

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 8TH DAY OF JULY 2021 AT 9:00 A.M. IN THE
MEETING ROOM AT THE COUNTY ADMINISTRATION BUILDING 117 N. 2ND
ST. GOSHEN, IN 46526

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Steve Warner. The following staff members were present: Chris Godlewski, Plan Director; Jason Auvil, Planning Manager; Mae Kratzer, Planner; Danny Dean, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Phil Barker, Frank Lucchese, Tony Campanello, Roger Miller, Jeff Burbrink.

Mr. Warner stated that there will be one minor agenda change, and for Mr. Burbrink will be handling the last 3 petitions.

2. A motion was made and seconded (*Edwards/Snyder*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 10th day of June 2021, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Miller/Edwards*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for the vacation of a portion of a north/south county right-of-way known as **SPRINGBROOK LANE**, for Jose Red Caballer, III & Peter L. Ostapchuk represented by Marbach, Brady & Weaver, Inc., on property located 375 ft. west of Silver St, 500 ft. north of Bristol St. (CR 10), in Osolo Township, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #VRW-0485-2021*.

Chris Marbach, Marbach, Brady & Weaver, Inc., 3220 Southview Dr., Elkhart, IN, was present representing for the petitioners. He explained this is basically a wooded alley that has never been used nor driven through for many years. He further stated that he believes it's consistent to have it vacated and put back on the tax records.

There were no remonstrators present.

A motion was made and seconded (*Campanello/Snyder*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Lori Snyder that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the vacation of a portion of a north/south county right-of-way known as **SPRINGBROOK LANE** be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Phil Barker, Frank Lucchese, Tony Campanello, Roger Miller, Jeff Burbrink.

5. The application for a zone map change from A-1 to M-1, for Grand Design RV LLC (Buyer) Larry Cockburn and Virginia Cockburn, Husband & Wife (Seller) represented by Abornmarche Consultants, on property located on the north side of CR 2, 4,190 ft. west of SR 13, common address of 11747 CR 2 in York Township, zoned A-1, was presented at this time.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0478-2021*.

Crystal Welsh, Abornmarche Consultants, 1009 South 9th St., Goshen, IN, was present representing the petitioners. She explained the intent of this project is for Grand Design to continue to expand their campus and this is the last little piece of the project. She went on to say Grand Design is working on the project on the property that shows vacant on the map, but it is under development. She continued saying Grand Design was able to work with the current property owner on a property acquisition to square up that campus. She stressed she believes this development makes the subject property nice and clean, helps the homeowner to find another place to live, and squares off and makes the land available for additional retention that is needed on site.

There were no remonstrators present.

A motion was made and seconded (*Miller/Campanello*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to M-1 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Phil Barker, Frank Lucchese, Tony Campanello, Roger Miller, Jeff Burbrink.

6. The application for a zone map change from B-1 to B-3, for Joseph G & Shirley A. Bieber on property located on the northeast corner of Corwin St. & Karen Ave., common address of 55658 Corwin St. in Cleveland Township, zoned B-1, was presented at this time.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0463-2021*.

Anthony Osowski, 69708 Fleetwood Rd. Niles, Michigan, was present in remonstrance as a representative for his sister, Karen Osowski, 30668 Karen Ave. Elkhart, IN. He explained she lives just south of the property that is being requested to be rezoned. He explained the issue with rezoning

this property as commercial is the area is a neighborhood with residential single family homes all around. He continued say that to the north of the property there are 3 residential houses, to the east of the property there are residential houses, and to the south of the property there are residential houses. He explained that after going past Walmart on Corwin Street heading south towards the subject property, there are 3 residential houses before reaching the subject property. He stressed there are more than 20 kids living in that neighborhood, and this rezoning would bring more traffic. He stressed that this is a commercial area outside of the neighborhood where the subject property is located. He continued to explain that Walmart built a barrier to block the backside from the neighborhood, so all the money spent to block the neighborhood from the commercial properties is in vain. Mr. Campanello asked what the property owner plans to do with the building. Mr. Osowski responded the building has been vacant for 20 years, and it is a 3 stall garage. Mr. Osowski stated he had lived in the neighborhood until 5 years ago, and all the neighbors will tell you in the last 5 years at minimum nothing but mowing has happened on the subject property. Mr. Campanello stated he is hearing that there is no impact on the neighborhood at all from this property at this time. Mr. Osowski responded yes there is not right now, but approval would allow a commercial property surrounded by houses. He continued to explain when Walmart spent extra money to make sure that they were away from the neighborhood, they planted evergreen trees and placed an earth mound, therefore it doesn't make sense to have this commercial property surrounded by residential property. Mr. Miller asked if Walmart is zoned M-1. Mr. Osowski responded correct, but there is a barrier in place. Mr. Miller asked how tall the barrier is. Mr. Osowski responded he believes it is 5 feet, but he didn't go measure it.

Joseph Bieber, 26078 Merrill St., Elkhart, IN, was present for this petition. He stated commercial property was supposed to go from M-1 to B-3 and the residential houses that are the area were supposed to go from M-1 to B-1 with the previous mass rezoning. However, his property was taken down to B-1 and was not supposed to be, it was supposed be zoned B-3. He stressed this is a commercial property and always has been a commercial property. Mr. Burbank asked if this property has been used for auto repair. Mr. Bieber responded that is correct, and has been like that since 1992 or 1993 through 2014.

A motion was made and seconded (*Stump/Snyder*) that the public hearing be closed, and the motion was carried with a unanimous vote.

Mr. Stump asked Staff if Mr. Bieber's assessment was correct in how the property was supposed to be rezoned. Mr. Godlewski responded that the proposal was made years ago on behalf of the Redevelopment commission parcels be rezoned from M-2, to B-3 and B-1, and the thought was that the southern portion was going to be the line. He continued to explain this was an oversight, and it was more of an E-3 or M-1 use. He stressed to go back to B-3 would not be significant because it was M-2 before. Mr. Stump asked if the property was supposed to be zoned B-3. Mr. Godlewski responded in theory the property should have been B-3, but it was missed. Mr. Campanello asked if Mr. Bieber will still be able to do business as before. Mr. Godlewski responded that was correct.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from B-1 to B-3 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Phil Barker, Frank Lucchese, Tony Campanello, Roger Miller, Jeff Burbrink.

7. The application for a zone map change from A-1 to DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as **ZIMMER CR 5 PLANNED UNIT DEVELOPMENT**, for Cleveland Twp. Fire Dept. represented by Danch, Harner & Associates, on property located on the west side of CR 5, 1,500 ft. south of CR 2, common address of 51233 CR 5 in Cleveland Township, zoned A-1, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0455-2021*.

Raymond Snider, 51211 CR 5, Elkhart, was present in support of this request. He stated he lives just north of the fire station. Mr. Snider explained he has spoken to Mr. Zimmer and they both seem to be on the same page and have agreed upon the privacy trees along the south property line dividing the 2 properties. He continued to explain there is some fencing falling down, however, Mr. Zimmer has agreed to plant some trees to block the storage. He also stated there is going to be some ditch and retention work done. He reiterated everything will be good, if Mr. Zimmer agrees to the conditions and follows through on what they have talked about. He stressed a fence isn't needed as long as some pine trees are planted. Mr. Campanello states the plan shows a proposed 6 foot high screen fence. Mr. Snider responded he is just trying to save the petitioner some cost and remain friendly neighbors.

There were no remonstrators present.

A motion was made and seconded (*Miller/Stump*) that the public hearing be closed, and the motion was carried with a unanimous vote.

Mr. Burbrink asked when a DPUD has a fence listed but it is suggested that they put in a line of trees instead. Is that something that can be changed and voted on in the motion? Attorney Kolbus responded it can be changed in the motion, but whichever is put in the motion as a condition is what must be built. He clarified right now it is a fence but can be changed to trees. Mr. Burbrink clarified then Staff would follow up with the changes to verify they were done. Mr. Auvil stated Staff received, through conversations with the representative about the fence versus the trees, a revised site plan with the trees as a buffer. He went on to say, however, it also says that in the future, if that property owner wants a fence, or any future property owner wants a fence, then a fence would have to be install. Attorney Kolbus stated that the new site plan would cover any current or future issues of the fence, and that the Board's approval would be based on the new site plan. Mr. Stump stated this is a business that is asking to be in this area, and this would be the only business close in this area. He noted there are a lot of residences, and he is questioning if that's a good idea. Mr. Snyder questioned if anyone knew why the representative isn't at the meeting today. Mr. Auvil responded he doesn't know why the petitioner isn't present today. Mr. Snider stated there is a business behind this subject property.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Jeff Burbrink that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as **ZIMMER CR 5 PLANNED UNIT DEVELOPMENT** be approved in accordance with the Staff Analysis with the following condition imposed:

1. The request is approved in accordance with the revised site plan submitted on 07/01/2021.

Vote: Motion passed (**summary:** Yes = 8, No = 1, Abstain = 0).

Yes: Steve Warner, Steve Edwards, Lori Snyder, Phil Barker, Frank Lucchese, Tony Campanello, Roger Miller, Jeff Burbrink.

No: Tom Stump.

8. The application for a zone map change from GPUD M-1 to DPUD M-1 and for primary approval of a 1-lot minor subdivision to be known as **BRISTOL PARK FOR INDUSTRY DPUD-PHASE 2i**, for TH Indiana LLC represented by AR Engineering LLC, on property located on the south side of Commerce Dr., 1,000 ft. west of Blakesley Pkwy (CR 29), in Washington Township, zoned GPUD, M-1, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0477-2021*.

Whitney Pizzalo, AR Engineering LLC, 5725 Venture Park Dr. Ste. A, Kalamazoo, MI, was present to represent the owner. She stated this project will be done in 2 phases. She explained that Phase 1 would be the semi-trailer storage and then 2 years later, Phase 2 would be a warehouse facility.

Chris Stagger, Economic Development Corporation, 300 New Co. Parkway, Elkhart, was present in favor of this petition. He stated he started working on the project 7 years ago with Satellite Industries as a provider of restroom facilities. He explained they are one of the world's largest producers of portable restroom devices, and the supporting trailer business that came along with that. He stressed he is very proud that they show phenomenal growth and are a very diverse employer, and he loves to support this project for them.

There were no remonstrators present.

A motion was made and seconded (*Miller/Snyder*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Tom Stump that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from GPUD M-1 to DPUD M-1 and for primary approval of a 1-lot minor subdivision to be known as **BRISTOL PARK FOR INDUSTRY DPUD-PHASE 2i** be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Phil Barker, Frank Lucchese, Tony Campanello, Roger Miller, Jeff Burbrink.

9. The application for a zone map change from A-1 to DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as **SCHROCK CR 15 DPUD**, for Robert N. Schrock & Marie E. Schrock, Husband & Wife represented by B. Doriot & Associates, Inc. , on property located on the west side of CR 15, 1,000 ft. north of CR 30, in Harrison Township, zoned A-1, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0480-2021*.

Mr. Dean explained that the land owner is requesting to withdraw the DPUD. He explained that essentially started with an Administrative Subdivision that graduated to a Minor subdivision that was withdrawn to be graduated to a DPUD which is today to be withdrawn as well. He went on to explain Staff has determined the plan for the sites resembles the original plan so closely that there is no need for a Minor Subdivision or DPUD.

There were no remonstrators present.

A motion was made and seconded (*Miller/Campanello*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Withdraw, **Moved by** Roger Miller, **Seconded by** Tony Campanello that this request for a zone map change from A-1 to DPUD A-1 and for primary approval of a 2-lot minor subdivision to be known as **SCHROCK CR 15 DPUD** be withdrawn at the request of the petitioner.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Phil Barker, Frank Lucchese, Tony Campanello, Roger Miller, Jeff Burbrink.

10. The application for an amendment to an existing DPUD B-3 known as J & J RENTAL, A DPUD B-3 to allow for off-premises signage, for **Syracuse Storage, LLC** represented by Garrett Howell, on property located on the southwest corner of US 6 & SR 13, common address of 15048 US 6 in Benton Township, zoned DPUD B-3, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0379-2021*.

Garrett Howell, Syracuse Storage, LLC, P.O. Box 583, Syracuse, was present for this request. He stated he has owned this property for several years, and he owns several self-storage properties along with outdoor advertising company. He stressed this property seemed like a perfect spot for advertisement as it is the main road going into Syracuse. He explained the signs would be used for some businesses in the town of Syracuse to advertise their business and help out with the cost of property taxes. Mr. Miller asked if there was any current signage at this time, and clarified the signs wouldn't have anything to do with the storage facility. Mr. Howell responded that was correct there is no signage now and the signs would be for other businesses. Mr. Miller asked if there was an idea what the sign would look like that would be put up. Mr. Dean reiterated it will be a sign for advertising. Mr. Miller asked if there would be restrictions on size or height. Mr. Dean responded

he will be restricted to what is on his site plan. Mr. Howell stated the size of the signs would be 6 ft. by 12 ft. Mr. Dean stressed that size will be within zone requirements.

A motion was made and seconded (*Miller/Stump*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Withdraw, **Moved by** Roger Miller, **Seconded by** Tony Campanello that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD B-3 known as J & J RENTAL, A DPUD B-3 to allow for off-premises signage be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Steve Warner, Steve Edwards, Lori Snyder, Tom Stump, Phil Barker, Frank Lucchese, Tony Campanello, Roger Miller, Jeff Burbrink.

11. The application for a zone map change from A-1/ DPUD A-1 to DPUD A-1 and for primary approval of a 16-lot major subdivision to be known as **ELKHART COUNTY SOLAR PROJECT DPUD**, for Bruce A. Showalter (Rose Ann Showalter Life Estate), Steven G. Showalter & Bruce A. Showalter, Robert D. Moser, Trustee (Living Trust) represented by Jones Petrie Rafinski, on property located on the west side of SR 13 between Long Ditch and CR 146; south side of CR 146 between SR 13 and CR 43; west side of CR 43 between CR 146 and a point 614 ft. south of Dry Run Ditch; east side of SR 13 between CR 148 and a point 842 ft. south of CR 148; north side of CR 148 between SR 13 and a point 1,258 ft. west of SR 13; south side of CR 146 between SR 13 and a point 1,622 ft. west of SR 13; north side of CR 146 between SR 13 and CR 137; south side of CR 46, 1,402 ft. west of SR 13, common address of 70391 CR 43 in Benton Township, zoned A-1, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0484-2021*.

Kenneth Jones, Junior, JPR Jones, Petrie, and Rafinski, 325 S. Lafayette Blvd. South Bend, IN, was present for this petition. He stated he is one member of this team here to try and make sure they properly explain this purposed project. He explained JPR is primarily here for survey related issues, as well as answering any questions that are related to land use. He continued to explain the reason why the county was approached for review and approval of this DPUD was because the proposed use is not really contemplated in the Zoning Ordinance. He stated the reason behind not having an ordinance about solar panel farms is because Elkhart County doesn't have anything like this yet. He pointed out that there is a project located just a couple miles east on the other side county line where this use is allowable in an A-1 zone. He continued to point out that if that use was on the zoning use table then this would be a technical review of the site plan, but in this case it's not. He explained Staff has presented all of the information in how it relates to JPR as to why we think you should approve this project. He went on to say that in the terms of the allowable uses of this property and in thinking about the alternatives, one of the purposes that we have defined in Elkhart County for the A-1 zone is a residential subdivision, which would be a dramatic change for the area. He stated there would be no Plan Commission meeting, if a subdivision was being built and which is a

meaningful and permanent change for the landscape. He stressed one of the reasons this area was relatively attractive to his colleagues from Savion is that the property is at the intersection of high altitude electric transmission lines. He added certainly partnerships with utilities will definitely result as a part of this project. He went on to say they couldn't agree more in the discussion of the passive nature of the use, other than during the initial installation and construction, the solar panels will sit there and have the occasional repair operators visiting the site. He stressed there is almost zero long term impact if anything negative, and they know that the long term impact to storm water drainage patterns is in the negative compared to the properties current use because of the planting of grass cover or ground cover underneath. There are relatively narrow gravel service roads. He explained all of this was considered in the site plan and the storm water calculations and analysis, though, this is a bit unusual, as they haven't done a project like this, especially to this scale, locally. He went on to say after talking with Jason and Staff, this was determined to be a 16-lot subdivision, but they are not trying to create buildable parcels to sell. He stressed they have to work through those details with clients and landowners going forward to make sure that the plan that submitted makes the most sense and complies with the DPUD processes. He continued to explain he concurs with the Staff Analysis and thinks everyone is here that can answer questions from our perspective, the team's perspective on this project this morning.

Sara Mills, Savion LLC, 422 Admiral Blvd., Kansas City, MO, was present for this petition. She submitted a power point presentation *[Attached to file as Petitioner Exhibit #1]* and introduced the Savion team. She explained that Elkhart County was picked for this project due to the existing transmission lines with available capacity for energy, because significant energy demands with PJM electrical grid, there are landowners who want to participate, significant local economic benefits, and this is a form of development that will remain rural in character. She continued to explain the electricity will be used locally, but there are pieces of the grid that can be bought from other areas. She explained the land will be covered in grass and all equipment will be removed at the end of this project for the land to be used as agricultural again. Mr. Campanello asked if the land owner came to them or if Savion went to the land owner to get this project going. Mrs. Mills responded they approached the land owners; the first thing they do is an analysis of those transmission lines to see where there's capacity on the lines, and then look at the land in those areas to see if the landowners are willing to work with Savion. Mr. Campanello asked how many other projects in northern Indiana Savion has worked with in the past. Mrs. Mills responded none that she was involved with in northern Indiana.

Travis Narum, Savion, LLC, 422 Admiral Blvd., Kansas City, MO, was present to represent this petition. He stated there are 4 other Indiana projects though, most of them are in the earlier stage whereas this project is in a later stage. Mr. Campanello asked if Savion goes to the land owners and looks for land that way, or do landowners come to Savion. Mr. Narum responded that it happens both ways, though in most cases Savion goes to the land owners, because they use a very sophisticated GIS system to find maps of parcels large enough, the transmission, and wildlife. He continued to explain they will layer all of those things together and sort the areas into sites they like, then will send out teams to meet with one or two of the larger landowners and go from there on the project. Mr. Campanello asked if there were any representatives from Elkhart County that approached Savion asking them to come to Elkhart County. Mr. Narum responded no that he is aware of. Mr. Campanello asked did anybody, government people, or community development, invite Savion to come to Elkhart County. Mrs. Mills came back up to respond that she didn't believe anyone came to them first from Elkhart County.

Brad Hooley, 14398 CR 22, Goshen, IN, representing landowners, Robert and Donna Moser. Mr. Hooley explained that the Mosers are very much in favor of this development and agree with all of the Staff's recommendations. He continued to say that the Mosers began assembling this farm in 1969 and throughout this time grew corn and beans and raised hogs. He went on to say that the Mosers were one of the largest independent hog operations in Indiana and even milked a few cows. He stressed the Mosers wanted to know, if there were any alternatives uses for their land, because they were going to pull away from the farm. Mr. Campanello clarified that this land is going to pull away from this farm land producing farm products. Mr. Hooley responded the Mosers own 627 acres and all of that land is in this request. Mr. Campanello asked if nothing will grow there, with approval. Mr. Hooley responded electricity. He stated he can understand that side of the argument, Bob and Donna has been retired from active farming since 2002, he continued saying they cash rent the land that is used to pay their living expenses, and their goal all along was to never get themselves in a position where they would have to sell the land. He stressed the Mosers wanted to keep the land and then pass it on to the next generation, and this project secures that goal. He explained car prices go up, crop prices go down, life happens and things change. He stressed it is not very often that you have a situation where you have a farm that can be put in a position where it's going to remain in the same family for at least the next 50 years. He explained this situation means that they will never have to sell the farm and it is a long range form of preservation. He stressed after the lease ends the land is still going to be owned by a Moser. He went on to say that everyone knows what kind of tremendous pressure there is for trailer parks and manufacturing/industrial uses, but this is an alternative option to that. Mr. Burbrink explained there will be time available for people to speak in favor of or against the petition. Mr. Hooley stated Mr. Moser will pass in speaking.

Mr. Auvil stated Staff has received some correspondence in regards to this matter. He explained Staff received a letter in opposition from an Adam Young, though Mr. Young is in the audience today, so he can address his issues. He went on to say that letter came with a list of people who signed that were against this proposal *[Placed in file as Staff Exhibit #1]*. He continued to explain Staff received an email of support from a Paul Steury *[Placed in file as Staff Exhibit #2]*. He read the email as it says this is a great opportunity for renewal energies and for the county. He continued to say Staff received a notice from an attorney's office, Richard Rogers, explaining a situation between property owners and invested property interest for some of the property involved in this matter *[Placed in file as Staff Exhibit #3]*. Mr. Miller asked if the board is here to discuss the viability or how good/bad a solar panel is, or to speak about land use. Mr. Auvil responded this discussion should focus primarily on land use. Mr. Burbrink explained the Board is talking about the land use. Mr. Miller stated if someone thinks solar panels are the most wonderful things in the world, that's great, but it does not pertain to land use. He added if someone thinks solar panels are the worst thing that ever hit the face of the earth, then that is still not land use. He continued to explain the Board is strictly talking about land usage. Mr. Warner states he has a Plan Commission. Document dated May 12th of this year, where the Planning Commission is tasked with ongoing planning for the county and best uses. He continued to state the three listed concerns here in Elkhart County are lack of affordable housing and low inventory homes \$100,000.00 to \$250,000.00, is the lack of industrial land to develop, and preservation of farmland. Mr. Burbrink explained the Board will allow 2 minutes per person with the people in favor coming up first to give their points, and then the people that are opposed to the project.

Chris Stagger, Economic Development Corporation, 300 Nibco Parkway, Elkhart, IN, was present in support of this request. He stated they have been working on this project for 8 months, and

Savion has been concerned with the line of sight issues that this request could potentially create. He added a lot of discussions have been had about those issues. He continued saying, secondly, Savion has talked a little bit about the close proximity to the intersection of those 2 high tension transmission lines, because that is a critical element. He continued to say it's very, very expensive the farther away from that it gets. He stated, thirdly, Savion did an analysis of the long term financial impact for Elkhart County and determined that area would experience a reduction in property taxes over the 30 year term of the lease. Mr. Campanello asked how that works. Mr. Stagger asked for clarification on what Mr. Campanello was asking. Mr. Campanello clarified by asking how does this affect property taxes and how it lowers it for those not on this particular land. Mr. Stagger responded he is not a tax expert, and there is a tax company that provides that analysis for them. He stated to his knowledge it has to do with the property tax levy and how much is returned to the local township. Mr. Warner stated the subject property will pay more taxes, the county can only charge so much in taxes. Mr. Stump, reiterated the county can only change so much in taxes, and the subject property is going to pay a larger amount. Mr. Stagger responded that he is coming up on his time limit and wanted to move on to the broader scope. He continued saying that if you look at in the state of Indiana all the power providers have been slowly shutting down coal fire generation. He explained that causes some infrastructure issues in the county related to their investor base, and Mrs. Mills was kind enough to point it out. He then explained the energy may go to an industrial client, it could be dedicated to a specific area, or could be sold to the grid. He stressed the bottom line is it gives better support for industrial power here, and that's a critical element. He stated one final note, he has some rural property, not in the state of Indiana but in Pennsylvania, and was impacted by a similar project so he understands the concerns he stressed that's why it has been their focus issue for 7 months.

James Lowin, 314 South 6th St., Goshen, IN, was present in favor of this petition. He stated one of the things he likes about Goshen is that it's a relatively small city that has a traditional look and feel. He continued to say it's also a place that is very open to new ideas and it has an open mindedness and proactivity that has resulted in a really vibrant local community. He stated he thinks this project fits very well with that, and he sees it as a win, win in many ways. He explained overall it's a win for the grid; solar power is one of the cheaper ways of making electricity. A win for he added it's the land owners who are happy to lease their land to the developer, and a win for energy independence as the state of Indiana imports a lot of electricity. He stressed when the state can be making their own electricity locally that helps reliability in the grand scheme of things. He continued to say it's a win for climate change, which is a real thing, happening already, and it's just going to get worse over time. He stressed there is a need to work together as Americans and to address the issue of using only fossil fuel for energy, which isn't going to cut it anymore. He stated there is a need to take creative and smarter actions, and he thinks this project supports that.

Jay Little, 1300 Eden St. Elkhart, IN, was present in support of this petition. He stated he is probably one of the only people in this audience that has ever worked in a strip mountain. He explained he worked at one while in college at the University of Southern Indiana, down near Dale, Jasper, and Huntingburg. He continued to say he has seen what the use of land for mining of coal has done to the land in southern Indiana and some of the issues it's created. He mentioned even though that was 30 years ago, those are ongoing issues, and he does frequently go back to Evansville to see friends that live there. He then stated there is a need to look at how wildlife is impacted, but Indiana DNR does not have a booklet. He noted the Michigan DNR did one for the St. Jo County River Valley, to which the Elkhart River is a tributary. He explained the booklet is about 410 pages of a lot of

information about all sorts of topics, including wildlife that lives in this river valley, as well as people that dump into the rivers. He stressed the final topic he would like to point out is that there are a lot of Amish people in both Elkhart, St. Joseph, and the surrounding counties that generate their own electricity and they use their solar and wind generated power to use welders and other equipment. He questioned the Board why aren't they looking at things that propel the county forward as far as use of technology. He clarified he is not really here to say he is either for nor against to ask questions, because people don't ask enough questions. He stated his final thought is going back to when he was a student at the University of Southern Indiana, one of the things that was at the coal mining site was a body of water that was exposed to of coal. He went on to say on a hot southern Indiana afternoon, it smelled like the pits of hell because of the sulfur that was emitted. He ended with saying he wants to leave the Board with that because this is an environmental issue more than it is even land usage. Mr. Campanello asked about animals and where those animals are supposed to go if everything is encompassed with fencing and barbed wire. Mr. Little responded he doesn't know about Mr. Campanello, but he's had to deal with a lot of ground hogs. He stressed they are pretty ingenious about getting in even fences, and that's in the city as well as the county. He continued that there are other animals, but let's just talk about the ground hogs. He stressed everybody in this room has had an experience with groundhogs getting somewhere they try to keep them out.

Michael Eby, 631 South 3rd St. Goshen, IN, was present in support of this petition. He stated he was raised here in Elkhart and Goshen and has lived here his whole life. He explained he went to Stanford University and graduated in 2018 with a degree in renewable energy and climatology, so he is definitely in favor of this. He explained there are multiple, very positive land use benefits to a project of this scale, and this would definitely put the county on the map in terms of solar. He continued to say that not only does the energy get distributed locally as well as regionally, which would help us secure lower energy prices in the future, especially with peak oil and carbon prices mounting over this next century, but this would help the county become independent similar to the way that Texas is a leader in solar and wind at this point. He went on to say that in time renewable energy will be very beneficial to the power grid and mentioned this is very beneficial for the creation of jobs. He stressed he is working currently on a project in Logansport, Indiana, where dozens of jobs are being created all local including local electricians. He explained this is a passive technology. That allows native grass coverage and native pollination in and around the base of the solar modules. He stressed this will help out surrounding farmland with the soil qualities, because after the solar project is decommissioned that soil will have a much higher nitrogen level and will be able to retain a lot more water. He then asked if the solar panels could be damaged by ice or hail, and what happens when one of these panels gets damaged. He continued to ask does anything leak on the ground. Mr. Eby responded besides the glass there is nothing else that leaks out of the panels. He went on to say that the panels are in a pattern, so replaced. Mr. Campanello asked if the panels can catch on fire and if there have been any cases of fires starting by the panels. Mr. Eby responded not in a project like this no.

Glenn Gilbert, 1301 S. 15th Street, Goshen, IN, was present in support of this request. He started by addressing Mr. Warner, as a follow up on observations about the tensions and the challenges that are faced as a council in regards to the demands for residential uses, the needs for industrial, land and to preserve agricultural space. He explained that this is the only proposal that the Board has probably heard where. There is an end game in sight. He continued to say that a lot of property gets broken up into residential pieces, pavement, and big buildings industrial and ceases to be agricultural.

He stressed here is an opportunity to put the land to use for 30-50 years and still preserve the potential for agriculture going forward.

Alex MacIntyre, 524 S. 3rd Street, Goshen, IN, was present in support of this petition. He stated he's in favor of this project for 2 reasons; first, his household currently pays price premium with Nipso's green energy program to support projects like this, which it allows money to stay within the county versus going out. He continued to say this will potentially lower utility costs for other households that purchase this program in the future. He explained this also allows local farmers to grow a new type of profitable energy source and keep that locally versus buying imported energy.

Adam Young, 11135 CR 146 in Millersburg, was present in remonstrance of this petition. He stated he is the one that sent in the letter and is representing the local neighbors that are here. He then request a little more time as to speak for multiple people. He explained he lives directly across from where the proposed solar industrial complex will be located. He continued to say this is presented as a solar farm, but that's not what this is and it is actually a nuclear energy plant within Elkhart County. He went on to say this is not consistent with local zoning, because the local zoning is agricultural or residential, which doesn't include heavy industrial usage. He explained several years ago when he purchased the property, he moved in knowing that Bob Moser had a hog operation. He stressed he was fine with that, because he lives in rural America. He stressed he has no problems smelling hogs, and there is a reason why people live where they do, which is why he did not chose to move into an area that has an industrial complex in it. He stated that 38% of our global land is agricultural and already providing food and fuel for the world, but a lot of people are going to minimize this saying it's just a few acres. He went on to explain that Noble County is looking at a 2,000 acre solar farm, and Dekalb County is looking at a 1,000 acre solar complex. He continued to explain that these solar complexes are going in and just being called a few acres. However, he continued if they get it approved, what's a few more acres down the road. He stressed that this will have a large impact and will take up food producing farm land for the next 25-30 years. He stated that out west there is an issue with drought, where crops are not able to grow and in the mid-west there can be one or two really negative bad years where crops don't produce. He stressed the food being produced isn't just for people; it is for animals, biofuel, and other resources. He stated this needs to be thought about carefully and cautiously, because this will have a large impact on the land. He continued to say that more crops taken away from being produced is harmful to the world. Mr. Young where these 150 jobs are going to be coming from during the construction of this solar farm. He asked who the people that will be hired are and are they going to be Elkhart County people. He stated he highly doubts these will be Elkhart County people, because this is a specialized product with specialized installation. He continued to say that he is linked to the construction industry, contractors are booked out for several months. He added they are not going to have the technical understanding to construct a facility like this. He stressed the power lines that are out in that area were added to recently, and the company that added to those power lines was not local. He went on to explain that local restaurants and hotels are going to see an increase in their income due to having more people working in the area, but this isn't a long term income just short term while the construction is happening. He then continued to stress the concern of how the solar panels will look and that there are chain link fences in photos he has taken of the St. Jo County solar industrial complex. He stressed this is a much different view than the view Savion stated was going to happen. He explained even a berm with vegetation would not block his view of the solar panels from his residence as they are higher than his farm. He went on to say that the research on if there will be a negative impact on property values goes both ways in

showing negative and positive impacts, though there is nothing like this in the area so no one truly knows what the impact will be. He asked the Board if they would purchase property across from a solar industrial complex, when they could go 5 miles up the road and not see this massive complex. He reiterated no one can tell him that there won't be a negative impact on his property values. He stressed that his land an investment for his children's future just like the property owner is trying to make his an investment for his children's future. He continued to say that it was expressed how much cleaner this will be for the environment, but these panels are produced from materials that are mined out of the earth like lithium. He stressed that it is just trading one mining element for another and these panels are being manufactured overseas not even providing Americans jobs or money. He continued to say that he spoke with Mrs. Mills Savion works with local fire departments on how to put fires from the panels out. He continued to say that he has talked with someone who has been training on the fire department for this reason, and this fireman stated it is something they will walk away from. He explained it's an electrical fire, and water won't put it out. He continued to stress that the fire department is rural and all volunteer, and they will have to just allow the fire to burn and contain it to the location. He then went on to say there is a concern about wild life habitat, and he understands deer can jump fences. He asked will natural grasses be planted for the animals to continue to have sources of food, will it be mowed on a regular basis, and how many trees will be planted to help make this as natural of a habitat as possible. He stressed young birds will nest and roost, in the grasses so to just say grass and flowers have been planted isn't enough, if the land will be mowed once a month. He added this disrupts the wildlife that has been created. He continued to say that the Amish community chose not to be here today to voice their concerns, but he knows they are against this and respects their decision to not come today to speak against this approval. He stressed this is just a small group of neighbors, and they don't have the resources or money Savion does to hire their own wildlife experts, engineering experts, and can't hire someone to use fancy words and fancy presenters. He noted the Board needs to take into consideration the only ones who spoke in favor of this request today are not people who live near this proposed use. He stated he agrees solar has its place, but it can be put on roofs, on businesses in large manufacturing complexes that are all over Elkhart County. He asked why these are not being placed on roof tops like Goshen High School has done. He continued to say that there was talk of a run off, and he doesn't understand how this isn't a large impact, when he had to provide a large run off area just to build a 3 stall garage. He asked what is going to be done with the storm water. He questioned how water is to percolate into the ground when heavy equipment will be compacting the ground. He explained that when farmers grow crops and cultivate the land, they break up the soil, which does help the water to penetrate and go down through the soil. He reiterated that there are major concern with this project including electrical power not staying local, fires not being able to be put out, and this power to be sold to corporations, like Google, Facebook, and Amazon in order for them to offset their carbon footprint. He then continued to say that Savion is going to put that power on the power lines and ship it all the way to the East Coast, but it is critical that they are located right there where the power lines meet. He stated the neighbors that he's talked to, the people that signed the petition against this, and he has yet to run into a neighbor that is for this request. Mr. Campanello clarified that he stated the materials for these panels are being mined and asked what the names of those materials were. Mr. Young responded yes these materials are being mined, but he would have to go back and check on the names and can't remember them all. He continued to explain there are heavy metals within those panels with breaking joints, and the majority of the electrical connections are soldered together. He stated that a lot of solder contains

led, so when Savion says there is no potential for it to leak out, that can't be correct. Mr. Campanello stated the compact ground in farmland is plowed and loosened up which means that it is made to percolate that way and once heavy equipment is driven over the land once a month or more, it compacts the dirt. Mr. Young stated if anyone has been out to St. Jo County and seen their solar complex they have large steel pillars that are in the ground. He noted a concern that the pillars will penetrate different tile lines, and there's no way to know where those tile lines are located within the fields. Mr. Burbrink asked he is representing. Mr. Young responded many of his neighbors and asked them to raise their hands. Many people raised their hands.

Alissa Oliver, 12257 CR 148, Ligonier was present in remonstrance of this petition. She stated quite honestly she has been so busy with her, husband's medical issues that she didn't really know what was happening and didn't get to go to the meeting at the fire station. She added now that she knows a little bit more about this, she is really against it, because this is farmland. She continued to say this is precious farmland that is going to be taken away, and her husband grew up as a farmer. She noted their land is right up against the site, and nobody came to see them about this request. She explained there is concern with the run off which she doesn't really understand, because she is not educated in this area. She stressed there is a creek that runs through her property, and the water runoff could cause her issues. She mentioned they want to leave their property to their children, just like Mr. Moser.

Darby Showalter, 11775 CR 146, Millersburg, was present in remonstrance of this petition. He stated his property is right in the middle of this whole project and he indicated his property on the map. He explained his wife and himself have owned their property since 2015 with the hope of building their dream home. He stated one of the concerns mentioned is the label of "solar farm" and that's pretty generous and misleading, in his opinion, when this much power is being produced. He explained when Savion had its first and only meeting with the community, the three members listed all the reasons why the solar panels would greatly impact the county and community. He stressed Savion didn't go over things like, how many homes could be powered in Elkhart County like they did today which is 18,900 homes, how the construction project would create more jobs in the area, or how clean solar energy is. He continued to explain that when asked specifically about the jobs the project would create, Savion went into more detail saying that this construction project requires specialized technicians that would not necessarily be from the area. He continued to say that another thing these representatives conveniently failed to mention is that solar energy is far less efficient and effective than even wind turbines. He explained wind turbines release less CO2 into the atmosphere, consume less energy, and produce more overall energy. He noted that one wind turbine can generate the same amount of electricity per kilowatt as about 48,704 solar panels, and not to mention that the solar complex in one full month will produce only 60 % of what an average clean, fire power plant will produce in a single hour. He explained that those who will receive power then in Elkhart County is a grand total of zero because it has already been said by Savion that 100% of this power is going out to the East Coast. He continued to explain the rights to this power has been bought up by big companies, so they can claim that they produce a small carbon footprint and are an environmentally friendly company. He stressed in reality they are all about the money and scamming people. He continued with another concern about the environment or our county is rich in both farmland and wildlife. He asked why quality farmland that is needed to feed the world is being considered for the use of industrial power production. He then explained this complex will cause loss of property tax revenue that is generated from farm equipment, irrigation systems, and crops, furthermore, the impact

on the area, as well as wildlife, would be substantial as farming system crops create over 70% coverage for local wildlife and their food source. He stressed that this will completely eliminate the migratory patterns and habitat of wildlife, since fences are needed around the panels, and the construction sites will also eliminate hunting property. He continued to say this is bad enough not to mention the hazardous materials mentioned earlier that are contained in the panels and can contaminate the environment. He asked if there is no hazardous material in the panels then why do there have to be specialized people to remove these hazardous materials at the end of this deal. He went on to say this project will make a substantial negative impact to all the residents living near it. He mentioned the property value loss to the homes that will be affected. He stated he knows Savion has hired an independent research firm to conduct a study on the financial impact that it will have on the residents, and he also knows the research stated that during the construction process, home values would decline. He claimed that he doesn't have to hire his own research firm to know if this is absolutely false, unless potential homeowners want to live next to a tanning bed, prison yard hybrid. He explained that at the April 28th meeting, Savion representatives said that there would be a vegetative barrier between the property lines and the residents in front of the fence around the complex. He continued to explain that when asked specifically the response was that the barrier would be only directly across from the resident's home, and not the full length of the property leaving most of the project visible. He stressed this effort shows that Savion is only willing to do the bare minimum to help cover the community members, and Savion is also unwilling to create a berm that would greatly reduce the visibility of the entire project. He stated as it stands currently the setbacks are only 50 feet from the property line for the fence and 300 feet from the home. He pointed out Savion just recently sent a PR representative to meet with those in favor of the project. He stated it would've been more appropriate to have had the representatives meet with the residents that will be affected by the project as a collective, rather than pandering to a group of uninformed nonresidents of our township, willing to blindly agree to a project without being affected in any way. He stated that when asked about how a Savion representative would feel with living next to this project, the Savion representative responded with they couldn't relate. He continued they stated they were from the city, and a building could go right next to them without their input. Mr. Burbrink stated the Board has heard a lot of this before. Mr. Showalter responded he is just about finished. He stressed that this land is self-sustaining farmland, and the solar companies do not care about the economy, environment, or community. He added they are here to make a buck. He asked the Board if this is something that they would like right next their home, and there are currently solar projects proposed in DeKalb and Noble counties that have been tabled until further discussion on the long term effects of solar panels. He asked the Board to please not set a precedent of allowing these companies to turn our county and state into a wasteland of glass and wires in the name of progress.

Mr. Burbrink reiterated that comments about wildlife, property values, barriers, the fence, and run off have been heard before. He request that only those with new comments to make be heard.

Andrea Slaybaugh, 12487 CR 146, was present in remonstrance of this request. She indicated where she lives on the map. She stated the only thing she can think of that wasn't brought up was that State Road 13 does get tourists going through going to Middlebury. She stressed they will run into a solar farm in the middle of an agricultural area. She stressed she doesn't feel as though this is what should be represented to tourist.

Nancy Lurch, 10536 CR 15, was present in remonstrance of this request. She stated she is on the road south of where this proposed project is to take place. She explained they have field on the

other side of their property, so if this gets approved will more get approved throughout the county. She stated she asks because she doesn't want this next to her home.

Michelle Bontrager, 69778 CR 136, Millersburg, was present in remonstrance of this request. She stated for the neighbors who moved into this area, even 10 years ago, there weren't as many homes as there are now. She explained they moved there because they wanted that lifestyle and wanted to hear the birds and other country sounds. She stressed she wants to look out of her windows and see fields of corn and soybeans, not solar panels. She added neighbors who have spent thousands and thousands of dollars on their homesteads have as much of a right to enjoy where they chose to live. She asked why not start one of these solar farms in the middle of nowhere, where people haven't already spent thousands of dollars to live there. She continued to say that people can then choose to live there and have that in their back yard. She stressed she doesn't feel like it's fair to have this imposed upon the people with no say.

Brett Showalter, 68509 US 33, Goshen, was present in remonstrance to this request. He stated he wants to make a full disclosure that he works for Showalter Farms who is associated with this request. He added he is also the township trustee and the assistant chief from the fire department. He stressed he is not here to speak for or against, but more here to answer any questions, the Board might have about the impact on the township and the fire department. Mr. Burbrink asked if the fire department is equipped to handle a fire if it should occur. Mr. Showalter responded currently, absolutely not, though that is not to say that the department couldn't be trained on it. He continued to say that the department is completely volunteer, no one is paid, and training is hard to come by sometimes. He explained that this is something completely different then the department is used to, but not something that couldn't be handled going forward. Mr. Burbrink asked what kind of equipment the fire department would need to handle a fire at the proposed complex. Mr. Showalter responded that's a good question, because obviously no one is putting water on an electrical fire. He added a dry chemical is usually used to put out an electrical fire or some type of foam. Mr. Campanello asked how the fire would spread. Mr. Showalter responded that to his understanding of the project the main fire hazard is the inverters and things like that, not so much the panels from a fire standpoint. He explained that this would not be much different than an inverter or a transformer on a Nipsco line starting fire. Mr. Campanello asked if the inverters have oil in them. Mr. Showalter responded, yes. Mr. Miller asked if he has heard of the any fires at similar complexes, and if he has done any research. Mr. Showalter responded no one has come to his fire department. Mr. Burbrink clarified that he is a trustee and asked how will that affect the trustee's office. Mr. Showalter responded he has been told and from what he understands is there are tax levies. He explained that obviously the taxes paid on that property are going to be significantly higher but will not necessarily mean more money for the township. He continued to say that the cumulative fire fund is a set percentage point right now. He stated he doesn't think it will affect the budget significantly.

Dave Alfano, 11103 CR 48, was present in remonstrance to this request. He showed where he lives on the aerial. He stated he is concerned about this project. He stressed has lived on his property for 30 years, paid for the property, and raised his children and grandchildren there. He continued to say that now 3 sides of his property will be surrounded by solar panels. He added there is a fire concern, and they could be wiped out, if there was a fire. He went on to say that property value is a concern and in his few years left he would like to look out and see the fields and the animals.

Stephanie Young, 11335 CR 146, Millersburg, was present in remonstrance of this request. She stated she is located directly across the road from where this solar complex is going in. She

explained her main concern is that it was mentioned to the Board before that Savion sent information to people within a quarter of a mile and most of the people that received that information are sitting in this room today, all opposed to this. She stressed the Board is going to set a precedence today for this coming into our county. She explained that the Board is only hearing the viewpoints from a very small piece of the county, in fact she talked to a few neighbors the next road to the east, and they didn't know anything about this project. She continued to explain they then talked to some neighbors to the north and to the south and the people to the north didn't know anything about this.

Mrs. Mills came back on to respond to the concerns that were voiced. She stated she has a list of questions that were mentioned. She explained that fires have been brought up several times, and fire training is something that is typically done before the start of an operation. She continued to explain that Savion often works with local fire departments on fire training, and this is something that would be planned as they move the project forward.

Harrison Netz, Savion LLC, 422 Admiral Blvd., Kansas City, MO. He stated there have been instances of fires on solar facilities, but fires do not tend to happen on the surface, He continued if they do occur they tend to happen around the inverter connection. Mr. Miller asked if they are centrally located. Mr. Netz responded there are multiple located throughout the site, and they collect energy from around the site. He explained they bring the energy back to the substation before it attaches to the grid. He continued saying a fire where there is an inverter, due to short circuit typically happens during the construction phase. However, it does happen, during production though it is extremely rare. He stated those fires are similar to those with any electrical line. Mr. Miller clarified that these fires are infrequent, and asked how many solar complexes have had fires. Mr. Netz responded he couldn't speak to those percentages, but none that he has worked on specifically. Mr. Burbrink asked if there is any special equipment that is needed. Mr. Netz responded no, usually with any electrical fire they just need to disconnect the electricity, and it will usually quench itself. He added there is a chemical they could bring with them to apply. Mr. Campanello asked if AEP would disconnect that power. Mr. Burbrink asked whose responsibility it is to disconnect the power within the fence. Mr. Netz responded it would be the operator, whoever runs the facility. Mrs. Snyder asked approximately how many inverters are proposed. Mr. Netz responded there are approximately 46 to 50 inverters on this project, dimensions 20 feet long and about 8 feet tall. Mrs. Snyder ask if there is one building that will be built. Mr. Netz responded there will be a substation built, that will look like what is seen anywhere else. Mrs. Snyder asked how big the building will be. Mr. Netz responded each would have multiple compartments within the substation it's not just a single building, so it will have transformers, a switch, and everything that is seen in a normal substation. He then stated the fence would probably be around 150 ft. by 200 ft. Mr. Miller clarified that the fire would be very similar to what would be seen on a transformer fire. Mr. Netz responded that is correct. He stated that transformers throughout the country are larger than the transformers that will be at this project site. Mr. Burbrink asked what would happen if there is a lightning strike. Mr. Netz responded the a lightning strike would most likely hit the substation as it would be the highest point, and a lightning rod is placed on that facility. He continued to say that he has not personally heard of an electrical strike causing a fire. Mr. Burbrink states he believes that in 800 acres, the occurrence of a lightning strike would be rare. Mr. Warner asked about the potential for dual use, such as a specialized crop that grows well in the shade or having sheep graze the land. Mr. Netz responded he is not the right one to talk to about that question.

Mrs. Mills came back up and responded that the dual usage isn't something that has been done

on sites she has worked on, but certainly there are sites on the East Coast where there are sheep grazing or bee keeping. She continued to say that one of her colleagues on her home farm is trying to grow hay between the rows of solar panels, and there is definitely a potential for these things. Mr. Burbrink asked if that would be subleased out then, if that would happen, as Savion wouldn't want to bail hay. Mrs. Mills responded that is correct, it would probably be subleased out as that is definitely not the company's area of expertise. Mr. Miller asked if the land owners wanted to lease out to farmers that raise sheep, would there have to be a written agreement with Savion allowing it. Mrs. Mills responded yes, that's how that would work, and it would have to be part of the project itself. Mr. Campanello asked about security, and who would handle someone on the property and tampering with equipment. Mrs. Mills responded the fence around the property is meant to keep people out, and there is a security system around the perimeter. Mr. Campanello clarified Savion is not going to have barbwire fence, like AEP, where they have their transformers or their substations. Mrs. Mills responded the substation will probably have barbed wire for that reason, and it is a very high voltage. She continued to explain the voltage of the rest of the facility is only 1,500 volts.

Travis Brown, 408 W. 6th St., Bloomington, present representing this petition. He stated he is here to talk about wildlife and deer movement. He explained there won't be a dry run but there will be sealed off rectangles where the fence can't go through the wetlands. He noted wildlife can go through the passage ways, where there isn't any fencing. He went on to say for the smaller wildlife, to his understanding, there will be a small gaps every 6 to 12 feet to allow smaller animals to pass through without causing issues. Mr. Burbrink asked if someone will come along and keep trees sprouted from seeds dropped by birds from growing and causing issues. Mr. Brown responded there will be a team of people who will address these issues and keep problems from occurring. He continued to explain they have a vegetation specialist who will monitor invasive species. Mr. Campanello asked about the gravel drives from the site plan, and if those are the areas animals can pass through. Mrs. Mills responded she can jump in to answer this question. She explained the gravel entrance drives are within the fence, but what Mr. Brown was saying about dry run areas is that all these parcels will be fenced in individually. She noted there will be areas that aren't fenced and that is where wildlife can get through. She went on to explain that the layout they have right now has transmission lines that the utility companies will have to get to so those can't be completely closed off either. She added setbacks from residential houses are also a factor in this. Mr. Burbrink clarified the solid pink lines on the aerial will not be where the fencing is going. Mrs. Mills responded that is correct. She continued to say that she has a PDF with the site plan drawings. Mr. Luchesse asked if the panels follow the sun. Mrs. Mills responded the panels do follow the sun from east to west. Mrs. Snyder stated the run off concerns haven't been addressed. Mrs. Mills responded she will have to have her team member come up to answer those concerns.

Kenny Jones, Jr., JPR, came on to address drainage. He stated that speaking specifically to the question of the run-off there has been a lot of research on this topic. He explained that the current condition of the run-off compared to the projected run off values and co-efficient for agricultural use and compared to gravel areas, it is less. He continued to say that post-developed and pre-developed land has the same effect as after a residential area is developed and manicured lawns and houses affect the run-off. He went on to say that there aren't curbs, gutters, stones, or sewers so this project creates less run off. He added that if everything was absorbed into the ground in a field of corn then there wouldn't be as much irrigation needed. He reiterated this project isn't going to affect the run off any more than having a field of crops growing.

Mrs. Mills stated she wanted to address a couple of other things that were mentioned including the impermeable land which is just not the case. She explained they will be planting grass throughout the site, and the panels are sitting on a driven post. Mr. Burbrink asked how frequently those post are driven into the ground. Mrs. Mills responded every 30 feet and the rows are spaced between 20-25 feet apart. She added the roads are gravel. She stated the storm water calculations are based on that, and the gravel roads are permeable. Mr. Luchesse asked how tall of the ground the panels are. Mrs. Mills responded they are asking for 15 feet off of the ground, so that's from the post with the panel on top of it and the panel turned to its top. However, she added they will mostly be 10 feet to the top. She went on to address another question that came up about the workers that will be hired for the facility. She stated they are not specialized workers, there will be electricians and high voltage engineers. She added they always look for local laborers before hiring outside of the area. She continued to say that Savion wasn't trying to not answer the question about the power going to the East Coast, but she thought the river metaphor would help to answer the question. She stated the closest user will get the electrons that are produced. Mr. Miller asked, if any of the power lines that will be connected, will connect to local resources. Mrs. Mills responded that they are connected to the regional grid, so the electrons will flow to substations. Mr. Miller clarified his question if the local residences will get this electricity. Mrs. Mills responded that the local power companies will buy the electricity that will be used for the local area, whichever grid they are connected to.

Mike Morris, Morris & Company, 1550 NW Highway Park Ridge, IL was present to represent this petition. He stated he holds the highest form of appraisal licensure in the state of Indiana. He explained that in his career he has done 300 impact studies for residential, church, quarries, solar, and industrial properties, so he is looking at the economics. He explained that when there is a diverse economy with more aggressive economic moves then the values go up. He went on to say he looks at a proposed project, the negatives of noise, traffic, demand, and infrastructure, and then the positives of economics along with the revenue of taxing bodies. He stated some people don't like the look of a solar panel, some don't like look of a hog farm, or an industrial factory however, they look at the transactions in the development area. He continued to explain that he uses a match pair analysis and look at areas that have solar properties, and there aren't any in Elkhart County. He looked at other counties, about 50 to 60 counties in the Mid-west area that have solar properties. He added he personally interviewed the assessors and they have found that once the solar farms are developed they are just a part of the community. He went on to say they don't appraise the properties any different than if these solar farms weren't there. He went on to say there are millions of acres of property in similar areas, and there have been no successful tax appeals. He explained people don't feel as though they've been diminish or hurt or they would have filed formal complaints with the assessor to have their taxes reduced based on the property value which isn't happening. He stressed that there has only been one major study that deals with rural residential impacts on property values with solar panels that was done by the University of Texas, and people are looking at information on the internet that isn't correct. He explained that during the study they interviewed assessors and parties involved in the solar development throughout the country, and found there were no property value differentials. He stressed that with any manufacturing use some people buy locally and others buy elsewhere, and this is the same for solar power. He stated to summarize some people complain about change and some people are happy, because then they know they won't have a hog farm or other agricultural use next to them. He continued to say that as an appraiser he is looking at the economics surroundings the area and other areas that are similar. He stressed the proposed use is a passive use that's not taxing on

the infrastructure and providing a stable economic return to the community. Mr. Miller asked what the impact to a property is, and the impact on land after the project is taken away. Mr. Morris responded there is a positive again just as the agricultural diversity and stability, and if there is continued diversity then the young people will come back to work and live. Mr. Campanello asked if this gets approved, if this land and surrounding area will become industrial in 30 years, because it'll be hard to sell a property that is surrounded on 3 sides by a solar farm. Mr. Morris responded this is a passive use with a stable economy and the residential market is tied in to paved roads and proximity to hotels and shopping. He added it is critical to have jobs. He went on to say when a business park requires unique storm water and roads closer to the interstate, so this isn't the best area for an industrial park. He noted it is rural and will maintain that residential/rural character.

Harrison Netz came back on to speak about the panels breaking. He stated that ultimately hail will fall out of the sky, but these panels have been tested. He continued saying yes, they could break, but the materials inside the panels will not cause an issue and are made to not shatter into small pieces. He explained the panels would break into big pieces and studies have been done on these panels to make sure they will not cause environmental issues leak any hazardous materials into the ground.

Shawn Raasch, Senior Director of Marketing for Savion, 422 Admiral Blvd., Kansas City, MO, came on to answer questions. He stated solar farms are oftentimes a new use to an area, and these are all good questions. He noted the testing that is done on these panels is an EPA test called toxic characteristic region procedure that is done on any manufactured products. He explained this has been done on all of their solar panel modules, so that way these could be land filled safely. He continued there is no oil within the panels, but some substations might have oil. He added these panels have value and shouldn't be land filled, because they can be recycled. He explained about 75% is glass, 5% silicon, and trace metals that are all recyclable and can be used again. He went on to say that wildlife constraints are looked at thoroughly while they are looking for sites to have these solar farms, and they work closely with State Departments and wildlife services to ensure that there is no distribution of the wildlife habitats. He explained they hire biologist to identify what animals are there and how to allow them to live their normal lives as much as possible, and the fence in question is what was recommended by DNR. He explained they need to revegetate the site at the end of the project, and that's all a part of this plan. He pointed out during the project they will continue to vegetate the site and ensure that nothing grows into the panels, because that would cause issues with the power. He reiterated this is a low impact project to the vegetation and wildlife, and there is an obligation to ensure the site is following all rules. He stated they have pulled out of the Zoning Ordinance the areas where they are supposed to have buffering and screening between the residences. He added the presentation shows the plan that is in place to follow the ordinances of Elkhart County. He stressed they will work closely with county Staff to ensure they are following all buffering and zoning rules. He continued to explain that the solar properties that have a positive impact are the ones that follow the setbacks, visual screens, and are within the guidelines for adjacent residences. He added they realize the concern of a major change in the area. Mr. Campanello asked if there were studies completed in the past 10 years involving people who live next to other solar farm and have gotten their opinions and thoughts about how things have been going throughout those years. Mr. Miller stated that the companies' first project was done in 2015. Mr. Campanello asked if they ever go back to those people who were remonstrators and ask how it's going or if there's anything Savion can do to help the issues that have arisen. Mr. Raasch responded that Savion as a company has only been around for a couple years, but they have been in dealings with other companies that have done these

types of projects before. He continued to say they have long term relationships with the people in those areas, and work on repeat projects where they go back and see how it can be done better. He stated that sometimes the second project is easier, because at that point everyone sees what is going on and that it isn't causing issues in their areas. He continued to say there are a lot of projects done in Illinois, Iowa, Indiana, Ohio, and Michigan where there have been positive impacts. Mr. Miller asked there have been 27 projects that have been done, and if this is on the list of projects with high capacity. Mr. Raasch responded he can only speak to projects he works on, and he thinks this is a typical site in an agricultural area. He added there are wooden sites, but those get complicated due to the habitat and taking down trees. He noted generally they are looking for flat vacant land. He continued to say that the bigger the size of a project the more energy that can be made, and the transition on this site is an efficient use of resources.

Travis Narum came back up. He stated he wanted to touch base about safety and explain that the main power transformer is the only transformer with oil in it. He stressed it is 100% contained, and has never heard of a main transformer fire. He noted the lines coming down are what cause fires not the actual transformers. He explained that this site will be remotely monitored with a system that has the ability to shut off the power in the event that something did happen. He noted they will be working closely with local 911 and fire departments with all the training done prior to the start-up of this operation. They will also provide inverter maps. He continued saying there are string and converter numbers, so if there was a fire, it would tell them exactly which converter or string to go to stop the spread. He also explained that this is on a closed grid with multiple fail safes, and if a wire comes down in a storm, then the whole place could be shut down immediately. He went on to say that the equipment used is manufactured to the safety codes and regulations that are required by law. Mr. Campanello asked how close the on-site operator would be daily to this site. Mr. Narum responded that depends on different operations, and they are operated regionally meaning someone isn't onsite 100% of the time. However, he continued there is a radius of 30 minutes away for the operator. Mr. Burbrink asked about having a dedicated internet line onsite to make sure their system is constantly connected. Mr. Netz responded typically it is tied into a system that is local, but if there isn't one available, then they would tie into a tower to transfer.

Ken Jones, JPR, 300 Nibco Parkway, Elkhart, was present representing the petition. He stated this has been an excellent dialoged today, and everyone has learned something. He added they have been learning for a couple of months now. He explained that they didn't reach out to the conceptual world relative to solar whether it was good or bad, and this dialogue has stayed on the technical level, which is where the time has been spent. He believes the Board has better understanding of the use before the vote. He continued to say that they characterize this as a passive land use, because in Elkhart County it is not defined as a heavy industrial use. He reiterated this is passive land use with very little activity during the day, no noise, smell, dust, or trash. He stressed this is similar to other land uses with buffering, and Savion has gone a long way to demonstrate their commitment to that buffering. He stressed that fire training, ability to work with the town, and impacts to wildlife were looked at. He noted run-off will be well managed with county drains, and the impact will be less than if it was a farm with crops. He stressed the environmental impact will be minimal compared to other land usages that could go in this area. He stated a precedence will be set today one is expecting 5 or 6-800 acre solar farms to be put in place, but this is a vote on something that is ground breaking in this area. He noted the Staff gave a good recommendation, and standards have been met.

Public hearing was closed at this time.

Mr. Campanello stated the Board is balancing an overload of information and asked Mrs. Snyder to give her opinion on the matter. Mrs. Snyder stated new homes or contractors that will build new homes under high wires, or will go near high wires are hard to find. Mr. Burbrink stated there will be people who live near these hypertension wires. Mrs. Snyder responded of course, but there's a large portion of people that it won't bother with them. Mr. Miller stated there's a way to build near those wires, but they have to follow Zoning Ordinance. Mr. Campanello stated this will be a precedent that will change the outlook in the next 10 years of the land use surrounding this area, and he believes there will be many petitions for Rezoning flooding in. He went on to say that there won't be residential and agricultural uses coming in this area, and it will become more industrial, if this is passed today. Mrs. Snyder stated utilities will be needed for expanded industrial uses. Mr. Campanello stated he is afraid of opening up the area to industrial uses. Mr. Warner stated unfortunately Elkhart County is unlike any other county in Indiana, where agricultural is offered no protection. Mr. Stump stated if the Board doesn't do something to provide solar energy, then there won't be coal, natural gas, or nuclear energy to run the county. He stressed electricity has to come from somewhere. Mr. Miller stated he doesn't believe this will start a movement for industrial use in this area and he doesn't feel this is putting the land in danger. Mr. Barker stated the good thing is that in 30 years, if this doesn't work out, the land could be converted back to farm land without major issues. He noted it isn't industrial. Mr. Campanello stated there's room for expansion on this and could get much bigger. He continued to say this is a loss of visual appeal to the country side and lessens the growth of Amish and agricultural.

A motion was made and seconded (*Edwards/Stump*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, Moved by Tom Stump, Seconded by Phil Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1/ DPUD A-1 to DPUD A-1 and for primary approval of a 16-lot major subdivision to be known as **ELKHART COUNTY SOLAR PROJECT DPUD** be approved in accordance with the Staff Analysis.

Vote: Motion passed (summary: Yes = 6, No = 3, Abstain = 0).

Yes: Frank Luchesse, Jeff Burbrink, Lori Snyder, Phil Barker, Roger Miller, Tom Stump.

No: Steve Edwards, Steve Warner, Tony Campanello

*****It should be noted that Tom Stump stepped down at this time*****

12. Board of County Commissioners Approvals Following Plan Commission Recommendations

Jason Auvil reported on the June 7, 2021 Elkhart County Commissioners meeting they approved the vacation for Atlas Drive and approved the secondary for Barrington Section 3. He went on to say that at the June 21, 2021 Elkhart County Commissioners meeting they approved a zone map change from A-1 to M-2, a zone map change from A-1 to M-1, and a zone map change from DPUD

R-1 to DPUD B-2 for the River Launch DPUD.

13. As a staff item Mr. Auvil presented the New Application Forms for Plat and Plan Petitions. Mr. Auvil explained he needs a motion from the Board for these documents to be used as they are part of the rules and procedures.

A motion was made and seconded (*Miller /Campanello*) that the new petition forms be approved. The motion was carried with a unanimous vote.

14. Attorney Kolbus brought to the Board a proposed resolution on whether or not the Board wanted to continue to have virtual meetings after the Health emergency is lifted. He explained that the version that was submitted to them has been updated. He continued to say the version that was given stated that if there is a non-public emergency the policy will allow virtual meetings but those who attend virtually will only be allowed to observe and not participate. He continued to say that he prepared a second proposal that allows participation virtually in the non-health emergency situations. He went on to say he has heard both good and bad opinions about virtual attendance, and he believed the Board wouldn't want virtual participation which is why he gave one version, however there needs to be a discussion and vote on this today. He noted in the public health emergency that the county is currently under, participants can be remote via virtual, therefore as this is part of the statute the Board must decide if the public can be virtual without the public emergency in place. Mr. Miller asked if by participating that means to speak. Attorney Kolbus responded that is correct. Mr. Miller clarified that participants could listen and observe but not be allowed to speak if the Board voted on not having virtual participation. Mr. Godlewski stated he will need to check with the Commissioners, if they can continue to use this room for meetings. Mr. Campanello stated that going back to the last BZA meeting, the BZA might do something different. Mr. Godlewski responded he believes that what the Plan Commissioners decides the BZA will make the same decision. Mr. Miller stated he has thought a lot about this situation, and he believes that the county is in a day and age where they can do things with more technology with virtual attendance. He will vote to continue allowing virtual attendance. He went on to say that Mr. Marbach just participated virtually due to sickness and if virtual attendance wasn't available then the Board wouldn't have been able to continue on his petitions he was representing. Mr. Burbrink stated there hasn't been a lot of participation through virtual, but he has noticed there has been a lot of viewing. Mr. Campanello asked if there has been an Amish presence virtually. Mr. Burbrink responded there has not been an Amish presence online. Mr. Campanello stated he believes if the person is the petitioner, they should have to be in person not remote. Mr. Barker stated that when there is a participant virtual it tends to slow things down.

A motion was made and seconded (*Miller/Campanello*) to allow the public to continue to participate virtually after the public health emergency is lifted.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, Moved by Roger Miller, Seconded by Tony Campanello to allow the public to continue to attend virtually after the public health emergency is lifted.

Vote: Motion passed (summary: Yes = 9, No = 0, Abstain = 0).

Yes: Frank Luchesse, Jeff Burbrink, Lori Snyder, Phil Barker, Roger Miller, Tom Stump, Steve Edwards, Steve Warner, Tony Campanello

15. A motion was made and seconded (*Miller /Campanello,*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 12:26p.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Steve Warner, Chairman