

MINUTES
ELKHART COUNTY PLAN COMMISSION MEETING
HELD ON THE 10TH DAY OF FEBRUARY 2022 AT 9:30 A.M. IN THE
MEETING ROOM OF THE ADMINISTRATION BUILDING
117 N. 2ND ST., GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Jeff Burbrink. 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 Edwards, Steve Warner, Lori Snyder, Tom Stump, Jeff Burbrink, Roger Miller, Brian Dickerson, Frank Luchesse.

Absent: Phil Barker.

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 13th day of January 2022, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/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 a zone map change from A-4 to M-1, for Jayco represented by Jones Petrie Rafinski, on property located on the north side of CR 20, 1,300 ft. east of CR 35, in Middlebury Township, zoned A-4, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0005-2022*.

Ken Jones Sr., Jones Petrie Rafinski, 300 Nibco Pkwy., was present for this request. He noted they came in a few months ago for the property to the east. He noted this rezoning is primarily for an accessory use to the Jayco campus. He added there will be no access on CR 20, but will be directed to CR 37. He stressed Jayco has been a great partner to the town and community, and sewer/water utilities will be extended to this site. He stated he believes the town supports this request, and this site will be annexed into the town. Mr. Burbrink questioned the boundary line of the town, and Mr. Jones responded west of the 100 acre site recently annexed. He then pointed out the existing town boundary on the aerial and noted the entire new Jayco site will be annexed.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Miller*) 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 Edwards, **Seconded by** Lori Snyder. that the Advisory

Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-4 to M-1 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Steve Edwards, Steve Warner, Lori Snyder, Tom Stump, Jeff Burbrink, Roger Miller, Brian Dickerson, Frank Luchesse.

5. The application for a zone map change from A-4 to M-1, for Transport Indiana LLC represented by Jones Petrie Rafinski, on property located on the south side of CR 20, 1,400 ft. east of CR 35, common address of 13596 CR 20 in Middlebury Township, zoned A-4, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0006-2022*.

Mr. Dean submitted and read a letter received by staff in remonstrance [*Attached to file as Remonstrator Exhibit #1*].

Ken Jones Sr., Jones, Petrie, Rafinski, 300 Nibco Pkwy., was present for this request. He stated that people in Elkhart County depend on the transport companies to move their product from manufacturing to all over the country. He noted this specific site will allow them to store products close to the Jayco campus. He noted the Zoning Ordinance does not require buffering, but they would be willing to provide some. He added lighting is needed due to the security risk, but it can be done to reduce the impact to the neighbors. He stressed the petitioner is willing to work with the owners for landscaping improvements. He stated there will be significant traffic, probably between 100 to 200 more vehicles a day. He went on to say the road is constructed to handle the additional traffic. He added the county and town are working on improving the intersection at CR 37 and CR 20. He noted it will be completed around 2023. He added the transport company explained their chosen route to US 20 will be through CR 20, then north on CR 37 and CR 22. He added they may go straight to SR 13, if it appears to be a safer route to US 20. He stressed Indiana Transport has a concern for the neighbors and will try their best to minimize the impact on the neighbors. He noted a passing blister, and acceleration/deceleration lanes will likely be added. Mr. Jones explained they are required to meet the storm water standards, and they are experts at meeting the standards. He went on to say there will be little continuous occupancy on site, but they may in the future have an office trailer onsite for security. He then request approval of the request. Mr. Burbrink questioned the TIF district mentioned in the remonstrator letter. Mr. Jones responded the TIF district has expired. Mr. Stump asked what type of soil is generally in this area. Mr. Jones responded it can vary throughout the site, but the Middlebury area tends to drain well. He went on to say the existing wooded area will likely remain and hold the storm water. Mr. Stump noted the storm water details will be included in the SWPPP. Mr. Jones added a site plan will also have to be approved for the permit. Mr. Warner questioned what surface they plan to put down, and Mr. Jones responded crushed stone, asphalt, or rock. Mr. Warner also asked if they will find all of the existing farm tile, and Mr. Jones responded yes. He went on to say they do not want to interrupt an adjoining neighbor's farm tile.

Daryl Weirick, 13272 CR 20, the owner of the property directly east of the subject property was present in remonstrance. He explained he submitted the previously mentioned letter in remonstrance, and it includes signatures from other neighbors opposed to this request. He stressed he is concerned about runoff from this property. He stated that his property is always wet. He also went on to describe the tile layout in the area. He then explained the topography of the land and

drainage. He stressed he has lived on his property for 65 years, and some of the subject property has never been farmed, because it is too wet. He then explained how the tile works that goes to Pine Creek. Mr. John Miller noted it is only a six inch tile to Pine Creek. He stressed putting down hard surface on this land will require a larger tile. He added John Miller, another neighbor, is also present against this request. He stressed lighting will harm his neighbor's organic chicken farm by disrupting production. He added traffic will be a nightmare, because it is already bad without adding the additional 100 to 200 vehicles a day. He pointed out he lives on the east end of his property, so lighting will not harm him as much. He reiterated drainage and traffic are his main concerns. Mr. Stump stressed the subject property is required to keep their run-off on their property. Mr. Weirick questioned how they will contain it.

John Miller, 59190 CR 35, was also present in remonstrance. He explained he has an organic chicken operation. He went on to say the birds roam the fenced in area, and he is concerned the lighting will cause them to go to the edge of the fence not in the building. He went on the question where his water will go, and he believes a larger tile should be installed. He stressed he is concerned about his chicken barn flooding. He also mentioned a concern about property values. Mr. Brubrink clarified the tile is 6 inches. Mr. John Miller noted his basement tile and chicken barn dock are hooked up to it, and water already backs up to his house. Mr. Brubrink noted all of the run-off cannot go through a six inch tile.

Mr. Jones came back on to address the concerns. He stressed the development standards requires that they contain the development's run-off. He went on to say that is to reduce the impact on neighboring properties. He stressed the petitioner does not want to negatively impact the organic chicken operation, and they will work with the neighbor to ensure it is not impacted. He went on to say the traffic is already significant on CR 20, and County Highway requires a traffic study in order to mitigate impact to the road. He stated that they take these studies and use them to not negatively impact the local area, the road will be restored to Elkhart County standards. Mr. Stump asked how the tile and drainage issues in the area will be handled. Mr. Jones responded knowing about the tile gives them something to work on. Mr. Dickerson asked if this is a good opportunity to work with the County Surveyor to solve this problem. Mr. Jones responded he does not believe this is a county regulated tile, and that it was likely put in by the farmers. He stressed their run-off needs to be managed, and they cannot allow their runoff to add to the water run off problem.

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

Mr. Warner stated he believes they can have a great traffic plan, but they will still be mixing vehicles with bikes and buggies. Mrs. Snyder noted her main concern is the water as it appears to have been an issue for a long time. She suggested the drainage issue be addressed prior to this request being approved. Mr. Warner responded he believes this will need a neighborhood project to improve drainage. He went on to say he does not believe this fits in this neighborhood.

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

Motion: Action: Approve, **Moved by** Tom Stump, **Seconded by** Brian Dickerson that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map

change from A-4 to M-1 be approved in accordance with the Staff Analysis.

Vote: Motion failed (**summary:** Yes = 4, No = 4, Abstain = 0).

Yes: Brian Dickerson, Frank Luchesse, Jeff Burbrink, Tom Stump.

No: Lori Snyder, Roger Miller, Steve Edwards, Steve Warner.

Motion: Action: Moved by Jeff Burbrink, **Seconded by** Tom Stump that the Advisory Plan Commission send this request for a zone map change from A-4 to M-1 to the Board of County Commissioners with out a recommendation.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Steve Edwards, Steve Warner, Lori Snyder, Tom Stump, Jeff Burbrink, Roger Miller, Brian Dickerson, Frank Luchesse.

6. The application for a zone map change from A-1 to M-2, for Lippert Components Manufacturing Inc. represented by Warrick & Boyn, LLP., on property located on the south side of CR 2, 520 ft. west of CR 43, common address of 10330 CR 2 in York Township, zoned A-1, was presented at this time.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0007-2022*.

Chris Pottratz, Warrick & Boyn, 861 Parkway Ave., Elkhart, was present for this request. He stated he is representing Lippert and request approval of this request. He pointed out the existing Lippert properties and explained they would like to expand to this property to store materials. Mr. Burbrink noted the only residential property is the subject property, and the rest is manufacturing.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Dickerson*) 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 A-1 to M-2 be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Steve Edwards, Steve Warner, Lori Snyder, Tom Stump, Jeff Burbrink, Roger Miller, Brian Dickerson, Frank Luchesse.

**** It should be noted that Mr. Dickerson stepped down and recused himself at this time****

7. The application for a zone map change from DPUD E-3 & GPUD E-3 to DPUD M-2 and for primary approval of a 1-lot minor subdivision to be known as SHAH LAND DEVELOPMENT LLC-WAREHOUSE 400, for Shah Land Development represented by Anchor Construction, on property located on the northeast corner of Atlas Dr. & Innovation Dr., common address of in Osolo Township,

zoned DPUD, E-3, GPUD E-3, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0011-2022*.

James Skillen, portfolio director for Shah Properties, 53149 Discovery Dr., Elkhart, was present representing the land owner. He noted this is a speculative development, and it will be the first institutional grade building constructed as a speculative development. He stressed this is will be a 40 ft. tall, sophisticated, building. He noted this is a \$30,000,000 project. He went on to stated they will either get a national, top of the line company to take over the building or an existing company in the area with multiple smaller buildings can move into this one.

Ryan Byma, Anchor Construction, 7121 Grape Rd. Granger, was also present for this request as the engineer of record.

Leslie Cunningham, 29588 CR 8, Elkhart, came on as the president of Chara Corporation. She stated only one person in the area received notice of the hearing. She went on to say there is no planned use for the building. She noted that several semis come around Lake Shore Dr. to avoid the stop sign at CR 4, and it is a detriment to the community. She stated the neighbors are dreading the development of Elkhart East. She went on to say she believes drainage will go into Heaton Lake. She questioned noise reduction, and noted she can see the area from Lake Shore Dr. She went on to say she does not believe they will stick to the plan. She asked if rezoning this property will open up the rest of the development to M-2. She stressed they do not want this in their neighborhood. Mrs. Snyder noted this area has been zoned as a GPUD/DPUD since the early 2000s.

Caroline & John Huston, 22674 Lake Shore Dr., Elkhart, came on in remonstrance and stated they did not receive notice of this hearing. She stressed she has been impacted by this development since she was 5 years old when her father sold the Ludwig's the property. She went on to say they have violated the original plan several times. She request they consider how the neighbors will be impacted by this development. She went on to ask why they cannot operate under the current zoning or find another location with M-2 zoning. She went on to say they have complained about illegal dumping into the lake previously. She added her property value keeps decreasing from the development while her property taxes increase. Mr. Huston stated they have noise pollution from the Toll Rd. and the other side of CR 6. He added this development will add to the existing light pollution. He went on to say they were promised sound barriers, which are small. Mrs. Huston went on to say CR 15 was not supposed to have an access point. Mr. Huston added semis use CR 4, which is not constructed for semi traffic, and semis even use Lake Shore Dr. to reach CR 4 despite the access from the development to CR 4. He stressed the semi traffic should not be on CR 15 or CR 4, and it should be directed to CR 17. He reiterated they have noise and light pollution. Mrs. Huston request the restrictions remain the same and not be changed. She also mentioned a concern about more properties being changed to M-2, if this is approved.

Kris Bardo, 52435 CR 15, Elkhart, was present in remonstrance. She stated they live directly across from Innovation Dr. She mentioned her concern is semi traffic, because the semis do not follow the no truck signs and are confused about where to go. She stressed traffic from the existing businesses is very noisy, and she is concerned about semi traffic in the area. Mr. Stump asked if CR 4 is completed. Mrs. Bardo responded CR 4 is done, and Atlas Dr. has direct access to CR 4. She added she does not understand why the access to CR 17 was not completed. She explained their desire was to live on the lake, and they constantly hear truck traffic when outside. She stressed CR 104 is not built to handle semi traffic.

Mr. Byma came back on to address the concerns. He stated they have completed soil borings and geotechnical report. He went on to say the site is designed for a 100 year storm, and they are confident that there will be minimal if any impacts to the lake. He went on to say they will connect to City of Elkhart water and sewer off of Atlas Dr. He noted Mr. Skillen can speak more to the traffic issue.

Mr. Skillen came back on to address issues. Mrs. Snyder asked about the barricaded entrance onto CR 17. Mr. Luchesse stated the county denied that because it is too close to the overpass. Mr. Skillen reiterated the county does not support a curb cut onto CR 17. Mr. Stump questioned access for the new building. Mr. Skillen responded they will have access to Innovation Dr. for vehicle traffic and Atlas Dr. for semi traffic.

Mr. Auvil noted all property owners within 300 ft. were noticed of this request along with notice published in the Goshen News and Middlebury Independent 10 days prior to the hearing.

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

Mr. Stump questioned truck traffic on CR 15. Mr. Luchesse noted truck traffic is not to use CR 15, and they need to use CR 4. Mr. Stump suggested the sheriff monitor the area. Mr. Luchesse responded GPS has caused some confusion for truck drivers, but the CR 4 entrance was made to alleviate traffic on CR 15. Mr. Miller noted they follow the GPS and end up on roads they are not allowed. He added he is unsure why semi drivers would want to use CR 15.

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

Motion: Action: Approve, **Moved by** Lori Snyder **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from DPUD E-3 & GPUD E-3 to DPUD M-2 and for primary approval of a 1-lot minor subdivision to be known as SHAH LAND DEVELOPMENT LLC-WAREHOUSE 400 be approved in accordance with the Staff Analysis.

Vote: Motion passed (**summary:** Yes = 7, No = 0, Abstain = 1).

Yes: Steve Edwards, Steve Warner, Lori Snyder, Tom Stump, Jeff Burbrink, Roger Miller, Frank Luchesse.

Abstain: Brian Dickerson.

**** It should be noted that Mr. Dickerson returned to the board at this time****

8. The application for an amendment to an existing DPUD A-1 known as CUSTOM WOOD FINISHING DPUD to allow for a revised site plan, for Joseph Yoder & Lisa Yoder Trust represented by Abonmarche Consultants, on property located on the west side of CR 37, 1,600 ft. south of CR 36, in Clinton Township, zoned DPUD A-1, was presented at this time.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0003-2022*.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen, was present representing the petitioner. She stated this is an existing business, and they are in need of additions.

She went on to list the proposed improvements and request approval of this request. Mr. Stump asked how many people will be employed in the new building. Mrs. Welsh responded they currently have 6 employees with a potential of 6 additional.

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** Roger Miller, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD A-1 known as CUSTOM WOOD FINISHING DPUD to allow for a revised site plan be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Steve Edwards, Steve Warner, Lori Snyder, Tom Stump, Jeff Burbrink, Roger Miller, Brian Dickerson, Frank Luchesse.

9. The application for the Elkhart County Comprehensive Plan by adopting the Prairie Creek Run Neighborhood Plan the Northwest Gateway Mobility Study as informational exhibits. The Prairie Creek Run neighborhood is bounded by city limits along Bristol Street/CR 10 to the south, Johnson St./CR 9 to the west, Osolo Road/CR 11 to the east, and the parcels just north of Modrell ST. & Medford St. The Northwest Gateway area is bounded to the west by Ash Rd., to the south of Old US 33, to the north CR 6, and the east by the city near SR 19.

Mr. Godlewski presented the proposed amendments to the Comprehensive Plan to add the two noted studies done by the Redevelopment Commission.

Natasha Kauffman, Redevelopment Coordinator, 4230 Elkhart Rd., Goshen, was present to discuss the Prairie Creek Run Neighborhood Plan. She explained this neighborhood became a priority to the Redevelopment Commission in 2017. She stated the neighborhood was able to strike up an agreement with the city of Elkhart to allow one utility without annexation in this area due to the poor water quality experienced by half of the neighborhood and the potential of bad septic systems. She went on to say they had outreach in the neighborhood and created the plan over 2 years ago. She noted the focus group had been involved with different initiatives since the early 90s to revitalize the area. She went on to say they were very supportive of new energy coming to this area. She stated the area is surrounded by Elkhart City but is completely different than the surrounding area. She mentioned some of the plan findings included road safety, gathering spaces, and vacant/dilapidated housing.

Crystal Welsh, Abonmarche Consultants, 300 River Race Dr., came on to present the Mobility Study. She explained it was a partnership between Elkhart County, St. Joe County, Abonmarche, and Lochmondy. She went on to say they looked at development patterns and how that will impact transportation needs. She then explained certain proposed developments in areas and the pressure of CR 6 moving back and forth. She mentioned they did a lot of public outreach, and they made recommendations for passing blisters on Ash Rd.

Mr. Godlewski stated what is needed is a recommendation for approval to the commissioners in March as they are the final decision makers to amend the plan. Mr. Miller asked what the population of the mobility study area is now. Mr. Godlewski stated probably tens of thousands. Mr. Stump stated other people use the roads as well.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request to amend the Elkhart County Comprehensive Plan by adopting the Prairie Creek Run Neighborhood Plan and Northwest Gateway Mobility Study as informational exhibits be approved.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Steve Edwards, Steve Warner, Lori Snyder, Tom Stump, Jeff Burbrink, Roger Miller, Brian Dickerson, Frank Luchesse.

10. ***Board of County Commissioners Approvals Following Plan Commission Recommendations***

There were no items that went to the Commissioners Meeting in January to report on.

11. Jason Presented the staff item for Elkhart Campground Inc. is requesting a minor change to a site plan for the Elkhart Campground DPUD. The request is to amend the site plan by constructing a roof pavilion over the existing basketball courts. The staff recommends approval of this minor change request.

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

Motion: Action: Approve, **Moved by** Lori Snyder, **Seconded by** Brian Dickerson that the request be approved as a minor change.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Steve Edwards, Steve Warner, Lori Snyder, Tom Stump, Jeff Burbrink, Roger Miller, Brian Dickerson, Frank Luchesse.

12. Mr. Godlewski presented the proposed solar ordinance. He explained this meeting is for public comment not to approve a solar ordinance at this point. He presented the proposed three tiers for solar use and proposed standards outlined in the power point. He explained the power point was presented at the three public meetings that were held over the last month, and the comments received from the public are posted on the Planning & Development website.

Mr. Auvil submitted the binder received from Farm Bureau and letter from Savion.

Lynn Loucks, Indiana Farm Bureau President, 60633 SR 19 Elkhart, was present to give Farm Bureau's comments on the proposed solar ordinance. He stated they do not recommend approval of solar panels on 10 acres or more, because their purpose is to protect agricultural land a rural life. He stressed using prime farm land for solar panels is not economically beneficial. He stated this is not a good fit for Elkhart County. He explained they are not opposed to solar panels on residential

properties or industrial areas, but they are opposed to it on land that is currently being farmed. Mr. Stump asked if the info in the submitted binder is from Elkhart County's branch of Indiana Farm Bureau, and Mr. Loucks responded yes.

Jim Kuhlenschmidt, 22468 Spicewood Dr., Goshen, was present to give his comments on the proposed solar ordinance and referenced an email he sent earlier this week. He went on to say that solar energy is not green, it is not renewable, and it is not safe. He noted conventional energy cannot be replaced, because it is used to back up what is produced by panels and wind. He noted several materials needed for solar arrays are mined, which is not environmentally friendly. He stressed fossil fuels are essential for living. He stated solar is not a good use for prime farmland. He added Elkhart County is number 3 in the state for agricultural sales. He noted solar projects are funded by tax credits.

Sara Mills, Development Director for Savion, 422 Admiral Blvd. Kansas City, MO, came on and stated they are encouraged to see the solar ordinance going forward. She went on to say she believes the proposed guidelines are very clear and easy to follow. She then went over the benefits from solar energy. She stressed solar is not a manufacturing use, and it does not have a lot of the undesirable affects that manufacturing uses do. She noted 1 house with a 2,000 ft. setback would prevent use of 288 acres of land. She added not seeing the solar at any angle would also prohibit solar uses in Elkhart County. She went on to explain why a berm around the entire site is not a good idea and could affect water flowing and in addition to being hard to maintain. Mr. Miller asked if they have a minimum amount of power a solar project would need to produce. Mrs. Mills responded larger projects need to hook up to high voltage power lines, which would need a substation, it is dependent on the size of the project. Mr. Miller asked if there is a desire for solar farms to produce energy and store it, and Mrs. Mills responded yes. She added it would make sense to include it in the proposed ordinance. Mr. Miller then asked about any fires that have occurred in solar farms. Mrs. Mills responded she is not aware of any, but they have discussed with local fire departments about fire preparedness.

Adam Young, 11335 CR 146, Millersburg, was present to give his comments on the proposed ordinance. He stated his concern is property values. He noted he was offered a good neighbor agreement, where he was offered \$16,000. He went on to say, if he signed the agreement, he was not allowed to speak in remonstrance against the project. He felt the neighbors need to be able to speak to the Board about their concerns. He stated he believes a solar ordinance is needed in the county to protect the neighboring property owners. He request it be evaluated to protect surrounding land owners. He went on to say he would like wells monitored along with environmental impact studies.

Jim Weaver, 57564 CR 115, Goshen, was present to comment on the proposed ordinance. He explained manufacturing and agriculture are the main focuses in Elkhart County. He stressed he believes everything needs to be considered that could impact that. He stated he was told by a local auctioneer that several solar companies are pursuing buying farmland for solar uses. He continued to state these companies are not looking for hundreds of acres, but many of thousands of acres. He stressed the decisions are very important for the entire county and community.

Alex MacIntire, 524 S. 3rd St., Goshen, was present to give comments on the ordinance. He noted his employer has an agreement with a solar company in Texas. He stated as a property owner in the county he believes that the proposed solar ordinance protect farmers and neighbors. He went on to say there are few uses that have to be removed at the end of their lifecycle, and solar is one of the few. He believes the land will be well rested by the time the solar use is completed. He noted houses are not required to be removed once no longer usable. He went on to say this would protect

the future use of farmland and property values.

Kenneth Jones, Jr., Jones Petrie Rafinski, 325 S. Lafayette Blvd. South Bend, came on to address the proposed ordinance. He noted their comments are about the ordinance contents not the proposed development that was denied. He suggested using the term isolation radius instead of setback. He stated it does not make sense to require or prohibit berms, which he believes can be addressed at the site plan level. He noted manufacturing uses often use them when the developer has extra soil to put somewhere. He added it could become a damn if located in the wrong area. He then addressed fencing and noted it seems unusual to determine where the fence must be placed because there are no permits for fencing in Elkhart County. He brought up an issue with trespassing on the buffered land.

Mr. Godlewski came back on to state the Plan Commission will help make changes and alterations to the solar ordinance. He continued to say the next meeting in regards to the solar ordinance will be in April. Mr. Stump stated he does not believe the discussion should be about the merits of solar, but the benefit for the land owner and effects on the neighboring property owners. He continued to say there has been a lot of information that has been given in regards to the merit of solar, but at this time it shouldn't be discussed. Mr. Warner stated does solar fit in Elkhart County, that's the number one question. Mrs. Snyder explained this ordinance is to give the County protection so the State of Indiana doesn't decide for Elkhart County.

13. A motion was made and seconded (*Edwards/Dickerson*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 11:50 a.m.

Respectfully submitted,

Amber Weiss, Recording Secretary

Jeff Burbrink, Chairman