



07-27-300-001.000-052; 46-07-27-400-004.000-052; 46-07-34-200-002.000-052; 46-07-33-200-001.000-052; 46-07-28-400-003.000-052; 46-07-34-100-003.000-052; 46-07-34-400-001.000-052; 46-07-25-200-010.000-068; 46-07-25-200-012.000-068; 46-08-30-300-002.000-068; 46-07-24-200-018.000-068; 46-08-19-100-005.000-068; 46-08-30-100-005.000-068; 46-08-19-100-002.000-068; 46-08-19-200-001.000-068; 46-08-19-300-001.000-068; 46-07-26-200-009.000-052; 46-07-26-100-003.000-052; 46-07-22-400-031.000-052; 46-07-23-300-001.000-052; 46-07-24-300-001.000-068; 46-07-24-400-001.000-068; 46-07-24-400-003.000-068; 46-07-25-100-001.000-068; 46-07-25-300-001.000-068; 46-07-25-100-002.000-068; 46-07-25-200-014.000-068; 46-07-25-300-003.000-068; 46-07-25-300-004.000-068; 46-07-25-400-001.000-068; 46-08-30-100-001.000-068; 46-07-26-400-004.000-052; 46-07-26-300-006.000-052; 46-07-26-300-001.000-052; 46-07-26-300-002.000-052; 46-07-35-100-007.000-052; 46-07-35-200-001.000-052; 46-07-35-200-004.000-052; 46-07-35-100-009.000-052; 46-07-26-300-003.000-052; 46-11-11-100-008.000-057; 78-07-36-100-002; 78-07-36-300-001; 46-11-10-426-001.000-057; 46-11-11-300-001.000-057; 46-11-11-100-003.000-057; 46-11-11-100-002.000-057; 46-11-03-200-001.000-057; 46-07-33-200-015.000-052.

Attorney Biege stated notice is adequate.

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminski, and Jones at 916 Lincolnway, LaPorte, IN. Their office represents RWE Clean Energy and their affiliate Bluestem Solar Farm, the applicant here. There are in front of them related to their Special Exception application for a commercial large-scale ground-mounted solar energy system which they filed on April 29<sup>th</sup> along with numerous supporting materials all of which is available for public inspection on the BZA's page on the County website. As with any Special Exception, once filed, they are required to provide notice of the application set forth in the County Ordinance at least ten (10) days before this hearing. That included sending nearly one hundred and seventy-five (175) certified letters to adjoining land owners which went out approximately on May 8<sup>th</sup>. Publication in the LaPorte Herald-Dispatch on May 10<sup>th</sup> and posting of twenty (20) orange signs along the project boundaries on or about May 8<sup>th</sup>. This application is governed by the County Solar Ordinance Section 14.15 adopted in 2021 as well as Article 28 governing matter before the BZA and Article 24 governing Special Exception applications. Special Exceptions some times get confused with Use Variances so he thinks it would be important to clarify the difference between the two (2). As noted in *Boffo v. Boone City Board of Zoning Appeals*, which is a 1981 Court of Appeals case, a variance is a deviation from the legislated zoning classification applicable to a given parcel of land while a Special Exception is a use permitted under the zoning ordinance upon the showing of certain statutory criteria. That case provides that the granting of a variance is a matter committed to the discretion of a BZA, whereas the granting of a Special Exception is mandatory once the Petitioner shows compliance with the relevant statutory criteria. That statutory criteria is set forth in 24.05 of the County Zoning Ordinance which indicated the BZA can grant a Special Exception provided the eight (8) following elements are found to be true. Number One (1): General Welfare; that the proposal will not be injurious to the public health, safety, and general welfare of the community. Number Two (2): Surrounding Property; the Special Exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity with a purpose already permitted nor substantially diminish nor impair property values in the neighborhood. Number Three (3): Hazard; the Special Exception shall not

be hazardous to adjacent property or involve uses, activities, materials, or equipment which are detrimental to the health, safety, or welfare of person or properties. Number Four (4): Public Facilities and Services; the use will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage structures, water and sewage facilities, refuse disposal, and schools. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the streets. Number Five (5): Development Requirements; that the development of the property will be consistent with the intent of the development requirements established by this Ordinance for similar uses. Number Six (6): Ordinance Intent; granting the Special Exception will not be contrary to the general purposes served by the Ordinance and will not permanently injure other property or uses in the same zoning district and vicinity. Number Seven (7): County Land Development Plan; the proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the County Land Development Plan. Finally, Number Eight (8): Use Regulation; where there are use-specific regulations contained in Article 14, the Special Exception use shall comply with all of the regulations applicable to the use. They, as the applicant, have the burden of proof to provide substantial evidence that they meet all of the elements, which they plan to do over the next forty (40) minutes. After we present, they know that there will be public comment, largely in favor, but largely against. Their team plans to wait until everyone speaks at which time they will then come up and address any comments and answer any questions of the Board. So, at this point, I'd like to turn it over to Emily McDuff, who is a development manager with RWE.

Emily McDuff stated her address is 1625 N. Milwaukee Ave., Chicago, IL. She is a professional engineer and the RWE developer on this project. On the PowerPoint is the full team on the Bluestem Solar Project. There are four other team members with her here tonight. Mark Cable was sick and unable to join. In addition to the folks in person that we have tonight, their team includes specialists in environmental, economics, and surveyor consultants. They are in LaPorte here tonight to discuss the 400-megawatt Bluestem Solar Project and request them to approve its special exception permits. Four years ago, RWE identified a unique site here in LaPorte County, flat land with two (2) transmission lines running through the land that have available capacity to carry more electricity. Those are the red and yellow lines on the preliminary site plan to the right. They reached out to landowners, who voluntarily signed up their land to the project, most of whom are sitting behind me tonight and here with us. Then they submitted applications to the grid operators for them to review how they can safely interconnect the Bluestem Solar Project to those transmission lines. Four years later, after their electrical review, they are close to signing interconnection agreements with those utilities and would need to kick off construction in early 2025, which is why they are requesting a Special Exception permit now. This project, if it's approved, would be a five hundred-million-dollar (\$500,000,000) investment in LaPorte County. It would sit on less than one percent (1%) of all the agricultural land in LaPorte County and provide enough electricity to power sixty-eight thousand (68,000) homes annually, which is more than all of the homes in LaPorte County for 35 years. Solar power, the reason that they are developing it, it is the cheapest form of electricity at a utility scale, even when they remove government subsidies. And solar can also help improve the resilience of Indiana's electric grid. If they look at the pie chart in the bottom left, they can see in blue that over fifty percent (50%) of Indiana's electricity comes from coal-fired power plants. So, coal-fired power plants are expected to retire twenty-one percent (21%) in the next five (5) years, including the Michigan City

Generating Facility and LaPorte County. And in the next ten (10) years, twenty-six percent (26%) of coal-fired power plants will be retired in Indiana. If they look on the right, there is an image of Indiana's electric grid. All the little dots are generating facilities and that is where power is generated and then transmitted over transmission lines and then distribution lines to their home or to their work. They can think of these generating facilities like gas stations. So, think of all the gas stations where they power up your car, fill up their gas tank to drive their vehicle around day to day. Think about all of those different gas stations as Family Express, Marathon, Shell, a variety of different gas stations. Let's say fifty percent (50%) of the gas stations in LaPorte County are Family Express, and a fifth (1/5) of those in the next five (5) years will be shut down, and a fourth (1/4) of them will be shut down in the next ten (10) years. The same amount of cars will be driving on the road, if not increasing as more people as the population grows and demand grows so unless they build more gas stations, they won't be able to drive their car or they have to pay more for gas or go outside of the service territory or grid to get gas to power up their car. So, that's the situation they're in and solar is one solution to help increase resilience and avoid brownouts or power outages. A little bit about RWE. So as Anthony said, Bluestem is a wholly owned subsidiary of RWE Clean Energy. RWE has been around for one hundred and twenty-five (125) years. They are a leading company in the energy industry, and they've been active in North America since 2006. We have over fifteen hundred (1,500) employees in the US and they're headquartered out of Chicago. Something that differentiates RWE from other developers is that they have the approach to own and operate our projects for the lifetime so it's extremely important to them to get to know the communities and work with them all during design and construction because they're going to be around for the whole thirty-five (35) to forty (40) years. So, as they're talking about decommissioning agreements, road use agreements with the highway department, with all these different agencies that serve them all in LaPorte County, they really want to work with them all and be a good long-term neighbor. Another reason why we decided to develop this project in LaPorte County is because of the Solar Ordinance that they have in place. Purdue Extension did a study in 2022 and found that only sixty percent (60%) of counties in the state have a solar ordinance, and only six (6) counties have an ordinance that's more stringent than LaPorte's; i.e. it thinks about neighbors and agriculture activities around solar facilities, where they would go. If they look at this table, these are the requirements laid out in LaPorte's Solar Ordinance. They have met all of the requirements, including a site plan, emergency response plan, et cetera. In many of the areas, they have exceeded the requirements. So, in areas such as setbacks, vegetative screening, incorporating hydrology and topography information into their design so they can account for stormwater management. They conducted initial training with all the fire departments in the vicinity and the head of Hazmat for LaPorte County. In addition, they commit to updating their decommissioning costs and associated decommissioning bond every five (5) years for the lifetime of the project. The State of Indiana also has suggested standards for solar energy projects. So, there were a few categories where LaPorte Solar Ordinance did not explicitly state how the project should be designed, where the state standards covered those areas. They took the State standards and the areas of setbacks and screening, underground cable depth, noise and glare, and they have met and exceeded those requirements as well. One (1) example of that is setbacks from residential neighbors. The State suggests two hundred and fifty feet (250') from any dwellings from the house to the start of the solar panels or vegetative screening to shield the view so people that don't want to look at the panels don't have to look at it. They did two hundred and fifty-foot (250') setbacks from the dwellings to the project fence. Then there's an additional

ten to thirty feet (10' – 30') from the fence to the start of the panels. In addition, they have put in place vegetative screening between residential homes and their project when there's no trees or bushes already in place. So, they're going above and beyond for LaPorte County's ordinance, for the State of Indiana's suggested standards and they really look to go above and beyond and bring their best practices from their projects across the country. So, she going to turn it over now to her colleague, Haniah, to talk about stakeholder engagement.

Haniah Davis stated her address is 353 N. Clark St., Chicago, IL. She is the community engagement lead for this project. Here at RWE, they believe that an integral and essential portion of the development process is stakeholder engagement and community outreach. Since they've started developing this project here in the community, they have done thorough stakeholder engagement, basically with the purpose of communicating project details, introducing themselves to the community, and ultimately making sure that they could gain perspectives and feedback from the community and then incorporate that into the project's design. Throughout their time here in the County, they have participated in three (3) public solar workshops. There was one (1) in late February, one (1) in early April, those were hosted by the Commissioners, and then they did participate in the Plan Commission Solar Committee meeting on April 23<sup>rd</sup>. They've also coordinated with the following county agencies: Building, Plan, Economic Development Office, Highway Department, Hazmat, MS4 and Stormwater, Soil and Water Conservation, as well as the Kankakee, Pleasant, and Lincoln Township Fire Departments and with those fire departments, they did work on a solar fire safety training. They do look forward to continuing to collaborate and get feedback and build their relationships with these local County agencies. In addition to that, they have engaged with a number of community groups, nonprofit organizations, civil society groups. They've worked with Ivy Tech Community College; they recently gave a presentation to their Renewable Energy Program students. They've worked with them at their job fairs. They've collaborated and had meetings with a number of other organizations, such as Purdue Extension, the Farm Bureau, as well as the local school districts to introduce themselves and the projects to gather feedback and find ways that they can set themselves up to be long-term members of the community and good neighbors. On top of that, they did canvas the community so many of them would have seen them at their door in late January, early February. They knocked sixty-nine (69) doors to all the adjacent neighboring properties to introduce themselves, the project, and to share their contact info so that if folks had questions or concerns, they knew who they could get in touch with. They also mailed introductory letters to those folks so that if they didn't see them at the door, if they didn't catch them in person, they had their information and they knew that they were in the area. With the folks that chose to respond to their outreach and correspondence, they did work with them on design. So, that's increased setbacks. They talked about vegetative screening. For folks who had input on what type of vegetative screening, what kind of trees they wanted to see planted, they worked with them around those details. And again, to get more feedback on what it is that they could do to help make this process easier for them, particularly throughout development and the construction process. They then, as Anthony mentioned earlier, mailed certified notices to one hundred and seventy-four (174) adjoining property owners, and to date, they've given just shy of twelve thousand dollars (\$12,000) in community giving through donations. They've also volunteered with some organizations, and they do look forward to making sure that we can build more relationships with those groups, learn the needs and the interests of the community, and participate at that level in LaPorte County. Beyond the fact that they want to set themselves up as

being good members of the community and neighbors and build relationships and volunteer and participate in those aspects, the purpose of this project is to bring power to LaPorte County; enough electricity to power, more than all the homes here in the County, but on top of that, this project will be creating jobs. The construction industry is LaPorte County's sixth (6<sup>th</sup>) largest industry. They look forward to supporting that local industry through the creation of two hundred plus (200 +) jobs. That's going to be local skilled labor during the two to three (2 – 3) year period of construction which is the sixth (6<sup>th</sup>) largest industry here in the County. The effects of that will be great. That's local restaurants, hotels, and a number of other entities in the area that will benefit from those jobs in that construction period. On top of that, the facility itself will create four (4) full-time permanent roles; that's on-site. They'll work there throughout the week and then on top of that, there will be additional landscaping and other contracted roles at the site. This project, through new property tax benefits, will provide over one hundred million dollars (\$100,000,000) in property taxes, new property taxes to the County. That money can be used for the local county schools, infrastructure, and a number of other services. Something she wants to point out is that currently, the assessed value of the land per agriculture acre is two thousand two hundred and eighty dollars (\$2,280). Assessed as solar land, the value of that land will be thirteen thousand dollars (\$13,000) an acre. And so that's where they're seeing that one hundred million dollars (\$100,000,000) in new tax revenue come from, but that difference will be covered by them so the participating landowners that are leasing their land for this project, they're not on the hook for that difference between the two thousand two hundred and eighty dollar (\$2,280) and the thirteen thousand dollar (\$13,000) assessed value so that's on them. They are looking forward to be able to contribute in these tax dollars to the County because what a hundred million dollars (\$100,000,000) in new taxes means for the citizens of La Porte is that potentially lower taxes for them, the burden on them will be lower and that's due to the circuit breaker tax relief so with that new money, that provides an opportunity for citizens here to have to pay less taxes themselves. Then on top of that, should they work on an economic development agreement, that would provide additional benefits to the county as far as funding is concerned. The last two (2) points are really essential: this project is going to provide the participating landowners, local families that have had these farms in their family for five (5) generations with stable, diversified income, the opportunity to lease their land to the project while it's still remaining in ownership by their family, and give them an opportunity to build up their futures for the generations after them. That's economic development and stability for the participating landowners. Lastly, this will positively contribute to the local Ag economy, and that's based on Purdue Extension's Ag Barometer. They can look it up; it basically measures the health of a local agricultural economy. Based on the research that they've done and what Purdue Extension has put forward, is that a project of this size and this type would significantly contribute to the local Ag economy. She hopes this gives them a good rundown of the benefits economically to the County so that people can see that it's not just them or the landowners that benefit, but it is a net positive for the community of LaPorte County overall. Thank you.

Dallen Kroger stated he is with Burns & McDonnell Engineering out of Kansas City at 9400 Ward Parkway, Kansas City, MO. He is going to go through the first couple of Special Exception decision criteria versus general welfare that Anthony touched on earlier. So, after the project, once the project's operational, there will be an operations maintenance plan, which is mainly mowing the grass because all of the surrounding area around these panels will be vegetated with grass. That'll be mowed trying to avoid any herbicide. That'll try to spot treatment

or if the weed species becomes too invasive an herbicide will be used. There'll be a drainage plan. Overall, this project is creating less volume of runoff in the post construction condition due to the land use. More runoff is generated from a row crop field compared to a field that is out of grass which this will be predominantly grass once it's constructed. They also have an emergency response plan. Like Haniah mentioned, they reached out with local fire departments and they'll continue that relationship to develop an emergency response plan to support construction and the lifetime operation of the plant. They have a road use agreement. They're anticipating about twenty (20) delivery vehicles per day, plus the craft that's coming in to construct. That'll be for the period of two to three (2 – 3) years. The project is working on a bond to repair any damaged roads that may result from the construction period of this project. The project also will have a decommissioning plan for the ordinance. A third-party security bond will be issued at 100% and that estimate will be updated every five (5) years over the life of the plant to adjust for any market deviations over the lifetime of thirty-five (35) years life of this plant. They'll also be working on getting a Stormwater Pollution Prevention Plan (SWPPP), which will be permitted through the State of Indiana, as well as the other local agencies that have a stormwater permit. With that will be dust control, using silt fences, and other best management practices to control the water quality of the stormwater during construction. Then the second (2<sup>nd</sup>) criteria is that the project will not be injurious to use and enjoyment by other property members in the immediate vicinity. The Bluestem Solar Project, as mentioned, will be predominantly grass after construction and that grass is planned to be a biodiverse pollinator species mix. The project has worked with the Pheasants Forever Club here and worked on a pollinator-friendly grass species that'll be planted throughout the project. As Emily mentioned, there's setbacks from adjacent landowners and from right-of-ways and property lines. So, this project has increased those setbacks from sixty feet (60') to one hundred feet (100') from non-participating properties, as well as two hundred feet (200') for residential homes. This project added additional land to accommodate those increased setbacks. That is shown on the next slide here. The project has done a good job of reaching out to the community and the adjacent landowners and has worked with those adjacent landowners and looking at the vegetative screening to try to visually screen the project from any nearby dwellings. The project has planned for trees and shrubs as well as that pollinator species to be planted at portions along the perimeter to block that line of sight. Then on the property evaluation side, Mike will get up here in a moment and talk about that. On the slide shows that red circle there is that additional two hundred (200) acres he mentioned that was added to the project that will accommodate those increased setbacks on all portions of the job. Then the vegetative buffer, the visual screening would be a mix of canopy trees and evergreen trees and shrubs, as well as the pollinator species. So, with that, he will turn it over to Mike to talk about property value.

Michael MaRous stated his address is 1550 N. Northwest Highway, Park Ridge, IL. He is the President of MaRous & Company, a real estate appraisal and consulting firm. He does hold the MAI and the CRE designations, which are the top consulting and appraisal designations in the world. He also holds the general certified license in the State of Indiana, which is the highest form of appraisal licensure. Briefly, he's probably appraised over twenty billion dollars (\$20,000,000,000) worth of property. He has done over three hundred (300) impact studies, which he'll get into. He has been active in the appraisal of property in Indiana. He also has looked at fifty (50) solar projects throughout the Midwest, some as small as five (5) megawatts and some as big as nine hundred and fifty (950) megawatts. He has also looked at over fifty (50)



wind farms in my experience. He is going to go to a conclusion, but then he is going to explain. What he did was he came out and looked at the footprint of the project. He drove the area, did research of demographics in the area, sale trends, sales of land, sales of houses, to look at prices and looked at actual sales, which he visited. He looked at the proposed project and he thinks he heard somebody say the two hundred feet (200'), the setback is two hundred and fifty feet (250') from the edge of the fence to the tip of a house. Generally, he looks at it from the solar array. So actually, adding another ten to thirty feet (10' – 30'), it's even greater. His experience of looking at these projects all over, because they initially started fifty to a hundred feet (50' – 100') with the initial early on projects and it's been his experience that two hundred feet (200') should be the minimum. That was a recommendation that he thinks contributed to the two hundred and fifty feet (250') in this project. In this instance, in every impact project, they look at economics, they look at appearance and aesthetics, they look at environment and sustainability, they look at noise and odor, they look at traffic, hazardous materials, and negative impact or positive impact to public services, the infrastructure, the schools, the public safety. As they heard, over one hundred million dollars (\$100,000,000) in taxes over the life of the project with very little impact for services. There's no schools, very little police and fire. It's a passive use, a little bit like a cemetery or CRP land during that time period because you don't have that cultivation going on. Going through each of these criteria, if they had a manufacturing property or even a subdivision, their land use is basically committed forever where with this, they're basically similar to a CRP because it's still land, at some point, that could be farmed again. Looking at manufacturing they obviously have trucks, they have noise, they have smells, they have traffic. Then they even look at retail and they look at a subdivision, which is going to have stress on the schools and the cost of the schools and everybody knows how expensive that can be. So, in this situation what he looked at were there financial benefits to the project, which they heard, and also the payments to the property owners. His experience is that once this is up and stabilized after construction is done, it becomes part of the fabric of the agricultural community. He also looked at agricultural land values in the area both published and also based on sales, because obviously you heard one percent (1%) of the farmland in the County is going to be utilized for this project. He also looked at reports from multiple states to see the impacts afterwards of land values and actually, they've gone up. The solar leases are significantly higher per acre than land is. It's taken a supply and demand situation and it's created higher values. An interesting thing that he's been doing since he started this is he contacts the Assessors in every county that has major solar installation to see number one (1), if they've had a tax appeal filed, if they granted relief, and have they been valuing property proximate to a solar array any differently, higher or lower, than ones that are not and what is their experience. He interviewed over a hundred and five (105) in Midwest states; no successful property tax appeals, virtually none have been filed. The Assessors say when they originally come, there's a lot of concern, people don't like change and they take a hard look at it, the Board wants them to look at it, and they find that they have no evidence of any impact on property values, and so they haven't been valuing these properties different. So, in his conclusion, which he'll get to at the end, is based on this project plan, in his opinion, in his experience and review of everything, there's no negative impact on property values. Now, what's the basis? Basically, do multiple things. He does the Assessor survey, he does a match pair analysis, which basically goes to look at a similar property that's proximate to a solar array, and then a similar property in the same area having the same characteristics appealing to the same market in the same time period to see if there's been any impact on value. And the hundred plus (100 +) page report that's been submitted, he thinks he has twenty five (25) to thirty (30)



examples and this is just one (1) example and it's hard to read, but this is Starke County. This is by Mammoth Solar, which is the biggest solar project in the Midwest and looking at and just kind of going through typical locational issues, sale date, sale price, size of the dwelling, age of the dwelling, size of the lot, amenities then in the report, they do what's called an adjustment grid to see if there's any impact on having a solar array proximate. These are just kind of the two (2) pictures of the two (2) houses. The one (1) on the left is the one (1) closest to the solar array. The one (1) on the right is not. And then this is just kind of a map showing it. Again, those are in significant detail in his report. They talked about the Assessor survey and literature review. There's a lot of information on the internet. Most of it are blogs, opinions, there's been three (3) peer-reviewed articles that have been done. University of Texas was the first one (1) where they basically did a study nationwide, and they found that participants and Assessors that did not have solar were negative, had no experience, and thought they'd have a negative impact. Then they found the ones that did have solar found no negative impact. The next one is University of Rhode Island and that one (1) showed some negative impact, but it was for properties and relatively high-density areas of eight hundred and fifty (850) people per square mile. This subject proposed development has a density of less than a hundred (100) people per square mile and this study essentially concludes strongly that any density less than eight hundred and fifty (850) people per square mile, they found no negative impact on a proposed project. The next and last one is the LBNL, which is a study out of California, which basically again looked at solar, had some concerns, found some issues, but he met with the author and met with them and based on going through all the material, that study also would not support a diminution of value for the subject. So, then obviously, the economics for any development is looked at of having either a negative enhancement based on the stress of the services or based on the positive that provides. So, in conclusion and looking at this project from a value impact, he's not here for a taste test. It's a value impact. It's his professional opinion. There is no negative impact based on the proposed project. Thank you.

Emily McDuff stated they have four (4) more decision criteria to go through, and she'll try to go through them quickly. The next one is no hazard. Their project will be using silicon-based solar panels, which is the second (2<sup>nd</sup>) most abundant element on Earth behind Hydrogen. It's a semiconductor material. So, it is silicon, glass, and aluminum put on steel trackers and steel driven pile foundations. So, no concrete; they just put the piles directly into the ground. They have an example solar panel with them too, so that can be come up and shown. They're bifacial, so they capture sunlight on both sides to improve the efficiency for the land that they're using. These solar panels don't have any toxic materials. They can see the assurance letter from the manufacturer on the right. So, no polyfluorinated substances or GenX materials. In addition, they are solid state and not water soluble so if, in the rare occasion that they do break, none of those materials can get into the groundwater or soil and contaminate it. In addition, they're primarily recyclable up to eighty-five plus percent (85% +). So, a lot of those materials, that end of useful life, can be repurposed into other uses. These panels are highly regulated and these projects are highly regulated. So, for the panels themselves, the National Fire Protection Association (NFPA), the National Electric Code (NEC) govern those. And for the solar system, the grid operators, MISO and PJM have to come in and assess the safety of the systems every three to five (3 – 5) years. It is highly regulated as a utility. Continuing with no hazard, they do a grounding analysis up to IEEE standard to ensure there's no stray voltage from the project. In addition, the system will be monitored twenty-four-seven (24/7) by SCADA from their control

center in Austin, Texas, as well as their on-site operating crew. The only piece of equipment that creates noise from the solar panels are inverters and transformers. They place these internally to the project, so they'll be minimum three hundred feet (300') away from any road or home to reduce the amount of sound. From thirty feet (30') away, these are at forty decibels (40 dB); it's about the hum of their refrigerator at their home. So, with that three hundred-foot (300') setback, plus the setbacks that they mentioned, there'll be inaudible from any homes or from people driving by. Then when it comes to reflection, they're in the business of reducing electricity so they're trying to capture as much sunlight as the can from these systems so because of the anti-reflection coating, the highly absorbent glass that they use, and the fact that they tilt the panels at a sixty-degree (60°) angle, that reduces glare greatly and captures as much sunlight as possible. In terms of public facilities, this project uses very few public facilities. It's basically the roads during construction. They'll have an agreement with the Highway Department that they're already working on with them. Then once it's up and running, no sewer, no water, no schools. It's a great development that has very minimal impact on the local government from a fiscal side. They have an emergency response plan drafted. They already talked about fire safety training. The next decision criteria development requirements. So, this is basically saying that this is harmonious with the character of the vicinity from the Solar Ordinance standpoint, as well as the County Comprehensive Plan. This project diversifies the County's agricultural economic base without lot splits, without subdivisions, and very minimal impact fiscally to the local government. In addition, they've designed it to be mindful of environmentally sensitive areas such as the Little Kankakee River that flows through the western portion of the site. They have setbacks of one hundred feet (100') from the river and eighty feet (80') from the floodway. In terms of decision criteria six (6), the ordinance, this is a temporary land use. So, all of the landowners who have signed up and live in this neighborhood, they intend to farm this land thirty-five (35) years from now so they have a decommissioning plan in place. They will take out all the equipment, restore the site, and they will keep topsoil on site and generally in place by planting the seed mix early before driving any piles into the ground for the panels doing minimal grading. They picked this land largely because it's flat and they will not be using concrete as foundation. Number seven (7), Land Development Plan; this project will allow the property to remain zoned as Agriculture. These landowners will be farming the sun, instead of farming corn or soybean; corn grows to about five to six feet (5' – 6') and solar panels are about five to six feet (5' – 6') off the ground so it should look pretty similar from a height standpoint. In terms of the seed mix, they talked about Pheasants Forever putting that together. That'll be native flowers and grasses that will improve soil biodiversity and nutrient base over time and improve water retention. Additionally, there are a bunch of partnership opportunities that they are more than happy to look into and are already in discussions about. Inside the project fence, they can do things like sheep grazing. Some of their landowners are going to continue farming around the solar panels. They've been talking to Purdue Extension about doing research on soil quality before, during and after the project and then outside of the project fence, because of the setbacks from the river, from residential homes, non-participating property lines, they have almost a thousand (1,000) acres that they can work with folks on farming. That could be community gardening space for nonprofits such as 4-H or local food pantries. Last but not least, this project shall comply with all County, State and Federal regulations. On the slide is an image of their pollinator friendly native seed mix. As a reminder, this is required by La Porte County Solar Ordinance, and it's an additional benefit to the project. It will be twenty-four hundred (2,400)

acres of biodiverse flowers and grasses that will improve the soil quality for future farming. Thank you very much.

Melissa Mullins Mischke stated she knows there a lot of people his evening that want to remonstrate tonight. Like she said earlier, if they have a group and they have a spokesperson that can come up and speak for their group, that would be wonderful.

**Remonstrators:**

Jason Kuchmay stated he is an attorney with the law firm of Snyder, Morgan, & Kuchmay LLP at 4211 Clubview Dr., Fort Wayne, IN. He has some prepared remarks here and he was told that initially he has more time, but since he doesn't and only has a few minutes, he is going to have other folks pick up where he leaves off so it may sound awkward, but they are going to be completing what he had to say. Just by way of background, he has been heavily involved in solar issues for the past several years in more than twenty (20) counties throughout the State of Indiana. His representation has included all manner of litigation involving solar issues. It's been revisions to ordinances, tax abatement proceedings, special exception proceedings, IURC proceedings, and so on. He has seen a lot of ordinances and has heard a lot of arguments. He has seen what commercial solar can do to a County, including division among the residents, loss of jobs, and the removal of many thousands of acres of farmland from production. Just one (1) of these projects alone utilizes thousands of acres; they have hundreds of thousands of the giant panels, the substations, the cables, the converters, and everything else that goes into it. These are industrial utility plants, so he doesn't want to make any mistake about that. These are industrial utility plants that change the face of a county long term. One (1) thing he sees a lot of times, they've got the leaseholders or even the solar companies, they argue, well folks can do whatever they please; It's their property. They can do what they want. Well, it's not that true and it's not that simple. That's why they have zoning ordinances. They separate incompatible uses. The put restrictions on certain developments in order to minimize the impact to the neighboring property. Neighbors obviously have property rights as well and that's why they have to consider the Special Exception criteria in their Zoning Ordinance. That's why the application cannot be approved if even one (1) of those criteria is not established. Commercial solar is not a permitted use under their ordinance. One (1) lawsuit that he has been involved with is the Mammoth Solar Project over in Pulaski County. Pulaski County has very specific requirements in their ordinance for a commercial solar application. Mammoth, they complied with some, but not all of those requirements. And the BZA, like they're being asked to do tonight, initially approved their application for Special Exception. That decision was reversed by the Pulaski Superior Court. When Mammoth Solar filed an appeal, the Indiana Court of Appeals agreed that that application was improperly approved and it never should have been set for public hearing because a complete application was never submitted. Having put in tab one (1) of the binder in front of them is just an excerpt from that Court of Appeals decision. That excerpt confirms that application requirements are mandatory and that the BZA has no discretion to accept something less. When he looks at their ordinance and he looks at Bluestem's submission, it leads him to believe that the result would be the same here and that they would be required to deny that application.

Mark Pahs stated his address is 7901 E. 400 N., Rolling Prairie, IN. He is going to take over where he left off. Tab two (2) contains in Article 28 of their Zoning Ordinance and highlighted language in page four (4) confirms that the owner of real estate must sign the application for an Exception. If the applicant is not the owner, the applicant must sign the application along with the owner. Tab three (3) is the application file signed by Bluestem only; not property owners. Tab four (4) is an affidavit of consent filed by Bluestem. This document confirms that there are multiple property owners and that Bluestem merely leases the property. The affidavit does claim the lease allows the developer to submit applications on behalf of the owners, but there remains nothing signed by the owners in connection with the application as regard to their ordinance. They were not even in favor with a copy of the lease signed by the owners. Without a proper application filed there, there's nothing for them to consider tonight, and the application should be denied. Even if the application was properly before them, it should be denied. Tab five (5) lists a Special Exceptions criteria for LaPorte County. Among other things, the criteria requires the proposal not to be a injurious to the community and that is not to be injurious to the use and enjoyment of other properties in the immediate vicinity and that it does not substantially diminished or impair neighboring property values. Over the last several years, he has learned a lot of information regarding downsides of these projects. For example: multiple peer-viewed studies show that commercial solar utilities will negatively impact neighboring property values, and he'll also include a summary of those on tab six (6) that was prepared by an appraiser. The negative effect is generally seen within three (3) miles and obviously the impact is greater the closer of the properties are to the development and the bigger the development is. In Howard County, where he was involved in a project, a prior BZA member stated he lost two (2) home construction contracts because of proposed solar projects that was not even approved yet. And while studies support negative impacts on values, they don't need a study to confirm the obvious. People do not want to live next to a utility. They do not want to look out their windows and stare at a thousand (1,000) solar panels. People move out to the country for a reason. And if they live near a solar, if they list their house for sale and nobody wants to view it. If nobody wants to make an offer, they better believe it's a negative effective of value. Tab seven (7) contains statements for their review from brokers of Indiana, confirming client experiences.

Steve Holifield stated his address is 6782 E. 100 S., Mill Creek, IN. Continuing on. Tab seven (7) contains statements from brokers in Indiana.

Melissa Mullins Mischke stated she is going to need him to get closer to the mic.

Steve Holifield stated which, in his opinion, also proves that no one can hear. We need to be a bigger venue with just this topic. So, tab seven (7) contains statements from brokers in Indiana.

*Outbursts erupt from the audience.*

Melissa Mullins Mischke stated excuse me, if she hears anymore outbursts, she is going to ask them to leave. There is no reason to behave like that. They are listening to what he is saying and she is sorry that they can't fit in. Thank you. Continue.

Steve Holifield stated as reflected in tab one (1), the Indiana Court of Appeals even recited a finding made by the Pulaski County BZA that it is undeniable and unavoidable that a significant

number of the two hundred and twenty (220) homes within one (1) mile of the proposed site would see a decrease in property values. Recognizing the negative impact on property values, He's seen property value guarantees imposed as a condition of BZA approval in other counties. Interestingly, in one (1) of his other cases, a BZA was deliberately imposing a property value guarantee as a condition of approval. The solar company interrupted the deliberations and threatened to sue if that condition was imposed. Great community access from them. When questioned why that would even be an issue after the solar company spent all night arguing there would not be a negative impact, the look on their faces and their stunned silence told them everything they needed to know. Not even the solar company believed its own rhetoric. Topic fourteen (14), and when they put these solar utilities in Ag districts, they destroy the rural character and take important farmland out of operation. Adequate farmland is critical to our nation's food supply and is a national security interest. These solar utilities eat up vast amounts of land that cannot be disputed at all. He is told it can take generations to recover fertility, if ever, when the project is done. As a farmer himself, it will take that. It is not simply the case of pulling the panels out in thirty (30) years and pretending like the project never happened. He directs them now to tab eight (8). These are photos of commercial solar projects in Starke County, Indiana. That first page shows all of the topsoil. The solar developer literally brought in the heavy equipment and removed all the topsoil. Topsoil is what we use to grow our crops and food. Second (2<sup>nd</sup>) picture shows flooding with the construction of a substation in the background. Pictures continue to show the flooding and industrial nature of development. Look at these pictures and ask themselves, who would want to see this and live next to this; to be surrounded like this? Most people don't move to the county to see that. They don't live in an industrial park; to literally have an industrial utility in your backyard. He is told that for every inch of topsoil that is removed, they take away the ability to absorb twenty thousand gallons (20,000 gal) per acre and putting impervious panels on top only makes it worse. Would they want to damage neighboring properties in that regard? These industrial solar developments don't really benefit local communities as often suggested. Electricity is sold to the grid and sent off to who knows where and when. It does not necessarily stay local. Every solar company will acknowledge this. That's what the grid is for. Solar companies own experts in cases he has been involved with have admitted their projects will result in a net loss of jobs in the counties where located. Once up and running, there might be one (1) or two (2) new jobs as sourced with the utility, roughly one (1) or two (2) more jobs. Thank you.

Mike Ekovich stated his address is 2828 N. 500 E., Rolling Prairie, IN. On the other side of the equation, taking large amounts of farmland out of operation results in significant job loss, among other things. Less farmland equals less sales, less seed, less fuel, less labor, less taxes, et cetera. These losses are significant to a community and far outweigh the perceived benefit. He's been in hearings like tonight's where local business owners have stated they've prepared to do multimillion dollar expansions of their businesses, real local investment in their county, but they will not do that if industrial solar comes in. They say it will reduce their customer base and severely impact their business. So, they will just instead look for other counties for their investment job creation. Tab nine (9) in binder, is a study done by Michigan State University professor that proposed solar project in Indiana. Confirming what he just said, showing the negative direct and indirect induce effects of these developments in the millions of dollars. Again, the proposed project will be injurious to community. It will be injurious to the use of enjoyment of the other property in the immediate vicinity, and will substantially diminish and

impair the neighbor's property values. Not only that, but his dairy farm consists of six (6) barns, roughly nineteen hundred (1,900) cattle. This project will be four hundred and fifty feet (450') from the barns. The documents in the end here confirm that it's a very real problem, specifically the noise and stray voltage. Cattle can be very delicate to the noise and stray voltage as well. For example, stray voltage causes stress reaction in cattle, which significantly lowers the milk yield, as well as the other things like reproductive lifespan of the animals as well. The studies in those reports and material go into great detail. They also explain how the noise can disrupt the psychological processes, change feeding behavior, decrease the yields, increase the number of somatic cells in the milk, and cause reproductive problems. They have computer readers on all the cattle; monitor all aspects. They've had data for four (4) years now. All the barns are monitored for stray voltage, sound, humidity, temperature. So, all that is addressed if anything changes. The analysis suggests a two hundred-thousand-dollar (\$200,000) monthly decrease, a ten (10) year loss of over twenty-million-dollar (\$28,000,000) loss to their family dairy farm. This would very significantly impact an already existing business and the effect that warrants the outright denial of the application, or at a minimum, imposing a setback of twenty-five hundred feet (2,500') from their farm. He appreciates their consideration of this important issue tonight and they request that they deny Bluestem's application. Again, a proper application was not filed and the requirements for approval not satisfied. In the event it is not approved, property conditions are imperative. Thank you.

Christopher Williamson stated his address is 4102 S. State Road 104, Walkerton, IN. Initially, he would like to commend the Board and their legal counsel for including language in their Special Exception requirements that will not allow the County to approve this petition or any petition that will diminish or impair their property values. It has nothing to do with the full appraisals and it says within their neighborhood as well and that's a good thing. What he handed out today is a compilation of thousands of households and properties and hundreds of solar farms. It is all done by certified professional appraisers, assessors, realtors, universities, and actually solar development companies. It has incontestable data in there that are facts which are traceable to their source that are shown within this study, either in the text or in the footnotes. He did say incontestable, he does believe. If they look at it, it's a very large report and they have a couple universities and they have declined within a three (3) mile radius. They have a lot of solar farms and appraisers that show a fifteen to twenty percent (15% - 20%) loss in value. Actually, in Madison County, Indiana, they saw sixteen-point-four-three (16.43), but when they look at something this large of a study, and it's not biased, there's a couple things that stand out and a couple are where in the negotiations for getting the permit, the solar company agreed to purchase the adjacent properties. In doing so, North Star Solar purchased property and then resold it at a loss of seventeen percent (17%). McBride Place Solar Farm actually did the same thing and they indicated about a fifteen and a half to sixteen and a half percent (15.5% to 16.5%). It's across the board. Spotsylvania, actual lands that abut the farm, and they were actually a subdivision with no house, lost thirty percent (30%), but the one that really stands out is a county that did a petition to the Board, and they actually came in and reassessed their property and it went down thirty percent (30%) less and that was an assessment, not an appraisal. So, it's not good. If they would take their time to look at that, it would be greatly appreciated. Also, if the residents could have the same opportunity that Bluestem has had. This report is available electronically. If they would allow that to be posted and published on their website, that would be great.

Melissa Mullins Mischke stated of course, they can do that. If he wants to hand that over to Ashley, please. Thank you.

Jan Orłowski stated her address is 3304 N. 850 E., Rolling Prairie, IN. She has four (4) certified letters so she is going to ask to speak for more than three (3) minutes because there's so many important issues that need to be. . .

Melissa Mullins Mischke stated she has three (3) minutes so let's get to it.

Jan Orłowski stated okay. Her family owns land immediately adjacent to the proposed industrial solar plant in LaPorte County. She is not in agreement for the Special Exception to be granted. The photovoltaic project doesn't meet the criteria for Article 24 of our zoning ordinance. First of all, let her tell them about herself. She grew up on a farm which her family still operates. She holds a BS in electrical engineering and an MBA. She is now retired, but during her career, she worked on the space shuttle. She worked on target missile programs, radar programs, and numerous black programs for which she is not at liberty to disclose. She also contracted manufacturing overseas in Europe and Asia. Solar panels are photovoltaic systems which produce energy as long as the sun is shining. She doesn't know exactly what materials will be used for this proposed solar plant, but with overseas manufacturing, she doesn't know that anyone here will know for sure, but typical photovoltaic cells are comprised of multiple layers of silicon and other materials known as doping agents like boron, phosphorus, gallium, copper, indium, diselenide, and cadmium telluride. For example, P-type silicon is doped with materials like boron and gallium, which have one (1) more electron than silicon, making the cells positively charged. N-type silicon is doped with materials like phosphorus, which have one (1) less electron than silicon, making the cells negatively charged. Combining the two (2), they produce an electric field. Photons from the sun hit the panels, freeing the electrons from the silicon atoms in the solar cells. Once free, because they're sandwiched, they move creating the electrical current which the current flows through a conductor into an inverter which transforms a direct current into alternating current that they use for their homes and businesses. The reason she is describing the format of the typical solar cell is to point out that hazardous materials can be used because silicon has to be doped for electricity to flow. She doubts that RWE has a comprehensive material list of all the materials used on the site. Any overseas manufacturing will be similar, whatever it might be. Their website indicates units are sealed to protect from exposure, but they are sealed until they aren't. What are they protecting them from? Concern exists with potential health hazards associated with toxic materials released especially during combustion of photovoltaic systems containing those hazardous materials. The substances may not be toxic while in a sealed solar panel, but when inhaled as a result of a fire can be catastrophic.

Katie Plencner stated her address is 5252 E. 50 N., LaPorte, IN. She is directly adjacent to the solar. She is going to continue with what Jan was saying, but she does have a couple points to make. It definitely will impact her property and her property values. Also, just because they said they did training with the fire department, does not mean that their local fire departments have the ability and the equipment to deal with any catastrophic events. Moving on with what Janice was saying, analysis suggests that the combustion byproducts emitted during fire and commercial scale photovoltaic applications are toxic to humans and to the environment. The risk



increases due to quantities of material present and the increases probability of a fire occurring. This is a concern that she does not currently face with her agricultural zoned properties. The risk of fire comes from a variety of sources whether it be failure of components, arcing between conductors, lightning strikes, stray fireworks, hot spots, or poorly extinguished cigarette butts during extremely dry conditions. Once a fire starts, it will be dangerous for local communities. They can't shut off a grid tied system without tarping over the panels. Water sprayed on electrical fire creates a path back to the nozzle that are encapsulating agents that can be used to prevent electrocution when fighting a solar panel fire. Kankakee Township Volunteer Fire Department consists of twenty-four (24) volunteer fire fighters who won't have the training nor the material to fight these types of fires. In addition, their rural community has limited water sources available to fight industrial solar panel fires. The County would need to provide fire hydrants in close proximity to all the sites. Furthermore, the WMBB News 13 Solar Panel Fire on August 31<sup>st</sup> of 2022 which burned five (5) acres of grass and brush underneath the panels of the solar panels in Jackson County, Florida. It posed a unique challenge to their volunteer fire department. They were advised that spraying water on the fire of solar panels could have caused electrocution. Just like them, our fire department is volunteer. Converting Kankakee Township Volunteer Fire Department to a paid fire department with more extensive training and equipment would be a huge cost and burden to all taxpayers in the County. That being said, some paid fire departments would still not have the resources to fight large scale industrial solar panels fires. Even if fire hydrants were provided at all sites and the hazardous material products from the fire itself can cause ground water contamination and inhalation danger. Again, she doesn't face this fear now, but will face that fear should the RWE Special Exception be accepted. If evacuation...

Melissa Mullins Mischke stated thank you.

Dennis Whorwell stated his address is 1688 N. Park St., LaPorte, IN. He stated that if evacuation of a five to six (5 – 6) mile radius surrounding the photovoltaic fire is required for safety, what is to happen to their farm animals. For their dairy and hog farmers, their livelihood will be put at risk. This is not an acceptable risk that they should have to face. Solar panels absorb heat from the sun which is then radiated into the atmosphere. Any meteorologist will tell them that small changes in temperature can cause catastrophic weather patterns. What do they think with thousands of acres of solar panels radiating heat into the atmosphere? Situated southeast of Lake Michigan, LaPorte County is already the lake effect snow capital of Indiana. Combine that with changes introduced by a huge industrial solar plant, they can imagine the frequency and magnitude of tornadoes, thunderstorms, and lake effect snow to increase. History is a great example of why an industrial solar plant on agricultural farm land is not accepted. For instance, Texas State officials issued a notice of violation to the operators of a large solar farm in northeast Texas. NG North American Incorporated were accused of contaminating creeks and rivers in violation of State rules. Spectrum News 1 featured to solar company in a special report last year and now neighboring land owners who were opposed to the project are saying, "We told you so." After only one (1) year, they observed a significant degression of the floodplain and wetlands which increase runoff onto surrounding properties. The sedimentation increased water quality into downstream waters. The Kankakee River Basin Ditch is near the proximity to this proposed site and may be affected. Other adjacent residents to solar plants have shared their experiences. During the construction process, thousands upon thousands of metal posts will be driven into the ground. The pounding will last throughout the day, day after day after day. The construction can

take years with daily pounding and loud noise to disrupt adjacent residents. Not to mention the noise caused by an industrial inverter which sounds like a semi-truck motor which are run constantly for decades. It is not like a tiny little inverter that sets out beside a residential home equipped with photovoltaic panels on its roof. RWE will tell them that the decibels are acceptable, but who wants to hear constant noise day and night for years? Nearby residents will no longer have peaceful enjoyment of their properties.

Melissa Mullins Mischke stated thank you.

Will Fisher stated his address is 2202 E. 150 N., LaPorte, IN. It is close; it is with a mile of the proposed solar farm there. He would like to say that he thinks two hundred and fifty feet (250') is not enough distance to enjoy their property that they bought out in a rural area. He doesn't want to look at solar panels being there. He doesn't want to be concerned about a tornado or strong winds coming through and picking up the solar panels and sending them through his house where his kids are at. He lives in a very open area. He bought his property there recently last year for the purpose of being able to hunt and enjoy the outdoors and if they were to put the area in around there it would definitely be affecting his hunting with a lot of geese and migratory birds that are coming over. He thinks the panels will affect the way that those geese and stuff come in so he is very concerned about that. He would like to beg them to maybe put like a half mile distance or a mile distance from any property instead of two hundred and fifty feet (250'). He thinks that is way too close and to drive up and down their driveway or around their house and have the glare coming at them is pretty sad. He would like them to put the shoe on the other foot please.

Melissa Mullins Mischke stated thank you. She would like to remind everybody this evening that they are here to vote on a particular property that is in front of them. They have no authority over changing setbacks or changing any zoning itself; that happens at the Plan Commission. So, tonight they are talking specifically about this project as it stands right now with the existing zoning ordinance. They will not be changing the zoning of the property.

Dr. Larry Cadwell stated his address is 3303 E. 800 N., Rolling Prairie, IN. He is a retired Senior Scientist from the Pacific Northwest National Laboratory. That work was conducted for the US Department of Energy and sponsored by them. He is a fifth-generation farmer and farmland owner. He lives on the farm that his great-great-great-grandfather started and he is currently a farm land owner in Galen Township and own property in Kankakee Township about a mile from the project. He is for this project. There is an elephant in the room that has not been discussed and it is climate change. He is also a member of the Union of Concerned Scientist. They only have to look to the news every single night to see what their changing climate is doing and this solar project is just one (1) step that they desperately need in order to combat the impacts of climate change for all of them and especially for their children and grandchildren who will be the recipients of what they do here today and around the Country. He looked at the need for solar and twelve percent (12%) of their energy comes from outside the source so they have a local need here in the State of Indiana for locally generated electricity rather than importing it. NIPSCO plant, as they all know, is closing and it will be decommissioned in 2028. They need to replace that energy. They also lose energy by high-voltage transmission lines when it is moved long distances. If they generate their power close to home, that will save energy. It will save the

amount of energy they need to generate and gives them more usable energy. The cost of solar has decreased in the last ten (10) years particularly between 2009 and 2019 by ninety percent (90%). It has made solar energy simply the cheapest and cleanest source of energy that they have available today. So, in the last eight (8) or nine (9) years, solar energy has come in and eclipsed gas plants, coal plants, and nuclear plants in terms of cost of productions. This is a very clean energy source desperately needed and cost effective and will result in savings to every single person in this room and in this State in terms of the cost of energy production. The last thing he would like to mention is that the feeling for the local owners of the property that are here for this project and he thinks that they should consider their needs in terms of supporting their families with their own personal property and not rely on others who would deny them that right.

Melissa Mullins Mischke stated thank you.

Dennis Galloway stated his address is 5216 N. 300 E., LaPorte, IN. How is everybody doing? He knows this gets emotional either way, but just looking at what the County has in front of them. He is against this because number two (2) it can't be met by the criteria of this solar panel. If the three thousand (3,000) acres are turned into that, the value of properties that are adjacent to that solar panel, they can argue how good solar is and stuff, but that is not what they are here for. They have an Ordinance that cannot be abided by therefore they shouldn't be getting a variance. Property values will decrease if they are directly next to it. He has sold real estate for thirty-five (35) years in LaPorte County and he thought their appraiser did a great job, but he was careful on wording something. The most important thing that he said that all people of the Board should be aware of is that appraisers that are not familiar with solar farms found that they have a negative effect on house values. That's ninety-nine-point-nine-nine percent (99.99%) of appraisers. The appraisers that found out that it has a neutral are solar appraisers hired by the solar farms. So, the Ordinance that they are looking at, it does not meet the criteria of number two (2); it will devalue property owners that are adjacent. It might help the County financially, but if they go by their own Ordinance, it can't be approved. Thank you.

Melissa Mullins Mischke stated thank you. They have eight (8) marks here. They have heard all about property values and they all understand that property values are a concern so if they have something other than property values or enjoying their property. . . They have heard them. They are taking that into consideration. In the time, she does not know how many of them are still in line for remonstrance, but if they could put something new that would be helpful.

Maurice Gleser stated his address is 4303 E. Scholl Rd., Rolling Prairie, IN. He stated he will try not to duplicate what has been discussed or perhaps will be discussed tonight. Mark Twain, with all due respect, said, "You can make a point with lies, damn lies, and statistics." He thinks they have heard a lot of statistics tonight. Kingsbury was used by the United States Government as an ammunition production area because it is very, very cloudy. Arizona ain't cloudy. This area is cloudy. Not the best of areas to be working in, but he understands why they want to come in here because it's a bunch of farmers; what are they going to say? Thank you for allowing him to speak about his particular situation in all of this. There are many countries in the world where they are not permitted to speak their mind; in this land, they can. How much weight it may carry is a different story. Usually, in this Country, money talks and the other stuff walks, but the Board of Zoning allegedly has as its top priority community members. May he repeat that; top priority

community members. In his particular case, he will potentially be enclosed on all three (3) sides of his property. He won't mention the dirt roads around him that have to withstand the large trucks and traffic. The noise, heat, and unsightliness has already or will be discussed. In his particular case, it will be intensified because of the quantity that he is surrounded. In his situation, Article 24.05 (b) use and enjoyment. Ah! Dramatically diminished. Property values Article 24.05 (c) when so intensely surrounded as has been discussed by solar farms it is a dramatically diminished area. He doesn't know how anybody could say they would prefer to live around a solar farm than agricultural farms. Article 24.05 (a) general welfare; dramatically impaired and diminished during construction and after completion because it's so close and intense. To quote, "nor substantially diminish or impair property values." Although they have requested that he not repeat it, it's part of his speech, he is sorry. Are they going to tell him his benefit, his situation is going to be better? Section 24.05 (f) granting Special Exceptions will not be contrary to the general purpose served by the Ordinance and will not permanently injure other properties or use in the same zoning district and vicinity. Pardon his repeating himself, but there is a slight variation to the theme.

Melissa Mullins Mischke stated thank you. His three (3) minutes are up.

Krissy Vaughn stated her address is 1012 N. 250 E., LaPorte, IN. Her property is adjacent to the two (2) fields plats on that road. She is on the west end of this project. She feels like the setbacks that Emily has given her of five hundred feet (500') from her home, while generous, is not sufficient. She understands that they are not making arrangements from that, but she is letting them know that being on the west end of that project, when the sun is at the west, the panels will be facing west and they are going to be right in her face. She also has two (2) adjoining neighbors that will also suffer from this as well. She would also like to point out that in the plans that she has seen for this project, that the solar panels will stand up to twelve feet (12') tall in the back. She would also like to point out that the vegetation is a maximum of seven feet (7') tall when it is planted. A lot of the vegetation will take ten to fifteen (10 – 15) years before it even becomes close to being mature. With the incline in her property and the property across the street, the natural berm is seven hundred and twenty feet (720') from her residence which would make more sense than being five hundred feet (500'). Thank you.

Melissa Mullins Mischke stated thank you.

Steven Miller stated his address is 988 N. 250 E., LaPorte, IN. What Krissy was talking about, they have the site plan which is basically what she is talking about. He lives right next door to her. They have a town next to them called Rolling Prairie and it's named for a reason because it has hills. If they are on a flat plain, solar panels aren't going to affect somebody that lives across the road, but if they have like what they have where they have an incline, they see what they put on the drawing. It is flat and looks like it is out in the plains, but they have hills so if they are across from one (1) of the solar farms and they have a hill across the road like they do then this average five-foot (5'), which it says the average is four to six-foot (4' – 6') then they wind up with an average of five-foot (5'). He estimates the incline that Krissy is talking about is a total with the twelve-foot (12') she is talking about there possible the solar panel, if they add that possible, he doesn't have a survey or knowledge of that, but he is estimating the hill is fifteen-foot (15'). If they add the twelve-foot (12') to the fifteen-foot (15') and they come up with

twenty-seven-foot (27'). How long is it going to take a five-foot (5') plant to get up to twenty-seven-foot (27') to cover it. If they were living downhill then they would put it there and it would all be going downhill. So, this field basically has sixty-three (63) acres in it. He looked at it today and about twenty-five percent (25%) of that is going up the hill. The rest of it is going down so that means it is possible to use that seventy-five percent (75%) of that acreage there and protect them on the west side of the road from those solar panels that they are going to be looking at for years to come. He is seventy-nine (79) years old. He never will see the tree reach the top of that mountain; it's not going to happen. This is something that they need to consider. He would also like to bring up they flaw with the landscaping plan. They will notice that the two (2) big circles in the center are deciduous plants. Deciduous means that the leaves drop off in the fall and they come back in the spring. They have six (6) months with no leaves at all so what they will be looking at is a few twigs out there. That is what they will have around that whole area there. He figured that if they factored out and he got the measurements from the scale, it is almost twenty-five percent (25%). That means twenty-five percent (25%) of the coverage that they are going to put in is going to be nothing but sticks in the winter time providing no coverage at all. If anything, the deciduous should be put in the back and evergreens put in the front. If they want flowering trees and that, have them put in a little extra room and put in whatever they want back there whether is be lilacs or tall maples, but don't block off the front with deciduous trees that they will be able to look through in the winter time and that. They are going to have to put up with that for thirty-five (35) years? Most of the trees in the plan don't have branches towards the ground so most tree shapes kill the base because they're not getting sunlight so the lower branches die off so this will be where they can look underneath the trees.

Melissa Mullins Mischke stated thank you.

Pat Parker stated her address is 366 Hawthorne St., LaPorte, IN. This is way longer than three (3) minutes, but she has selected some parts. She also posted this on the LaPorte Current Events and News Facebook page that has links to the articles that are contained in the folders. She wants to address soil concerns partly. At the May 1<sup>st</sup> meeting when she asked Attorney Biege\* what they could bring to the table after he told them what not to bring, he said that they needed to bring scientific studies and not arguments based on speculation. They have to be evidence based.

*\*(The attorney being referred to was Attorney Pejic, not Attorney Biege.)*

Pat Parker stated she decided to do a lot of research over the last few weeks. When she finds studies of solar plants on farm land that have been done to see what the effects they have on the ground after housing solar panels for twenty-five to thirty-five (25 – 35) years are and the answer to that would be no. They are not out there because they have not been around long enough to have solar farms for thirty-five (35) years. The studies haven't been done yet. They have not been around long enough. That is what concerns her. Do they want to be part of the experiment? What guarantees are there? Attorney Biege\* also said the burden of proof was on the solar company to ensure this project would not be injurious in any way so if that is true, she would like to see the scientific studies and peer reviewed publications that will tell them that farm land that has been used for solar production for thirty (30) years will not harm the land and that the soil will be healthy for growing crops again.

*\*(The attorney being referred to was Attorney Pejic, not Attorney Biege.)*

Pat Parker stated she contacted Mike Carroll who is the County Extension Director of North Carolina who works with soils and she asked if he had any information for her on this issue and he said that is a concern to him and many other soil conservationists. In an email to her, he stated, "My point is that those of us that work with soils know that some soils may be restored after work, but many soils will simply not be restored." In his article, contained in her submitted packet, he stated the concerns regarding turning the soil back into farm land. He wrote, "Heavy equipment may be used to grade the site when establishing the solar energy production. Two (2), trenches may be dug for wiring or drainage; these activities and heavy vehicle travel will disturb the natural soil structural properties and cause compaction. Deep tillage may eliminate the problem, but this will only be possible by removal of any underground wires, supporting structures, etc. If not, deep tillage will not be possible. Such deep tillage may be warranted for several years, depending upon the soil type. . . Even with deep tillage, one should anticipate a twenty to forty percent (20% – 40%) reduced crop yield for three to five (3 – 5) years as soil compaction issues are slowly resolved." She knows the solar panels companies are going to tell them everything is safe, but they don't have the scientific studies done on this long of a term to let them know they are. She doesn't want to be part of the experiment. Thank you.

Melissa Mullins Mischke stated thank you.

Pat Boy stated her address is 218 Southwood Dr., Michigan City, IN. She stated she has a statement to read for the Sustainability Commission, but she would like to know if she could have another additional minute to speak on her own.

Melissa Mullins Mischke stated three (3) minutes. She is not going to make an exception.

Pat Boy stated this is all she committed to so she will read this. Whereas the Greenhouse Gas Emissions Assessments conducted by the Indiana University Environmental Resilience for Michigan City, City of LaPorte, and LaPorte County, showed the need to reduce the carbon footprint in all geographical areas. Whereas high carbon emissions in Michigan City are due to older housing and builders built before the 1970's a targeted approach of lowering energy consumption for NIPSCO's coal burning power plant was instituted in an ongoing partnership with Solar United Neighbors Indiana to educate consumers and provide assistance. Whereas solar panels and ground arrays have been installed at half a dozen municipal buildings and most of the Michigan City area schools to save on electric costs and lower their carbon footprint. Whereas Michigan City has a commercial solar array installation on Pahs Road which sells its electricity to NIPSCO, a model for successful integration into an area next to buildings and agriculture exists. Whereas such supportive measures and the "Getting Started with Solar" link on the Michigan City Sustainability Commission's page on the Michigan City Municipal website has resulted in increased solar panel and array installation on homes and at businesses in Michigan City and surrounding areas. Whereas the Michigan City Sustainability Commission has prepared itself for future solar panel and array expansion at homes, businesses, and the Washington Park Zoo, they encourage the City of LaPorte and the County of LaPorte to do the same. Whereas Michigan City has obtained SolSmart Bronze Designation from the US Department of Energy, recently applying for Gold designation. One (1) of its foundations is the

support and expansion of solar energy whenever possible. Whereas the County of LaPorte has been chosen to be the recipient of solar array investment and expansion by a private corporation, this opportunity should be embraced and supported under the LaPorte County Solar Ordinance already in existence which is stricter than the State of Indiana's. Therefore, Andrea Jahnz-Davis, Chair of the Michigan City Sustainability Commission; Nancy Moldenhauer, Michigan City Council Person and Liaison to the Sustainability Commission; and Pat Boy, Indiana State Representative approve and support the installation of solar panels and arrays within the City of Michigan City and in surrounding LaPorte County to lower the carbon footprint, increase economic growth, and create permanent jobs for ongoing maintenance. She also brought a couple pages of information on decibel levels. Thank you.

Melissa Mullins Mischke stated thank you.

Tricia Stahl stated her address is 2146 W. Ash St., LaPorte, IN. She is the one (1) that submitted the letter to them about RWE and some of her concerns. As they know her background, she is a retired Navy Military Intel Officer. There were some red flags that got her going and the one (1) thing that Ms. Emily had said April 2<sup>nd</sup> was that they were a privately owned company, but they do have shareholders. In their shareholder statement, it said that they only own twenty-one percent (21%) of their company where the middle east is eleven percent (11%), Qatar is nine percent (9%), and the rest of the world was four percent (4%) so her question is who is the rest of the world? Who is behind this company? They do know that RWE does have two (2) trading and supply offices in China and China backed Qatar to buy ComEd. They did a big buyout of ComEd. Those are just some red flags. She did do her notes and footnotes and documented all her information. On their data sheet and in their presentation, they did say that they use JA Solar which is a China based company. The CEO and Chairman of that solar company has actually been a member of the CCP for forty (40) years; that is a red flag. They said that JA Solar was going to build a plant to build them in Phoenix, Arizona, but as of April of 2024 that construction has yet to be started. JA Solar has also been in lawsuits a lot with the Department of Commerce for anti-dumping so they are not competing on a level playing field and are doing a lot of tariffs and getting around tariffs and whatnot. The Yughur Act which Biden passed in December of 2021, is to deny any product coming into the United States that was forced labor, however they did put a proclamation on it on June 6<sup>th</sup> of 2022 to last for two (2) years which brings them to June 6<sup>th</sup> of 2024 so are they going to be able to supply? Is the custom and border control going to let this through so there are those kinds of questions that they need to look at as well. The other concern she had was she got a call from Representative Polk today about the military bases and their military bases in this area are not on that list.

Melissa Mullins Mischke stated thank you. She brought a very interesting perspective.

Mark Hutcheson stated his address is 4892 E Scholl Rd., Rolling Prairie, IN. His house is basically going to be in the middle of this project. He is trying to educate himself. He thinks they have heard already that there are over two hundred (200) jobs for the two (2) or three (3) years of this construction. Seventy-nine million dollars (\$79,000,000) for local economy for the life of the project. Seventy to a hundred and ten million dollars (\$70,000,000 – \$110,000,000) in property taxes that are going to come in. He knows it is going to be an inconvenience for him. He lives on a gravel road and he gets three (3) cars a day and one (1) of them is the mailman, but he is



willing to put up with it for the benefits he believes it will bring their community. He supports this program. Thank you.

Melissa Mullins Mischke stated thank you. Can she get a show of hands of how many remonstrators they have remaining? Okay. Very good.

Brian Flory stated his address is 1705 Florida Dr., Fort Wayne, IN. He is the organizer for the Solar United Neighbors that Representative Boy mentioned a few moments ago. They are a non-profit organization that focuses on consumer education and advocacy primarily focusing on residential solar. They have worked extensively with the Michigan City Sustainability Commission as well as other non-profit organizations and solar supporters in LaPorte County. He was invited to speak about the benefits of solar in general by the Sustainability Commission as their organization is one (1) that is vendor neutral and does not partner with specific installers and for projects. Given the history of fossil fuel use in manufacturing in LaPorte County and considering the continued use of the coal-fire power plant in Michigan City over the next several years, they share an existential concern with their partners regarding any impact on the move away from renewable energy in the County that would keep the County's reliance on fossil fuel sourced energy longer. He would commend them that the Indiana Office of Energy's study, they partnered with the Lugar Center at IU Indianapolis to address many of the concerns that they have heard tonight here at this hearing. Now, this is an Indiana Government entity partnering with an Indiana University; he would commend that. Beyond the neutral property values that they mentioned they also found that solar helps to stabilize the grid and it offers energy security. Solar does not rely on market forces in the same way that fossil fuels do and it created local jobs that cannot be outsourced. Electricity is generated hyper-locally which means that it is not as effected by brownouts and blackouts by transmission failures as other energy sources. Solar infrastructure is also safe. He knows they heard a lot to the contrary, but they have acceptable risk when it comes to their phones and there is up to one hundred (100) times more toxic chemicals in a phone, and he imagines they have more than one (1) of them in the room tonight, than there is in one (1) solar panel. Solar panels generate little to no noise and any noise, as was mentioned earlier, would emanate from the string inverters that are located on specific areas on the site, not the whole and usually closest to the grid infrastructure and away from the boundary lines surrounding the project that would impact neighboring land owners. In conclusion, he would like to thank the Zoning Board for not only hearing his testimony, but really also considering what is in the best interest of the full spectrum of voices and opinions in the County. They have a difficult job; he does not envy them. He thanks them for their time, consideration, and their decision making.

Adam Banks stated his address is 2789 S. 350 W., LaPorte, IN 46350. He is a union Carpenter with Local 1485. Good evening and thank you for the opportunity to be part of the conversation this evening. He was born and raised in LaPorte County and cares very deeply about the growth and success of this community. He wants to see LaPorte take all the opportunities given and presented to grow so that their children can be proud of where they came from and also want to raise their families here. He is very involved in his community and very involved in his family. He is the Kingsbury Ball Club KBA President and also a little league coach, he also holds a position on that KBA Board. He wants to contribute positively to society and still be able to watch his children grow and play every day. The Bluestem Solar Project will offer many, like

him, jobs to support their families while also still being able to be active in their families and in their communities. The developer is offering workers the opportunity to make a living wage in the community that they care so much about while also being able to give that wage back to these communities. The proposed Bluestem Project would directly support approximately thirty-nine (39) job years and two-point-seven-million dollars (\$2,700,000) in wages and benefits during Phase 1 and approximately sixty-nine (69) jobs and four-point-eight-million dollars (\$4,800,000) in wage benefits during Phase 2. The project is also giving LaPorte County residents a possibility of new and environmentally friendly electricity production. Between 2011 and 2021 as the share of electricity produced in Indiana from coal fell from eight-five percent (85%) to fifty-eight percent (58%), carbon dioxide emissions from electricity fell from one hundred and nine-point-six (109.6) to seventy-point-four (70.4) million metric tons. The amount of electricity produced using the solar increased by one hundred and thirteen million megawatts (113,000,000 MW) hours to a two-point-eight percent (2.8%) of total electricity production. The project will allow Indiana to decrease its greenhouse emissions and join the United States in increasing clean energy options. In addition, electricity sales in direct use in 2021 in Indiana totaled one hundred and seven-point-one million megawatt hours (107,100,000 MWh), however only eighty-eight percent (88%) of that demand was met by in-State utilities, independent producers, and other sources. As a result, Indiana had to import the remaining electricity it consumed from the producers in other states as well as all imports. By that means, the jobs, wages, and economic output created by that production went to localities in those states and not localities in Indiana. In closing, in the construction field they always say that they are working themselves out of a job to continue to improve their communities that they serve; this job is no different. Like him, and the hundreds of others that will be employed, they will learn new skills that will get them and their children excited to learn new skills while also increasing property tax dollars that they will pour into this community to help leave it as a healthier environment for generations to come.

John Carr stated thank you.

Melissa Mullins Mischke stated thank you.

Vern Schafer stated that's the first one (1) that made it under the wire. That's good. He has rehearsed that; three (3) minutes right on the money.

Don Kuser stated his address is 5253 E. 150 N., Rolling Prairie, IN. He would like to comment on Article 24.05 General Welfare. The proposal will not be injurious to public health, safety, and general welfare of the community. Well, there has been a lot of buzz about dangerous chemicals released from solar farms. He would like to once again review for the Board the list of chemicals placed on their farm to assist in crop success. Though legal, herbicides, insecticides, and fertilizers are applied to the fields annually. A thirty-five (35) year solar farming plan will place a well-deserved pause on the land for the Bluestem Project. He has attached some figures for three thousand (3,000) acres of farm land based on the activity and chemical use on their nine hundred and fifty (950) acre farm; the numbers are conservative. *(Data is shown on posters to the audience and the Board)* This shows some of the chemicals on the property. The total deposited chemicals over thirty-five (35) years in pounds is seventy-five million six hundred and eighty thousand two hundred and seventy-four (75,680,274). Additionally, he has added a thirty-

five (35) year total truck load count for distribution of fertilizers, insecticides, herbicides, and crop loads to market. The total truck loads for crop and chemical transport over thirty-five (35) years is twenty thousand two hundred and forty-two (20,242) trucks. Their family has leased the land to local farmers for more than three (3) generations. This year they want to lease their land to RWE for solar use. For them, it is a way to protect the soil by giving it a chemical break and improve the soil quality over the next thirty-five (35) years. At the end of the plan, they will return to farming with better quality soil, new irrigation, and wells. According to the United States Department of Agriculture in the CRE (*Conservation Reserve Enhancement*) Program in Indiana for fourteen to fifteen (14 – 15) year contracts, this will improve the water quality, reduce soil erosion, reduce the amount of sediment, phosphorous and other pollutants entering water bodies improve wildlife habitats. The goals for this CREP were to reduce sediments, nutrients, and agriculture chemicals entering water sources; that is by the United States Department of Agriculture.

Melissa Mullins Mischke stated thank you.

Mike and Donna Burke stated their address is 5253 E. 150 N., Rolling Prairie, IN. He is not going to go over everything; he doesn't want to waste their time. Donna has a letter that is just talking about the farm. He also has some more supportive data about the property values supporting that they will not be significantly impacted. He doesn't want to waste the Board's time so he will just hand that out to them.

Melissa Mullins Mischke stated that would be wonderful. Thank you. Raise of hands how many remonstrators do they have left? One (1), two (2), three (3), four (4), they will do these five (5). Thank you.

Cindy Kusper stated her address is 5253 E. 150 N., Rolling Prairie, IN. She has been asked by Jack and Rhonda Haverstock to read a letter as they are not able to be here tonight so she is here reading on their behalf. Thank you for allowing them this opportunity to speak. First of all, they would like to bring to their attention the numbers from 2024 stating that they are approximately one hundred and eleven thousand five hundred and ninety (111,590) residents in LaPorte County. Their estimate is that there are approximately a thousand (1,000) people opposing this project which is less than one percent (1%) of the entire population of this County. Secondly, they would like to remind them of the LaPorte County Commissioners' Ordinance 2021-13 and the last paragraph of the Ordinance stating, "Whereas, . . . actions made by the LaPorte County, Indiana, to achieve SolSmart Gold Status, letting installers and residents across the country know that LaPorte County is the highest level of solar friendliness." That was signed by two of their current Commissioners and a reminder it states the highest level of solar friendliness. The growth of renewable energy in the last decade has been exponential and as more and more clean energy development has occurred, questions about land use, particularly around solar, are driving a debate about property rights. Property rights are legal rights that land owners have regarding the use of their land. Oftentimes, when a landowner decides they would like to host a wind or solar farm on their property, they face a complex and contentious process in fighting for the property rights to even be considered. The growth of solar development across American energy landscape provides opportunities for land owners to preserve and enhance their land. In their research on property values from American Clean Power Association on [cleanpower.org](http://cleanpower.org), it states

that the real-world experience has found that solar projects have little impact on property values. Also, Michigan Public stated that new research from Lawrence Berkley Laboratories found that solar farms reduce property values of homes within a half mile by an average of one-point-five percent (1.5%). The study mainly looked at urban areas instead of rural areas and didn't consider the benefits of jobs created or increased taxes from solar. Their research found no effect on homes miles away. Lastly, this project will provide a way for future generations to enjoy and benefit from the legacy of their land that was left to their family and provide a source of income for them as well. It will also benefit their County with additional taxes this project will bring and in turn will benefit many more. Thank you.

Melissa Mullins Mischke stated thank you.

Angela Bellis stated her address is 6562 E. 300 N., Rolling Prairie, IN. One (1) of the placements will be in her backyard. She was part of the project she guesses was going on with the grid. The grid went in place in 2020 and that's when they started construction for grid. So, if they have been doing this since 2020, which is only four (4) years, which means they are somehow attached to the grid project. They ended up going through the farmers to get what grid they wanted to go through. They offered to the farmers instead of the residents. She was part of that. When she was here at another meeting, she had mention, "What about our children? How are they going to have safety for their children?" Now, they live in the country and if they're not playing with animals or something they are trying to find something to get into. There has been nothing on this whole meeting saying anything about the safety of their kids. Also, she has a disabled daughter. If the solar, if it's true about the solar bringing more storms and more issues, if they have someone that is medically challenged and has pain on an everyday basis and they are going to add that to it, so they are going to put their disabled people in more pain for someone to try to make a buck? Common sense. Yes, she is a laborer. She could put in the solar panels. She is a union laborer, but two hundred (200) jobs to put in for three (3) years? How many harvesters are they putting out that provide for their families by picking crops? That is year after year after year and then they're going to employ four (4) people for thirty-five (35) years? Not to mention the price of the food is going to go up because their local farmers can't provide. If they want money, then lease their fields. That's honestly it; they don't want to see it. Like they said they would put in the trees; well, it will take forever for the trees to grow up. She doesn't want to see that. It's going to affect their animals, their children, and their elderly.

Melissa Mullins Mischke stated thank you.

Jerome Hesters stated his address is 307 S. 400 E., LaPorte, IN. Part of the one hundred and fifty (150) acres will be across the road from him. He has lived there for twenty-eight (28) years. He has had four (4) major storms that have come through there and wiped-out different things so his concern is about the solar panels. Just like the storm last night that took down the big towers and everything else, that is one (1) concern he has. The sunlight was mentioned by RWE that they have more sunlight here than Florida. In January, they had less than three (3) days of sunlight so between that and snow coverage, that is a good idea to think about. Solar panels produce twenty-six percent (26%) efficiency and do they last thirty-five (35) years? From what stuff he has seen, it has only lasted less than fifteen (15) and then they have to put new ones in. Who is going to cover all that? They have a major decision to decide on this. They hear all the different numbers

tonight from different places. There was professional after professional contradicting all the numbers. He would like to see that they make sure the facts are true and for them to decide based upon the real facts and not by hearsay. If all these people are here, then there is something going on that they don't want to be here. There are enough unanswered questions. There's probably still more out there than needs to be checked. For instance, where is the storage for the battery storage? Is that approved yet? Where is it going to be? What are the pros and cons on that? Solar probably is going to be good in the future, but this is just a start just like the one (1) lady said earlier that the thirty (30) year study hasn't been there. Five (5) years from now, there might be some that are more improved double the capacity for solar, but to do three thousand (3,000) acres is quite a bit to start out. He also heard there are other contracts in the future already signed for over ten thousand (10,000) acres in LaPorte County alone. Good luck. Thank you for letting him talk.

Melissa Mullins Mischke stated thank you.

Bob Rudynski stated his address is 3652 E. Division Rd., LaPorte, IN. He wants to ask the Board when the last time they scraped bugs off their windshield? Have any of them scraped any off?

Vern Scahfer stated sure.

Bob Rudynski stated he has? He hasn't and he has driven a hundred miles around this town and away and he hasn't had any. It used to be he could drive into town and stop at the gas station and have to use a squeegee and cuss the bugs out. Now, there ain't none. There isn't any. He has some information on solar site, US solar sites, linked to higher level of insects. Scientists conducting a five (5) year research project in southern Minnesota have observed tripling of insect numbers near two (2) solar facilities built, rehabilitated agricultural populations, and improved pollination in nearby fields. This is done by the research team of the US Department of Energy. Insect levels have tripled in less than five (5) years at two (2) solar sites built on retired agricultural land. Native grass and wildflowers were planted at the solar facilities between August 2018 and 2022. They have conducted three hundred and fifty-eight (358) observational surveys of flower and vegetation in insect communities; they found that total insect levels tripled with native bees showing a twenty (20) fold increase in numbers. It demonstrates that, if properly sited, habitat-friendly solar energy can be a feasible way to safeguard insect populations and can improve the pollination services in adjacent agricultural fields. The national laboratory said that the findings suggest that the habitat-friendly solar sites could play an important role in conserving biodiversity and mitigating land-use conflicts associated with the conversion of farmland for solar energy production. It noted that this could be particularly beneficial for future development. For instance, as a carbon-neutral source of electricity, expanded PV solar development is critical to mitigate climate change. According to the DOE's Solar Futures Study, approximately ten million (10,000,000) acres of land in the US will be needed for large-scale solar development by 2050 in order to meet the grid decarbonization and climate change goals, but some lands are better suited for PV solar developments than others. Disturbed lands such as former agricultural fields are ideal locations to hold rows of solar panels compared to lands that have been previously undisturbed.

Melissa Mullins Mischke stated thank you. This will be their last remonstrator and they will take a quick break afterwards.

Sam Overly stated his address is 5303 Cameron Ln., Lafayette, IN. He works with an organization called the Land and Liberty Coalition of Indiana. They represent landowners and farmers across Indiana who have a property rights stake in this issue. He thinks that there are a few things that they should cover. First of all, developers are not interacted with the transmission infrastructure and where it goes through; that is designed ahead of time by a separate entity, a government entity that is highly regulated. Then the land that is selected is based off of the accessibility of transmission so that is what makes this land particularly desirable for the development. Additionally, they might hear that solar is going to take over the County if they allow one (1) development, but that simply isn't the case. There are significant limitations to the infrastructure and also to the amount of land that can be consumed by this. Having the whole County covered by solar is not an issue. He thinks that something that is more important and essential to this discussion is the question of property rights. From their founding, property rights have been an essential freedom that undergirds everything about their society. They believe in the ideals of limited government and individual liberty. They believe that farmers and land owners should be able to use their land as they best see fit to provide for their families. By denying this project, they are denying that ability. They would be denying the essential right to use their property; one (1) of the five (5) essences of having property rights. As they are considering this, there are numerous elements to consider. They can talk about the property values. They can talk about economic benefits. They can talk about property taxes decreasing, but undergirding the whole discussion is the property rights of the landowners in this room, numerous landowners in this rooms, generational farmers who are seeking to diversify their income so that they can sustain their farm for another generation and he doesn't think that can be easily overlooked or should be easily overlooked. He appreciates their time and he values them bringing in diverse viewpoints in to this discussion. He thinks that is essential. Thank you.

Melissa Mullins Mischke stated thank you. They have a gentleman over here wanting to speak and then they are going to take a quick break and come back and listen to Attorney Novak.

Gene Smith stated his address is 455 N. 250 E., LaPorte, IN. He is a landowner that wants to lease his ground to RWE. He has farmed his entire life and he would like to retire due to some health issues. The people that oppose this say that their property values may decrease. The research that he has done is saying at worst conditions, one to one and a half percent (1% - 1½%) of people who border the solar farm. However, he believes that their property will increase dramatically due to the shortage of housing now and in two (2) years when the project and so is the battery plant in New Carlisle, they'll add one thousand (1,000) or more jobs and the need for more housing. The following is a report on the cannibalization of US farm ground written by Richard Brain, lead researcher and writer on a report in Agricultural Science and Technology. Brain writes that from 2001 to 2016 eleven million (11,000,000) acres of farm land and ranch land were converted to urban and highly developed land use, four-point-one million (4,100,000) acres or low-density residential land use about seven million (7,000,000) acres. To put that into perspective, he found that in the US, collectively, there are two-point-three billion (2,300,000,000) acres of land. Use for the land currently breaks down like this: twenty-nine percent (29%) is permanent grassland, pasture, and range; twenty-eight percent (28%) is forest;

seventeen percent (17%) is cropland; fourteen percent (14%) is special use; three percent (3%) is urban and the remaining nine percent (9%) is miscellaneous. He describes “special use” as being things like rural transportation, rural parks, and wildlife. He stated that shifting back is easier with conservation than once farmland is paved over and a subdivision is built that it is irrevocably changed. If they are rewilding a CRP for example, they can always reclaim and revert to production, if necessary, but they can’t do that with a parking lot. The people that move to the country and not live in a subdivision do so for a reason. They do not want restrictions that they would have in a subdivision or city. Things like a pole barn for a shop or storage. Having a boat or RV stored on their private property. Putting up solar panels on the roof or ground-mounted. The freedom to put up the structure they would like. People enjoy their property rights, but they want to take theirs.

Melissa Mullins Mischke stated the time now is 8:09 and they are going to be back here in ten (10) minutes and they are going to start whether everyone is here or not so 8:19.

***Break for ten (10) minutes.***

Melissa Mullins Mischke stated if she can get everybody back in the room or quiet so they can continue please. Thank you for allowing everybody to take a little break.

Anthony Novak stated he will wait for Doug.

Melissa Mullins Mischke stated he didn’t make it back in her time slot.

Anthony Novak stated he can start without him then.

Melissa Mullins Mischke stated she thinks they should. Yes, please. It really would be okay if they went ahead and started without him.

Anthony Novak stated thank you everyone for their time tonight. In rebuttal, he will speak for less than a minute. Mike MaRous will speak for less than a minute. Then maybe Emily, herself, for maybe five (5) minutes or less. So, procedurally, a point that was brought up originally was that the application was incomplete because it doesn’t have signatures of other property owners. They have specifically consulted with Doug Biege who indicated that an affidavit of consent would suffice. Regardless, since they know that the petition will not be voted on tonight, they will have a document signed by all the property owners submitted prior to the June 18<sup>th</sup> hearing. Thank you.

Mike MaRous stated there has been some comment about expert witness. He has actually been accepted over a hundred (100) times in circuit and federal courts. He has never not been accepted and he has over fifty (50) public body clients that he consults with regularly. Now, there was by the objectors some evidence provided that he hasn’t seen come forth tonight. His report has been out over a month, however the three (3) things that he heard were number one (1) was that in regard to his University of Texas study that ninety-nine percent (99%) of the people in that study had not experience with solar; that is not what he said. That study is explained on Page 83 in his report; it is about fifty-fifty (50 – 50) on that so that was just an incorrect statement. The second



has to do with North Star Solar which is about thirty (30) miles west of Minneapolis – St. Paul. He visited it and it is a very unique situation that there were about seven (7) farmettes with houses in the middle that were surrounded by a hundred megawatt (100 MW) solar farm. That development first started about 2014 – 2015 and the developers went in and had appraisals at about three hundred thousand dollars (\$300,000) and offered the people three hundred and sixty thousand dollars (\$360,000). They sold, the developed the solar farm, surrounded the property owner, and then in his report he has sales and resale showing significant values increases over a hundred thousand dollars (\$100,000) many times. After the solar farm was developed, he spoke with the Chisago County Assessor and he was actually published in a couple local papers as to when they did studies and found no negative impacts on value. That is the full story. The preliminary part was correct; there was values that were paid as a premium, but then when it went back on, they were over. Also, in his report on Page 85 and addendum Pages 30, 31, and 32, he discusses in detail the LBNL study which is that Lawrence Berkley study and why, in his opinion, that supports no negative impact for the subject. Thank you.

Melissa Mullins Mischke stated thank you.

Emily McDuff stated they made it to the end. She will briefly talk about some of the topics that came up. To the point of doping solar panels, they provided their cut sheets in their application. She is not familiar with that concept. They can provide more details on the materials that are in their solar panels, but those cut sheets were provided with their application. The fire department training was preliminary that they conducted. They would like to continue training with the fire departments and working with emergency responders in LaPorte County. In terms of solar sunlight in LaPorte County, yes there are many cloudy days in LaPorte compared to other places. Solar panels can capture direct and diffuse light so if they look at the National Solar Irradiance Data, which she looked at herself, LaPorte County can produce four-point-three-three kilowatt hours per meter squared (4.33 KWh/m<sup>2</sup>) per day. Compared to the amount of sunlight, direct and diffuse, that can be captured in Orlando, Florida, that is ninety-two percent (92%) as sunny and eighty-seven percent (87%) as Dallas, Texas so correct it is not as much direct sunlight, but they can capture diffuse sunlight as well even on a cloudy day. Their vegetative screening they have suggested a mixture of evergreen and canopy trees that will be planted at six to seven feet (6' – 7') tall to start and grow to thirty-feet (30'). They can do all evergreens. They can work with the County and the neighbors to determine that. If canopy trees are not as wanted as evergreens especially in the wintertime. They are only putting panels on flat land with less than five percent (5%) slope to the comment about rolling hills. They recognize that if they happen to live on a hill, they may be able to see it at a distance, but they are not putting solar panels on rolling varied land. The other piece about their company; RWE is a publicly traded company. Anyone in the room could become a shareholder in RWE if they wanted to. Eighty-eight percent (88%) of their shareholders are institutional. Nine percent (9%) of that eighty-eight percent (88%) is Qatar. Twenty-four percent (24%) is US and Canada shareholders. Qatar is a strategic ally of the US; one (1) of their largest Air Force bases in the Middle East is in Qatar. They can provide more information about that as well. In terms of their panel strength, they have a MET Weather Station out on the site for an entire three hundred and sixty-five (365) days and they conduct geotechnical studies of the project site specifically so they are designing their project to the weather and the soil conditions of the project site in LaPorte County. They will design it to that strength and keep hail, tornado, and other weather events in mind. These are really strong

systems designed to present weather conditions in this area. They will also have a twenty-five (25) year warranty on their solar panels. It also behooves them to fix any solar panels that do happen to break as quickly as possible because they are in the business of making electricity and getting money for that. Last, but not least, this project application is for solar specifically. They are developing a separate battery storage project that would be within the same footprint, but that is not part of the application tonight; that would be at a later date. Thank you so much.

Melissa Mullins Mischke stated thank you. She has a couple of questions for Anthony. This Board has worked with him in the past on a battery plant and they had a very good, in her opinion, exchange of information on their website where not only the public can go and see all these studies that they have been provided as a Board, but also, they can provide information as well. Is that something that they can do on this project as well.

Anthony Novak stated absolutely. Everything that they have submitted is on the County's website already. So, any supplemental information they talk about today they can add. If there is information from the opposition, that can be posted. They certainly have no objection whatsoever.

Melissa Mullins Mischke stated she knows for herself, not only was she submitted with a stack of reading materials tonight, but the mail lady carried a forty-pound (40 lb.) box to the house and she was struggling to carry it. So, she still has a fair amount of the information to go through and again she is not sure what the feeling is for the rest of the Board; she does not want to make a hasty decision, but she is definitely in favor of them tabling this petition for this evening and hopefully when they schedule it again . . . She is in favor; she is not making the motion.

Attorney Biege stated he wanted to add to what she is saying. He wants the public to understand that they can impose conditions on the grant and that is exactly what Anthony and he did with the battery facility. They worked together and tried to alleviate as many concerns as they could and it would be beneficial to have time to work on that so they can impose conditions to hopefully reduce some of the concerns of the public.

Melissa Mullins Mischke stated she agrees. She is speaking for herself personally. She doesn't know about everybody else on the Board. Like she said, she doesn't want to make a hasty decision, she wants to be well informed and with the addition of all the information received tonight, she feels like they should table.

Vern Schafer stated he thinks that they really helped the postal service this last month because he received a truck load of information that he tried to get over and then they got another truck load tonight. There is a lot of information that has to be considered here. There has been a lot of good points that have come out tonight on both sides. His concern is the battery storage and how that is going to work.

Melissa Mullins Mischke stated that isn't a part of this.

Attorney Biege stated they are going to file that under a completely separate petition.

Vern Schafer stated right, but he is going to make a motion to table this so they can get some more information gathered here so they can make a more informed decision for the future.

Deb Vance stated she is in favor of that, but can she add something to that? As the Board is going through this that they submit their conditions over to the attorney.

Melissa Mullins Mischke stated absolutely.

Vern Schafer made a motion to table the Petition for Special Exception for Bluestem Solar Farm, LLC represented by counsel Anthony Novak for a commercial large-scale ground-mounted solar energy system (SES). This property is generally located near roads N. 250 E. to N. 600 E. and E. 200 S. to E. 200 N., with a central address of 5253 E. 150 N., Rolling Prairie, IN., Kankakee, Wills, and Pleasant Twps., zoned A on approximately 3,352 acres. Board members may submit conditions to the Board Attorney in the interim.

Deb Vance seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated they are going to table it. She is not going to say it has to be within thirty (30) days, but it could.

Anthony Novak asked if they should plan to be here next month.

Deb Vance stated to talk with Doug.

Melissa Mullins Mischke stated for the remaining petitioners, if any of them have just had it with them, they have been here for two and a half (2½) hours, they can move them over to the next meeting. Or if they would like to stay longer, they can go ahead and knock everybody out.

**2. Petition for Variance of Developmental Standards for Jason and Carissa Felger** for a 2nd accessory structure to be used as a pool house with a bathroom and a kitchenette and an inground pool. This property is located at 4203 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 5.45 acres. Parcel 46-03-11-300-014.000-048.

Attorney Biege stated notice is adequate.

Bill Loshbough stated his address is 9402 Red Arrow Hwy, Watervliet, MI.

Melissa Mullins Mischke asked if he is a contractor.

Bill Loshbough stated yes. He is the contractor and is here on behalf of the owners.

Melissa Mullins Mischke asked him to tell them about the project.

Bill Loshbough stated last year they applied for a permit to remodel the farm house and there was a hug twenty-six by forty (26' x 40') garage that was built by the previous owner that they probably prematurely tore down because they wanted a better view of their back yard. Since then, they have been permitted to put in a swimming pool. They have soil solutions that have gotten a permit for the septic system for the pool house. He is just here seeking approval to build the pool house.

No remonstrators present.

Vern Schafer stated the pool exists right now?

Bill Loshbough stated yes.

Vern Schafer stated he just wants to add a structure there for it.

Bill Loshbough stated yes. He feels unprepared especially after that last meeting.

Melissa Mullins Mischke stated he is doing fine.

Bill Loshbough stated he thinks it is a sixteen by twenty (16' x 20') pool house. He thinks they are five-foot (5') more than the setback. He provided all the information that he needed as far as plans and setbacks and site plan. Yes, it is an additional structure next to the swimming pool.

Ernie Schmidt amended his motion to approve the Petition for Variance of Developmental Standards for Jason and Carissa Felger for a 2nd accessory structure to be used as a pool house with a bathroom and a kitchenette and an inground pool. This property is located at 4203 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 5.45 acres.

Deb Vance seconded.

All Approved. Motion carries 5-0.

**3. Petition for Variance of Developmental Standards for Shelby Zarobinski for construction of a pole barn with living quarters in the loft for the elderly parents. This property is located at 2304 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 11.03 acres. Parcel 46-03-16-100-011.000-048.**

Attorney Biege stated notice is adequate.

Shelby Zarobinski stated her address is 2304 E. 1000 N., LaPorte, IN.

Melissa Mullins Mischke stated she wants to put her parents upstairs.

Shelby Zarobinski stated yes. There are already talks about putting in one (1) of those chair lifts.

Melissa Mullin Mischke stated like in the Gremlins?

Shelby Zarobinski stated sure. She just had new construction for a house and the next step would be doing a barn. Considering their age and some health issues they had this spring it makes sense since they have a blank slate to include living quarters in the top of the pole barn. She did submit really vague plans. Their next step would be if it gets approved to work with Pressel to actually get a building plan done. Also submitted was a location of the proposed barn. She does have some photos of something similar to what it would look like.

Melissa Mullins Mischke asked if it would blend in with the neighborhood.

Shelby Zarobinski stated yes. Her neighbor currently has a barn that is closer to the road that is white and gable style. Hers would just be a main structure forty by sixty (40' x 60') with two (2) lean-to's on the side and it would match her current house which is a black and white theme so it would have black wainscot on the bottom and white up top and the roof and shingles to match.

Melissa Mullins Mischke stated she is going to do storage underneath.

Shelby Zarobinski stated yes and they own horses.

Melissa Mullins Mischke stated horses are going in there.

Deb Vance stated she is putting them above the horses.

Shelby Zarobinski stated she knows some folks in Utah that have done it so as far as working with soundproofing drywall, additional insulation, and stuff like that.

Melissa Mullins Mischke asked if her parents were present tonight.

Shelby Zarobinski stated one (1) is.

Melissa Mullins Mischke stated they can say they are in favor if they would like to.

No remonstrators present.

Ernie Schmidt asked if she is going to put in a stairway to get them up and down.

Shelby Zarobinski stated yes. Her barn part floor plans will have a lab for horse breeding and that is where they would enter and there would be a stairwell with the chair that they sit in that will take them up the stairs.

Ernie Schmidt stated it will have the chair.

Shelby Zarobinski stated yes. Reluctantly, her parents may not want it, but yes. That is her full plan.

Vern Schafer stated being elderly himself, he worries a little bit about fire protection obviously with living quarters upstairs and elderly people. One (1) of the other considerations they usually make is that it will not be used as a rental property in the future.

Shelby Zarobinski stated after they pass away possible as far as like what.

Melissa Mullins Mischke stated that is exactly what he is asking.

Vern Schafer stated yes because that becomes a bit of an issue putting rental properties on a property already if they have a house there. If they do grant her a variance here, there may be some stipulations about that.

Shelby Zarobinski stated the only thing she could see would be a college student to help with chores and in exchange they could board their horse there and they would pay their utilities in the apartment. That is the only thing she could see. As far as getting on AirBNB or VRBO, no.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Shelby Zarobinski for construction of a pole barn with living quarters in the loft for the elderly parents. Not to be used as a rental. This property is located at 2304 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 11.03 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

**4. Petition for Variance of Use for Robert Stevens** to operate a car repair shop out of the current pole barn. This property is located at 1012 E. Hamilton St., Union Mills, IN., Noble Twp., zoned R1B. Parcel 46-14-09-405-004.000-056.

Attorney Biege stated notice is adequate.

Robert Stevens stated his address is 1012 E. Hamilton St., Union Mills, IN.

Melissa Mullins Mischke asked what his plans are for this garage.

Robert Stevens stated he built the garage back in 2020 in the hopes of running a repair shop, but with Covid and everything, his employer took ten percent (10%) of his wages back then so he had to find other ways to make some extra cash to pay some bills. Since then, it has grown.

Melissa Mullins Mischke asked how many vehicles he would have at one (1) time.

Robert Stevens stated three (3) or four (4). Five (5) maybe.

Melissa Mullins Mischke stated three to five (3 – 5) automobiles. Is he going to do small engine work too?

Robert Stevens stated possibly.

Melissa Mullins Mischke asked what the days of operation he would like.

Robert Stevens stated usually after work and on the weekends.

Melissa Mullins Mischke stated to give her a time that is after work.

Robert Stevens stated from four to nine (4 p.m. – 9 p.m.).

Melissa Mullins Mischke stated four p.m. to nine p.m. (4 p.m. – 9 p.m.). Is that going to be Monday through Sunday? Is that his intent?

Robert Stevens stated yes. The weekends would be more during the day than at night.

Melissa Mullins Mischke stated let's say Monday through Friday four to nine (4 p.m. – 9 p.m.).

Robert Stevens stated right and he won't be out there everyday it's just a possibility.

Melissa Mullins Mischke asked what kind of hours would he look to have on the weekend.

Robert Stevens stated probably eight to four (8 a.m. – 4 p.m.).

Melissa Mullins Mischke stated eight to four (8 a.m. – 4 p.m.). Would he have a sign out there?

Robert Stevens stated he can put one (1) out there, yes.

Melissa Mullins Mischke asked what size sign would he like.

Robert Stevens stated he is not sure; whatever is recommended.

Melissa Mullins Mischke stated three by four (3' x 4'). Tell her the largest he would go.

Robert Stevens stated he wouldn't go that large.

Melissa Mullins Mischke stated so not to exceed three by four (3' x 4'). Would he put a light on it?

Robert Stevens stated yes.

Melissa Mullins Mischke stated she has a lot of questions for him, doesn't she.

Robert Stevens stated it's fine.

No remonstrators present.



Ernie Schmidt asked if the parking area would be on the south and the north.

Robert Stevens stated just the south.

Ernie Schmidt stated just the south. How many vehicles can he put in there?

Robert Stevens stated he could put five (5) outside and he can fit three to four (3 – 4) inside.

No remonstrators present.

Vern Schafer made a motion to approve the Petition for Variance of Use for Robert Stevens to operate a car repair shop out of the current pole barn. Hours of operation Monday – Friday 4 p.m. – 9 p.m. and Saturday – Sunday 8 a.m. – 4 p.m.. A lighted sign not to exceed 3' x 4'. This property is located at 1012 E. Hamilton St., Union Mills, IN., Noble Twp., zoned R1B.

Deb Vance seconded.

All Approved. Motion carries 5-0.

**5. Petition for Variance of Developmental Standards for Tamera Fern** for construction of a 3rd accessory structure and to the front and the side of the home and not to the rear. This property is located at 7677 W. 275 N., Michigan City, IN., Coolspring Twp., zoned R1A on 1 acre. Parcel 46-05-23-128-005.000-046.

Attorney Biege stated notice is adequate.

Tamera Fern stated her address is 7677 W. 275 N., Michigan City, IN.

Jason Creasbaum stated his address is 7677 W. 275 N., Michigan City, IN.

Melissa Mullins Mischke stated lots of setbacks and a third accessory structure. Tell her what gives the need for a third accessory structure.

Tamera Fern stated because they have ATVs and boats and they want dry storage. Right now, their garage is basically for their vehicles. They don't have any other form of storage. Originally, she would have loved to put it behind the house, but when she bought the house the diagram she got of the house didn't show the pipeline that far into her property so she had to change everything. The one (1) she got in 1996 showed it in the back not hardly on the property, so she is stuck with having to rearrange it like this. Then as they can see, the house is kind of cattywampus on the property so she has to work with what they have.

Jason Creasbaum stated they actually have three (3) boats, five (5) ATVs, a golf cart.

Tamera Fern stated they have a lot of toys.

Deb Vance stated they should go play over there.

Tamera Fern stated they plan on retiring soon so they need somewhere to put it so they can come and go.

Melissa Mullins Mischke asked if they are sure it is going to be big enough.

Jason Creasbaum stated yes.

Tamera Fern stated it's never big enough.

Jason Creasbaum stated because of the topography of the ground it is hard for them to put anything bigger there or change anything because if they have been by the property, it is on a hill and it is sloped. The dirt work that he is going to have to do to make this work and have adequate drainage is going to be a job on its own. BP is not allowing them to cross their line.

Melissa Mullins Mischke stated she is not surprised.

No remonstrators present.

Vern Schafer asked what type of a building it will be. It is going to blend in?

Tamera Fern stated it will match the rest of the house.

Vern Schafer stated they are looking at a pole structure?

Jason Creasbaum stated yes.

Vern Scahfer stated steel sides.

Jason Creasbaum stated yes.

Vern Schafer asked him to approach and indicate on the map where it will be going.

*Jason Creasbaum approached and pointed out on the aerial where it will be located.*

Jason Creasbaum stated it is not going to be right in line with the existing building. He had to shift it back roughly eight feet (8') to get the correct drainage all around the building.

Vern Schafer asked how far from the property line it will be.

Jason Creasbaum stated fifteen feet (15') off that property line.

Vern Schafer asked how far it will be from the road.

Jason Creasbaum stated thirty to thirty-two feet (30' – 32').

Vern Schafer asked what the building side is going to be.

Jason Creasbaum stated it will be thirty-two by forty-eight (32' x 48') or thirty by forty-eight (30' x 48') depending on the trusses and if they do eight-foot (8') centers on the posts.

Vern Schafer asked what the eave height will be.

Jason Creasbaum stated it will be ten feet (10'). He is looking to build the exact same building that is on there right now.

Vern Scahfer stated so they will match.

Jason Creasbaum stated yes. Same color and everything.

Melissa Mullins Mischke stated she wants to make sure they get in touch with the County MS4 Department because they are going to tell them how to control rain water, water runoff, and how to keep it on their property. She sees that they are adding a big concrete pad area in there as well so maybe touch base with them and keep that in mind that they want them to keep their own water runoff on their property.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Tamera Fern for construction of a 3rd accessory structure and to the front and the side of the home and not to the rear. This property is located at 7677 W. 275 N., Michigan City, IN., Coolspring Twp., zoned R1A on 1 acre.

Deb Vance seconded.

All Approved. Motion carries 5-0.

**6. Petition for Variance of Developmental Standards for Jeffrey and Gail Koon** for construction of an addition with a front setback of 16' instead of the minimum required 25'. This property is located at 5111 N. Barclay Ave., LaPorte, IN., Kankakee Twp., zoned R1A. Parcel 46-07-06-400-013.000-052.

Attorney Biege stated notice is adequate.

Jeffrey Koon stated his address is 5111 N. Barclay Ave., LaPorte, IN.

Melissa Mullins Mischke asked what is going on with his property that they have to move the setback.

Jeffrey Koon stated they are putting an addition on to the north side of the home. They looked initially to put an out building or pole barn of some kind, but due to setbacks and everything this was their best option to add it on to the side of the house. For architectural reason and aesthetics, he wanted to bring it out to give it the architectural look that the current house has to kind of blend it in a little bit more than what it has. It also will allow him to have an area where that

bump out comes in where they are going to put the whole house generator and everything else and move their electrical service over to that area as well.

Melissa Mullins Mischke stated he has a pipeline issue as well.

Jeffrey Koon stated yes. Wolverine Pipe crosses the north part of his property. He started in contact with them back in January; they should have an email he had from them with their project manager so he meets the setback requirements and has a three-foot (3') leeway.

No remonstrators present.

Melissa Mullins Mischke asked if he is sure that is as big as he needs for an addition.

Jeffrey Koon stated it is just more or less for storage for an additional vehicle, golf cart, stuff like that. He has a little hobby work shop he has there and he has always wanted to have something bigger.

Melissa Mullins Mischke stated twenty-six by eighteen (26' x 18') is going do it.

Jeffrey Koon stated where he is adding on to is another shop right there so it's basically going to be like an "L" shape so it gives him a little bit more space and he is overcrowded in there. He is getting ready to retire here and he wants to have an area that he can do whatever.

Melissa Mullins Mischke stated sounds good.

Jeffrey Koon stated he is running out of space.

Ernie Schmidt stated less grass to mow.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Jeffrey and Gail Koon for construction of an addition with a front setback of 16' instead of the minimum required 25'. This property is located at 5111 N. Barclay Ave., LaPorte, IN., Kankakee Twp., zoned R1A.

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated good luck. She still doesn't think it's big enough.

Jeffrey Koon stated he will come back and ask for the rest of the sixteen (16').

Melissa Mullins Mischke stated alright. She will be here hopefully.

**7. Petition for Variance of Developmental Standards for Julie & Wayne Pec for construction of a garage in front of the home instead of the rear and a 2' side setback**

instead of the 10' minimum required and a 30' wetlands setback instead of the 50' minimum required. This property is located at 8326 E. Lakeshore Dr., New Carlisle, IN., Hudson Twp., zoned R1B. Parcel 46-04-28-328-020.000-050.

Attorney Biege stated notice is adequate.

Wayne and Julie stated their address is 8326 E. Lakeshore Dr., New Carlisle, IN.

Bruce Young stated his address is 208 Lakeside, Walkerton, IN. He is with Bruce Builders.

Melissa Mullins Mischke stated she already knows the problem. She has had Hudson Lake in here all the time saying the lots are so little. She knows; they are. The wetlands are an issue as well. Why don't they tell her what the overall plan is.

Julie Pec stated she retired a year ago and they are trying to make this their permanent home, but there is nowhere to put anything because they just have the house so they need a garage so they can start bringing their things over and transitioning to becoming Hoosiers.

Melissa Mullins Mischke stated very good.

Wayne Pec stated on the wetland, the thirty-foot (30'), he just wanted to point out that most of the cottages on the whole lake are twenty-foot (20') on the water.

Melissa Mullins Mischke stated she knows.

Wayne Pec stated he has the wetland at thirty-feet (30') so he is ten feet (10') ahead.

Julie Pec stated the wetland is actually a part of their side lot. It's like a little pond there.

Melissa Mullins Mischke stated she is always curious, but what if something happens on their lake side? How are emergency vehicles going to get back there?

Julie Pec stated they have plenty of room. They are on Lakeshore Drive so it is very easy access.

Melissa Mullins Mischke stated once they get off and if they need to drive to the rear of their property rather.

Julie Pec stated the rear of their property is actually street side.

Melissa Mullins Mischke stated there is no water facing the house.

Julie Pec stated the front of the house, which faces the water, and then the back side of the house where the garage will be is actually street side.

Melissa Mullins Mischke stated right, so if emergency vehicles need to get to the water side of whichever direction their house is. . .

Julie Pec stated they have the side lot.

Melissa Mullins Mischke stated how much room is there.

Julie Pec stated the side lot is sixty feet (60').

Wayne Pec stated he drives his truck and backs it up for loading and unloading all the time through there.

Melissa Mullins Mischke stated okay. She just wants to make sure everybody is safe back there if something happens.

Ernie Schmidt asked where the gas and electric service is coming in in relationship to the home and garage.

Bruce Young stated the gas and electric service right now, if they are looking at the house from the road, is to the left coming to the corner of the house right there. They have already discussed that if it is in the way or too close and would be an issue then they will go to the expense of getting ahold of NIPSCO and getting it relocated or looped around to keep it out of their way.

Ernie Schmidt stated if it is going to the corner of the house, their meters and stuff how it looks now, they will have to move the garage to the east or move electric service and gas line.

Bruce Young stated if they have to disconnect and re-run a new line and loop it out because it is going to be detached from the house, the garage, so there will be space in between, so if they have to disconnect and loop it out further to fit the garage they will do so.

Ernie Schmidt stated okay.

No remonstrators present.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Julie & Wayne Pec for construction of a garage in front of the home instead of the rear and a 2' side setback instead of the 10' minimum required and a 30' wetlands setback instead of the 50' minimum required. This property is located at 8326 E. Lakeshore Dr., New Carlisle, IN., Hudson Twp., zoned R1B.

John Carr seconded.

Approved. Motion carries 4-1.

**8. Petition for Variance of Use for Kerrie Hale to operate a fireworks wholesale distribution business and with outdoor storage. This property is located at 9565 W. Snyder Rd., LaPorte, IN., New Durham Twp., zoned A on 18.96 acres. Parcel 46-09-04-100-009.000-027.**

Attorney Biege stated notice is adequate.

Kerrie Hale stated her address is 1515 Truman Rd., Buffalo, MO. It is a little small town an hour north of Branson, MO. Her nephew Collin is with her.

Collin Reilly stated his address is 1811 Woodmere Dr., Valparaiso, IN.

Kerri Hale stated Collin helps her run the business. He is her Operations Manager and has been for about the last four to five (4 – 5) years. She will try to be brief, but maybe hit on several points. Kaboom Fireworks has been in business for thirteen (13) years in the State of Indiana. They started their business in Hobart, Indiana with a small fireworks retail and wholesale distribution center. In 2015, they outgrew that property and it forced their wholesale distribution division of it to relocate to an area around Cline Avenue and 80/94. The retail is still there; it is a season location for them. In 2018, she purchased another fireworks business located at the corner of Route 30 and Route 2 in Valparaiso, Indiana. The retail division is still there. They roughly put about a hundred and twenty-five thousand dollars (\$125,000) into improvements in to that property above and beyond the purchase price. They moved into that in the fall of 2019. In 2022, with their projected growth doubling, they were rapidly outgrowing that property as well, which is a good problem to have. They have been in the market for a new location that fits somewhat of the criteria like the property that they are discussing today at 9565 W. Snyder Rd, LaPorte. It has eighteen (18) acres and a pole barn style building already existing and is allowing them for growth in the future as well. She purchased the property in March for four hundred and twenty-five thousand dollars (\$425,000) and she has already invested about fifty thousand dollars (\$50,000) into the property to upgrade the back area of it all leveling out the dirt and stuff like that. Hopefully, within about the next three (3) years, she is going to plan to invest about another three hundred thousand dollars (\$300,000) into the property to help grow; the land allows them to do that. The fireworks industry generates roughly twenty-million dollars (\$20,000,000) in tax revenue for the State of Indiana with LaPorte County collecting some of that from all the existing firework businesses that are here in the County. Kaboom Fireworks plays a large role in the success of several retailers including those in LaPorte County. They directly import consumer fireworks and distribute them throughout the State and to several retailers. Kaboom Fireworks strives to always keep up with any of the industry changes and safety guidelines set forth by the State Fire Marshall's Office. They do so by being a proud member of the Indiana Fireworks User Association which works directly with the Fire Marshall's Office to keep them up to industry basis and on a weekly basis keeping them up to date on everything. Kaboom has always been in compliance with the State Fire Marshall's Office and has historically a clean record without any violations upon inspections. Kaboom Fireworks asks the BZA to approve the Use Variance for the property at 9565 W. Snyder Rd., LaPorte to allow a successful growing business to operate that will also take pride in representing LaPorte County and continue to invest in the area. The proposed use is the same as it has been in the previous two (2) uses being distribution. Thank you.

Melissa Mullins Mischke asked if they are going to store fireworks in the buildings.

Kerrie Hale stated yes, in the building and in the storage containers.

Melissa Mullins Mischke asked what is the outside storage. Is that the storage containers?

Kerrie Hale stated that is additional storage. The State only allows her to store up to six thousand square feet (6,000<sup>2</sup>). The building itself is about nine thousand square feet (9,000<sup>2</sup>); it has a lean-to that they store some tent supplies in like fencing and tent poles. The actual front part is an office area that has a conference room, bathroom, and things of that nature so the actual storage of the facility for the fireworks is about fifty-two hundred square feet (5,200<sup>2</sup>).

Melissa Mullins Mischke stated okay. How quickly does she think they are going to expand? She is going to guess they are going to build a new structure.

Kerrie Hale stated she bought half the building already.

Melissa Mullins Mischke stated she knows it was used for trucking previously.

Kerrie Hale stated it was Mid-America Trailer.

Melissa Mullins Mischke stated correct her if she is wrong, but is that a dirt road.

Kerrie Hale stated yes, it is gravel.

Melissa Mullins Mischke stated as far as road repairs, are they going to have huge trucks coming in and out of there like semis?

Kerrie Hale stated yes, they do. They won't be on a regular daily basis. It is more seasonal based.

Melissa Mullins Mischke asked how often would she say. Let's say they are in fireworks season.

Kerrie Hale stated they are in firework season and they are probably getting three (3) semis a week.

Melissa Mullins Mischke stated three (3) a week. How many come out then? They ship out?

Kerrie Hale stated they do, but a large mass of their customers will pick up in a small trailer like a six by twelve (6' x 12') trailer or a sixteen-foot (16') Penske truck. Things like that.

Collin Reilly stated maybe like one (1) common carrier truck every two (2) weeks or so leaving.

Melissa Mullins Mischke asked if they have someone on staff all the time.

Collin Reilly stated they do.

Melissa Mullins Mischke stated okay. She is just saying for security purposes.



Kerrie Hale stated they do have a locked gate. They repaired it. The previous tenant didn't leave it in the best of shape so they repaired it and they put a chain across it and lock it up with a combination lock that she can provide to a Fire Department if she needed to and somebody needed to get back there.

Melissa Mullins Mischke stated if they approve this, she would recommend that they contact the 911 Center and provide that information to them.

Kerrie Hale stated sure.

**Remonstrators:**

Jim Vogel stated his address is 9451 W. Snyder Rd., LaPorte. His house is a hundred and forty feet (140') away from the building in question. His wife and he have lived there for almost six (6) years; this June will be six (6). They bought the house, remodeled it, and moved into it. When they moved there, they had two (2) children; now they have four (4). Seeing what has gone into this building is great. The building is awesome. The land behind it is great. There are always deer out there, turkeys out there, coyotes of course. It's a great place and great land, but there are thousands of pounds of fireworks inside that building a hundred and forty feet (140') away from where his children sleep. Less than a hundred and forty feet (140') from where his children play. He is pro-business, pro July 4<sup>th</sup>, and United States of America, but he is also pro safety for his children and his wife. On West Snyder Road, a dirt road, he loves it because in the winter snow it looks beautiful and in the fall with the leaves hanging over looks beautiful, but there are not fire hydrants on that road. The last time he was in the building with the previous tenants, there was not a fire suppression system inside the building. He worries for his children's safety and their safety. So, for that he is asking for the Board to vote no. Thank you.

Robert Tibbs stated his address is 9444 W. Snyder Rd., LaPorte, IN 46350. Like Jim said, he lives across the road from this place. He has four (4) kids. His kids are always out playing. They have animals and livestock. He worries about thousands of pounds of explosives going off when his kids are outside playing or in bed. It is the safety issue that he is worried about so he is asking them to vote no. Thank you.

Melissa Mullins Mischke stated thank you. Kerrie, can you come back up? Can she address the safety issues like their fire suppression or anything else to that effect.

Kerrie Hale stated sure. The State Fire Marshall's Office only requires anything above six thousand square feet (6,000<sup>2</sup>). There have been years and years of historical data that has been researched for what the State requires them to do. If it was a huge, huge safety concern of the State Fire Marshall's Office, they would make them put a suppression system in. The store she has in Hobart is actually a limited store right now; it is only a thousand pounds (1,000 lbs.) and it doesn't have to have a sprinkler system. When it is wholesale distribution and it is not open to the public they have different standards. She believes that anything that is a hundred feet (100') from a residential structure is what she is required from the State to have so the safety guidelines are governed by the State and she currently has a permit with them for the operation that she is doing.

Melissa Mullins Mischke stated okay, very good. Can they talk a little bit more about security measures that she has? Is there surveillance? What kind of stuff do they have other than the gate?

Kerrie Hale stated she does not have any security in place now, but she is happy to put something in if they need to like an ADT system with smoke alarms. Often, they will generate a signal to the ADT who can dispatch a Fire Department or something like that. She is happy to put that in. They do have fire extinguishers, powder, and water throughout the facility. On site, they probably have twenty-five to thirty (25 – 30) water extinguishers. Any safety measures that they would like her to take in addition to them she would be happy to do.

Melissa Mullins Mischke asked what the hours of operation there are. She knows they talked about time of the year, but is it a seven (7) day a week operation.

Kerrie Hale stated it's not. A lot of it is customer based by appointment. There are some customers that might have to come and pick an order up at ten at night (10 p.m.) on June 29<sup>th</sup> to restock their store. The business hours have to be pretty flexible so being back off of Snyder Road kind of put them tucked back there and doesn't disrupt the everyday business of people or closer to a residential area or anything like that.

Collin Reilly stated the rest of the year is more just property maintenance with little stuff here and there and not really like a nine to five (9 a.m. – 5 p.m.) thing so they understand that. As far as the container storage goes, those are what the State requires them to store them in if they are outside so that is permitted for it.

Kerrie Hale stated Collin is local; he lives in Valparaiso so he is like fifteen (15) minutes from the shop as a local contact if he needs to be.

Deb Vance stated she has a question. When they were talking about having people come in to restock their stores; they don't do things like where they see them selling outside Meijer where people come to get a bunch and they bring it back to her when they don't sell it.

Kerrie Hales asked her to please say that one (1) more time.

Deb Vance stated during the fireworks season, they will see stands outside of Meijer, are they that type where anybody can come in and then they bring it back when they don't sell it.

Kerrie Hale stated no. If they buy it, they buy it. They don't bring it back. Like Kaplans, Krazy Kaplans is one (1) of their customers. Shelton is as well. It's stores, retail stores.

Vern Schafer asked if there is currently a residence on the property.

Kerrie Hale stated no sir.

Vern Schafer stated he does worry somewhat about security. That is his holding point here. He knows they are in an area that is zoned Ag, but there are also neighbors. He does worry about security in this situation like this.

John Carr asked how many feet is the building off the property line going to be?

Kerrie Hale stated she would say the lean-to is about eighty feet (80') from the property line, but structure to structure of a residential structure is a hundred and forty feet (140') according to the gentleman. They don't have technically a residential area, but there are some locations where she spends the night as she lives in Missouri so if she comes up for a meeting like this, she has spent the last couple nights at the location so somebody is on-site on a very regular basis. Now, there are several that are there on a regular basis.

Ernie Schmidt stated they have fourteen (14) storage containers out there.

Kerrie Hale stated correct.

Ernie Schmidt stated none of them are on footings or foundations. None of them are anchored down properly. What are the plans for the storage containers if they decide to keep them.

Kerrie Hale stated she plans to store in them.

Ernie Schmidt stated they will have to be moved and foundations put under them and anchored down in order to use them. That is one (1) of the County requirements and there are fourteen (14) of them out there. That will be kind of expensive and an expenditure coming up before they can be using them. Just so she knows, if it gets passed.

Kerrie Hale stated the State requires her to be ten feet (10') from the buildings and they are actually twenty-five feet (25') from the building. They make them have a certain separation so that it only allows if there is a safety issue or something that only allows a certain area.

Ernie Schmidt stated the County does not allow them to just put wood underneath them and use them. They have to have concrete footers, foundations, and they have to be anchored down into it.

Kerrie Hale stated she is taking notes on this. Is that for a consumer container?

Melissa Mullins Mischke stated that is for everyone.

Kerrie Hale stated any container no matter what you store in it?

Ernie Schmidt stated yes. If she brings in two (2) more, they are going to have to be done the same way. That is County standard.

Kerrie Hale stated any container.

Ernie Schmidt stated yes. Even though she inherited them, if they didn't buy them and they came with the property, they weren't installed properly so if she wants to use them, they have to be installed properly.

Kerrie Hale stated okay.

Melissa Mullins Mischke stated if they approve the Petition, she can work with the Building Department. They can give her requirements.

Vern Schafer made a motion to deny the Petition for Variance of Use for Kerrie Hale to operate a fireworks wholesale distribution business and with outdoor storage. This property is located at 9565 W. Snyder Rd., LaPorte, IN., New Durham Twp., zoned A on 18.96 acres.

Deb Vance seconded.

Approved. Motion carries 3-2.

Melissa Mullins Mischke stated good luck. If they are going to keep the storage containers out there and use them in any fashion, they probably need to work with the Building Department to make sure they are secured. So, to operate the business is denied, but she does not know what her plans are with those containers so she will want to work with the Building Department.

Kerrie Hale asked what the appeal process is.

Melissa Mullins Mischke stated if they get in touch with the Building Department, they will give them all the details they need. Thank you.

**9. Petition for Variance of Developmental Standards for Steven (deceased) & Patricia Evans** for construction of a second home to care for the elderly parent (1,461<sup>2</sup> living space). This property is located at 12205 S. 700 W., Wanatah, IN., Cass Twp., zoned A. Parcel 46-17-01-100-011.000-001.

Attorney Biege stated notice is adequate.

Patricia Evans stated her address is 12205 S. 700 W., Wanatah, IN.

Melissa Mullins Mischke stated she wants to create a second home fourteen hundred square feet (1,400<sup>2</sup>) for an elderly parent.

Patricia Evans stated it is for herself.

Melissa Mullins Mischke stated okay. Go ahead and explain her plans.

Patricia Evans stated her plan is to build a second home all on one (1) level because now the home she is living in has stairs, first of all, to get into the house. It is thirteen (13) steps up to go to the basement which is where her laundry is. It is also thirteen (13) steps down and up and as

she was thinking the other day, just doing laundry she takes it down to put it in and wash it and has to go up and down. When she comes back to put it in the dryer and it is up and down again. When she takes it out to the dryer, fold it up and put it away, and that is three (3) times up and down the stairs. She has hip problems and going up and down stairs is not good for her anymore so what she is planning on doing is her daughter is going to purchase her current home and she will build another one (1) out there all on one (1) level so she can live happily.

Ernie Schmidt stated no stairs, just one (1) level.

Patricia Evans stated maybe one (1) or two (2) from the garage into the house, but that's it.

Ernie Schmidt stated they can do the garage floor right even with the house floor.

Patricia Evans stated then that is a possibility.

Ernie Schmidt stated then she won't fall.

Patricia Evans stated sounds good.

Ernie Schmidt stated just tell her builder ahead of time.

Patricia Evans stated okay.

No remonstrators present.

Vern Schafer stated for a point of clarification right now, she owns the property right now.

Patricia Evans stated yes.

Vern Schafer stated she is going to move into this new house and her daughter is going to live in the house that is currently there.

Patricia Evans stated yes.

Vern Schafer asked if she is deeding the property to her or what is the deal.

Patricia Evans stated she will because in order to build this house, she will have to have her daughter purchase the one (1) she is living in now.

Vern Schafer stated okay. Good luck collecting. He understands the situation now.

Ernie Schmidt stated when she builds her house, they will have to have some sort of sign put out for EMS that designates which structure she is in and if they are coming for her daughter then to note waste time coming to your house or vice versa.

Melissa Mullins Mischke stated to make sure she gets with the Fire Department and 911 and make sure it is clearly marked which address is which.

Vern Schafer stated once again, when they put two (2) residences on a same property, be aware that he will not approve these things if they will be a rental for the future. That doesn't work.

Patricia Evans stated no. It would be deeded as another house and bought that way. No, never as far as a rental.

Vern Schafer stated okay,

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Steven (deceased) & Patricia Evans for construction of a second home to care for the elderly parent (1,461<sup>2</sup>' living space). This property is located at 12205 S. 700 W., Wanatah, IN., Cass Twp., zoned A.

Vern Schafer amended the motion to add that there will be no rental of the property in the future.

Ernie Schmidt amended his motion to approve the Petition for Variance of Developmental Standards for Steven (deceased) & Patricia Evans for construction of a second home to care for the elderly parent (1,461<sup>2</sup>' living space). Not to be used as a rental. This property is located at 12205 S. 700 W., Wanatah, IN., Cass Twp., zoned A.

Deb Vance seconded.

Approved. Motion carries 4-1.

**10. Petition for Variance of Developmental Standards for Kathryn Knowlton & Bryce Banic & Ty Fulford** for construction of a second home with 920<sup>2</sup>' living space for the elderly mother. This property is located at 10552 W. 300 S., Westville, IN., New Durham Twp., zoned A on 1.137 acres. Parcel 46-09-17-300-007.000-027.

Attorney Biege stated notice is adequate.

Kathryn Knowlton stated her address is 10552 W. 300 S., Westville, IN.

L.A. Anderson stated her address is 333 Lakeshore Dr., Unit B8, Michigan City, IN. She is the elderly mother.

Mary Evett stated she lives at 221 Thurman Ave., Michigan City, IN. She is employed by Soil Solutions and they design septic systems so if they have any questions about the planned septic for this property she can answer them.

Melissa Mullins Mischke asked if she is really going to try to put her in nine hundred and twenty square feet (920<sup>2</sup>') of living space. Is that all she wants?

L.A. Anderson stated that is all that she will probably be able to afford because what they are doing is building a barn and she is going to live in the front. Currently, where she lives, the HOA fees just jostled her with twenty-six thousand five hundred dollars (\$26,500) for repurposing the outside of the home so she has to move. Kate told her to come on over, Mom.

Kathryn Knowlton stated honestly though, and that's funny, but she has had quite a few health issues and they are anticipating the future. They have taken care of her grandparents in that home so no, Vern, sir, they will not be renting anything out. The whole point of them keeping the property was for them to keep it in the family. That's why they can see her son's names are also on the deed to the home so they do plan on keeping it in the family.

No remonstrators present.

Vern Schafer stated she is adding a second drive.

L.A. Anderson stated yes.

Deb Vance stated they are constructing a garage and then she will live in the pole barn and live in the front so how big is that going to be. The whole thing.

L.A. Anderson stated thirty-eight by forty (38' x 40').

Deb Vance stated thank you.

Ernie Schmidt asked if the garage and house all on one (1) elevation.

Kathryn Knowlton stated yes, sir. Absolutely.

Ernie Schmidt stated so the elderly lady isn't going up and down stairs.

Kathryn Knowlton stated they do not like stairs.

Ernie Schmidt stated they can do the same thing on the sidewalks and the entryway into the house on the exterior. They strongly recommend that everything used thirty-six-inch (36") doors or wider.

Kathryn Knowlton stated okay.

Ernie Schmidt stated once again, she will need her own sign out by the road so EMS doesn't bother her at her house.

Kathryn Knowlton stated yes, thanks for reminding them of that.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Kathryn Knowlton & Bryce Banic & Ty Fulford for construction of a second home with

920' living space for the elderly mother. This property is located at 10552 W. 300 S., Westville, IN., New Durham Twp., zoned A on 1.137 acres.

Ernie Schmidt seconded.

Approved. Motion carries 5-0.

Vern Schafer stated thank you for bringing Mom along so they can actually see her.

Ernie Schafer stated yes, it's so nice to see Mom.

**11. Petition for Variance of Developmental Standards for Harold D & Julia L Rogers** for construction of a second home with at least 800' for the elderly parents. This property is located at 5724 W. Schultz Rd., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-18-176-011.000-042.

Attorney Biege stated notice is adequate.

Harold and Julia Rogers stated their address is 5724 W. Schultz Rd., LaPorte, IN.

Melissa Mullins Mischke asked whose parent is going in this.

Julia Rogers stated actually, its for them and their children are buying their home.

Melissa Mullins Mischke stated outstanding. She takes back everything she said. Wow, she doesn't even know where to go with that. Go ahead Ernie.

Ernie Schmidt stated they are going to do a one (1) story.

Harold Rogers stated yes.

Ernie Schmidt stated all on one (1) level.

Harold Rogers stated one (1) level.

Ernie Schmidt stated no steps.

Harold Rogers stated none.

Ernie Schmidt stated sidewalks even going right in.

Harold Rogers stated yes.

Julia Rogers stated part of the problem with the house right now is that the only full bath is one the second floor and the only way to get there is a spiral staircase.



*Board stated "ohhh" in unison.*

Julia Rogers stated he was just diagnosed with Frontal-Temporal Lobe Dementia so they want to stay close to home and the kids are going to purchase their house so that he will recognize the space.

Ernie Schmidt stated don't forget the thirty-six-inch (36") doors.

**Remonstrators:**

Zachery Robbins stated his address is 818 E St., LaPorte, IN.

Melissa Mullins Mischke stated he is in favor of this Petition.

Zachery Robbins stated yes. He is in favor.

Vern Schafer stated he is getting a good deal on the house, right. Is that the deal? Yea. Who mows the lawn.

*Harold Rogers indicated he mows the lawn.*

Vern Schafer stated oh man, a caretaker. Great.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Harold D & Julia L Rogers for construction of a second home with at least 800<sup>2</sup>' for the elderly parents. Not to be used as a rental. This property is located at 5724 W. Schultz Rd., LaPorte, IN., Center Twp., zoned R1B.

Ernie Schmidt seconded.

Harold Rogers stated the Petition says for at least eight hundred square feet (800<sup>2</sup>'). They are talking to contractors now, so would it be a problem if it was like a thousand (1,000<sup>2</sup>') or a thousand eighty (1,080<sup>2</sup>').

Melissa Mullins Mischke stated yes.

Vern Schafer stated he needs to ask for what he is looking for, right?

Attorney Biege stated yes, but if he goes to a thousand (1,000<sup>2</sup>') then they are going to be in compliance with the statute codes. So, their variance is for a smaller house than what the code allows for so if he goes bigger, then he is fine.

Harold Roger stated okay. That is what he wanted to know.

Melissa Mullins Mischke stated if they grant this, he will be covered smaller and larger he will be covered by the Ordinance.

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

**12. Petition for Variance of Developmental Standards for Arbor Pointe Leasing LLC** for construction of a second accessory in-ground pool. This property is located at 348 Grayson Rd., LaPorte, IN., Center Twp., zoned R1B. Parcels 46-06-27-330-009.000-042 & 46-06-27-330-008.000-042.

Attorney Biege stated notice is adequate.

Zach Krachinski stated his address is 5027 W. Meritage Ct., LaPorte, IN.

Melissa Mullins Mischke asked him to explain what he is trying to do.

Zach Krachinski stated the variance actually says that it is an in-ground pool; it is actually considered a semi in-ground pool. The backyard slopes off and he wants to put a pool in that would have the deck come off the house and around the pool out there.

Melissa Mullins Mischke asked if part of it is in-ground.

Zach Krachinski stated part of it is so it's like the higher side closer to the house is mostly buried in. As it slopes down towards the other side it is mostly not. They won't be able to tell the difference once it's done because it will just have deck around it.

Melissa Mullins Mischke stated okay.

Zach Krachinski stated he had Keil and Associates come out and survey the land so he is not encroaching on any of the setbacks. It's a little hard to see, but they can see in the light-yellow or orange on the drawing is where the existing structure is and the proposed deck and pool locations is in black.

No remonstrators present.

Zach Krachinski stated they can probably also see that his neighbors signed off; they were happy that he cleared trees so far and started to do dirt work. They want to bring beer over and enjoy the pool too.

Vern Schafer stated he is going to let them use the pool, is that the deal?

Zach Krachinski stated he originally bought the property with the intention of leasing it. He has a long-term rental business and he has kind of fallen in love with being out there and really planning on using it for him now. So, yes, they are bringing the beer.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Arbor Pointe Leasing LLC for construction of a second accessory in-ground pool. This property is located at 348 Grayson Rd., LaPorte, IN., Center Twp., zoned R1B.

Deb Vance seconded.

All Approved. Motion carries 5-0.

**13. Petition for Variance of Use for Andrew Norris** for operations of a landscape business and construction of a pole barn with a bathroom before the home for business use. This property is located at 10278 S. Range Rd., Union Mills, IN., Union Twp., zoned A on 2.5 acres. Parcel 46-14-25-200-006.000-064.

Attorney Biege stated notice is adequate.

Andrew Norris stated his address is 16802 S. US Hwy 421, Wanatah, IN.

Melissa Mullins Mischke stated he wants to open up shop in Union Mills.

Andrew Norris stated he does.

Melissa Mullins Mischke asked him to give them an idea of what his plan is.

Andrew Norris stated currently, he does have an LLC. This is something he kind of does on the side as far as landscaping goes. He wants to be able to store his trucks, trailers, and personal stuff like that and maintain equipment there and while there be able to use the bathroom.

No remonstrators present.

Vern Schafer stated he is planning to build a home there in the future.

Andrew Norris stated correct.

Vern Schafer asked if he has a timeline.

Andrew Norris stated probably in the next couple years if he had to guess.

Ernie Schmidt asked if this building will be behind the house.

Andrew Norris stated originally, he had something drawn up where it is all going to attach. It is going to "T" to it so it will be all attached.

Vern Schafer asked if he thinks his business will expand to the point where he will have customers or anything like that on-site.

Andrew Norris stated no, sir.

Vern Schafer stated what he is saying is that if they grant his Petition, the guidelines that they put into the Petition will be the ones that he will live with. So, if he wants to expand on that then now is the time.

Andrew Norris stated no, this is just something they do on the side. He doesn't see it going any further than that.

Deb Vance asked if he does this all by himself. He is the only person?

Andrew Norris stated correct.

Deb Vance stated oh my goodness. That's a lot of work. Does he foresee having anybody working with him? She doesn't think that would really matter in this situation.

Andrew Norris stated he does not. He works at REMC for his regular job. This is just something he does after work or on the weekends to make a little extra money. Pure Boredom he guesses.

Deb Vance stated she doesn't think she wants to do landscaping because she is bored.

Melissa Mullins Mischke asked if they need to do hours of operation.

Deb Vance stated no because he is just storing it there.

Ernie Schmidt made a motion to approve the Petition for Variance of Use for Andrew Norris for operations of a landscape business and construction of a pole barn with a bathroom before the home for business use. This property is located at 10278 S. Range Rd., Union Mills, IN., Union Twp., zoned A on 2.5 acres.

Deb Vance seconded.

All Approved. Motion carries 5-0.

Andrew Norris asked who he should contact.

Melissa Mullins Mischke stated to get in touch with the Building Department. Thank you and thank you for your patience, everyone.

**14. Petition for Variance of Developmental Standards for Thomas & Laura Carter** for construction of a third accessory structure shed/pergola. This property is located at 7244 W. 275 N., LaPorte, IN., Coolspring Twp., zoned R1A on 3.5 acres. Parcel 46-05-23-200-103.000-046.

Attorney Biege stated notice is adequate.

Laura Carter stated her address is 7244 W. 275 N., LaPorte, IN.

Melissa Mullins Mischke asked what she can tell her about the pergola/shed.

Laura Carter stated it is fourteen by twenty-two (14' x 22'). Eight-foot (8') of it is the shed and fourteen (14') is the pergola. They want to use it for their smoker and Blackstone griddle so they can put it away when they are not using it and use it to grill on. Not a charcoal grill just the griddle and the smoker. It will be right off their patio too.

No remonstrators present.

John Carr asked if they thought they'd have to wait three (3) hours to get a pergola approved.

Laura Carter stated no. It's been a long night.

Vern Schafer stated should they deny it just because.

Ernie Schmidt asked if they would like to come back.

Laura Carter stated that would be mean.

Melissa Mullins Mischke stated that would be terrible.

John Carr made a motion to approve the Petition for Variance of Developmental Standards for Thomas & Laura Carter for construction of a third accessory structure shed/pergola. This property is located at 7244 W. 275 N., LaPorte, IN., Coolspring Twp., zoned R1A on 3.5 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated congratulations. Good luck.

Vern Schafer stated he hopes it was worth the wait.

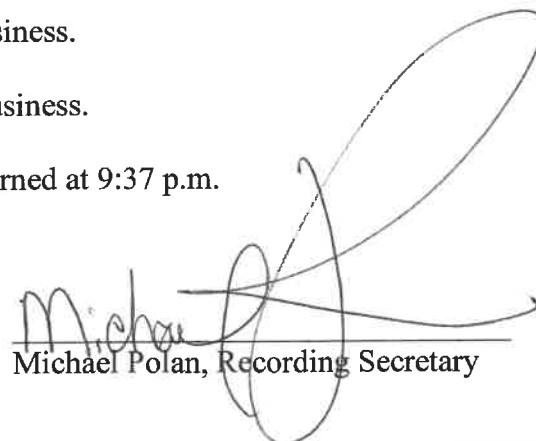
Laura Carter stated it is.

Melissa Mullins Mischke asked for any old business.

Melissa Mullins Mischke asked for any new business.

There being no further business, meeting adjourned at 9:37 p.m.

  
Melissa Mullins Mischke, President

  
Michael Polan, Recording Secretary