need more electricity every day too.

Mr. Renn: We don't need more electricity. We have no rolling black out issues here. I've been told the electricity won't stay here in Wabash, it just goes on the grid.

Ms. Godfroy: But do have enough for what may be coming in the future? For the influx of electric cars?

Mr. Renn: I guess there's no need for a tractor if you cover it in solar panels.

Mr. Vogel: They are enticing farmers with more money, probably more than the farmer can make farming the ground. Most of the project will be above ground from my understanding. If it goes belly up it can be pulled up and farmed.

Mr. Renn: Hopefully, but who can afford it?

Mr. Howard: The project will be bonded.

Mr. Renn: Will it be bonded up front?

Mr. Howard: The ordinance says it will be bonded up front and the bond is to be evaluated every 5 years by an engineering firm selected by the county.

Mr. Renn: Was this all posted in the paper?

Mr. Campbell: It is posted on the website within the zoning ordinance.

Ms. Godfroy: Chris, I get your frustration but unfortunately, it is up to us to educate ourselves.

Mr. Malott: I am concerned if your priority is farmers or public sentiment. Code of ethics says public should be number one. Howard Halderman seems influential in all these projects, he's played a big part in the Starke and Pulaski County projects.

Mr. Vogel: The ordinance allows property owners to work with the company on screening. I wouldn't want it on my farm, but others might. However, personally I think I would rather have solar in my neighborhood than a CAFO. Our board is very sympathetic and try to help everyone as you have seen in other business tonight.

Mr. Renn: I'd like to see the deer I usually see every evening, but that won't happen. You know where I am coming from.

Mr. Malott: Please don't forget you can always say no.

Mr. Renn: Farmers should be responsible to clean-up and cost if they are the ones to make the money from it.

Mr. Malott: Are these panels Chinese manufactured?

Mr. Dale: I believe so.

Ms. Godfroy: I don't have the exact percentage, but they are over 90% recyclable material.

Mr. Renn: Where will they be taken to recycle? You're not going to recycle those here.

Ms. Godfroy: I don't know that.

Mr. Malott: What is the name of the company?

Mr. Vogel: NextEra

Mr. Thrush: We must keep in mind they may be highly recyclable but is it financially feasible to do so?

Mr. Dale: Is there anything in the ordinance to protect the land owners and county if company sells?

Mr. Howard: The county is covered because the bond would have to be reviewed before the transfer. The individual land owners would have to make sure they were covered.

Mr. Renn: Is it a done deal?

Mr. Vogel: The ordinance, yes. The solar project, no.

Mr. Renn: Who is guaranteeing property values?

Ms. Godfroy: Who would guarantee mine? Like I have mentioned before the only way to have control is to purchase the ground from the farmers. There are other things in the world that can change your property value too.

Mr. Dale: Bring us information to review about land values. You will need realtors or appraisers to back you. We need to take that into account.

Mr. Malott: Will this be visible from the Missinewa cemetery?

Mr. Dale: Yes, based on where I saw them doing soil tests, it probably will be.

Mr. Malott: The leases are in place already?

Mr. Dale: Yes, but no money has changed hands yet that I know of.

Ms. Godfroy: It seems backwards that they would go to landowners and then the county, but that's their decision.

Mr. Renn: So you guys have known all along that Mr. Curless and Mr. Eppley were involved?

Ms. Godfroy: I didn't. I didn't know about Mr. Eppley until it came up this evening.

Mr. Malott: Mr. Thrush, wouldn't it be a felony for Mr. Eppley to participate in project with this conflict of interest?

Mr. Howard: We had a situation where Mr. Vogel gave up his seat as chairman due to a CAFO going in his area. He sat out with the public for those meetings to speak as a citizen.

Mr. Malott: I thought you had to be aware of discussion and influence, in a meeting, in a coffee shop, text, or email, wherever.

Ms. Godfroy: I will say I have not spoken to Mr. Curless or Mr. Eppley about it at all.

Mr. Thrush: I only represent this board, not the County Commissioners.

Mr. Malott: Should he be removing himself from just voting or persuasion in discussion?

Mr. Howard: The actions of Mr. Eppley don't have anything to do with this Board. I totally disagree with what he did, but that's just my opinion.

Mr. Campbell: As Plan Director, I am not a voting member of the Board. You are welcome to come in office and ask questions.

Mr. Vogel: This is a five member board, representing different areas of the county. Tonight we are missing Jerry Younce, from the south.

Ms. Godfroy: I am educating myself about it. We all need to be educating ourselves more every day.

There being no further business Mr. Vogel asked for a motion to adjourn. Ms. Godfroy made the motion to adjourn, seconded by Mr. Dale, motion carried. Meeting adjourned at 7:50 pm.

Amanda Lyons

Secretary, Wabash Co. Board of Zoning Appeals

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