



**LAPORTE COUNTY  
BOARD OF ZONING APPEALS**

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**Michael Polan**  
Building Commissioner

June 16, 2026

Dear Members:

The regular meeting of LaPorte County Board of Zoning was held Tuesday, **June 16<sup>th</sup>, 2026 at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Melissa Mischke      Anthony Oss  
                                 Ernie Schmidt      Eric Pointon  
                                 Jeff Baltes      Jim Lefeber

PRESENT:      Michael Polan, Recording Secretary, Attorney Andrew Voeltz,  
                         Janet Cole, Administrative Specialist.

The Pledge of Allegiance.

Melissa Mischke: I will entertain a motion for the meeting minutes.

Eric Pointon: I make a motion to approve the minutes as presented.

Jeff Baltes: Second.

Melissa Mischke: I have a motion and a second to approve the meeting minutes as presented. All those in favor say aye. Those opposed, same sign.

Approved 5 – 0.

Melissa Mischke: Okay, so we're going to get started with the petitions this evening, but I would like to make sure if you are here for Petition #7, which is a Petition for Special Exception for Ruth Hugley and Iron Mountain Towers, LLC, for a new wireless communications facility. The petitioner had asked for a continuance as a matter of their right, and we are going to grant that continuance until next month. So we will not be hearing that petition this evening.

Generally, this is not a question-and-answer session, but the petitioner asked to be tabled and we're going to grant that and it will be on the 3rd Tuesday of July. Let me look at what that date is; it is the 21<sup>st</sup> of July, at 6 o'clock, here in this room. I apologize for everybody who came out, and if there was any miscommunication regarding that. I'll give you just a few minutes to exit if that was the petition, you were interested in. We will see you in July.

If you're here for petition number three, which is a Variance of Developmental Standards for Gregory Amor, to keep 3 shipping containers for storage, he has also asked to be postponed until the July meeting. So if you're here for that one as well, I apologize again, and we'll see you in July.

So with that, we will start with petition number one.

1. **Petition for Special Exception for Yellowstone Solar Project, LLC, represented by counsel, Christopher Willoughby**, for construction and operation of a commercial, large-scale, ground-mounted solar energy system. The property is located on or near the West side of South State Road 104 ( with portions of three (3) parcels situated along the East side of South State Road 104, North and South of E 750 S and along the railway to the East) and between South State Road 104 to the East, E Kankakee Road to the South, and S 775 E to the East, with two (2) additional parcels situated on the South side of E Kankakee Road approximately halfway between S 775 E to the West and South State Road 104 to the East in Johnson Township, LaPorte County, Indiana. Zoned Agriculture and approximately 626.85 acres. Parcel 46-16-08-400-006.000-051, Parcel 46-16-09-300-001.000-051, Parcel 46-16-09-300-002.000-051, Parcel 46-16-16-100-001.000-051, Parcel 46-16-16-100-002.000-051, Parcel 46-16-04-300-004.000-051, Parcel 46-16-09-100-002.000-051, Parcel 46-16-09-200-001.000-051, Parcel 46-16-09-300-003.000-051, and Parcel 46-16-09-400-002.000-051

Melissa Mischke: I will need a motion to remove it from the table.

Tony Oss: Okay. I'll move to remove from the table.

Melissa Mischke: I have a motion. Do I have a second?

Ernie Schmidt: Second.

Melissa Mischke: OK, so you're off the table.

Attorney Voeltz: Madam President, notice is adequate.

Melissa Mischke: Thank you. Mr. Willoughby, you can give us a short presentation.

Attorney Willoughby: We will try.

Melissa Mischke: Did you just provide us with this? Is this the first time we are seeing this giant binder of information?

Attorney Willoughby: Yes, and that giant binder is what you received in our packet before. It's just more user-friendly for reference purposes tonight. And there are a couple of supplemental materials in the PowerPoint. So you'll be pointed to the things that are in there. We just wanted to give you a copy for this evening.

Melissa Mischke: Okay, thank you.

Attorney Willoughby: Next, as indicated, I'm Christopher Willoughby, partner at Braje, Nelson and Janes, located at 126 East 5th Street in Michigan City. And I'm here tonight on behalf of my client, the applicant, petitioner, Yellowstone Solar Project LLC. As a matter, as uncomfortable as it is, I have to procedurally make a record as everybody I think can appreciate. For the record, we must object to the participation of Mr. Baltes, who I have the utmost respect for. We believe that based on bias and other items that under the law, both state and county, disqualify him for participation on this matter. I do have the utmost respect for him. However, we're required to make the record. If we don't raise such issues, we waive such issues. I understand that's legalese to some. I will leave it there for any response.

Jeff Baltes: With that being said, I will recuse myself from this petition, and Mr. Lefebvre will take my place.

Melissa Mischke: Very good. Does that satisfy you?

Attorney Willoughby: That satisfies me with regard to Mr. Baltes, and I respect that decision. I know that's not an easy one, and I've witnessed him while serving this county. However, with the appointment of Mr. Lefebvre, I also have to raise an objection.

Honestly, I feel like he has a more direct conflict and bias. After the last meeting, I had an occasion to meet Mr. Lefebvre, quickly gained respect for him, had a nice conversation, but became aware of a direct statement that he was here to remonstrate against this project. He genuinely isn't in favor of data, industrial, or solar on farms. So, with that said, we believe that is a direct conflict. I also have to raise this issue for consideration and respectfully request that he recuse himself.

Attorney Voeltz: Madam President, point of order. The issue of potential bias has been raised pursuant to Section 909 of the Indiana Code. However, now Mr. Lefebber, as the alternate member, does have the opportunity to either describe or otherwise protect his interest with regards to this alleged bias or he may choose to step down as well.

Jim Lefebber: As in, I can have a conversation with them, like this?

Attorney Voeltz: This conversation, Mr. Lefebber, would be on the record for you to explain or to refute the position that is taken by the petitioner that you have a bias against this petition. The alternative is you may recuse yourself as well. But by recusing himself, Madam President, the board will be consisted of four members.

Jim Lefebber: We had a conversation out in the hallway. I was coming here to remonstrate against it, but I wanted to be convinced at the same time. Yes, I'm going to remove myself.

Melissa Mischke: Order. If you cannot hold your tone back there, I'm going to ask you to leave the meeting altogether. Do you understand? Everybody, if you are going to scream out, that is not how this is going to work tonight. I will ask you to be removed.

Attorney Voeltz: Mr. Willoughby . . .

Attorney Willoughby: My only response is I respect Mr. Lefebber's comments. I respect his position either way. Again, I am simply making this point as I'm required to do and if not, we waive the issue. You're certainly free to make whatever decision, and I respect it either way. Thank you.

Attorney Voeltz: Mr. Lefebber, did you make your decision that you are going to recuse yourself, or do you wish to continue in your role as the alternate member as appointed by the LaPorte County Board of Commissioners?

Jim Lefebber: I don't think our conversation in the hallway was any more damning than me just sitting here. I don't think there was anything said, unless you recorded something, I don't know what was actually said to make you want me to be removed from this spot.

Attorney Voeltz: And again, Mr. Lefebber, the petitioner . . .

Jim Lefebber: I'm not going to remove myself.

Attorney Voeltz: The petitioner is making this known as a matter of record. If you choose not to recuse yourself, that is your decision. The petitioner may proceed. However, the petitioner determines what is appropriate.

Jim Lefebber: Sounds fair.

Melissa Mischke: So if you'd like to continue.

Attorney Willoughby: Thank you. One other thing is a matter of house cleaning as to how you intend to run the meeting. I know what's customary and you have a couple of contentious, potentially contentious matters this evening, but I want to make sure that we're reserving some time at the end for rebuttal questions and to provide a summary. Perhaps a break after our initial presentation, if deemed necessary, depending on the number of our remonstrators.

Melissa Mischke: We'll see how it goes. Let's play it by ear.

Attorney Willoughby: Thanks. So, as mentioned in the president's introduction to our petition tonight, we're here tonight to request approval of a special exception for a commercial large-scale ground mounted solar energy system in Johnson Township on agricultural land identified in the petition and our required notices. As you are aware, this request is governed by the LaPorte County Joint Zoning Ordinance, or JZO, including the special exception decision criteria in Article 24 in the solar ordinance use regulations in Article 14, more specifically Section 14.15. As this board knows, a special exception is not a variance from the ordinance. It is a permitted use allowed under the JZO once we demonstrate that we've complied with the required criteria. In other words, we demonstrate to you that we check the boxes, and our use is permitted. We're entitled to have that special exception approved. We intend to do exactly that tonight in terms of demonstrating our compliance. Our presentation is organized around the criteria you must consider in making your findings and decision, which to paraphrase include public health and safety, neighboring use and enjoyment, hazards, public facilities, compatibility with the zoning district in which the proposed solar farm is located, the land development plan, and compliance with the requirements of what has become known as the solar ordinance. My client's petition is properly before the board and was submitted over two months ago to the planning office, making the petition and supporting materials available to the public by request in excess of 60 days.

The petition and related submissions include owner authorizations and consents, documented confirmation of proper publication and service of required notices, as well as supporting plans, studies, and exhibits required by the solar ordinance, including our site plan, glare and sound studies, drainage materials, decommissioning materials, road use materials, environmental analysis, property

value analysis, economic impact analysis, and related supporting documents. With all of this in mind, it is my pleasure to introduce Parker Sloan, who I promise will be much more interesting and informative than I. Thank you.

Parker Sloan: Good evening. Just wanted to...

Melissa Mischke: Can you state your name and address for the record, please?

Parker Sloan: Yes, my name is Parker Sloan with Hoosier Solar, and I live in Asheville, North Carolina. I just wanted to reiterate what Chris mentioned earlier. In this envelope is a copy of the PowerPoint, which I will go through as I speak. Just want you to know that, so you can go through it, flip through it with me if you'd like. And like we said, the green binder is all of the materials that were submitted with our application, plus two additional items, which I will mention.

Melissa Mischke: Okay, and I just have to ask one more time. This is what I got in the initial packet, and you're telling me this and this big green binder are the same thing?

Parker Sloan: Yes, ma'am.

Melissa Mischke: OK.

Parker Sloan: Yes, ma'am.

Melissa Mischke: I need, I need you on a microphone, please.

Parker Sloan: Not sure what you have in front of you, but our packet is what Mr. Voeltz has at the end of the table. So my apologies if you don't, but that is intended to give you a more user-friendly version of that.

Melissa Mischke: OK, this may be a different petition, but thank you.

Parker Sloan: Like I said, my name is Parker Sloan. I'm Director of Government Affairs for Hoosier Solar, and I reside in North Carolina. I spent the last 10 years of my career presenting on projects like this to boards like yours in local communities across the country, and I'm very happy to be here with you tonight. We're here tonight requesting approval of a special exception for Hoosier Solar's Yellowstone Solar Project, which constitutes 300 acres of panels on 600 acres of agricultural parcels in southeast rural Johnson Township, bordering St. Joe County. That compact footprint matters. It means the project uses only a small share of the land, and it makes Yellowstone the smallest utility scale commercial solar project within at least a 50-mile radius. This request comes with the consent of both project landowners, as

documented in the enclosed letters of consent and recorded leases. We did not select this site casually. It was selected because it can support power generation while still allowing the project to avoid major natural features, preserve significant open space, and fit within a rural setting more carefully than many other larger scale projects could.

I'd like to quickly orient you to where we are in the region. As you can see in this vicinity map, we are in the far southeast corner of the county, east of Kingsbury, and two miles northwest of the town of Walkerton, on the county line, wholly within LaPorte County's Johnson Township. Yellowstone Solar is a 100 MW solar farm, which just means it is capable of powering over 13,000 homes in the region. The project will connect to the electric grid by the transmission line that runs diagonally across Kankakee Road, shown there in peach. And on this map, you can see the parcels we are permitted on surrounded in blue, and the smaller area we are actually putting the solar panels on is shown in green.

Melissa Mischke: And can you tell me who is the owner of that transmission line?

Parker Sloan: That is a NIPSCO owned.

To help me address specific questions here tonight, I'd like to recognize our team members joining us from around the country. Our attorneys, Chris Willoughby from Braje, Nelson and Janes in Michigan City, and Andi Metzel, who chairs Taft Law's commercial litigation practice in Indianapolis. Tony Hendricks is our local senior advisor who's helping guide us locally as well as ensuring our project actually improves drainage. Rich Kirkland, founder of Kirkland Appraisals, is a nationally experienced property valuation expert who has reviewed the project's impact on neighboring property values and provided you with the report before you. Thomas McNailen is the experienced developer leading this project. We have Dan Bajerski, our director of land acquisition, who built many of the relationships that exist in this room, Jonathan Pike, our Vice President of Development, and Eric Fiacable with Kimley Horn, who's our civil engineer responsible for civil site design.

As the board is well aware, certain criteria must be evaluated and findings made to approve this request. Our goal tonight is simple. We want to show clearly and respectfully that Yellowstone Solar satisfies and exceeds the requirements, will not injure neighboring properties, and represents a measured, non-permanent, and responsible use of this land. This project is more compact than any you may have seen in this region. By way of comparison, our Yellowstone Solar project is 7 times smaller than Bluestem, and it is designed intentionally to be out of the way and isolated from its neighbors while exceeding county standards. There is no battery storage component to our project and there never will be. Battery storage is not part of what we are asking you to approve tonight.

Hoosier Solar was founded over seven years ago to develop a series of solar farms in Indiana. We were approached by the Energy Systems Network, a project of the Central Indiana Corporate Partnership, to invest in new energy generation to meet the growing demands of energy consumption. As an organization, we strive to be a different kind of solar developer. That means involving neighbors in the process, exceeding state and local standards, preserving the landscape, and working closely with local leadership to ensure our tax contributions meet real community needs. Just as importantly, this land is owned by families who want to keep it in their hands for generations.

I'm going to ask the landowners and representatives, that we have here tonight to stand as I talk through this section. This matters to us. We're not asking the board to approve a strip mall that might go vacant or subdivision that permanently fragments this farmland. We are asking for temporary contract-based land use that can be removed and returned to agriculture when it's no longer generating electricity. Joining us tonight are representatives of Home Place Farms, one of the two project landowners. The Place family's roots in this region stretch back to the mid-1800s. Over generations, they acquired thousands of acres of poorly drained land and marshes, developed Plank Road, which eventually became State Road 104, and worked persistently with the state government to improve drainage along the Kankakee River, transforming the entire region into productive farmland. The Kankakee River even came to be known informally as the Place Ditch. The original Place Homestead stood at the intersection of State Road 104 and Kankakee Road along the eastern edge of our project footprint. Jason Godwise and Eric Matovich share those same Place family roots. Jason is part owner of the Home Place Farm, and their land within the family is known as the Elbert Place Farm. Jason and Eric are cousins. Each of their mothers grew up on that farm. They are deeply committed to keeping the land in the family, and we have honored that commitment by excluding certain portions of the property from the construction footprint. Both Jason and Eric carry warm memories of the time spent on this land in their youth, hunting, fishing, and swimming in the areas we will preserve.

Also joining us tonight in support of the project is Joe Halderman from Halderman Real Estate and Farm Management, a family-owned farm management agricultural property services and real estate organization founded in 1930 and based in Wabash, Indiana. The 2 farms that make up our project are among the 5,000 acres they manage in La Porte County along with 1,500 acres in neighboring St. Joe County, within a larger footprint that extends to more than 600 farms throughout the Midwest.

I'm going to speak for a moment about the county land development plan. This plan repeatedly emphasizes preservation of large agricultural holdings. The reality facing

many multi-generational farming families today is that preserving ownership often requires finding additional revenue streams. In this case, landowners are not selling the property for subdivision or other non-compatible development. They are not fragmenting their land into residential lots or other permissible non-farming uses. They're not covering it in commercial development. They are retaining ownership and keeping their respective properties together as one farming-related operation under family control. In practical terms, this project may do more to preserve long-term family ownership than many traditional, permissible, alternatives.

So why are we here in La Porte County? Four years ago, we submitted our request. That's 4 years ago. Four years ago, we submitted our request to plug into the grid with the regulators responsible for forecasting potential energy shortfalls in Northwest Indiana. These regulators are called MISO, which stands for Mid-Continent Independent System Operator, which covers the Midwest from Canada down to the Gulf Coast. At that time, they forecast electrical capacity shortfalls, here due to anticipated electricity needs and retirement of aging electrical infrastructure. Since then, the Yellowstone Solar Project and all projects waiting in line to plug into the electric grid have suffered significant regulatory delays, but the underlying need for additional power generation has only increased. As you can see on this graph, produced by MISO, the red boxes depict a regional need for increased electrical capacity in the area that is unmet by current power generation. Yellowstone Solar will be one piece to meet some of this unmet need. With this gap in unmet energy, there is an opportunity for solar projects, like the Yellowstone Solar Project, to supplement all electricity types to bring electricity prices down for Hoosiers. This, in addition to needed transmission infrastructure, durable electricity demand, access to skilled union labor, for construction and many other factors led us to LaPorte County.

Again, Yellowstone Solar will comply.

Melissa Mischke: Let me interrupt you just for a moment. I'm wondering, can we turn this so that the crowd can see it a little bit better since we have printouts of the slides? Can we do that? If you give us a moment, I think it's important that the crowd get to see. I realize not everybody's necessarily going to see all of it, but they have paper copies. Yeah, we have the slides. Thank you very much. Thank you. Is that better for everybody in the crowd? All right, very good.

Parker Sloan: Yellowstone Solar will comply with and exceed all the standards in the La Porte County Solar Ordinance, as well as all of the applicable special exception requirements and that of the zoning district. Shown here on the screen are each of the documents, plans, and studies that we have provided with our application over four months ago. Several of these reports are in excess of what the county requires. In order to demonstrate that, we have been thoughtful and intentional about this project to satisfy the intent of each finding in fact, as well as applicable ordinances.

The full list is on the screen, so I'll not read every item to everybody. You have each of these plans and studies in the binder in front of you. The important point here is that the board has a complete record addressing site design, drainage, roads, decommissioning, emergency response, environmental review, glare, sound, landscaping, property values, interconnection, notice requirements, and insurance. This is an image of our site plan included in your packet and shows the project and the proposed location of our equipment. You can see the internal access roads shown in dark orange and the white boxes illustrating our centrally located electrical inverters, which is equipment that converts solar electricity into the form used by the electric grid.

We recognize that the county solar ordinance was updated since the last solar project was proposed at the BZA. The county has done a significant amount of work balancing property rights and development. The ordinance now requires 250-foot setbacks from neighboring properties, not leased to the project, and 60 feet from roads, which we have met in every case. The closest point of the project area to the Kankakee River is approximately 1,600 feet from the northern boundary, and most of the project area is at least 1/2 mile away from the river.

One of the most important questions before the board is whether this project will be compatible with neighboring properties and with the surrounding agricultural area. The plans, design, and materials we have provided show that it will. While the red parcel boundary for permitting totals roughly 600 acres, we are only building about 300 acres of solar panels. Again, making this the smallest utility scale solar farm in operation in the region. The site is intentionally designed to avoid wetlands. It avoids construction across drainage ditches. There are no proposed road or fence crossings of the Dewale ditch.

It is also significant that we are not proposing tree removal as part of this project. We have designed the project to fit with a fence line while preserving topsoil and minimizing disturbance. We also went beyond the county standard for the landscaping and trees that surround this project. The project area is a substantial distance from neighboring homes. While the county ordinance requires our project be set back 250 feet from neighboring property lines, we doubled that and have self-imposed setbacks of 500 feet from neighboring residences, where the project borders neighboring parcels with homes and along roadways. Mature trees and landscaping will also be installed. We're not asking the board to accept vague assurances that neighbors will never notice the project. That's not realistic. What we are showing is that the project has been deliberately spaced, screened, and limited so that it can coexist with surrounding properties in a measured way. This is also where Yellowstone differs from permanent residential or industrial development. A subdivision introduces permanent residential density, permanent roads, long-term service demands, and a land pattern that generally cannot return to agricultural use.

Yellowstone does the opposite. It keeps the land intact and preserves the option for future agricultural use after it stops generating electricity.

The construction process. The anticipated construction timeline is about 12 months long, and I want to quickly run through how the construction process will work. First, workers will use pneumatic hammers to drive steel posts into the ground approximately 3 to 5 feet deep, depending on the geotechnical studies that we do. Concrete is not needed to support the panels, and concrete is only limited to the few inverter pads around the project and the substation. Our unique installation process allows us to plant grass before installation begins, which helps maintain drainage and water quality in contrast to past solar construction techniques.

Next, workers will bring solar panels to the posts and secure them at four points of contact. As you can see from this photo, these panels come with no moving parts, and the solar panels sit about 3 to 5 feet above the ground, slightly different and much lower than the projects you may have seen around the area.

Finally, the solar panels are wired together, and those runs are connected back to centrally located electrical inverters. Those inverters convert electricity generated by the sun for free from DC to AC power for use on the grid. This will all be done with the soil intact and with little to no grading. The only possible grading that will be done will be needed for internal access roads, the inverter pads, and substation infrastructure. What you are left with is a unique project with a shorter overall construction period, much lower height, higher wind tolerance, and less land use than any solar project of the same size.

Regarding drainage, the design avoids crossing existing ditches. Stormwater BMPs and pollinator plantings will be used to stabilize soil and promote infiltration to prevent runoff. But our senior advisor, Tony Hendricks, long-time LaPorte County surveyor and owner of Charles Hendricks and Associates can describe this in deeper detail, Tony.

Tony Hendricks: Good evening. Thank you, members, for serving on the Board of Zoning Appeals. It's a tough job. I'm Tony Hendricks, Charles Hendricks and Associates, Engineering and Surveying at 309 West Johnson Road. I'm a licensed professional land surveyor in the state of Indiana. I'm working with Hoosier Solar representing the LaPorte County landowners who would like to enhance their land to add solar within the special acceptance and regulations of La Porte County Zoning Ordinance for Solar Systems.

I have experience in a multitude of drainage projects and systems. From 16 years as drainage board technical advisor to LaPorte County, to teaching collegiate level courses including hydraulics, storm analysis, and water analysis. As well as private

projects from a few acres to hundreds of acres.

Compared to row crop conditions, which this presently is, long-term grasses planted under and around the solar panels is expected to reduce water runoff volume and velocity and improve water quality. This project will improve drainage. Let me repeat that, this project will improve drainage and maintain existing agricultural soil through the removal.

The health of the soil is expected to improve over time, regenerating nutrients in the soil, all while saving these parcels of land for a wide variety of possible future ag uses. Giving the farm soil here a rest from production for a period is similar to USDA Conservation Reserve programs. While our landowners are not aware of any drain tiles on their property, if any are damaged during construction, we will repair them to avoid adversely draining to neighboring properties and avoid serious drainage issues around this electrical facility. Thank you.

Parker Sloan: Thank you, Tony.

For county roads, we have already hired HWC Engineering to help prepare our road use and construction traffic plan. HWC will review the roads before and after construction so any damage caused by project traffic is documented and repaired at our expense. Consistent with the county's solar ordinance, we have also drafted a road use agreement that must be approved by the county commissioners before a final permit can be issued. That agreement will govern construction routes, road conditions, needed repairs, and coordination with the county highway superintendent. We will also work closely with the highway department to plan routes carefully and limit dust during construction. This is another important reminder that today's special exception petition is only the first step toward a final local permit.

In compliance with the LaPorte County Solar Ordinance and our contractual obligations to our landowners, Hoosier Solar will establish financial assurances independent of the company to fully fund site restoration and decommissioning costs. A decommissioning bond will be posted with the county prior to the start of construction. We have submitted a comprehensive decommissioning plan with our cost estimates verified by an engineer, as well as a letter from our insurer confirming our financial capacity to post that bond. Both documents are included as exhibits in our application and as tabs L&M in your binder. And moving forward, a third-party engineer will validate the decommissioning estimate every five years until the project is fully removed.

The project and all equipment are designed and installed for straightforward removal, allowing the site to be fully restored to farmland and pre-development

conditions while keeping the land in the hands of the families who have held it for generations. Yellowstone Solar has been intentionally designed to minimize topsoil disturbance, preserving nutrient-rich soil throughout construction, operations, and eventual removal. This development will be designed and constructed and operated to fit the existing agricultural area. As I stated earlier, there will be little to no grading, no removal of topsoil, no tree removal, and the solar panels will be only three to five feet in height off the ground. Yellowstone Solar provides an opportunity for the soil to rest and regenerate while still producing income for both the landowners and the county.

The ordinance separately asks whether the project is hazardous to adjacent property or involves materials or equipment detrimental to health, safety, or welfare. Again, the answer is no. Yellowstone Solar will be constructed with the health and safety of the surrounding community as a top priority. The project will exceed the standards with the 2024 County Solar Ordinance and all applicable local, state, and federal regulations, including the National Electric Code, to demonstrate that the health and safety of the community will not be adversely impacted.

We also wanted to address a number of site-specific issues. I want to note here 2 documents that the county did not receive previously. The 2 documents at the end of your binders that you have before you. One is a solar PV fact sheet from the American Clean Power Association. It's a two-page simple document. The second one is the health and safety impacts research paper from NC State University. I submitted both of those to the record as well.

Modern solar panels are made primarily of glass, aluminum, silicon, and steel. They are designed for long-term outdoor use and are regulated under established electrical and fire safety standards. The small solder connections within panels contain trace materials, similar in concept to many common electronics like the smartphone in each of our pockets. But the project equipment as a whole is not a battery storage facility. It's not a chemical plant, and it's not a high-traffic industrial use. If you're not concerned with a smartphone in your pocket, you should not be concerned with solar panels. Now, no structure is immune to extreme weather, but this project is designed with those risks in mind from the start. The Yellowstone Solar Project uses a fixed tilt east-west design, built to handle up to 170 mile per hour winds. The panels are also placed much lower to the ground, about 3 to 5 feet high, and they're secured at four points.

And there are five key ways we prepare for extreme weather events that I want to talk about. The first is site design. The system is compact and low to the ground, which helps prevent panels from becoming debris. Two is insurance. We carry full insurance coverage, so if something were damaged, it can be repaired quickly without any cost to the community. Third is response. If a storm were to hit, safety comes first and so

does communication. We would work right away with county officials, emergency first responders, and nearby residents to share information and next steps. Fire and EMS will have access and keys to our site ahead of time, and we've already conducted a full day emergency training with Hamlet Fire which provides primary service to Johnson Township. Fourth is planning. We will have a detailed emergency plan in place, built with engineers and operations experts, so everyone knows exactly what to do after a storm. Finally fifth, a backstop if everything else fails. Even in a worst-case scenario, our decommissioning bond is in place. That bond stands separate from this company, and it ensures the site will be cleaned up and the land restored, no matter what happens. So while we can't stop natural disasters, we can prepare for them. This project is built to reduce risk, protect the community, and we will respond quickly and safely if something does happen. With respect to county services required by the project, this is a passive use of land. Once built, the project does not require water or sewer service, does not burden schools, and it creates limited ongoing traffic compared with many other permitted uses that could occupy agricultural land. Our emergency response a foundational, I'm sorry, a foundational emergency response plan has been prepared and will be further refined with operations personnel, equipment specialists, and local responders before operations begin. The Hamlet Fire Department, as you know, provides primary fire and EMS service to Johnson Township because Johnson Township does not have its own fire department. We have an established relationship with the Hamlet Fire Department through our work in Starke County, including a full day professional solar training we conducted in January of 2025, and that relationship will continue to grow with this project. We are also contracted to fund a significant amount of new equipment for Hamlet Fire to help them operate more effectively.

This project is also supported by a site-specific glare analysis and sound study submitted with the application. And on glare, the equipment is selected and installed to minimize reflectivity. Solar panels are designed to absorb sunlight and not throw it back. More sun makes more electricity.

Regarding sound, the enclosed sound study shows minimal noise levels at the project boundary, and we have intentionally designed the project to have inverters centrally located rather than pushed out to neighboring property lines. The sound from this facility measured in decibels is like the sound from a dishwasher in another room. All of that supports the same conclusion. The project is not hazardous to adjacent properties, and it does not create the kind of ongoing external impacts associated with more intensive land uses.

We have exceeded the landscape buffering requirements at the direction of Lakeshore Landscaping out of Valparaiso, whose plans have been submitted along with this application. We're planting 1,382 mature trees and 3,878 shrubs to surround our project and 1.27 acres of pollinator seed mix within the buffer surrounding our

project. Our buffer screening is at least 15 feet wide, but it is up to 25 feet where the environment provides room and located at least 10 feet off of every fence line. Every 100 feet, we are planting 5 understory trees and 14 large shrubs. Wherever our project is adjacent to a neighboring residence, we are planting even more densely and adding shrubs as indicated on the pictures here. The seed mix under the panels exceeds Purdue's pollinator habitat standard by a wide margin. Purdue's scorecard requires 100 points to meet the standard. Our plan scores 164 points, which qualifies as an exceptional habitat. These plans provide exceptional habitat defined as a score of over 125. Lakeshore has designed a plan to plant over 210 acres of pollinator seed mix to provide ground cover under our solar panels. I just want to pause to say, as someone who does this for a living over the last decade, your ordinance is fantastic and I think asks for all the right things in terms of landscaping. Mr. Paul, I'd say, takes this extremely seriously as well.

The ordinance also asks whether the project will substantially diminish or impair property values in the neighborhood. We know that it's an issue many boards hear about repeatedly in solar cases. That's why we submitted a thorough property value analysis on this specific project by an expert appraiser. We're not asking the board to rely on speculation or unsupported statements. We submitted an expert analysis and we asked the board to consider this as part of your consideration of approval. Richard Kirkland, MAI and ARA, is an Indiana licensed general appraiser and principal of Kirkland Appraisals LLC. He was retained to evaluate whether the proposed Yellowstone Solar Project would have any measurable negative effect on nearby property values. His analysis reviewed 225 data points, including university studies, assessor surveys, broker interviews, sale/resale data, and match pair sales from Indiana and other comparable Midwestern markets. His conclusion is that with the project setbacks, fencing, and landscaping, Yellowstone Solar is not expected to negatively impact adjoining or nearby property values. I'll now turn it over to Mr. Kirkland, certified appraiser, to speak a little bit further about property values specifically.

Melissa Mischke: Good evening. Would you please state your name and address for the record?

Rich Kirkland: Sure. Rich Kirkland, 9408 Northfield Court, Raleigh, North Carolina. I'm a state certified general appraiser in Indiana and North Carolina and about 16 other states. I have the MAI designation through the Appraisal Institute, which is advanced studies, peer review process, and training. I also have the ARA designation through the American Society of Farm Managers and Rural Appraisers, another advanced designation. We've been looking at solar projects for the last 18 or so years. We've been working in about 28 different states. We do impact analysis on a wide range of different things, not just solar. We look at rock quarries, we look at schools, churches, apartment buildings. We've looked at a wide range of things. We

do the same methodologies when we're looking at all these. Our primary focus is looking at what we call sale/resale analysis. This is where we look at a home that is sold next to a solar project. In this case, we compare it to an earlier sale of that exact same home before the solar farm was announced. The only difference being time, and we just tracked that to the Federal Housing Finance Agency house price index. We just see, did that home appreciate at the same rate as other homes in that MSA or that zip code? If it did, we would say that we find no impact on property value. We find that to be the best methodology for us to use because there's no appraiser judgment. Any two people looking at this data can check, look and see if they come to the same conclusion. They might cite a different index, but it would be a similar index. So again, we've done sale/resale analysis and that's in the report. You can see that. We have also done matched pair analysis. It's a similar process where we look at home sales next to a solar project. Compare them to similar homes that sold in the same time frame in the same market, but not next to a solar farm. So we compare to see if there's anything we could access out that would indicate any impact.

We've, as was indicated, looked at a lot of these national studies. I would just highlight two of those for you. If you're going to look at those, I would point first to the Loyola study. That one is important because it actually points to a methodology issue with all the other studies in that series. Most of the studies do ring studies. They compare activity around solar projects within a three-mile radius. You compare that to activity over the same time period in between 3 and 6 or 3 and 7 miles, depending on the study. The issue with doing that type of analysis is if you've got a town that's within 4 miles, you suddenly are comparing rural sales to suburban or in town sales. None of those other studies are really addressing that. The Loyola study highlights that and provides a methodology to fix that. They do that analysis in there. The other study I would point to is the most recent one that we've identified. It was actually published in the Appraisal Journal. It was done by an MAI and a couple of PhDs, and they really focused. They did not do a ring study, but they did focus on communities in proximity to solar. And they also interviewed brokers in that process just to make sure that the data they were crunching made sense in context with what the brokers had to say about their experience selling those homes. We've done a survey of assessors. We've reached out to all the assessors in the state of Indiana, as well as a bunch of other states, just to find out if they are making any adjustments? Are they seeing any reason to adjust properties or adjoin solar projects? Right now, I believe we have 189 responses and not a single assessor has indicated any impacts that they're signing to any of those. So we use a lot of that information as support for our analysis, but really the focus of our conclusion is based on the sale/resale analysis and the match pair analysis. In that you can see that the findings, they show a range of impacts that are around minus 2% to plus 7% impacts, meaning we see on average and the median rates are showing very mild positive impacts. However, we do not conclude positive impacts. All real estate has to deal with what's called market imperfection. Appraisers know this. We see this all the time. When you look at your

house, you get your house appraised. The appraiser will compare your home to four homes. They make minor adjustments, say one house has a garage, one doesn't, and they make those minor adjustments. They have those four indications of value. They provide a range of values. Then they pick the number within that range they think is best supported. Technically, they've supported everything in that range and different appraisers would conclude on different values within that range. This is just the reality. When you go to buy a house, it goes on the market for \$300,000. Somebody offers more, somebody offers less. It's a negotiation. There isn't a specific one number that happens. There's a range of numbers that are always supported. We find that there are multiple studies that have shown that even Fannie Mae and the American Society of Farm Managers and Rural Appraisers have also done studies looking at these ranges of impacts within appraisals. In rural settings, they find much broader ranges than you'd find elsewhere. The fact that we're finding mild positives, we don't consider that to mean that there's a positive impact. We consider this to be neutral. This is the same as we would find in any home. If we just analyzed homes in here, not near solar, I think we would find a very similar plus or minus range. So it's our professional conclusion. I'm sorry, I say our, because I work with my son, but it's my professional conclusion that this project as proposed will have no impact on the adjoining property values. There are very few homes nearby. The closest home is well over 500 feet away, closest non-participating home. We have data points in here where we've looked at homes as close as 120 feet away, showing no impact on property values. We have multiple data points under 500 feet showing no impact on property values. That's just in this set looking in the Midwest. We've again looked into other states. We see similar patterns throughout the Southeast and even the Northeast. So we have to go into greater detail, but that's our professional opinion on that. I am happy to address that or any other questions if you have them later. Thank you.

Melissa Mischke: Thank you, Rich.

Patrick Sloan: Thank you, Mr. Kirkland. The key point for the board is that this finding is addressed by actual submitted evidence and independently reviewed by an expert, not by speculation or anecdotes.

The county land development plan predates the solar ordinance by more than 16 years. When the county amended the solar ordinance in 2024, it did so with the full knowledge that much of the agricultural zoning district consists of what is represented to be productive farmland and further knowledge that the land development plan strongly supports agricultural preservation. Despite this knowledge, the county chose not to prohibit utility-scale solar in agricultural areas. Instead, it adopted a regulatory framework allowing such projects to be a permissible use through the special exception process in this district. This decision reflects the county's determination that agricultural preservation and utility-scale solar are not

mutually exclusive where ordinance standards are satisfied.

The county land plan also repeatedly discusses industrial expansion, trucking, warehousing, and logistics near agricultural land. Those are developments that generate truck traffic, public service demand, and utility demand, among other things. Yellowstone Solar does not. This project, although at times referred to as industrial solar, is absolutely distinguishable from the impacts traditionally associated with industrial development. LaPorte County's land development plan's core direction remains clear. Protect agriculture, guide growth in a compact and efficient way, and preserve natural resources, and the Yellowstone Solar Project reflects those principles in a modern context. Located on longstanding agricultural land, the project is intentionally sited to avoid impacts, to the Kingsbury Fish and Wildlife Area and other sensitive areas, while preserving a large, contiguous tract of farmland that might otherwise be fragmented by development.

At a time when growth has shifted into unincorporated rural areas, often resulting in permanent subdivisions that cannot return to agriculture, this project does the opposite. It introduces no residential density, requires minimal long-term public services, and remains fully reversible. When it is done generating electricity, the land can be restored and returned to agricultural production, preserving future optionality in a way that traditional development cannot. With approximately 300 acres of constructed area within an approximate 600-acre footprint, it will also be the smallest utility-scale solar project in the region, reflecting a measured and responsible approach to land use.

More on agriculture, the Yellowstone project involves the use of leased land from 2 landowners permitted on 600 acres of land or 0.23% of La Porte County farmland. In total, that's less than 1/4 of 1% of La Porte County's 277,850 acres of farmland.

The granting of this special exception will not be contrary to the general purposes served by the county zoning ordinance. The county enacted solar ordinance in 2024 specifically to allow solar on agricultural land when the ordinance standards are met. The project site will be returned to agricultural land when it is done generating electricity. Specifically under our current agreements with these landowners, this project cannot continue beyond 35 years without a new agreement in place with the owners of the land in the room with us right now. A recurring theme, throughout the county land development plan, is a concern about permanent, irreversible conversion of agricultural land through urban sprawl and residential growth. Once farmland is subdivided into residential lots, required residential utilities are extended and populated with homes. Agricultural use is effectively lost forever. This project does not create that condition. No residential lots are created, no population expansion is introduced, no septic systems are to be installed, and no sewer or water infrastructure is extended. The subject land remains intact and in accordance with the

decommissioning requirements of the solar ordinance. The land will be reserved for and can be restored to agriculture in the future.

As of today, our construction time frame is on track for a 2029 start of construction. Between now and then, we have several additional milestones to work through and complete. Tonight's discussion is just the first step in our process moving forward with LaPorte County. Approval tonight would not end the county's oversight. The next item we work on is finalizing the road use agreement and decommissioning agreement with the county commissioners and appropriate department staff. Myself and Hoosier Solar will work with every single county commissioner, regardless of their opinion of solar, to ensure that the residents and taxpayers of La Porte County are protected.

After that, we will finalize our storm water pollution prevention plan and continue our coordination with Hamlet Fire and LaPorte County Homeland Security to formalize the project's emergency response and operations and maintenance plans before issuance of improvement location permits. Those plans will build on the work and coordination already completed to date while incorporating the final site design and any remaining technical details required at that stage. We've already completed wetland delineation and plan to get a no permit required letter from the United States Army Corps of Engineers this summer since we are avoiding wetland and waterway impacts. We have already coordinated with United States Fish and Wildlife and IDNR and no impacts to T&E species are expected.

In preparation for moving to improvement location permit issuance, we will be finalizing our site designs and construction plans over the next several months. So I want to emphasize that even after tonight, moving forward with next steps, we will have to continue to earn our place in LaPorte County. We also understand that a project like this requires transparency. Our director of real estate, Dan Bajerski, has several decades of real estate experience in the oil and gas industry. He spent years meeting with landowners and neighbors in this area to build relationships for this project. On March 10th of this year, we hosted a publicly advertised neighborhood open house, advertised on Facebook, in the newspaper, and by certified mail to all neighboring landowners. We also held office hours at the Walkerton Public Library to give people additional opportunities to ask questions and review the project.

All adjoining landowners, as determined by the LaPorte County's Auditor's Office, have been notified of this application and this public meeting via certified US mail at least 10 days prior to the original hearing, which was continued by this board. All of which was verified by affidavit prior to this hearing. No one should feel that this project was advanced in secret, and we made efforts to put information in front of the public as early as possible and in multiple formats.

Although the board's decision must rest first on the ordinance and findings of fact, the economic impact for LaPorte County is significant. That's the reason why I do this work across the country, because of the significant impact these projects have on the communities we serve. This project is 100 megawatts, but again, let's translate that into English. What does a project like this cost to build? We estimate that that will be well over \$200 million in capital investment. The economic impact study provided in our application was written by Mangum Economics and shows that Yellowstone Solar, once operational, will generate approximately \$24.5 million in cumulative local tax revenue in 2026 dollars from land and capital investment taxation over the next 35 years. By comparison, continued agricultural use in this project would generate approximately \$399,000 over the same period of time. Under this scenario, the majority of the tax benefit goes to the county, followed by the local school district. According to the study, the project will generate approximately \$6.1 million in associated local union wages and benefits. Further still, the project will create two direct local operations and maintenance jobs, support 27 direct local construction jobs, and 46 indirect and induced local jobs, all according to the study by Mangum Economics before you. We have publicly committed to supporting highly skilled union labor for the project because we now know how much better the project will come out with union labor.

In addition to the project-specific Mangum study, we also submitted a separate Baker Tilly analysis that was prepared independently of Yellowstone Solar. That project looks more broadly at the economic impact of planned solar projects across Indiana and reaches the same basic conclusion. Solar development can generate substantial construction activity, long-term operational impacts, local wages, and tax revenue, while placing relatively limited demand on local public services. We included it so the board could consider not only Yellowstone's project-specific numbers, but also the product, the broader independent economic context for solar development in Indiana.

As Hoosier Solar, it is important to me and to us that we earn our place in this community and every community we do business. We aim to be true community partners in the counties we work in, rather than just financial investors. We've invested significantly in Starke County as part of the development of those projects that we were permitted in this region. As you may have seen, Hoosier Solar has already invested in a permanent \$105,000 Hoosier Solar Community Fund with the Unity Foundation of LaPorte County. The fund will support local needs through annual donations using interest earned each year in perpetuity, meaning forever, at the direction of the Unity Foundation Board.

Also, as you may have read, Hoosier Solar recently announced a \$100,000 investment in capital improvements at the La Porte County Fairgrounds, underscoring our long-term commitment to La Porte County and its agricultural community. This

contribution will support permanent fairground improvements including infrastructure upgrades and building renovations that benefit 4-H, youth agricultural education, trade shows, indoor markets, and other year-round community events. We are proud that this investment directly supports one of the county's most important institutions and reflects Hoosier Solar's commitment to being a responsible, long-term community partner.

In closing, Yellowstone Solar is a compact, carefully designed, heavily documented, and reversible project that satisfies and exceeds the standards this board must apply in the LaPorte County Solar Ordinance. This project also advances one of the county development plan's most important goals keeping land in large tracts. The plan does not simply seek to preserve agricultural activity as it specifically seeks to preserve agricultural tracts and avoid fragmentation. Even opponents of this project should logically agree that a 600-acre tract under unified ownership is more consistent with the objective than dividing the same property into dozens of residential lots over time. This avoids key natural features. It minimizes long-term public service demand. It is supported by studies and plans filed to this board over four months ago. It includes decommissioning protections and road use protections. It is surrounded with trees and set back beyond minimum requirements in ways intended to reduce impacts on the neighbors. And it undeniably preserves the ability of this land to return to agriculture in the future. The county ordinance allows this use. Our petition tracks the required findings. The evidence satisfies those findings. The project exceeds several ordinance standards. The remaining technical safeguards are built into the county's later permitting processes. The BZA is only being asked to approve the project before you tonight. You're not approving a battery storage facility, no future expansion, or an industrial manufacturing facility. Any material different future proposal would require a separate review under applicable county regulations. This board is not being asked to choose between the solar ordinance and the land development plan. The county has adopted both. The solar ordinance establishes that utility-scale solar is appropriate and permitted within agricultural districts through the special exception process. Plainly, we are not asking the board to make an exception from the rules. We're asking the board to apply the rules the county has already adopted for this exact type of project in a location just like this. For all those reasons and based on the evidence submitted with the petition and presented tonight, we respectfully ask the board to approve the special exception for the Yellowstone Solar Project.

Thank you.

Melissa Mischke: Thank you. So folks, we just listened to almost an hour of this presentation. If anybody wants to get up and shake around a little bit before we hear remonstrators. So let's just take, you know, a couple minutes, not like 10 or anything.

So before we start remonstrance this evening, I want to remind everybody that public remonstrance is 3 minutes long. I would expect we can all adhere to the three minutes. If you have a group and one person wants to come up and speak for everybody that would be wonderful. We take notes. So we do hear what you're saying and you know, we'd like to move along if we can. So with that, we are going to open public remonstrance.

If you would, everybody state your name and address for the record.

Steve Holifield: Good evening. Steve Holifield, LaPorte County President of the Commission. I'm also a lifelong LaPorte County resident and a farmer. I take exception to the fact that they always use the word farm to get a nice cozy feeling. They plant nothing, they grow nothing, and they harvest nothing. Absolutely zero. Over my lifetime, I had the pleasure of knowing the former tenants and know the current tenants. Good stewards of the soil. They take care of that land and they pay top notch for that ground. They're great people. They're great friends of mine. I do not believe this is a good project for us here. If people, one thing they keep saying, no one ever wants to take away their right to do what they want with their land. We've never said that ever. But I learned a long time ago in government through history, there are three founding principles in our constitution. Life, liberty, and pursuit of happiness. No one pursues happiness in the middle of an industrial park. If they did, they could have bought 5 acres out there on KOP. Notice they're not building homes out there or doing projects out there. This is an industrial project. None of the landowners will be living within this if even in the state that I know of. So I take exception to this, and at the very least, you guys should table this. I will personally take you on a visit. I've talked with several commissioners across the state, 2 today from Jasper County, which were hit by tornadoes in the spring. They have a mess down there. It's all inside the fence. They have dumpsters full of this trash that they claim is not hazardous and toxic. No one wants it. I've spoken with the state about recycling it. No one at the state says they can find a recycling center that wants this trash. So at the very least, I would expect you guys to table this. I will personally take you on a tour and show you what happens to these, you know, storm proof facilities they put in. Also one last comment. No matter how you guys decide tonight, I expect them to provide litigation against this county. Thank you.

Melissa Mischke: Thank you. Who's next? And if you guys want to kind of, get in line, that's fine too, if there's more people. But again, state your name and address for the record, please.

Lisa Dan: Hi, I'm Lisa Dan with the Center for Energy Education, address 1359 Short Drive, Knox. So I work with the center. I'm the Midwest Outreach Director, and our mission is to educate communities and local leaders about the energy industry, how

large-scale projects, when properly cited and regulated, can benefit local communities. I've had the opportunity to work across the state of Indiana with local governments that are trying to balance community considerations with the integration of solar. Solar can be a significant economic generator for counties to the tune of millions of dollars a year in added tax revenue. At a time when many counties are grappling with rising costs combined with funding gaps created by Senate Bill 1, tax revenue and tax revenue associated with these projects can provide meaningful support for local budgets. As an example, Senate Bill 1, I've got information here that I passed out, prepared by the Office of Fiscal Management Analysis within the Legislative Services Agency, and estimates a potential loss in tax revenue of approximately \$2.6 million to \$18.6 million annually for LaPorte County from 2026 through 2028. Our organization also closely follows energy policy developments at the State House. Indiana is currently an energy deficit state, meaning we import a portion of our electricity from neighboring states, such as Illinois, because in-state supply does not meet growing demand. Power demand in Indiana is expected to more than double by 2035. In response, the governor established an energy task force last year that brought together leaders from across the energy sector, including renewables, because state leaders recognize that rising demand and costs require all of the above strategy. So I provided you guys with a very brief synopsis of a Ball State study that was done on the economic effects of limiting wind and solar development in our communities. Basically, restricting these projects cost Indiana counties hundreds of millions of dollars each year in economic activity and close to 9,000 jobs. So this is one of the first studies that reveals what happens to local communities when they limit wind and solar. So in conclusion, what they say is that if you restrict renewable energies, you will shrink your county's economy and reduce employment opportunities. So again, I provided a brief synopsis of that Ball State study that was done specifically for the Department of Energy through Indiana, our step program that Purdue administers. I believe there's links on there as well to the full study. So thank you very much for your time.

Melissa Mischke: Thank you. Good evening.

Michael Daube: Good evening. Michael Dauby, 6902 Walnut Road, Walkerton. If you look at the map, our family owns the land all the way around this project. First of all, I'd like to commend the solar company for providing a lot of good public input information, answering questions. I think they've done a good job of that. The problem is I'm still against it for a lot of reasons. First of all, I'd like to thank all of you people because a little history, my father served on the Board of Zoning Appeals and I was on the LaPorte County Plan Commission for a number of years. So I know what you're going through.

First of all, I want to address one thing about this proposed idea that we might have subdivisions in this area.

Melissa Mischke: Michael, I'd like to remind you to address the board, not the crowd.

Michael Daube: Subdivisions in this area will never happen. The proximity of the Kankakee River and the 100-year floodplain make that impossible. So the idea that we're going to save us all from subdivisions is irrelevant. The other thing is, I think that when you look at the damage done to neighboring tracts of land where tornadoes and hailstorms and whatnot have been, it's a huge mess. The commissioner, Mr. Hollifield, he knows what he's talking about. We've seen it. We don't want to see that on this land. There are a lot of places to put solar farms, but in an agriculture community with the Kingsbury Fish and Wildlife system right there, no. This is not a compatible enterprise as far as we're concerned. I look at the money. When you just stop and think about the money, where's it coming from? 200 million investments. We've got all these donations to the county. We've got all this goodwill going on. Where's that coming from? 13,000 homes are going to be powered by this, all this money.

We're bonded. We have all these things. Yeah, but it's a lease, right? So all these things can be transferred, sold, bought. We have no assurance of anything. I'm very concerned about all of that. To top that off with the letter I just got from an attorney warning me about eminent domain possibilities. If these things go through, eminent domain could latch on to other things. I don't know if that's true or not. But I will tell you this, as a former member of the Planning Commission and sitting up there where you guys are, I was offended when you two were challenged. You guys serve on this board. You put a lot of time into it. To be challenged about not being able to be impartial, I'm greatly offended at that. I know if I was on a board and somebody threatened me and my county, no way. Thank you.

Melissa Mischke: Thank you. Who else do we have to remonstrate, either for or against, by the way?

Molly King: Molly King. I live at 8252 E 525 S. So about two miles from this project. This is a very tornado dense area. There's literally a tornado warning or tornado watch for tomorrow. So clearly, we already know about that, but I am just listing off numbers because I went into research on this. This is a 100 MW facility, is that what I heard correctly? Well, although this is small, like everyone is stating there are still numbers involved. For instance, for Wheatfield's, it is a 700 MW facility. I do understand that that is 7 times the size, but it cost \$1 billion to construct. Months ago, we had a huge storm that rolled through that area, destroyed many of that. Facing damages exceeding \$140 million due to widespread destruction of panels, racking system, and infrastructure. The cleanup and replacement costs often include specialized disposal of broken silicon panels and structural rebuilds, which may exceed \$10 per panel for removal. This number was calculated based on similar

situations such as a Texas solar farm that also sustained critical damage from a tornado as well. A 350 MW facility there sustained roughly \$70 million in hail damage in 2023. An analyst essentially, doubled this figure to account for Dunn's Bridge's 700 MW facility.

Another point I would like to make here as well, it's also obviously led to high interest insurance rates for solar farms, especially throughout the Midwest. According to Descartes Underwriting Insurance Company, severe weather and storms, including tornadoes, hail, straight line winds are some of the most frequent and destructive natural disasters in the US. In 2023, these events resulted in a record-breaking \$58 billion in insured loss. Ensuring renewable energy farms in regions of the Midwest is incredibly difficult as stated. In some cases, insurance rates have increased up to 400% in tornado and hail heavy areas. That's quoted by the American Heritage Insurance Group.

That is my point because I will say you guys did create a really good presentation, but just the financial aspects of this, I do not think that this is a great project for this area, especially being so close to the Kankakee River. It's a very big marshland. Anything could go wrong, although, as stated, it's a really small facility. It's really short to the ground and everything. I do understand that. The hail and tornado damage, everything, very destructive in this area. We've seen it this past week and everything. So just food for thought. Thank you so much.

Melissa Mischke: Mr. Banks.

Adam Banks: Good evening, board members and citizens of LaPorte County. My name is Adam Banks, and I appreciate the opportunity to speak to you tonight regarding this project. The main thing I'd like to touch on with this project is the economic impact is substantial. As many of you have already heard, this project is going to create \$24 million in local tax revenue that will provide funding for our schools, first responders, infrastructure improvements, road maintenance and other essential public services without increasing any taxes to the residents. As a proud father and citizen of this county, hearing things like that makes me happy. The project will also create high union construction jobs that will keep our local workforce busy, supporting local families, local contractors, and helping skilled tradespeople keep the opportunities to provide good wages, benefits, and opportunities for their families.

Beyond direct employment, this project will also support local contractors, suppliers, restaurants, fuel providers, and other businesses throughout the county during the construction process, creating a ripple effect to the little towns that it surrounds. Yellowstone Project honors the choices of local farmers and landowners to use their land to ensure their financial stability for their future generations of children.

Agricultural remains as an important part of La Porte County's identity. Solar is also one of the most cost-effective and reliable energy sources available today as energy demands continue to increase with the manufacturing expansion, economic development, data centers, and advancing technologies. This is to help contribute to a more resilient power grid and help long-term energy saving for users. In closing, I respectfully ask the board to evaluate the project based on the facts of the protections being proposed and the long-term economic, agricultural, and energy benefits that it can provide to LaPorte County. This project represents an opportunity to strengthen our local economy, our local workforce, support those working families, and provide stability for surrounding landowners, business owners, and anybody else that comes in contact with it. Thank you for your time and consideration. The Carpenters Union will be there to provide manpower if needed.

Melissa Mischke: Thank you. Good evening. Would you state your name and address for the record?

Jim Clarity: Absolutely. My name is Jim Clarity. I live at 273 West 100 South. Thank you for the opportunity to speak here tonight. I will be brief. I actually like to echo all the comments my friend over there just made. I would like to add one thing. So I am the business manager for the Electricians Local 531 as well as the LaPorte County building trades president. So again, I just echo all his thoughts. One thing I want to add about projects like this. Right now, the union building trades apprenticeship programs are very coveted positions. Everyone's trying to get into the trades. Unfortunately, we can't take every young man or woman that applies because we can only take as many folks as what work supports. Projects just like this, as we've seen south of here, a lot of solar work. Us as the electricians, we've almost tripled our apprenticeship classes in the last four or five years. So these coveted positions we're able to offer too many more LaPorte County residents because of projects like this. So again, because of that and all the things that have already been said, I ask you to rule in favor of this petition. Thank you.

Melissa Mischke: Thank you. All right, who else have we got? Can I have a show of hands? How many folks? So if you would maybe start getting closer in line to the podium so we can get through everyone. Good evening. Hi. Would you state your name and address for the record?

Betsy Kochmar: I'm Betsy Kochmar. I live at in Fort Wayne at 2228 Florida Drive. I am co-manager of the Home Place Family Farm. I have a personal stake in this issue. My family has owned this Home Place Family Farm in La Porte County since 1885. Ben and Ira Place purchased Kankakee Swampland for \$1.55 per acre. The farm was passed down to my grandmother, Mary Place, and her siblings, Ellsworth, Willard, Claire, Porter, and Albert. Then my mom, Mary Ruth, my Uncle Art, my Aunt Alice, and all of their cousins were the owners. Now, the owners are my Uncle Art and my

generation of cousins. Soon, it'll be the next generation taking over. For now, the land is the glue that keeps our family connected. We have semi-annual meetings. The 4th of July, 27 of us are going to be gathering in LaGrange and having our annual meeting for our farms. We have lots and lots of emails and property visits. But really, we rely on the Eggert family and the Halderman Company to work and manage the farm. That is true. A couple of years ago, we were informed that a portion of our farm is in prime location for solar development near transmission lines and roads. After much consideration, I cannot begin to tell you how much consideration. On behalf of my Uncle Art and my cousins, there are 10 of us, five of whom live in Indiana, we would request the option to responsibly use a portion of the less productive land that we own here to harvest solar energy in support of the acres that we will continue to farm. This balanced approach to land use and revenue will help us support the future of our legacy family farm. The LaPorte Zoning Ordinance provides landowners the freedom to use their property to pursue creative solution for energy production, for economic growth for the community, and diversified income for the stability of our family and our farm in ways that do not negatively impact our neighbors, of course. Our land has worked hard growing crops for the past 170 years. This is an opportunity to provide it a deserved respite while still providing revenue for our family and this community. As my Uncle Art says, take care of the land so that it can take care of us. Thank you.

Melissa Mischke: Thank you. Hi there.

Gloria Horn: Hi, my name is Gloria Horn. I'm a lifelong LaPorte County resident and I currently reside at 1011 North County Line Road. I had written up a whole thing I was going to say, and I practiced it over and over because I do not like public speaking, but listening to some of the comments here, I changed my mind. In about 2014 or 2015, I found myself in a tornado in Pilger, Nebraska. We were just driving through. The next day, my husband and I went to a different nearby community as volunteers to help where needed. We parked at an elementary school, and then all the volunteers were bussed to a community that was just decimated. So the idea that just solar panels are wiped out by a tornado is not completely the whole story. In this community, the huge silos were shredded and strewn across the land. They had volunteers walking across hand by hand through these fields to pick up pieces of silos so that they would not ruin the farm machinery once the crops got bigger. Hundreds and hundreds of cows were impaled. We heard people talking on the bus, different farmers. The cows were impaled by fence posts, electric towers, cables, silos from these metal, cell towers, and some of the cows had to be shot because they were still alive. They were talking about how they were going to get big scoopers to come and clean up all the dead cows. Homes were flattened. Businesses were lost. We heard a story about a child that was torn away from his mother's hand as she was running across the street to try to get into a building and the child was killed. So if we're going to avoid building a solar farm just because of tornadic activity and hail,

then let us also avoid building cell towers, electrical lines, silos, homes, businesses, water towers. If any of you have seen footage of a tornado recently, there's been a lot of them, the next time you watch this news and see footage, take note of all the structures that are destroyed, that aren't solar panels, cell towers, are we going to stop using cell phones? Electrical lines? Well, maybe we shouldn't have electricity. Trailer parks, I'm sure they're not built with the same kind of integrity that this solar panel farm is going to be built. Well-built, sturdy homes, big old silos, age-old farmhouses, all of those are wiped away by a tornado, also. Thank you.

Melissa Mischke: Thank you, Gloria. Good evening. If you would state your name and address, please.

Erin: Erin Sharpentier, 304 South Harrison, Hebron. Good evening. I'm an Indiana rural organizing associate for Solar United Neighbors. We are a nonprofit organization that focuses on consumer education and advocates for solar at all scales. I am here to speak about the benefits of solar in general, as someone who works with a vendor-neutral nonprofit that does not partner with specific installers or projects, as well as to discuss current energy demands faced by the state of Indiana. Solar helps to stabilize the grid, and it offers energy security. The electricity is generated hyper-locally, which means it is not as affected by transmission failures as other energy sources. In many ways, solar itself becomes yet another crop to harvest. While concerns are often raised about farmland loss, when it comes to solar, it is worth noting that 43% of corn grown in Indiana does become ethanol. Although an energy producer itself, ethanol pales in comparison to solar. In fact, one acre of solar panels produces 100 times more energy than one acre of corn. Ultimately, while they only use a small portion of the land, projects like this one will generate not just electricity, but funds to lessen the impact of SEA1. Allowing solar bills in La Porte will not only benefit the local economy, but that of adjacent communities as well, allowing for Northwest Indiana to continue to be a robust and productive part of the state. As a lifelong Northwest Indiana resident, I'm forever grateful to live in an area that, while industrial in many facets, also hosts the natural beauties such as the Indiana Dunes, Sandhill Cranes, and all of our nature preserves. I've always admired La Porte County in particular, as well as neighboring Porter County, as being a balance between the two. As a former cross-country coach, I have to say that you guys have the best course at New Prairie High School. Although the hundreds of runners, I've coached up Agony Hill might disagree with me. Alongside this, you have a myriad of fruitful orchards, manufacturing, and strong trade unions. In this way, solar is a perfect fit for LaPorte County as it produces no air or water pollution, unlike fossil fuel sources, and ensures that the land isn't permanently lost to development. All in all, solar is cost-effective, safe, utilizes land in a way that is minimally disruptive, makes for a very quiet neighbor, and allows for that land to be

used once again at the end of its life cycle. Thank you so much for your time and consideration tonight.

Melissa Mischke: Thank you, Erin.

Lillian Floutsis: Good evening. My name is Lillian Floutsis, F-L-O-U-T-S-I-S, if you need it. Thank you. I live at 9423 Notre Dame Drive, and I represent the Indiana Land and Liberty Coalition. We are a conservative nonprofit that advocates on behalf of landowners who want to exercise their property rights for any kind of development, but specifically for energy development. So I just wanted to bring up a couple of key items. One, Mr. Holifield brought up, you know, our nation's life, liberty, and the pursuit of happiness, and his claims that nobody's pursuing happiness in an industrial complex. One, just not true. But also, these people aren't in an industrial complex. It's their family homes. It's their family land. Life, liberty, and pursuit of happiness was first adapted from the pursuit of property which is where we get our protections for property rights. As Betsy said earlier, this is her land that her family has owned from the 1800s. This is their way that they're pursuing happiness by allowing their land to rest while also maintaining income for their families and maintaining the land within their families for generations to come. So I would just urge you, the board, to continue to protect property rights in LaPorte County, to protect their property rights as well. Around the state, we hear a lot of, our prime farmland, our land coming from community members. I would just like to remind the board that in America, unless it is government or publicly funded land, there is no our land. It's not community owned. It's owned by the landowner. It's their land. They should be able to do what they see fit on it. Thank you.

Melissa Mischke: Thank you. Any other remonstrators? A show of hands yet, how many do we still have left? Okay, this is going to be our last one then. And for the record, we do have a fair amount of written remonstrance that's available for review in the building commissioner's office if you'd like to see that.

Good evening. Would you state your name and address?

Eric Manovich: Yeah, my name is Eric Manovich. I live in Columbus, Ohio. I am Albert Place's eldest grandson. I have spent the greatest part of my life, being involved with that farm. I learned to drive a tractor when I was five years old there. I helped plant crops every spring. I helped harvest every fall. I did that until I went away to college. I had ambitions of actually taking over the farm, but a very wise man told me I could never make a living. It's not what it is anymore. So I went to college. I became an engineer. I still come back to the farm. My family comes back to the farm. My children love the farm and my grandchildren will love the farm. Many of the objections I heard today, I had myself. When we were first approached with the whole idea of solar. I just never liked the idea. We beat Hoosier Solar up, my cousin

and I, for 18 months to get easements around the family home. If we were interested in money, we'd tear it down because we spend more keeping up than we do making on rent. We're keeping it because it was Albert and Catherine's place. It was our homestead. It's our history. It's our memory. It's where the family met every holiday until they passed away in 1989. So thank you for chance to address this. Thank you for taking up the zone of appeal. I hope you allow us to move forward with the solar project. It will keep the land in our family. It will allow me to give something to my children beyond the heritage of the land, be it a little something for college tuition for their kids or whatever it is. But that's why we want to do this project. Thank you.

Melissa Mischke: Thank you, Eric.

Okay. So I think what we're going to do is have you guys come back up, but I'd like to have the board ask questions before you respond. I mean, before you respond to public comment, that way we can do it all at once and hopefully flush out maybe some of those at the same time. So let's start with the board who has questions first.

Eric Pointon: I guess I'll start. How many jobs after construction? You stated the construction jobs, but how many actual full-time positions afterwards?

Parker Sloan: A full-time permit after construction is one to two persons.

Eric Pointon: Okay. That \$399,100 number in AG revenue, that was just from property taxes, correct?

Parker Sloan: 399,000, I believe, yes, listed in the Mangum economic.

Eric Pointon: That would be just from tax revenue property taxes off of that land.

Parker Sloan: Referring to the current land.

Eric Pointon: That doesn't take into effect the local fuel that the farmer used or the fertilizer or any money put in there along with the property or the income tax that the farmer pays as well.

Parker Sloan: That's correct, it's trying to compare apples to apples on the property taxes.

Jim Lefeber: You mentioned there was a fence. Is there a fence around the property? A proposed fence around the property? You mentioned trees and stuff, but I was curious about a fence.

Parker Sloan: In addition to the vegetative buffer that the county requires, the United States National Electric Code requires a perimeter fence around an electrical

facility like this. Yes, for security purposes.

Jim Lefeber: What's the recycle process of? I'm sure these things aren't . . . I think you mentioned 35 years. 35 years before it goes back to farmland. I think that's what it was said.

Parker Sloan: That's correct.

Jim Lefeber: Then what's the life of the panels itself?

Parker Sloan: Typical solar panel or solar module has a warranty of 25 years. The typical life expected is in the 35-year range. In terms of recycling, were you asking?

Jim Lefeber: I mean, what happens after the twenty to thirty-five years, you said, so per panel?

Parker Sloan: The solar typical warranty is 25 years. The typical expected lifespan is in the 35-year range. That's changed over the years. In terms of recycling, there's a lot of materials on a site like this. By volume, there's certainly a lot of steel and aluminum, which can be and would be easily recycled. Solar panels themselves. I would think it's recycling those types of things that industry is nascent in the United States, but it does exist and it's growing as larger quantities of solar farms retire 25 to 30 years from today. I would expect that industry to balloon and grow further. In terms of practically recycling the solar panel, by volume, a panel is predominantly the aluminum frame and glass. So think of it like a modern laptop computer. Those things are easily recycled. You take it apart, you take the aluminum apart, recycle that, and you recycle the glass. That's the future of recycling for a project like this.

Melissa Mischke: Is that actually the process of when the equipment gets decommissioned or damaged? What is the actual process then to remove it, handle the waste of the panels, the steel, everything.

Parker Sloan: I can't promise you exactly how this process would work, many decades from today, but how the decommission works is all the equipment is removed in a very similar manner to the way it's installed, so the steel pilings are pulled out of the ground by hand. The equipment is unassembled. The materials that can be recycled or reused are recycled or reused. The fence is taken down. Any garbage that ends up is taken to a landfill. There's a variety of materials that include copper that's easily recycled as well. But the solar modules themselves can be taken apart and recycled today. I expect that to be easier to do in the future.

Eric Pointon: You said you have these projects already. So you've had a hailstorm or damage. What happened to those panels? They're not just stacked up somewhere on

the back of the property and waiting to get moved to one of those recycling facilities?

Parker Sloan: Well, in my experience in this industry, with projects like this, when there is a hail event that is significant enough to damage, to permanently damage, the solar module handling it is certainly on a project case-by-case basis. A solar module case-by-case basis in terms of what can be done with it. That panel is taken apart, removed, and replaced with a new one to continue the electricity generation.

Eric Pointon: I understand that, but what happened to the junk panels?

Melissa Mischke: Do they sit on the project property in the corner?

Parker Sloan: Absolutely not. They would be taken away and removed if they're damaged.

Eric Pointon: How efficient is this project? Since it is a fixed panel and it's lower to the ground, all these things. How efficient is it compared to one that does move to follow the sun for time of the year and all of that? How's the comparison?

Parker Sloan: I'll wait to see if one of my colleagues wants to add anything to this question, but it's a great question. The solar farms that you've seen around the area constructed in the last few years have solar panels, rows of solar panels that track the sun and actually move and track the sun.

This project is a little bit different. It actually involves more solar panels, low to the ground, like you said, and they face east and west to kind of capture the sun in a very similar manner to a moving solar module, but they're simply fixed. So there's less maintenance and can be constructed on a smaller area of land.

Eric Pointon: So is it like twice as many panels and half as efficient?

Jonathan Pike: I'll introduce myself. Thank you. My name's Jonathan Pike. I'm Vice President of Development at Hoosier Solar. To answer your question directly, the panels themselves are the same. As you noted in your question, they don't track the sun. That's intentional in this case. That is to minimize exposure to wind. To improve the resilience of the project to wind for all the reasons that you've heard everyone in the community raise tonight. As a result, those panels produce about 10 to 20% less energy per panel than if they were to track the sun. And then proportional to that, we're actually installing about 10 to 20% more panels than we would if they were tracking. So it's very much intentional. With respect to how do we minimize exposure to wind, but still produce the same amount of energy from the same

amount of land or less. Thanks.

Melissa Mischke: So I have a question about the donations that you've made to the community, what kind of timing are we looking at when they were made? If they were, such as dates, because I know you guys have been tabled for three or more months. I do know that after you guys requested a continuance on one of the petitions, it was then put out in the newspaper that there was a large donation made to the county fairgrounds. So I'm just curious about the timing of the Unity Foundation and some of these other donations.

Attorney Willoughby: I just want to confirm the timing was before. That was a point I was going to make that. Those who think as they do in terms of what those donations mean, but those are real donations and real dollars that were made without any guarantee of any decision. We're here before you tonight and Unity Foundation, the Fair Entertainment Board, they're better off regardless of what you decide tonight. There was nothing in return for that. There were no decision makers on those boards. That is real money invested in this community.

Melissa Mischke: Thank you.

Jim Lefeber: You mentioned the sound like a dishwasher. Is that measured from the property line or where is that measured from?

Parker Sloan: I would, if you have the binder in front of you, I would direct you to the tab with the sound study. Once you're in the sound study section, there's a green sticker in the sound study section.

Melissa Mischke: I was going to say, with respect, everyone in the audience doesn't have access to that. So if you could give us that information.

Parker Sloan: Yes, I'll give it to you the best I can. I was going to direct you to a map, which is hard to describe.

Melissa Mischke: And I think to piggyback on his question is I'd like to know what the decibel measurement is estimated at.

Parker Sloan: So the sound study is tab 1 section 1. Like I mentioned, there's a green sticker that directs you to a map. That has the estimated decibel sound levels, and it shows a line to kind of where that sound level would be around the project, and so I'm going to...

Jim Lefeber: I don't see a green.

Parker Sloan: Sorry, Mr. Lefeber, I'll wait till you get there.

Jim Lefeber: I have not seen a green sticker anywhere on mine. OK. I got the green sticker. Oh, this is the one right there. OK. OK.

Parker Sloan: That's the map I'm referring to.

Jim Lefeber: The circle is where you're measuring the noise from.

Parker Sloan: So the dots you see are the inverters, and that's the only thing that makes a sound. So you can see the several inverters spread out throughout the project, and the project is the yellow. That's the solar area. Those blobs or dots within the yellow are the inverters. As you'll see, they are purposely to the interior of the project and the interior of the fence line. Then you'll see a pink circle and a blue circle surrounding the area. The blue circle is 40 decibels. That represents roughly that amount of sound. Then the pink is thirty-five decibels roughly. That's the best depiction and answer to your question.

Attorney Willoughby: Just to clarify, it was pointed out to me that it's the dishwasher in a neighboring room, next room, not the same room.

Melissa Mischke: Probably not my dishwasher. So the 35 to 40 decibels, is that like a max?

Parker Sloan: Absolutely. OK.

Ernie Schmidt: What provisions do you have for fire? For example when we have a grass fire. What provisions and what kind of staff do you have and what kind of equipment do you have to protect the surrounding area?

Parker Sloan: That's a great question. I think there's several components to answer that question. The first is that a facility like this is monitored remotely. It is a 24/7, 365 days a year with a variety of sensors from a control room. Folks will know exactly what kind of danger or event has happened to the facility. So they'll know a brush fire has reached the perimeter or the interior of the project and notify local emergency services. In that type of scenario, we will have already had an emergency response plan in place with the county that will be reviewed and written and described with Hamlet Fire Department. So they will know how to get to the facility. They'll know how to get into the facility. We've already actually trained this very fire department in January of 2025, so they know how to safely respond to a facility like this.

Ernie Schmidt: Where is that monitored at, and what's our response time?

Parker Sloan: The monitoring facility would be associated with whatever operations and maintenance company is selected to maintain this project for the full length of its life. So the location of that facility, there's facilities like that located across the United States that monitor solar projects.

Ernie Schmidt: So someone in Texas could be monitoring Indiana?

Parker Sloan: Well, that can happen, yes. The remote facility can monitor a facility like this. In addition to that remote monitoring, there's also operations and maintenance staff that are located within the region that can respond within a certain identified quantity of hours to physically be on site, to physically respond and see the project with their eyes and be able to tell and verify what has happened or hasn't happened and coordinate from there.

Ernie Schmidt: Have you ever seen a grass fire in LaPorte County? You don't have hours to respond. What is the training for the staff that's going to respond? Do you have staff on site? What kind of equipment do we have?

Parker Sloan: I would again say that we have a relationship with the Hamlet Fire Department, and they would be who would respond to a fire incident like that, whether it's inside the fence or outside of the fence. And it would be...

Melissa Mischke: Well, with respect, I think the level of fire that Ernie is talking about is going to exceed the scope of what that volunteer fire department can do. So I think he wants to know if there are provisions to get more people on site as quickly as possible before it spreads to the neighboring properties.

Attorney Willoughby: Just to add, it was pointed out earlier that in addition to that relationship, there is an investment and a commitment to invest in that fire department. Currently, yes, maybe they do not have the resources, but part of the reasoning and thinking behind that is to look at options like that. Again, I just want to remind everybody, and I'll save this for summary because there's specific points that you guys are at, but there's a lot of process here. Mr. Polan, in his office, has pointed out the things that they want to exceed. They have demonstrated so far, the commitment to doing and going above and beyond. So your point isn't lost on something that is going to have to be decided in part of this process. There is monitoring as represented. There is investment in the fire department and staffing as needed to address those concerns.

Ernie Schmidt: Several years ago, and it wasn't long ago, we had a similar grass fire that ignited. They can ignite from anything, lightning, anything. It was out near the

Stillwell area and it took every fire department in this county to respond to that. We had to get helicopters flying water in from Porter County, Starke County, Lake County, wherever they came from. They battled that for over a day. They had to go back the next day and battle it again. We've experienced that in this county, and when you tell me that's monitored in Texas or Georgia or wherever it's monitored, and I'll get somebody there in two hours, that's not a good answer for me. There are too many people in this community that we have to protect.

Parker Sloan: What I would say is that the monitoring, in the context of your question, is primarily so that all the relevant people within our company, within the future O&M operators, would know what has happened.

Melissa Mischke: So that's the point of the monitoring and bringing that up. So I do have some experience with the 911 dispatch center. I think the kind of monitoring is similar, not exactly, but similar to business alarms that are monitored remotely. People have them in their own homes, in fact, simply safe or something, you know, one of these things. Those calls do come into the 911 center. I think the response time is definitely going to depend on the responding agency. So the quickness of it isn't the two hours that it's going to take their guy to get there or not, but how quick our volunteer fire personnel can get there.

Tony Hendricks: In addition to the fire departments and being trained to respond, we all know that grasses can take fire quickly. The point of this whole setup is they are a pollinator and native grasses. So that alone creates less fire ability because those are pollinator grasses that don't tend to start fire and take fire that fast. So the whole point of underlying grasses under the solar module is that these grasses typically don't take fire in quickly. These are pollinated native grasses that tend to make them less susceptible to that.

Melissa Mischke: Which leads kind of, to one of my questions, which is what is the maintenance of the vegetation? You know, if there's undergrowth, how does that get dealt with? You're going to have a plan for making sure we don't have a lot of dead growth underneath, that sort of thing.

Parker Sloan: In addition to the county ordinance requirements for an emergency response plan, the county ordinance also requires an operations and maintenance plan. That would include a vegetation component for things like weed control, mowing, maintaining the landscape buffer, that sort of thing.

Melissa Mischke: What else you got?

Jim Lefeber: I got one. This is going to be pretty good size. I'm guessing there's going to be some high-tension lines, some new ones coming in, or no? There's NIPSCO already on that one map that you had.

Parker Sloan: That's right. So that map that I guess you guys can't see, but the audience can see the pink line running diagonally. That's an existing transmission line. So this project is proposed to interconnect to that existing transmission.

Jim Lefeber: There's no new towers coming in or nothing like that?

Parker Sloan: Design and install a connection point that might be overhead, might be poured underground to get to that line. But as you can see, it's very close on Kankakee Road right there.

Jim Lefeber: Okay.

Tony Oss: I have a few. You mentioned the term of the commitment on the lease is 35 years. What happens after that? What is your expectation of any sort of special exception approval as it pertains to the end of that term?

Parker Sloan: When I stand in rooms like this, at podiums like this, I try not to know exactly or promise exactly what happens multiple decades from this moment. But at that moment with the landowners, we would have to understand the conditions on the land, what do the landowners want to do at that moment. Do they want to enter into something new? Is there a need for power here? Is there a new possible contract or does it get decommissioned and removed? Those are the, that's kind of the menu of options for that moment in the future.

Tony Oss: One of the requirements of the solar ordinance is for you to provide certificate of insurance, insurance limits. Really specified within the ordinance, one of the things I noticed on the Proof of Insurance you provided, I don't see any indication of any pollution liability insurance. Do you plan on obtaining that and providing pollution liability insurance of some sort?

Parker Sloan: I don't know that I know the answer to that question.

Melissa Mischke: Good job, Tony.

Parker Sloan: It's a good question.

Tony Oss: I'll keep going. If you don't know the answer, we'll just keep going.

Attorney Willoughby: Well, I was just speaking to the other representatives that's not typical of these types of projects because there aren't pollutants of which generally get insured against.

Tony Oss: Okay. The ordinance also calls for a third-party review of your decommissioning plan by an engineer selected by the building commissioner. Do you agree that you're going to fund that because that's part of the ordinance requirement?

Parker Sloan: We will pay for that and conduct it as requested by the ordinance and the building commissioner in the future.

Tony Oss: You also understand that every five years that decommissioning plan has to be reviewed. Re-approved, re-analyzed, and the dollar amounts are re-analyzed as well.

Parker Sloan: We have a civil engineer re-estimate the cost estimates. Yes, sir.

Tony Oss: There's pretty strict restrictions in the ordinance about the use of insecticides, pesticides, things like that on the land. It does allow you to use some local controls around your buildings, but you understand that the goal is not to spray the land with chemicals after you're done to keep insects down. Obviously, you're making a pollinator habitat.

Parker Sloan: Yes.

Tony Oss: The SWIP isn't, you're going to need a SWIP, right, Tony (Hendricks)?

Tony Hendricks: There'll be a full SWIP. Yes, you're exceeding the one acre.

Tony Oss: Yeah, okay.

Melissa Mischke: So I have a question for Rich. So I know that you talked about the cost analysis for assessed value, but in Indiana, we use fair market value. I'm curious how that applies to the surrounding area, if you have any information on the correlation between sales prices for a fair market value, since you might be paying an elevated price for this land.

Rich: I'm sorry, I'm not sure I fully understand the question.

Melissa Mischke: So if this land were being sold, it would have an assessed value and a sales price, right? If that sale amount exceeds the assessed value, then that drives up the cost in that neighborhood in Indiana, is that correct?

Rich: I couldn't speak to that specifically.

Melissa Mischke: Okay, that was my question. How does that compare with your analysis?

Rich: Again, our analysis was really focusing on where the solar project is going in, what that does. It does not look at specifically whether this project is going to increase the tax value or anything like that.

Melissa Mischke: So how long is this construction going to take? What are we looking at? A year? Six years?

Parker Sloan: Definitely not six years.

Melissa Mischke: Somewhere in between?

Parker Sloan: 12 months.

Melissa Mischke: So a year. Then with respect to the road maintenance, what if the road gets so tore up are you going to replace? Or redo all the roads if the construction traffic is what's causing failure on those roads? What is long-term maintenance during the construction?

Parker Sloan: It's a great question. So we've already enlisted and contracted with HWC. That's the kind of pre-project analysis of the conditions of the roads, and they'll do a post-construction analysis. Then we'll work with the highway superintendent to make sure that we have brought the roads back up to the condition they were or better. Absolutely. That's a requirement also within the road use agreement with the county.

Attorney Willoughby: That's what I just wanted to add. It's a requirement. The commissioners have a bite at this apple. Those terms are going to be in there and definitely it is our proposed agreement, which we know will change, it's only a draft because that's premature. We're not to that level if you're inclined to approve this project. Our company to fund that as necessary.

Melissa Mischke: I'm sure you guys understand that not every question we're asking is because we don't know the answer, but maybe the crowd is not as familiar with the ordinance or other information. So we want to get that information out to the public. I will say this, I am surprised very happily for once, and somebody gave me a study from Purdue. I've been doing this a long time and people will come to me with, this happened in Arizona and this happened in Texas. I think we even had a reference to

hail in Texas. But this is the first time I've ever had somebody bring me a study that was produced by an Indiana university that understands Indiana and Purdue is definitely a leader in agriculture. So I want to commend you for that. I really like that intentional landscaping plan. I think bringing back native plants and pollinators is so important to our farming community. I really like to see more of that. So thank you.

Tony Oss: Can I add one thing?

Melissa Mischke: Yep.

Tony Oss: So to that end I guess, build off of what Melissa was saying. There are certain things you've committed to this evening that are in excess of the ordinance. Maybe we can, I guess I'm asking legal counsel as well, require those as stipulations to any approval should that approval be made.

Attorney Willoughby: We have not shied away. We've discussed that those can be conditions and everybody is aware that you can impose conditions. We are ready to address couple of things.

Melissa Mischke: I was going to ask if you guys want to make a vote, but OK.

Tony Hendricks: There was some discussion and some remonstrance about this area possibly being residential, and that's not possible. Well, it is possible. I checked the soil. Melissa was one of our GIS directors and put the soils on our Beacon website. So this is Tracy soils and Gifford soils. The flood zone is really compacted around the Kankakee. I do this every day. People ask me to build residential homes. Yes, in agriculture.es, LaPorte County allows that. So this could be residential. This could be some nice residential tracks, but once it's residential, it's never going back to agricultural. So just wanted to put that in for the record that you could have some septic's out here.

Melissa Mischke: I guess I do have one last question, and it's Tony's fault. On my notes here, I really did make a note about it. So the homes that are there, there are a couple of homes inside this area, correct? At least one. Is anyone going to continue to live in these homes? I think it's important for everyone else's safety and their concerns that they know if someone is going to live there or not.

Parker Sloan: There's really just one within the boundaries here.

Melissa Mischke: I saw Eric, he raised his hand. I'm going to need you to come on up, and I'm going to need you to get on the record with that.

Eric: There were three homes on the property at one time. The Home Place Farm, there was a small home down by the railroad tracks and the river. That house is gone. The only one left is the one that my grandparents have. We do have tenants in there, and they're aware of what's coming. They intend to stay. We worked with Hoosier Solar to set a large setback around the house. We're leaving a wood, we're leaving a field, we're leaving like 100 yards all the way around with all the landscaping and things that we can do; to make it continue to feel like a house in the country.

Melissa Mischke: Okay, thank you. All right.

Parker Sloan: I would just add that we have several 100 feet set back around that structure.

Melissa Mischke: All right, Mr. Willoughby.

Attorney Willoughby: He has one other point, then ready to summarize. Yeah, just one item in rebuttal, I guess we're calling this.

Parker Sloan: There was a question that came up in regards to our agreements and contracts and what happens if this company goes away in the future. So what I would say is that every agreement contract we have with the landowners, the decommissioning bond, the road use agreement, any contract or agreement we have with the county, all of those things run with the Yellowstone Solar Project specifically. So if 15 years from now or 25 years from now, this company doesn't exist anymore, all of those agreements and contracts hold true and they remain with the Yellowstone Solar Project.

Attorney Willoughby: I just want to revisit your question about assessed value. It was pointed out to me that the assessed value for this land and this type of project is set by the state and it's set at \$13,000 an acre, which is paid by the developer and then decreases at the end of the life of this project.

Melissa Mischke: Okay. Thank you.

Attorney Willoughby: With that, at first, I just wanted to say, on behalf of Yellowstone, and Hoosier Solar, thank you. Thank you for paying attention. Thank you for the questions. That's long, laborious, a lot of materials. I don't have much to say in summary. It's to us, as we analyze the ordinance, we've met and exceeded many of the requirements, exceeded them as pointed out by Mr. Oss, and we're open to you holding, we expect you to hold us to it. Recently we had an opportunity to listen to Commissioner Haney and discussing solar and data and there was some extended discussion about the solar ordinance and, you know, discussion about banning them and prohibiting them and how that really just isn't realistic or possible

from a legal standpoint. But something I agree with and I appreciate it. He isn't necessarily in favor of them, but we have to embrace and try to protect this community while also recognizing, you know, we might have to live parallel with these types of projects. Hence the original solar ordinance and then as amended and as Commissioner Haney and hopefully, I'm not butchering by my paraphrasing and trying to hurry up for everybody's attention is that proud of it. LaPorte County is a leader in this state with regard to the restrictions, the requirements, and you've heard, we've met and exceeded most of those. So your job is to decide and under the decision criteria that your attorney, we've pointed out and he's going to remind you of when you're ready to make a decision, is have we checked the boxes? We have. Again, a special exception is a permitted use.

The land ordinance, our comprehensive plan, land development ordinance was passed, our plan was passed, and then subsequently this solar ordinance came along. Legislators could have prohibited this, they could have restricted it more. Again, I can't emphasize enough. We're not only meeting, we're exceeding it. We've checked the boxes and with that, we believe that you are required, right? We're entitled to have our special exception and have the opportunity to move forward. I also want to remind you; there's a lot of process left. It's not all on your shoulders. Your shoulders are to analyze the first step. Have we complied? Have we checked with the boxes? Our position is that we have. Of course, I'm biased here. So you're going to have to rely on your attorney and your own thoughts on that. But there's a lot of process left. We have Mr. Polan, other departments who are appointed by the decision makers of this county. We have contracts that have to get approved and be negotiated with the commissioners, decommissioning agreements, and road use agreements, proof that we're going to put our money where our mouth is and do what we say we're going to do. With that, again, I can't thank you enough.

I appreciate the opportunity to represent my client before you, as well as the attention you've paid to this matter and respectfully request that you grant the requested special exception as presented. Thank you.

Melissa Mischke: Thank you. Okay, so now it's down to the board making a decision. I respect that we've gotten a lot of information with regard to the paperwork that was given to us. I think we've been given a lot of information. So if there is a motion, I will entertain a motion.

Eric Pointon: I'll make a motion to table it with what she just stated, with us just receiving this giant binder. There's a lot of notes that I made. I know there's a lot of notes everyone made. I think we need to make a motion to table this until the July meeting and do our research in the meantime.

Jim Lefeber: I second it.

Melissa Mischke: I have a motion and a second to table. All those in favor, say aye. All those against, same sign. So the motion carries. We're going to table it until that July meeting.

Motion to table petition until the July, 2026 meeting passes 4 – 1.

Melissa Mischke: So we do have quite a bit of petitions remaining this evening. So if we can have everybody move out as quickly and quietly as we can. We're going to take a five-minute break.

All right, folks, I really appreciate everybody doing their best to get back in a timely manner. So we're going to go ahead and continue.

And apparently, I am, we are going to switch petition #2 and #4.

**4. Petition for Variance of Development Standards for Aaron Johnson and Megan Johnson** to construct a two (2) story with a garage on the 1<sup>st</sup> floor and living quarters on the 2<sup>nd</sup> floor and a one (1) story garage. The front lot setback of ten (10) feet from twenty-five (25) feet. Rear to deviation from waterway setback of twelve (12) feet. This property located 100 yards east of the intersection of Oak Drive and Island Drive, LaPorte. Center Township Zoned R1B Parcels 46-06-27-326-003.000-042 and 46-06-27-326-002.000-042.

And this was tabled from the May 12<sup>th</sup> meeting. So I'll need a motion to remove from the table.

Eric Pointon: I'll make a motion to remove it from this table.

Jeff Baltes: Second.

Melissa Mischke: I have a motion to second. All in favor, say aye. Perfect.

Motion to remove from the table passes 5 – 0.

Attorney Voeltz: Legal work is still adequate. So. Madam President, at the previous meeting, we had an issue with regards to publication being incorrect. Let's call it that, in that the description was inappropriate or not in compliance with what the petition was. That has been corrected. Notice is adequate.

Melissa Mischke: Thank you. Mr. Johnson, if you'd like to come forward and again, state your name and address for the record, and then we'll go from there.

Aaron Johnson: Thank you. My name is Aaron Johnson. I live at 339 Oak Drive here in La Porte. I'm here to request a variance to build a new home at 313 Oak Drive, just five lots down from where my current home is. I'm asking for a 12-foot setback variance from the pond that's in the rear. I'm not on Pine Lake. I'm across the street from the lake. There's a pond on the rear of the property. So I'm here to ask for a 12-foot setback variance from the pond in the rear and a 10-foot setback from the front. There's also a 10-foot road easement from the edge of the street. So combine the 10-foot easement plus my setback would make our structure 20 feet from the road.

We're not on the lake; we're across the street. There are seven other homes on this pond. All the structures are less than the 50-foot setback requirement. Second, there are 108 homes on the island, 32 of which are less than 15 feet from the edge of the road, where we'll be 20 feet from the edge of the road. There are homes as close as four feet from the edge of the road on the island. So my proposed structure is consistent with the neighborhood. I've been here four times regarding this project. The silver lining is that I've had the chance to hear the one remonstrator, and it's allowed me to alter some plans to the best of my ability and try to accommodate the opposition. The structure was said to be too close to the property line. I had an original plan. I came before you and you granted a variance that would have allowed a side variance of seven-foot setbacks. I've now moved the structure away from the property line. We will be 20 feet away, so I no longer need side setbacks. We will abide by the code there.

The second was potential noise. I've rotated the structure 180 degrees to move the residence away from the property line. So the garage is near my one neighbor, Denny Follis. So that would take any potential noise away.

Third, there was a fear of potential Airbnb. I have 0 intentions on any Airbnb. My wife would never allow that. So I will voluntarily accept, as a condition of the variance, that I will not use it as a short-term rental for a period of five years.

Fourth, this isn't part of the variance, but it was a concern of my neighbor was there was a basketball court in the plans that was going to be in between our two properties. I moved that to the opposite end of the property as far away from my one neighbor as possible to remove that fear.

Finally, I own 4 contiguous lots there. There's lots 16, 17, 18, and 19. I'll be building the structure on lot 16 and 17. There was fear that I would further develop 18 and 19

that could then become Airbnb or other homes that could be sold and more people moving in. I will agree to work with the county to combine those parcels into one lot. I have no intentions of further development after this. This is for my wife and me, for our retirement home. There are 4 letters of support from other neighbors on the island, and I appreciate your consideration on this matter. Thank you.

Melissa Mischke: Thank you. Did we have any remonstrators? We did, yes, because then we had just the one, but we don't have anything additional since we've already heard remonstrators. Do we have anybody that would like to speak for or against this petition? If you'd like to come forward.

Attorney Willoughby: I've been told that many times and we've established a few things. I'm not the most intelligent here tonight. I'm not the best looking, but I am a broker of peace. Since the last meeting, had an opportunity to graciously speak with Mr. Johnson. You know we did discuss terms. We did have frank discussions. He was very gracious in explaining what his intentions were. Obviously, I'm not his attorney, so the things that we discussed, you know, obviously need to make sure that he's comfortable because there is a distinction between having separate lots and one legal lot to which he's agreed to. With all of that said, my client has authorized me, unlike last month, to speak in favor and support of the granting of this petition, subject to those conditions of making lots 16 through 19 one continuous legal lot voluntarily, because you can't, in my opinion, otherwise dictate that he couldn't make an Airbnb. So that is a very huge concession. Lastly, there is a property line dispute that I had at least like acknowledged, but they've agreed to let that be and move forward. So again, fully support you and this.

Melissa Mischke: Can you remind us again, your clients?

Attorney Willoughby: I can remind you who I am. I'm Attorney Chris Willoughby here on behalf of Denny Follis, who lives at 314 Oak Drive. Thank you.

Melissa Mischke: Sir, if you'd like to come up. If you would, state your name and address for the record.

Doug Stephani: My name is Doug Stephani, 108 North 400 West. I'm an adjacent property owner and have no opposition to the project and no concerns. Thank you.

Melissa Mischke: All right, any other remonstrators?

Dorothy Lange: I am Dorothy Lange, 341 Oak Drive. I'm a neighbor and I have no opposition whatsoever to this.

Melissa Mischke: Great. Thank you.

Jeanette Lansky: Jeanette Lansky, 337 Oak Drive, next door neighbor to Aaron and Megan, and I'm all for the project. Thank you.

Melissa Mischke: Thank you. Anybody else? For or against? OK, hearing and seeing none. If there are no questions from the board, then I'll entertain a motion.

Tony Oss: So I want make sure I quantify this correctly, and Mr. Johnson, you might want to come back up, so you're at the front setback of 10 foot, rear setback of 12 foot, which is a waterway setback with variance. Agreement to combine the four parcels. You're going to combine all four parcels or four lots. No short-term rentals of the property for five years. Correct. So I would make a motion to approve the petition for reduction in the front setback to 10-foot, reduction in the waterway setback to 12 feet, which would also be inclusive of the rear yard setback. Condition that the four lots must be combined, and no short-term rentals on the property for five years.

Eric Pointon: Second.

Melissa Mischke: I have a motion and a second. All those in favor, say aye. All those opposed, same sign. Good luck. Thank you.

Motion to grant variance approved 4 – 1.

**3. Petition for Special Exception for Stephen Valich** to keep two (2) horses on less than three (3) acres. The property located at 4952 South Range Road, LaPorte, IN. Zoned R1B on 2.319 acres. Parcel 46-10-25-426-002.000-066.

Melissa Mischke: I apologize again because I feel like I mispronounced your name last time and this time, so. If you hang on just a second, I got a little housekeeping. So this petition was tabled from the March meeting. I'll need a motion to remove from the table.

Jeff Baltes: I make a motion to remove it from the table.

Eric Pointon: Second.

Melissa Mischke: Motion and a second. All those in favor? Okay.

Petition removed from table 5 – 0.

Attorney Voeltz: Madam President, after review of the historical record of this board as related to this type of specific special exception regarding keeping two horses on less than three acres, it has been the historical precedent of this board to grant such a variance as specifically worded by the petitioner. So Mr. Valich, I do apologize that it has taken this long, but it took a little bit of research to determine how the code is worded specifically as related to this special exception. Even though it shows as not permitted, what not permitted indicates is that a special exception is required. So for that, for those purposes, the petition is valid from a legal perspective.

Melissa Mischke: Okay. So if you would state your name and address for the record.

Stephen Valich: Stephen Valich, 4952 South Range Road, LaPorte

Melissa Mischke: You already have these horses. How long?

Stephen Valich: Yeah, my girlfriend has them. She's had them one, three years. The other one, I think she's had almost 15. So this is her fault? Correct. She's not here, so we can blame her.

Melissa Mischke: Oh, okay. She can watch this on replay. Are there any remonstrators tonight for this petition? Anybody for or against it? I'm sorry I needed that. Anybody for or against it?

Stephen Valich: You're welcome.

Melissa Mischke: Okay, there are no remonstrators. Are there questions from the board? If there's none, I will entertain a motion.

Ernie Schmidt: I make a motion to pass the request.

Jeff Baltes: Second.

Melissa Mischke: So there is a motion to grant the petition for two horses on less than three acres. I have a motion and a second. All those in favor say aye. Aye. Those opposed, same sign. Good luck. Thank you.

Motion for variance passes 5 – 0.

**5. Petition for Variance of Developmental Standards for Emory Investments** to create 2 parcels out of 29 acres. The first parcel will be plus or minus 16.05 acres and 70.34 feet of road frontage instead of the minimum required 200 feet. Parcel 2 will be plus or minus 14.42 acres

with 200 feet of road frontage. This property is located at 3522 South State Road 104, LaPorte Pleasant Township, Zoned M1 on 29 acres.

Melissa Mischke: Thank you very much for your patience. Two months in a row. Sorry. So this also was tabled from last month. I'm sorry, from May. So, I'll need a motion to remove from the table.

Eric Pointon: I make a motion to remove from the table.

Ernie Schmidt: Second.

Melissa Mischke: All those in favor? All right.

Motion to remove from table 5 – 0.

Melissa Mischke: Let's hear your plan again.

Nathan Flickner: Nathan Flickner, 1402 East Mishawaka Avenue, South Bend. Last meeting here, last month, there were some questions that got brought up about the EPA and I could not answer any of them. I sent some information to the building department and then I've also brought the property owner and his attorney to answer any questions about that to see how that might affect your decision. I'll let them introduce themselves.

Melissa Mischke: Okay, thank you. So we did get a report emailed to us that was the EPA report. I can't say that I felt like it was very detailed. Federal government, right? So, I think we're going to have some questions. If you would, sir, please state your name and address.

Charlie Zerker: My name is Charlie Zerker. I'm with the law firm of Kindig and Sloat, 102 Heritage Parkway, Nappanee, Indiana. What we had sent to Mr. Flickner was the notice of federal tax lien or notice of federal lien that the EPA filed against this property. My understanding from the hearing last month was just questions about the environmental condition or status of the property and why my client was wanting to split the property apart. The reason he wants to split the property apart is because his operations and the operations of the other member of this LLC are separate operations and the other member of the LLC is having some issues, the cause of the EPA issues. The parties are agreeable to splitting this property in this manner where they would just go their separate ways. In connection with the EPA issues, my client, he's been out there and talked to the folks that have come to investigate some of the contamination issues or alleged contamination issues. We don't have any reports or any information with respect to what those results are. We just want to be able to split the property in two, but without any motivation or intent to evade anything

that's already happened there. That EPA issue, the environmental contamination issue would follow that split just like if it stayed together because it occurred prior to the split. Any subsequent owner is going to have that property subject to whatever issues may be determined by EPA. Plus EPA's filed this lien against the whole property. So if it gets split, it's just like a mortgage. It just stays on and my client will have to deal with it just like he would have to deal with it if the property was together.

Jeff Baltes: All that will follow both parcels. Both, yeah, both parcels. EPA side and the lien.

Charlie Zerker: Right. Well, the lien is from EPA. It's just a notice. It's notice of a lien for potential cleanup or liability under the environmental statutes.

Melissa Mischke: Right, because what I read in that report is not specific to 1 parcel or the other. Contamination could be occurring across both of them.

Charlie Zerker: Correct. Even if it was only for one of the two split parcels, the other parcel is going to be on the hook for it too, because it was all together in the very beginning.

Melissa Mischke: So what kind of business are we going to operate on this second parcel that we're intending to split?

Charlie Zerker: So this is my client, Frank Martin. I will give you a brief summary and then he can answer any questions. So he operates a feed mill in Wakarusa, Indiana, which is 10 minutes from Nappanee, Southern Elkhart County, and an hour away from here. What he utilizes is the railroad on the south side of this property. He's built a building there after they acquired the property. He empties the rail cars, has his guys there, and transports the ingredients for his feed back to Wakarusa. It's cheaper for him to be able to load or unload from the railroad, haul it back himself to Wakarusa, for the components of his feed.

Melissa Mischke: Okay.

Charlie Zerker: Is that accurate?

Frank Martin: Yeah.

Melissa Mischke: If you would state your name and address for the record.

Frank Martin: Frank Martin from 26220 County Road 46, Nappanee, Indiana.

Melissa Mischke: So, you have materials coming to that location?

Frank Martin: I have for the last 20 years.

Melissa Mischke: Do they sit in storage?

Frank Martin: There's a new storage building there. That's all dry goods. So canola meal, gluten feed, we bring in feed salt, feed grade salt from Wyoming, such likes, things that are transported long distances, and it's a viable location, believe it or not, 30 miles from me because of its capabilities on the short line and so forth. So if anybody wants more of that, but it's a vital part of what we do.

Melissa Mischke: Are there any concerns with potential contamination or possible contamination?

Frank Martin: Well, it was hand sanitizer, so you have any information. Nobody's defined to me what they found.

Melissa Mischke: You're not worried about hand sanitizer.

Frank Martin: Well, no, I'm not. But it is a, I didn't know it is a controlled substance. I wasn't aware that.

Charlie Zerker: Mr. Martin's been in control of the building that he built that may store some of his dry goods and feed. He's been in control of that from day one from when he started it. It's not his business that's the one that's had the potential issue. So it's segregated from those issues.

Eric Pointon: We understand the need for the split now, why you want to distance yourself, but why did you wait until after, like, did you try to do this before you built the building and put all this investment out there?

Frank Martin: I mean . . .

Melissa Mischke: I need you to talk into that microphone, please.

Frank Martin: We tried for a couple of years and quite frankly, it took a long, long time. Might I add that I trusted someone. I can no longer do that. It's not in my best interest.

Eric Pointon: Yeah, I understand the need now. Yeah, I get it.

Frank Martin: I'm involved in it and I don't want to be. OK.

Melissa Mischke: Do we have any remonstrators tonight for this petition? Anybody for or against? Any remonstrators? I feel like, Nathan, you should say something in favor, but...

Steve Holifield: Steve Holifield County Commissioner.

Melissa Mischke: I need your address too.

Steve Holifield: 6782 East 100 South. I've known the Martin family. A lot of my business goes to the Wakarusa and Nappanee area. I know a lot of my dairy customers get feed from him. I see no reason to stop this from going through. He's just trying to be a good businessman. Thank you.

Nathan Flickner: Nathan Flickner again, 1402 E Mishawaka Avenue, South Bend. Yeah, we're just looking for the frontage on this. I think after hearing a better reasoning behind it, I think the board should really consider this. As far as they weren't trying to do anything nefarious or, and we just didn't have that information before. So that's all I've got to say. Thank you.

Melissa Mischke: Okay, any other remonstrators? If not, I'll entertain a motion from the board. Before I do that, though, Tony has a question.

Tony Oss: I'm sorry. Is there a plat that shows what you want this to look like? I don't know that I've seen that. You're just asking for a frontage variance, but you haven't shown any sort of lot lines that I can see. The reason I ask is there's a lot of buildings on this site. If you just draw a random line, we're going to create all sorts of potential other issues.

Nathan Flickner: Oh yeah, there was a site plan showing all those buildings.

Tony Oss: Maybe it was from the last packet.

Nathan Flickner: Last packet maybe.

Tony Oss: I bet that is why I didn't receive it.

Eric Pointon: Oh, thanks a lot, bud.

Melissa Mischke: I copied it. You know what? I have a larger version. Yeah, I came prepared.

Tony Oss: Is it going to create a problem? That big building is going to be right next to a property line.

Melissa Mischke: Well, it's going to be his. Let's see.

Tony Oss: I guess, can I ask Mike a question? Mike, there's setbacks required under, and I know we're not supposed to get in the building code, but we're starting to talk about stuff like this. That line is going to potentially make that large building at the front of the property non-compliant. I don't know what else is going on in that building. I don't know.

But there are setback requirements, obviously, in the joint zoning ordinance, but there could be requirements for clear pathways around a building when it pertains to Indiana Building Code. So I'm just concerned about it. I'm not necessarily concerned about drawing the line where they're drawing it. I'm just . . . it creates a very narrow pathway. It's constraining a building that's already there, are we creating another problem? That's just all I'm asking.

Michael Polan: I think that alongside there is an easement and if there was any encroachment or reduction in a setback that would be a deviation from developmental standards. It would need to be included in the variance that they're seeking.

Melissa Mischke: Well, that is there. Right, and then the petition is for developmental standards.

Michael Polan: If they're not asking for a reduction in the setbacks, then it's not part of what you're approving.

Melissa Mischke: So now I'm going to have to ask Attorney Voeltz to weigh in on this.

Attorney Voeltz: The specific variance of developmental standards that this individual petitioner is requesting is limited to parcel size and frontage. There's no indication in there with regards to setbacks or anything like that. So if those are certain conditions that you would impose upon whatever variance or whatever motion you would create or propose, the only concern I have there is Are those conditions even meet able because you can't have and obviously you can't put a setback into a building that's already there. So perhaps there needs to be more clarification as to what will specifically be contained within this, again, 2 parcels out of 29 acres, and then how that affects the specific setbacks and whatnot surrounding the existing building. And certainly I do understand the need for this. And then just to go to with regards to the EPA situation, from a legal perspective, what these winds

up being is a joint and several liability, meaning that it exists and just because you cut it in half, it doesn't matter. It still exists to in the same way it exists today. So that shouldn't factor into your decision.

Michael Polan: I don't have the drawing in front of me because I gave it to you, but if it's not on there. If all those measurements are not on there, we can ask the surveyor if they're meeting the setbacks for M1 zoning designation.

Tony Oss: Yeah, they're here. I can't read that.

Nathan Flickner: We put those in at 15 foot after we looked up the M1 zoning. That's why that line is there. It's the minimum away from that front building.

Tony Off: So you're saying that that line is 15 feet. The new property line will be 15 feet from the existing building that's closest to State Road 104.

Nathan Flickner: Correct. That's how we drew the line in there.

Melissa Mischke: I don't see anything less than that from what I can read.

Nathan Flickner: I think it's the scale that might be throwing you off also. Those are pretty big acreage parcels and some big buildings.

Tony Oss: Yes. I get it. But you start getting down to 15 feet, that gets pretty tight, especially, and I know we're not supposed to, we're not really considering building code, but I also know that they're talking about fire code and it just is what it is. You have a building that has plenty of clearance. I want to make sure you're not making a building that's non-compliant.

Nathan Flickner: So I just thought that was the idea and we would have asked for that.

Melissa Mischker: I don't see that as an issue for this that I'm looking at. As you said, it's not part of our decision making, so. I'm going to entertain a motion.

Jeff Baltes: I'll make a motion to approve this split as presented with the EPA stuff going with both sides, both parcels all the time. So it's all cleaned up and figured out. Good luck.

Ernie Schmidt: Second.

Melissa Mischke: I have a motion and a second to approve the petition. All those in favor, say aye. Those opposed, same sign.

Congratulations. Good luck.

Motion for variance passes 4 – 1.

**6. Petition for Variance of Developmental Standards for Travis Wallen** for construction of a pole barn with a bathroom, not to be used as a dwelling, for storage and to work on personal vehicles and to have a camper there while working on the property. There is no house on the property and it is located at 7863 North Maiden Lane, New Carlisle, IN 46552, Hudson Township Zoned R1B. With a Parcel Number 46-04-29-108-007.000-050.

Melissa Mischke: So this was also tabled. From a previous meeting, I'll need a motion to remove it from the table.

Ernie Schmidt: I make a motion to remove.

Jeff Baltes: Second.

Melissa Mischke: I have a motion and a second. All in favor say aye.

Removed from table 5 – 0

Melissa Mischke: Okay, so we asked you to get some additional information.

Attorney Voeltz: Madam President, Mr. Wallen or the petitioner did not appear at the previous meeting.

Melissa Mischke: Oh, thank you.

Ernie Schmidt: Okay, so. I withdraw my motion.

Melissa Mischke: You want to construct a pole building to store stuff. Right. And live in a camper while you're making a pole building?

Travis Wallen: Just while I'm building it. I live down 30441 State Road 2 and St. Joe County had sold that to, or bought that from me. So my skid steer, my bigger equipment, I don't have a place to store it at right now. So I'm going to build a pole barn and safely store it, keep it locked up. I'm running into issues with people stealing. Can you, yeah, run into issues with people stealing stuff, and I'm trying to secure it.

Melissa Mischke: Do you live in this area?

Travis Wallen: I am currently living in Elkhart right now. I drive back and forth to work and trying to get out here. This is costing a lot.

Melissa Mischke: Do we have any remonstrators for this petition? Anybody for or against it? Any remonstrators for petition number six? All right, Board, I know you have some questions.

Eric Pointon: What's your potential time frame to build the house?

Travis Wallen: It's going to base a lot on the income that I got to spend on it. I was hoping to have it done in one month because I hired a company. I was going to hire a company to build it for me.

Eric Pointon: Not the barn itself. You're saying you want to potentially build a house. You want to have a camper there while you're working on the house.

Travis Wallen: I have a camper on there while I'm working on, while I'm building it.

Eric Pointon: While you're building the pole barn or the house?

Travis Wallen: The pole barn. Okay.

Tony Oss: It doesn't say anything about a house.

Eric Pointon: Oh, okay. Yeah, it's just the pole barn for storage.

Travis Wallen: And the reason why I'd want a bathroom in here is just because nature calls.

Eric Pointon: Gotcha. So there are no plans to put a house on there, just the storage of your equipment.

Travis Wallen: Maybe way down in the future, but I'd have to file for variances for that or whatever, you know. But as of right now, no, I'm just looking for just storage.

Melissa Mischke: Well, as a rule, we do not allow people to live in campers, right? So where would you be removing the waste from your camper, those sorts of things, would it just sit there the entire time?

Travis Wallen: Well, I mean, I'd basically just be standing there overnight and then going to work and then I'll go back to Elkhart where I live and...

Melissa Mischke: Okay.

Travis Wallen: Just going to be a camper there for the nights where if it's too late at night and I don't want to drive, basically.

Jeff Baltes: So you're potentially going to be partially living in the camper.

Travis Wallen: Yes. Well, I mean, sleeping in a camper, just not living in it.

Eric Pointon: So what . . .

Travis Wallen: My camper doesn't have a stove or anything like that inside of it. So.

Eric Pointon: What are your plans? I understand you need to lock your equipment up. Are you trying to run a business out of this facility?

Travis Wallen: No, I do hobbies. I work on people's cars and stuff. If you know, my own vehicles and then build. Custom guitars, a lot of woodworking projects, stuff that I do. There's no business for it though.

Eric Pointon: So, you're going to keep living in Elkhart?

Travis Wallen: Yeah, well, eventually move to South Bend or LaPorte. But as right now, I'm staying in Elkhart.

Tony Oss: But you have no, you have no plans beyond a storage building on this site.

Travis Wallen: It's just going to be just for hobbies, pretty much, and storage. Like I said, I wanted to make sure my skid steer is securely locked up and my bigger equipment.

Melissa Mischke: So there's, I'm sorry, I have to ask this, but I don't know if those are very solitary, you know, woodworking and are those things you do just by yourself. And the reason I'm going to make a statement here regarding this. In the past, when we have had these kinds of petitions, someone doesn't live in or even in your case, remotely near the property that you're storing things at and you have a camper, there's shenanigans going on. You know, bonfires, get-togethers that get out of hand on occasion. Is that also part of you know, these things and have friends out.

Travis Wallen: No, it's just going to be me. I'm real close. I kind of pretty much stay by myself. Like I said, I've had quite a few things stolen from me since they bought my house here in New Carlisle, and I'm just tired of stuff getting stolen.

Melissa Mischke: What kind of construction are you going to have for a storage building that you can?

Travis Wallen: The original idea was just to have a metal building put up.

Melissa Mischke: And you think that's going to secure your equipment?

Travis Wallen: But I'm looking at maybe doing a wood stick building. It just depends on the cost of.

Melissa Mischke: Sure. If you guys have any questions.

Eric Pointon: So you have an idea of size. I don't have it here.

Travis Wallen: Yeah, it was originally going to be a 30 by 40. I might have to downsize that, like I said, depending on cost. So, but the original plan was to go 30 by 40. And then put a privacy fence that's connected to the barn.

Melissa Mischke: And so, you know, should we approve this, that you still have to work with the health department to get a septic permit?

Travis Wallen: Right, and I already did the soil test.

Melissa Mischke: Okay. If you guys don't have any additional questions, then I'll entertain a motion.

Eric Pointon: Just real quick, what's your plans with the camper after it's built?

Travis Wallen: It'll get stored inside the pole barn.

Eric Pointon: And you're not going to live in it? It's just going to be stored and used when you go camping? And you're not going to run a business out of this?

Travis Wallen: No, no.

Eric Pointon: Yeah, I'll make a motion to approve this as presented with not to exceed a 30 by 40 pole barn. Um, no living in the camper beyond construction. And not running a business.

Travis Wallen: All right.

Melissa Mischke: Should we do a timeframe for construction?

Travis Wallen: I don't have the time frame, which is the money constraints right now, so I'm not sure.

Eric Pointon: Can we say one year from the time construction starts until completion?

Travis Wallen: Yeah.

Eric Pointon: You don't actually start it tomorrow. The timer doesn't go until you pull your permit and start construction one year from start to finish. Is that fair?

Travis Wallen: Yeah.

Melissa Mischke: Okay. And if there's issues that come up, get in touch with the building commissioner. I think we'd rather hear from you sooner than later if there's, you know, issues that are going to prevent you from meeting that goal.

Travis Wallen: All right.

Eric Pointon: Okay.

Meissa Mishcke: Okay, so I have a motion. Do I have a second?

Jeff Baltes: A second.

Melissa Mischke: Okay, I have a motion and a second. All those in favor say aye. Those opposed, same sign. Okay. Three-to-two-petition failed. Good luck.

Travis Wallen: Yep. Thank you.

Melissa Mischke: Thank you.

Motion to approve variance failed 3 – 2.

**8. Petition for Variance of Developmental Standards from Mary and Dickie Shepherd** for placement of a 14' x 16' (fourteen by sixteen) pre-built shed in the front of the house instead of the rear property. Property is located at 139 Grand Avenue, LaPorte, IN, in Scipio Township, Zoned R1B with a Parcel Number of 46-10-03-477-060.000-060

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Thank you. If you would state your name and address for the record.

Dick Shepherd: Dick Shepherd, 139 Grand Avenue, LaPorte, Indiana.

Mary Shepherd, 139 Grand Avenue, LaPorte.

Melissa Mischke: I want to know who has all the stuff that you need to shed.

Mary Shepherd: Oh. Okay, the driveway is so long that he has the snow blower and we have a lawn mower.

Melissa Mischke: So can you tell me what the actual use of it's going to be? Is it going to be just storage of?

Dick Shepherd: Yeah, our problem is, it's a one car garage. And there's a small backyard.

Melissa Mischke: Can I get you to get that microphone?

Dick Shepherd: Yeah, it's a one car garage. It's a small backyard, but a huge front yard. So we thought it would be more convenient and blend with the house if we put it in front. And we've met the requirements of being far enough away from the septic and far enough away from the house.

Melissa Mischke: Do we have any remonstrators tonight for this petition? Anybody for or against it? Any remonstrators? What kind of questions from the board?

Ernie Schmidt: Is this going to blend with the house, look similar to the house?

Dick Shepherd: Yes, that's as close as we can get it.

Melissa Mischke: Try to get close to that microphone so we can.

Mary Shepherd: The color, the outside of it and the roof color are almost as close as, like he said, as close as we could get.

Ernie Schmidt: Are you sure this is big enough?

Melissa Mischke: That's always the question. I know.

Dick Shepherd: For what it costs, it's going to have to be.

Mary Shepherd: And how much, how many more toys our grandson is going to bring over.

Ernie Schmidt: Well, if there's any doubt, you should ask for something bigger.

Melissa Mischke: This would be the time.

Ernie Schmidt: Otherwise, you have to get another permit or another variance.

Dick Shepherd: I really don't think it'll be any bigger. At least I hope not. And we have talked to all of our neighbors and no one has a problem with it.

Melissa Mischke: Okay. What kind of questions from the board do we have? Tony, I know you got one.

Jeff Baltes: Tony, did you shut your mic off?

Tony Oss: Um, you mentioned storing snow blowers and or something like that. I think it's kind of what you mentioned about for the driveway. Is that the driving reason behind not entertaining the back? Is that the need to have it for use?

Dick Shepherd: Yeah, and convenience. I mean, everything would be in the front instead of having to go clear around that garage to the back.

Tony Oss: So the sides of the home is a little peculiar for the area. It's just set back very far.

Dick Shepherd: Yeah, it's back a lot farther than all the other homes.

Tony Oss: Understood.

Dick Shepherd: That was the whole reason for putting it in the front. And there's just not a very big backyard. And it's fenced in and we kind of let our dogs run there.

Jeff Baltes: There's not a lot of room on either side of the house to get around back there either.

Dick Shepherd: Thank you.

Melissa Mischke: Okay, if there are no further questions, I'll entertain a motion.

Jeff Baltes: I make a motion to approve this variance as presented.

Ernie Schmidt: Second.

Melissa Mischke: I have a motion and a second to approve. All those in favor, say aye. Those opposed, same sign. Good luck. Thank you very much.

Motion for variance was approved 5 – 0.

**9. Petition for variance of developmental standards for Jeremy Meadows (seller) and Brett Quigley (buyer)** for construction of a 30' x 60' pole barn on a property without a residence and will have electric. Property is located across from 3707 N Highway 35, LaPorte, IN, in Center Township, Zoned R1B on 1.186 (one point one eight six) acres, with a Parcel Number of 46-06-16-100-021.000-042.

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Thank you. Good evening.

Brett Quigley: Good evening.

Melissa Mischke: Thank you for your patience. If you would state your name and address for the record.

Brett Quigley: Sure, Brett Quigley, 2977 West Palmer Avenue in here in La Porte.

Melissa Mischke: Okay, and can you tell me, Brett, what is the reason that is requiring you to get a variance.

Brett Quigley: Sure. So our house today has a two-car garage. And so this is strictly for personal storage. So I have a pontoon boat that I want to store in it in the winter, and then also a Mustang that I inherited from my brother that I want to store there.

Melissa Mischke: Is there still kind of looks like a junkyard across the street a little bit?

Brett Quigley: I can't really see it from my property.

Melissa Mischke: Okay, very good. Do we have any remonstrators tonight for this petition? Anybody for or against this petition? Okay, hearing and seeing no

response, for remonstrators. What are the questions we have from the board?

So you're only going to use this as storage? You're never going to build a home on the property?

Brett Quigley: No, the property is not conducive to building a home besides. So, you know, especially not at my age.

Tony Oss: You said it's not conducive to building a home. What makes it not conducive to building a home?

Brett Quigley: It's conducive to a home or a pole barn only.

Melissa Mischke: I have to agree with that. If you have any questions, jump in. Eric, do you have any questions?

Eric Pointon: Nope.

Melissa Mischke: If there are no questions from the board, I'll entertain a motion.

Ernie Schmidt: I make a motion we pass this variance.

Jeff Baltes: Second.

Melissa Mischke: I have a motion to approve the petition for developmental standards and a second. All those in favor, say aye. All those opposed, same sign. Okay. Congratulations, your motion passed. Thank you very much.

Motion to pass variance passes 4 – 1.

**10. Petition for Variance of Developmental Standards for Eric Dhoore** for keeping a camper to reside in until the new home is complete. This property is located at 3758 N 400 W, LaPorte, IN, in Center Township Zoned R1B on 38.01 (thirty-eight point zero one) acres, with a Parcel Number of 46-06-17-200-002.000-042.

Attorney Voeltz: Madam President, notice is adequate, but I do need to advise the board that for many, many years I represented the previous property owner at this address, just as a matter of disclosure.

Melissa Mischke: Thank you. If you would state your name and address for the record.

Eric Dhoore: My name is Eric Dhoore. My address is 5588 West 300 North. I own the infamous property at 3758. I am self-building a barndominium. It's currently about 50% finished right now. We are currently selling our house and would like to move into our 45-foot gooseneck trailer full time. Less than one year while we finish our build. The trailer would be hooked up to our permanent power meter, our permanent thousand-gallon propane tank and our septic that has passed inspection already. We have done everything the right way currently with LaPorte County, sometimes to tremendous financial burden. We also own almost 40 acres. The trailer is under roof, under a pole barn in the middle of a wooded property and none of our neighbors can see our house. Thank you for hearing my petition.

Melissa Mischke: Well, thank you for that backhanded compliment.

Eric Dhoore: I didn't mean it as backhanded.

Melissa Mischke: On all the hoops you have to jump through. So the construction's only going to take a year?

Eric Dhoore: Currently, yes, we have about a year left. Yep.

Melissa Mischke: Okay.

Jeff Baltes: You're going to leave the camper in the barn?

Eric Dhoore: It's already in the barn.

Jeff Baltes: But that's where you're going to live in it, in the barn?

Eric Dhoore: Yes, in the barn.

Tony Oss: Oh, so it's not even sitting outside.

Eric Dhoore: It's inside. It's inside the existing barn. Yes, and it will be hooked up to our septic and everything, so.

Melissa Mischke: Do we have any remonstrators for this petition? Anybody for or against? Any remonstrators?

I think it looks like you're making improvements to the property.

Eric Dhoore: We are definitely trying. Yep.

Melissa Mischke: Okay. If there are no remonstrators, what kind of questions from the board? And if there are none, I'll entertain a motion.

Jeff Baltes: I make a motion to approve the variance as presented.

Eric Pointon: I will second that.

Melissa Mischke: I have a motion to approve and a second. All those in favor?

Eric Pointon: For, yes. For the 12 months.

Jeff Baltes: No longer than, yes. No longer than 12 months. Do I need to redo that motion? I make a motion to approve the variance for you to live in the camper for the period of 12 months, no longer than 12 months. And hopefully you have the house done by then.

Eric Dhoore: I hope so.

Eric Pointon: Second.

Melissa Mischke: Okay, I have a motion and a second. All those in favor, say aye. Aye. Those opposed, same sign. Okay, good luck. Thank you. All right. And by the way, make sure if it is going to take longer than the 12 months, get in touch with the building commissioner.

Motion to approve petition passes 5 – 0.

**11. Petition for Variance of Developmental Standards for Douglas Bonin,** Represented by Matt Garitano of Hendricks CHAAPC, for splitting off 17.95 (seventeen point nine five) acres with 113.65' (one hundred and thirteen point six five feet) of road frontage to construct a home. This property is located at 10532 West 200 South, Westville, IN, New Durham Township, Zoned R1A on 22.743 (twenty-two point seven four three) acres, with a Parcel Number 46-09-17-100-019.000-027.

Melissa Mischke: Matt Garritano, I'm so sorry you've had to wait this long.

Attorney Voeltz: Notice is adequate.

Matt Garritano: Thank you. Good evening, members of the board. Thank you for your time. I know tonight's going to be a late one.

Melissa Mischke: If you make sure you state your name and address for the record, please.

Matt Garritano: My name is Matthew Garritano with Charles Hendrickson Associates Surveying and Engineering. And despite what you might have read on Google, we are not permanently closed. We are located at 309 West Johnson Road, Suite D, here in LaPorte. I have copies. Do you guys all have copies of this?

Melissa Mischke: Yes.

Matt Garritano: So basically what we have here in this petition is an exist.

Melissa Mischke: No. Yes, we do need them. Okay. I'm sorry. Thank you.

Matt Garritano. Basically, what we have in this situation here is involves 2 parcels. I'm going to call them parcel 10 and parcel 19, just to shorten the parcel ID number. 10 being this one here, which is an existing parcel at 2.89 acres with a finite number of amount of frontage at 113.65 and we'd like to add to that parcel. And present-day code requires that once we add to something, we have to abide by present day standards, which means the 200-foot frontage, which the present-day parcel does not have. That is basically what we're asking for to add to that parcel from the 19 parcel to create enough room, you know, for a home site. Obviously, we can't make any more frontage on that. We have to use what's there. That's basically the gist of it.

Melissa Mischke: Do we have any remonstrators for this petition? Anybody for or against this petition? Let's hear what you have to say. Come on up. Oh, if you want to wait until we get up to the podium, did you get one of his drawings?

Philip Rowland: Philip Rowland, 10527 West 200 South, Westville. I got this certified mail, this certified mail I had to sign for this, I'm curious how this affects my parcel.

Melissa Mischke: Where do you live in relationship to this?

Philip Rowland: I'm not quite sure. I can't make it out of heads or tails out of the diagram here. I just don't understand it.

Tony Oss: I mean, it wouldn't impact him. He's just northeast of the parcel, so he's right here.

Philip Rowland: I couldn't really understand. I was trying to...

Jeff Baltes: Oh, OK.

Tony Oss: We're looking at this piece here.

Matt Garritano: I can point where you're at and you're here in the corner. Okay, so I'm here. So you're adjacent. We go conservative on the certified mailings just to make sure that we follow code in the event that this doesn't affect you at all. Its several hundreds of feet from you.

Philip Rowland: Yeah, it looked like it was a little way down from me, but I figured I got certified mail. How is it going to affect my parcel? So it's not affecting anything on me.

Matt Garritano: Nope, you're just, you're part of the protocol to file for certified mail.

Philip Rowland: I have no problems. I just wanted to understand it. Thank you.

Melissa Mischke: Thank you. Are there any other remonstrators? OK. Questions from the board? I was like, I know you do, go on.

Tony: Okay, I'll ask one. These properties are zoned two different zoning classifications. That's correct. Okay, one is Ag and one is R1A. Mike, what do we do here? How do we determine zoning? Is there, I don't know what the protocol is going to be.

Melissa Mischke: Well, we don't determine zoning.

Tony Oss: Well, we have two parcels. Do they have to remain one AG and one R1A?

Michael Polan: I suppose they can pick what zoning they want and Donna will change it in the computer.

Tony Oss: Is that true?

Melissa Mischke: Yes.

Toney Oss: That is? Okay.

Matt Garritano: Yeah, the intent is for it to be a residential parcel, so I would assume.

Tony Oss: So your intent would be, your intent would be to go R1A? Yeah. Okay. So R1A frontage with septic's 120 feet. I think what's the required frontage is what I saw.

Matt Garritano: Well, we're creating a new piece, so the minimum requirement is 200-foot frontage. Or no, and I think you might be correct. Its AG is 200, and that's why we're asking because one is AG and . . .

Melissa Mischke: 113, it still doesn't meet it.

Tony Oss: But that's why we're close.

Melissa Mischke: That's why they're here.

Tony Oss: That's all I'm saying.

Melissa Mischke: Jeff, you're good.

Jeff Baltes: I'm good.

Melissa Mischke: Good.

Eric Pointon: I'll make a motion to approve this petition.

Jeff Baltes: I'll second.

Melissa Mischke: I have a motion to approve and a second. All those in favor, say aye. Those opposed, same sign.  
Thank you. Good luck.

Motion to pass variance approved 5 – 0.

**11. Petition for Variance of Developmental Standard for Donna Smith and Donnell Shoffner** for building an accessory dwelling, attaching to existing barn in order to care for elderly parents. This property is located at 3701 S Hupp Road, LaPorte, IN, in Pleasant Township, Zones R1B on 10.11 (ten point eleven) acres, with a Parcel Number 46-11-23-403-026.000-057.

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Thank you for your patience this evening. If you would you state your name and address for the record?

Donnell Shoffner: Hi, I'm Donnell Shoffner, 3701 South Hupp Road.

Melissa Mischke: Sorry.

Donnell Shoffner: No, you're fine. You wouldn't believe what I get called. Usually by Jeff.

Melissa Mischke: So talk to us about the need for the variance.

Donnell Shoffner: So my parents are aging. In the past 18 months, we've had four surgeries and multiple injuries. For those of you that are familiar with Dr. Smith, he is one of those many, many injuries. So, my need to be at the farm to do all of the physical, all of the maintenance, all of the animal caretaking that doesn't require veterinary care, in addition to their inside care has been an increasing need. So now I'm just trying to stay at my family farm and add, it's been a challenge to figure out how to be there without detracting from the property. And I think I've come up with the best possible solution that does not affect setbacks or property lines or existing electric lines.

Melissa Mischke: Is this the proposed?

Donnell Shoffner: That's my Chat GPT dream, yes. The barn behind it is already existing.

Melissa Mischke: Right.

Donnell Shoffner: The house is what I hope to build to the side of it.

Melissa Mischke: Yeah, I saw it.

Eric Pointon: Okay. I guess we said that we need to disclose. I've known Doc Smith since I was a child.

Donnell Shoffner: Yes.

Eric Pointon: I'm going to disclose that.

Donnell Shoffner: I would say most of your board knows Dr. Smith.

Jeff Baltes: We're all in the same boat, I think.

Donnell Shoffner: I recognize that, so, um . . .

Melissa Mischke: Okay, do we have any remonstrators for this petition? Anybody for or against? Any remonstrators? Okay. Are there further questions from the board?

Jeff Baltes: Not I.

Melissa Mischke: If there are no questions.

Tony Oss: The hiccup I want to make sure we clarify is the size, right? There's a size restriction between the principal residence and the size of this.

Michael Polan: Yes.

Tony Oss: OK. Can we count the size of the barn as the size of this whole thing and say that's the new principal residence?

Melissa Mischke: I don't know. I just want to make sure that that's clear if we do approve anything. Is that a part of the deal?

Tony Oss: So, you're asking for what looks like 1200 square feet. Which also has a porch surrounding it. So, but the 1200 square feet is what you're looking for.

Donnell Shoffner: Yeah, technically the porch, the picture kind of took liberties.

Tony Oss: I understand.

Donnell Shoffner: I don't want to pay for things I can't use and roof space is not helping my cause.

Tony Oss: So you're asking for up to 1200 square feet is what you're asking for.

Donnell: Yes.

Melissa Mischke: There are no further questions, I'll entertain a motion.

Eric Pointon: I make a motion to approve this petition.

Jeff Baltes: Second

Ernie Schmidt: Second.

Melissa Mischke: I have a motion and a couple of seconds to approve. All those in favor say aye. Those opposed, same sign. Good luck. Thank you so much.

Donnell Shoffner: Thank you. Have a great night.

Melissa Mischke: Thank you.

Motion for variance passed 5 – 0.

**13. Petition for Variance of Developmental Standards for Patrick and Shannon Strelczyk** for construction of an accessory structure 40' x 48' (forty by forty-eight feet) with a rear setback of 3' (three feet) instead of the minimum 10' (ten feet) and 5' (five feet) behind the house instead of the minimum 10' (ten feet). This property is located is located at 1330 Shady Lane, Walkerton, IN in Lincoln Township, Zoned R1B with a Parcel Number of 46-12-20-255-001.000-055.

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Thank you. Good evening. Good evening. Would you state your name and address for the record?

Patrick Strelczyk: Patrick Strelczyk, 1330 Shady Lane, Walkerton, Indiana.

Jeff Baltes: I know, but you mumbled it that you were saying it. You tried hiding it.

Melissa Mischke: I tried.

Patrick Strelczyk: Don't feel special. Everyone has misspelled it. Mispronounced that.

Melissa Mischke: OK, so. Your secondary structure.

Patrick Strelczyk: Yes. There's currently a garage on the property and a home. We're looking to take down the garage and build this accessory building. I had a plot survey done. I don't know if you guys had got a sketch. I have the actual survey now. Yeah, that's the one I did. Now I have actual the survey done. If you guys want to see that, you asked me to bring this.

So we would remove the garage, build the building 3 feet from the property line, and then the variance of the setback 10 feet from the house would only be 5 feet from the house.

Melissa Mischke: So in both of these drawings, is the original garage still shown?

Patrick Sstrelczyk: The original garage is there. We're going to rip it down. Yeah, that's on the drawings.

Melissa Mischke: On the drawing, yes.

Patrick Strelczyk: We're going to rip the garage down. Yep. The one on the survey.

Melissa Mischke: That's a good one.

Ernie Schmidt: That's the one they are tearing down.

Melissa Mischke: That is good. This is. They're building a new one over the top.

Patrick Strelczyk: Yeah, we'll remove the one that says garage and proposed building. The shaded, patch would be the new building.

Melissa Mischke: I apologize to you Ernie. You were right. Are there any remonstrators here for this petition? If you would like to have a seat, sure, we have a couple of them.

Steve Holifield: Steve Holifield, 6782 East, Mill Creek. I was a former board member twice on the township board here in Lincoln. I know this neighborhood quite well. I've had a couple phone calls. One person expressly asked me because he has a commitment tonight that if I would come and speak on their behalf, they are opposed to this because it's a very tight-knit small community with small lots. This building would be something they have to look at continually and will block their view that they've been enjoying for about 35 years now. They're also concerned that this person does not live here year-round. Thank you.

Melissa Mischke: Thank you. Would you guys like to come forward? Thank you again for your patience this evening. I know it's been a long one.

Carol Kec: I live in Orland Park, Illinois. Locally, I'm 1329 Shady Lane, right across the way from this structure. I would agree with what the previous gentleman said, that it is a small, it's Fish Lake, and there are houses and garages, and it's a very close-knit neighborhood, and when I first got this notification. I wanted to talk to the people who live there, especially the people year-round. It concerns them more than like me, who goes out on weekends and stays there. The people, Mr. Strelczyk, built a home further down the road. He doesn't have to look at the building he's going to build. Whereas, the people who are next door and behind, they'll always be looking at this building and it's not going with the character of the community. Thank you.

Melissa Mischke: Thank you. Any other remonstrators? Good evening. If you would state your name and address, please.

Edward Snyder: Edward Snyder, 1204 Shady Lane. I'm against this for a few reasons. First of all, he's had it surveyed. And then surveyed, and then surveyed. The building

he plans on putting up will go over the top of his septic and his dry well. I don't believe that's legal. A building of that size in our area.

Eric Pointon: That's true.

Edward Snyder: I don't want to look at that every day.

Melissa Mischke: OK. Thank you. All right. Questions from the board. If you'd like to come back up.

Eric Pointon: What is the need for such a large building?

Patrick Strelczyk: My wife owns a pontoon boat, and we'd like to store it inside. I do own another house down the block. I also have three children, one that's 22 years old, just graduated from Indiana University, and he's been in this community. My wife, her grandparents bought in this community in the 1950s. I've been coming up here for 30 years since I've been with my wife. This is not new to the community. I understand this Smith Grove and our community there. We've improved our properties that are there. My family and my wife's family own 14 homes in this grove. 14 homes in this grove. We're not trying to disrupt or cause problems. We're just improving it.

I'm a recently retired sergeant from the Chicago Police Department. I'm retired. I have lots of woodworking stuff that I like to have in a big building. I have a wife that has a pontoon boat. I'd like to build a structure. I'm not going to disrespect my neighbors. I've been part of this community for a long time.

Melissa Mischke: Patrick, are there plans for you to live here full-time?

Patrick Strelczyk: Since I'm retired, my wife is a lieutenant on the fire department in Chicago. So dual residencies, my pension is from Illinois. If I get tax on my pension, if I move here full time, I'm free. I've been up here for the last two months. I can't say that this is my permanent residence. It's never been for 30 years. I am retired. I'm married. You know, I'll be going back and forth.

Melissa Mischke: So who lives in the home currently?

Patrick Strelczyk: Currently, no one lives in the home. I just purchased it in January.

Melissa Mischke: Are your intentions then to rent it?

Patrick Strelczyk: No, it has been rented for the last three occupants, but no, we bought it off a lady who was renting the property. No, my wife is one of 12. That's why we have 14 cottages, homes in this area. So this is like I said, my son has a

steady girlfriend that just graduated from college, and we're thinking that this would be his home moving forward.

Eric Pointon: I didn't see a height on this building.

Patrick Strelczyk: Whatever the restrictions are through the building department is what we will abide by.

Tony Oss: I think it's 18 feet. Yeah.

Ernie Schmidt: Is this building going to look like the house?

Patrick Strelczyk: If I reside the house, it will be.

Jeff Baltes: That's a good answer.

Patrick Strelczyk: I'm not picking green because the house is green right now and it's kind of ugly.

Ernie Schmidt: So. Is it going to be built to look like the house or is it going to be built to look like a pole barn?

Patrick Strelczyk: It will be appropriate to the home.

Ernie Schmidt: Okay.

Melissa Mischke: Then just so everybody is clear, the board's going to make a decision on granting the variance. If there's septic issues or any of that, that's a separate issue that he'll deal with the building commissioner's office. That is not a part of our decision-making process.

Other questions from the board?

Ernie Schmidt: Why do you have to be 3 feet from the property line?

Patrick Strelczyk: Why?

Ernie Schmidt: Yes.

Tony Oss: Because they need that pontoon. They're going to be 5 feet. He's allowed. I think he's allowed to be, isn't he?

Patrick Strelczyk: That's what my drawing shows, 3 feet. Yeah, that's the variance why I'm here, just to get the building into that area. They have it set back 5 feet from the house.

Ernie Schmidt: Okay, so if we grant that, then this building has to be built a special way because you have to have distance from your neighbors' buildings. That will have to go through the building department.

Patrick Strelczyk: Correct. Yeah.

Melissa Mischke: Very good. OK.

Tony Oss: Was there any thought of just shortening the building up a little bit? So you're not just three feet from the line?

Ernie Schmidt: Can you move more toward the house?

Patrick Strelczyk: I could attach it to the house. I mean there's options to it. Well, me and my wife decided that this is what we want to try to do. If it doesn't work, then...

Ernie Schmidt: Mike? What about you guys? If we attach this building to the house and we could maintain the 10-foot setback and we wouldn't need the variance, correct?

Eric Pointon: It'll only be 8 feet.

Tony Oss: It'll only be 8 feet unless you overlap the house.

Michael Polan: If we moved it enough and it was attached to the house and there was not any encroachment into the setbacks, then correct. They would not need a variance.

Melissa Mischke: Did you get that?

Ernie Schmidt: We would get the 10 feet that we needed on the property lines.

Patrick Strelczyk: Sure. He's asking if went it with a 46-foot building, right? Or if it, here's the thing. If I attach it to the house, then building it like a pole barn just kind of goes out. I'd have to stick build it.

Melissa Mischke: Well, especially since you want it to match the home. Well, siding wise anyway.

Okay, so we're not in the business of suggesting alternatives, however.

Eric Pointon: Could you live with a narrower building to just get by? I mean, a pontoon is only like 9 foot, 8 1/2, 10, whatever.

Jeff Baltes: He doesn't want her to have the whole building.

Patrick Strelczyk: With the tongue and the motor, it's 34 feet long. If on a trailer, that's the depth issue.

Melissa Mischke: Okay, so we are making a decision on the setbacks. If there are no further questions regarding setbacks, I'll entertain a motion.

Ernie Schmidt: I'll make a motion not to accept this variance with the three-foot setbacks.

Melissa Mischke: Do I have a second to deny the petition? Any second. Then the petition dies for lack of a second. So I will entertain a new motion. I'm sorry, it's a long day.

Tony Oss: I will make a motion to deny the petition as presented without prejudice. Is that the way we're going to do this? Someone deny the motion without prejudice, which allows you to return.

Patrick Strelczyk: On another solar day? No way.

Tony Oss: We all had to be here, man.

Patrick Strelczyk: I had things to do with my life.

Tony Oss: Well, so do we. Trust me.

Melissa Mischke: The good news is, depending on when you come back, you could be first or second. So I have a motion on the table to deny without prejudice the petition.

The motion to deny the petition without prejudice.

Do I have a second?

Tony Oss: I would add to waive the fee if I could add that right now.

Eric Pointon: I'll second that.

Melissa Mischke: Okay. I have a motion and a second. All those in favor say aye. Those opposed, same sign.

So, three to two, we're going to deny it, but you get to come back without filing the fee.

Patrick Strelczyk: I went to school to be an architect. I'll find a creative way to have all the setbacks and build my house the way I want it. Okay. I'll tell you what, the community will be just fine with it because it'll look nice, just like the one I built on the lake. Okay. Thank you.

Melissa Mischke: Thank you very much. Good luck.

Motion to deny petition with prejudice passed 3 – 2.

Melissa Mischke: Is there any further business in front of the board?

Michael Polan: Madam President, I just want to make a statement to the public that might be watching this at home or that came here today for the tower. We have a binder here with all of the information that was promised to us at the last meeting. This will be held in the building department as public information. Anybody from the public is welcome to come up to our office and go through this. We are also going to digitize it and put it on the website for people to peruse. And that's going to be the same with anything that we have on solar that's in print form that's held at our office, we will make that available for any public scrutiny or review, and we'll make our conference room available for anyone to come and sit and go through it.

Melissa Mischke: I would like to, if the board is in agreement, I would like to direct Andrew to work with you and your office to make sure that information that we're getting in our packets is the same, that we're getting everything, and that I personally, if they're not going to provide me a notebook this big of a notebook in advance of the meeting, then I feel like I have no choice but to move their petition to the next meeting.

Attorney Voeltz: Madam President, moving forward, something about a petition. Again, I'm not going to be play hypotheticals here, but petition of the same or similar size as related to exhibits and supporting documentation, et cetera, et cetera. It would be my position that that would be required to be submitted for the board to review prior to.

Melissa Mischke: I agree.

Attorney Voeltz: The petition being heard. It's just . . .

Melissa Mischke: Getting sprung with this kind of information to do our due diligence.

Attorney Voeltz: I don't want to describe it as getting sprung, but what I want to describe it as is that if this information is available at the time of the petition, it needs to be provided to the board members at that time, because it is.  
It is unconscionable to expect this board to review 300 pages of documents during the limited time that we do have, and even if it is 940.

Michael Polan: We've been here 5 hours, you mean like they do in Congress?

Attorney Voeltz: We'll pass it after we read it. Okay, so.

Michael Polan: Well, we will require them to send us digital stuff so that we can forward it to you.

Melissa Mischke: Yeah, I'm not expecting you guys to make me a paper copy of everything, but. Yeah, the binder stuff. I can't mail that stuff out because it'll eat up my budget, but we will make it available in the office for anyone to come.  
You know, look at it. Plus digital. Yeah, please digital.

Eric Pointon: Could we also, could I request digital if it was tabled to please email that digitally?

Melissa Mischke: I think we were all losing one of the petitions.

Eric Pointon: Only because we're a couple months back on some of these from the obvious backlog we've had and I brought my last month's packet.  
But I was missing a couple things because they were...

Melissa Mischke: Yeah. Did you hear that? Yes. I'll help you.

Eric Pointon: Sure. It was it was all the tabled stuff. So, you know, when we were a couple of months, I only brought a six-month packet organized at home. Did you bring? I will entertain a motion to adjourn. Wait, I had two more things. Oh my God.

Jeff Baltes: Well, back on the petitions, could we get audible instead of just digital.

Melissa Mischke: Motion to adjourn.

Jeff Baltes: And no, I do have one more thing. When we have this type of a thing where we have solar, can we put them at the end so that all these people don't have to sit here with all these little ones?

Melissa Mischke: The last petition, if it gets tabled at the month prior, it is the first one on the agenda. And that's how it works. We do have an internal rule that if there is an attorney present, we try to move them to the front. So that's how it works.

Jeff Baltes: Just a question.

Attorney Voeltz: There have been situations where, and we did this previous, where we moved other petitions to the front because there was only two of them. So in a situation like it was tonight, there would have been 11 in front of that. That's unactionable in my opinion. And again, we're following the historical practice of this board that a tabled matter goes to the top of the agenda.

Jeff Baltes: Fair enough.

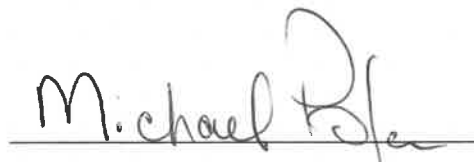
Eric Pointon: OK, I'll make a motion to adjourn.

Ernie Schmidt: Second.

Meeting adjourned at 9:29 p.m.



Melissa Mischke  
President



Michael Polan  
Recording Secretary