

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION
BOARD MEETING MINUTES

APRIL 14, 2022

**Wabash County Plan Commission Board
Wabash County Court House
Wabash IN 46992**

Board Members: Randy Curless, Jeff Dawes, Patty Godfroy, Sam Hann, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Joe Vogel
Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Randy Curless, Jeff Dawes, Patty Godfroy, Sam Hann, Christian Rosen, Cheri Slee, Joe Vogel, Larry Thrush, Mike Howard, Libby Cook, Joe Cook, Steve Eberley, Patty Grant, Tenille Zartman, Bob Schultz, Julie Garber, Kraig Musselman, Howard Halderman, Victor Treska, Mark Traumbauer, Chris

The Wabash County Plan Commission Board met on Thursday, April 14, 2022. Board Chairman, Randy Curless called the meeting to order at 7:00 pm. Mr. Curless asked if there were any additions or corrections to the minutes of the March 3, 2022 meeting, the meeting was reconvened on March 24, 2022 to continue the discussion of the County Solar Ordinance, Mr. Curless asked if there were any additions or corrections to those minutes, there were none. Mr. Curless asked for a motion on the minutes. Mr. Dawes made the motion to approve the minutes, this was seconded by Mr. Rosen. The minutes will stand approved as written.

Mr. Curless: The first item on the agenda is the Solar Ordinance, Mr. Curless then excused himself from the discussion and voting on this matter.

Mr. Howard stated that at the March 24th meeting we had some good discussion from the Board and audience members regarding the Solar Ordinance. At the end of the meeting we had some specific points that Board members were asked cast their opinions on the proposed changes to the Commercial Solar Ordinance, or if the Ordinance should stay as

originally written. Board members were each given a copy of the ordinance with the proposed changes highlighted. The portion of the ordinance relating to residential solar projects will stay as it is written. Mr. Howard and the Board reviewed the proposed changes to the Commercial Solar Energy System ordinance:

Page 5. 13.7.2 Setback Chart for C-SES, permitted in Ag, Forestry and Recreation and Industrial zones. We will come back to setbacks after we discuss the other changes.

Page 7. 13.8.1 a. "Visual Barrier" for C-SES it is landscaping in height and density that will provide a visual barrier to completely exclude visual contact with solar arrays and the associated solar equipment. Barrier shall be at least fifteen (15) in height under normal growing conditions within two (2) years of planting and maintain a minimum height of twenty (20) feet thereafter.

*This was changed from 10 ft. in height and would have to go to 20 feet high afterwards and maintained at that height, that is if the Board wants to allow the arrays to be 20 feet high in full tilt instead of 15 feet. This will be adjusted to our discussion coming up about array height.

Page 9. 13.12.2 All C-SES project sub-stations or battery storage facilities must be located on land owned by the C-SES owner.

(Discussion) Mrs. Slee asked if the owner has the first option to buy the land back. Mr. Howard said that we can put that in the agreement, if at the end of the project the landowner wants to buy that back then they would have the option. Mr. Howard Halderman introduced two representatives from Next Era Energy, Mr. Mark Traumbauer and Mr. Chris Neff are both here if you have any questions about the solar arrays or the projects these are the experts. Mrs. Slee asked if the landowner has the first chance to buy the land back, will everything will be cleaned up and back to the way it was. Mr. Howard said he didn't want to say yes because we don't know what will be there, but he felt that is something that would have to be taken care of between the landowner and the project company. Mr. Halderman said that the way the lease agreements are usually written says put it back the way it was. Mrs. Slee asked, any contamination or anything like that would have to be taken out, Mr. Halderman said it would be their responsibility. Mr. Neff said that would be in the decommissioning agreement which is part of our plan when we are building any projects, anything we put in our lease agreements, the land has to be as good if not better than when we started.

Mr. Howard asked the Board if they wanted this to stay as it is written right now in the ordinance. Mr. Vogel asked Mr. Traumbauer and Mr. Neff if they had any problems with owning the land underneath the battery in case there would be any contamination, it makes you more responsible for the clean-up, we are trying to protect the landowner. Mr. Traumbauer stated that their storage is smaller compartments around the array, it is not necessarily a generalized one big battery over here, the batteries are actually attached to the panels and are spread out throughout the project in some cases. I think if you were going to concentrate that battery in one location we would want to own that property and clean-up if there were any issues certainly that would be our responsibility. As Chris mentioned the decommissioning states that we would have to come back and make sure that ground was in better shape than when we first set foot on it. Mr. Vogel

asked if there was the possibility of a large battery storage, Mr. Traumbauer said there could be the possibility of a larger battery but it would be next to a substation and we would own that.

Mr. Halderman noted that the whole project will come in for all of you to review before it can get approval, you will be able to see if it is going to be a substation with a big battery next to it or if they are putting batteries throughout the array, that would give you the opportunity to say are you going to own this or not. Mr. Howard said that the project as it was listed by Duke Energy for 100 MW battery storage was thought to be 1 large battery storage facility, the way it is being explained it is not one facility, that it is multiply units, that is interesting to know. Mr. Vogel asked if the batteries are part of every panel, Mr. Traumbauer said that the batteries are part of the inverter base sections which at 5 ft x 6 ft, the batteries are actually spread throughout the array. Mr. Traumbauer said regarding ownership issues if there is a larger transmission battery storage placed on the site that would be owned by the transmission company, Duke Energy or Nipsco and it would be next to the substation and owned by the company and they would be pulling from that battery, it would not be owned by us (Next Era). Mr. Vogel said that is a little different information than what we were going by.

Re-wording suggested to say: All C-SES project sub-stations or transmission battery storage facilities must be located on land owned by the C-SES or utility company owner.
Board members agreed to the wording.

Page 10. 13.16 a. We originally started out with 32 decibels which is what we currently have for wind turbines. They have asked us for a rating for 10 points above the ambient rating for the area. I felt like we don't always know what that ambient rating would be so I have looked at this multiple times and used a sound meter we have in the office. I felt a maximum of forty five decibels (45dB) on the A weighted scale and that would be measured outside the closest point of the residential or business structure. 45 decibels would be similar to a business office or a refrigerator running in your house. For example, using the 350 foot setback that would mean from that unit, any possible part of the project equipment, from 350 feet away you are asking them to stay at 45 decibels or lower from immediately outside a residential structure, I think that is very reasonable. Mr. Halderman said when they talked about this this afternoon two things came up; one, at 45 or 50, what Mark and Chris were talking about 50 is when the power pulls in and the other was that using an LEQ scale which is an average because if you just say a maximum of 45 or 50 and Randy is out there hitting a stake in the ground that is going to spike above that 45 every time he hits that stake in the ground and all of a sudden that becomes above that maximum, and LEQ averages that sound over a period of time. Their suggestion was that maybe you add LEQ after the word weighted, that would allow it to be an average over some period of time. Mr. Traumbauer compared it to miles per hour, if you just say miles per without the hour then that doesn't mean much, you should add the word LEQ to qualify the type of A weighted scale you are looking, at it really just defines exactly where you are at. There is LMAX and LEQ, those are the two different ways of doing this. LMAX would be used in the instances where you have a hammermill and you wanted to keep under a certain maximum threshold, you are not going to exceed 70 decibels which is essentially safe for humans. With a hammermill that is an instantaneous sound as opposed to the humming of an inverter or a solar panel. We see other communities use the LEQ standard as opposed to the LMAX. Mr. Howard asked, if we go with an average decibel level of 45 or 50, at night there is no operating noise so does that mean that through the they could run at 90 because

that averages out at 45? Mr. Traumbauer said that you have the standard of 45 decibels, or 35 decibels, or 25 decibels, you can't just run roughshod, you need to define the period of time for testing, you could say LEQ 30 that would be a 30 minute interval so you test every 30 minutes out of that average. If you wanted to add LEQ at nighttime you could certainly say that you can't exceed 45 LEQ 60 and that determines the amount of testing time that the average is weighted. Mr. Vogel asked if the panel itself will emit any noise, Mr. Neff said the noise actually comes from the inverters. Mr. Vogel asked if that runs most of the time, Mr. Neff said no just when the sun shines. The industry standard that we work with is 55 decibels, 55 decibels is the same as having a conversation, 45 is a little stringent at 350 feet. 55 decibels is the equivalent of a quiet conversation on a public street. Mr. Howard noted again that Mr. Curless is not participating in the conversations or voting due to a possible conflict of interest.

Mr. Dawes said that he would be in favor of changing the wording of 13.16.a. to 55 decibels and adding LEQ. Mr. Hann said that he would be in favor of that. Mr. Vogel agreed. Mr. Howard asked, so it would be an A rated LEQ scale, right? Mr. Vogel asked if we need to put a number by the LEQ, Mr. Neff said yes that determines the testing interval times. Mr. Dawes suggested changing wording to 55 decibels and add wording to include LEQ (Mark Traumbauer will send wording for the LQE portion). Board members agreed to these changes.

Page 11. 13.17 ARRAYS HEIGHT, C-SES Ground Mounted C-SES arrays shall not exceed fifteen (15) in height and they are asking for twenty (20) feet in height when oriented at maximum tilt. Mr. Vogel asked about the possibility of farming underneath the panels, do you have a design that would fit that? Mr. Traumbauer said that the practicality of farming underneath is not there yet, if we were to do that we would have to come back to you and say we have an alternative plan where we are farming or truck farming, that is something that is not being done in the U.S, but certainly we are researching it right now. Mr. Neff said the 20 feet is pretty industry standard, also to clarify, I did say there is no noise from the panels, there may be minimal noise from the panels but the noise level that is measured is definitely from the inverters.

Mr. Howard asked Board members to go back to page 7, 13.8.1 a. "VISUAL BARRIER", shall be at least 15 feet in height under normal growing conditions within two (2) years of planting and maintain a minimum height of twenty (20) feet thereafter. We increased the height by 5 feet since they increased that height request by 5 feet. Mr. Traumbauer said that on a visual barrier we would want to make sure that the visual barrier is approved through a site plan process. We would not want to put a visual barrier around the entire perimeter, I don't think that was the intent. we would want to be sure that the barrier was between residential and the panels, the Planning Commission and the County Commissioners would have the ultimate approval of where those barriers are in the site plan, you don't want to have to plant the entire around the entire area. e it in the ordinance that a non-participating residential structure in the area has the neighbor has a choice if they want that barrier there, you would not object to the 15 and 20 feet. Mr. Neff said yeah, the only thing he would like to add to that the it depends on what we are able to source locally at the time, if it's 15 -20 feet and it's not available, just saying 15 – 20 feet might be a little stringent. A visual barrier is something we are very comfortable with, we have done elsewhere, I just can't speak to the exact numbers tonight. Mr. Dawes said he thought that is something that could be negotiated in the Economic Development contract. Mr. Halderman said that he interprets this as they could

come back to you and say this is what we were able to source, this is what we are able to do, is that ok or not, then you all would have a chance to say yes or no. Mr. Howard said that if we leave it as it is right now it is open to discussion, the only thing we would have to do because it is written that way in the ordinance right now, would have to apply a variance to that part of it as the process went forward.

Page 11. 13.18. INGRESS/EGRESS AND PERIMETER LANES, C-SES At minimum, a sixteen (16) foot wide ingress/egress lane must be provided for a public road or a legally established access drive, into the site. The ingress/egress lane shall be stoned or paved. We had 20 feet in this and they asked for 16 feet, I don't have a problem with this as long as they can make their turns on this 16 foot wide paths, that takes up less ground leaving more room for panels and reducing the overall consumption of land.
Board members agreed to the changing the ingress/egress lane to 16 feet.

Page 16. 13.19.14.3 REMOVAL AND RESTORATION The C-SES owner and/or the C-SES operator is required to remove all physical material pertaining to the C-SES above-ground level and all improvements of said C-SES below ground level to a depth of 50 inches for all C-SES's declared irreparably damaged, abandoned, and/or a public nuisance. All materials shall be so removed and C-SES site restored within 180 days of the discontinuation of energy production or in accordance with agreements developed under this ordinance.

13.19.14.3.a. All C-SES underground wiring that is 48 inches or deeper below the natural ground surface shall be permitted to remain provided all lines are disconnected from any electrical grid. Mr. Neff said that is what we see very much throughout the Midwest.
Board members agreed to keep as written.

Page 17 13.19.15.1.d. DRAINAGE AGREEMENT PLAN AND EROSION CONTROL PLAN. The Wabash County Commissioners may request a performance guarantee as part of the drainage agreement in which all parts of Section 13.19.14.5a.-d. shall apply as applicable to the drainage agreement. Board members agreed.

Page 17. 13.19.15.2.b. DRAINAGE AGREEMENT PLAN AND EROSION CONTROL PLAN The relocation or removal of top soil for construction purposes is prohibited. We originally said just the removal of topsoil was prohibited and decided that they could move the soil and to another location on the solar farm, so the word relocation was added.
Board members agreed to keep as written.

Pages 18. & 19. 13.19.17 DEVELOPMENT TAXATION AGREEMENT. This would basically be taken care of through the Development Plan through the County Council, the Economic Development Group.
Board members agreed to the section as written.

Mr. Traumbauer said that on the landscape plan, just to throw this out for you to digest. If you require a maximum or minimum height you are going to get a 20 foot high arborvitae, that is not a very attractive visual screen for a residence. What I would suggest is a landscape plan prepared by a landscape architecture that provides a visual buffer of varied heights that would be aesthetically pleasing. That landscape plan would have to be approved by the Board but it would

be prepared by a landscape architecture. You are not just maintaining that single row of arborvitae that doesn't really do anything but maintain the 15 foot minimum distance you have there. I think it would be a service to your residents out there to have, a nice visual barrier. It's a much better looking barrier. Mr. Halderman added, just to be clear the solar developer would pay for the whole cost and they would work with that residential homeowner to come up with something they would like. Mr. Hann said that we could develop that in the Economic Development Plan, get more specific on that aspect of it. We would want to make sure it is approved through a site plan process. You wouldn't want to put a visual barrier around the entire perimeter, I would want to make sure the barrier was between residential and the panels. The Plan Commission and the Co. Commissioners have the ultimate say on the site plan where those barriers are put. Board members agreed.

Mr. Howard opened the discussion to the Board and to the floor for any questions or comments, there were none. At this time, we will close that part of the ordinance discussion and the Board will be asked to vote on which setbacks they prefer to go with at this time.

Mr. Howard told the Board that there are two ways to do the vote, you can request a to vote by the prepared ballot or a board member can make a motion to keep the original solar ordinance setbacks dated October 12, 2021 or you can motion to use the adjusted draft currently before board members at this time with the setback of 350 feet from a residential or business structure and the 100 setback feet from an adjoining property line. Mr. Hann made a motion to accept the adjusted setbacks of the 350 and 100, that way we are showing people that we are open to listening to their proposal but we still have the final say. Mrs. Slee asked, you said variances too, does that mean if there are areas that we need to have it farther away you could change those? Mr. Howard said he feels that we could apply those as a variance, the plan has to go to this Board to be approved as a Special Exception application, the PCB could make recommendations of variances or conditions and the BZA can approve or deny variance request. Mrs. Slee asked, then we could make them stricter too? Mr. Howard said yes. Mr. Dawes seconded Mr. Hann's motion, stating he feels that way because in the solar group we had discussed that their plan has to come back through us so if there is something in there that we don't like or want to change we have the option of doing that, also there is the economic impact this is providing to the county I think that makes it worth at least looking at and discussing. I had several questions in the beginning but after our discussion with Mr. Hall, we looked at Cass County's plan and it was about 50 pages long, he handled that and answered those questions pretty well so I think it would be worth, in fact I think Keith (Gillenwater) has already sent him a letter that if this is approved of engaging him to draw up this economic development plan. Mr. Hann added, as a representative of the county. Mr. Howard asked, looking at the dollar amounts, the economic development plan and the lease agreements with the property owners, has there been any study done for down the road showing the amount of money this will take, is the funding always going to be there, and what will it actually do to utility rate costs? Mr. Traumbauer said that the first part of your question is economic development agreement funding, that it is a binding contract between the solar developer and the county, there has got to be financial binding, contractual basis there so that is enforceable in a court of law. The financial package is there, it has to be guaranteed in some sort of way either through a letter of credit or a bond, something along those lines depending on the credit worthiness of the party and the counter-parties. Mr. Traumbauer asked about the part regarding the landowners. Mr. Howard said if you take the monthly payment being made to the landowners for

the lease agreements, will you actually be generating enough electrical power at a cost to the consumers to cover that cost, has there been a study projecting out over 30 years for that? Mr. Traumbauer said yes, that our financial models that we put out and I hope that other developers are the same as we are, we won't build a project on a merchant basis, that is not our way of doing things, we always have a contract for the offtake or the power purchase agreement. That is generally the rule with next Era Energy so we are very financially conservative with our approach. That question, if you were to ask everybody else in the industry, they would have a power purchase agreement and that they have done their homework on their returns on the investment. We have stockholders too and I would want to make sure the company was making good decisions on putting projects in the ground and making sure that they have a sufficient internal rate of return. We would only build projects that are going to make money and pay our lease agreements. Mr. Halderman added that a company he dealt with in Texas had the power all sold before they even went to the permitting, they made sure they had the power purchase agreement in place before they went down the path of engineering and studies that way they felt comfortable spending that money up front and now the project is under construction. Mr. Howard said we have talked about that; this is just one step of multiple steps that they have to go through for a project to ever be generated. Mr. Howard asked if there were any further discussion, there was none. We have a motion for the adjusted setbacks and a second, I would go by a roll call vote:

Roll Call Vote: Sam Hann, yes; Patty Godfroy, yes; Christian Rosen, yes, Randy Curless, abstain; Jeff Dawes, yes; Cheri Slee, yes; Joe Vogel, yes. The motion passes, all Board members present are in favor. Mr. Howard will be taking the revisions back to the Commissioners on Monday, May 18 to be finalized.

Mr. Curless: the next item on the agenda is discussion of the Imagine One 85 plan. Patty Grant, Executive Director of the Community Foundation of Wabash County. Ms. Grant introduced her colleague Julie Garber, Program Director for the Community Foundation, and Tenille Zartman, Vice President of Grow Wabash County. Ms. Grant thanked the Board for the hard work and leadership they put into making decisions for the county and for the opportunity this presents for the county. We are glad to be here and talk about Imagine One 85 and we do understand that there has been a misunderstanding and we do want to apologize for that misunderstanding and try to level set what our intentions are, what the purpose is, and the why we have been engaged in this work. It is not our intention to talk about the plan specifically, we have plans to come back to your May 5th meeting. I think you have plans to drill down harder and look at it, that is the time we would like to talk about the plan specifics. If we missed the opportunity to give you the background of where this came from and why, to clear up the misunderstanding, that is our intent today. We are grateful that you take Imagine One 85 seriously in your approach. Right off the bat we want to note that the current plan that you all prepared in 2012 on page 12 you mention and identify that a comprehensive plan is a guideline it's not enforceable, it's not a regulation, it certainly is not a zoning ordinance. We are hopeful that you will recommend adoption of the Imagine One 85 Comprehensive Plan to the Commissioners, it is separate from your zoning ordinance but we believe they fit well together. How did this get started and what is our intention, it has always been our intention that we would develop an official county wide comprehensive plan for Wabash County and it's bounded in the conviction that we will be better off and it is imperative that the cities, and the towns and the county all work together towards a shared vision of growth that we will all have a better chance of growing our county and addressing the quality of life in our county. Imagine One 85 is precipitated by a population analysis that was conducted

by the Purdue Research Institute from Ft. Wayne in 2019 and that was guided by Parkview Hospital, Mark Becker Consulting. That study implored us to take action that we have experienced a 40 year decline in population. The Community Foundation intends to address poverty, Grow Wabash County addressing economic development, so we agreed to partner and bring the communities together. We have had overwhelming support for this initiative, if you didn't know each one of these towns contributed financially, the County Commissioners, Manchester University, probably up to a dozen community donors, as well as the city and each one of those towns. The Community Foundation interestingly enough receives applications from individual towns to do comprehensive plans. We really saw this as a great way to leverage the financial commitments, the small commitments to each of our towns into a larger amount to address a countywide vision. We recognize that much has changed since the 2012 plan and it is our thinking that it is those changes that are compelling us to suggest the need for new planning. At the same time, we have attempted to leverage your plan as the foundation for additional recommendations.

Mrs. Grant: I understand that Larry and Mike are going to go through it and that you will be bringing those back to us at the May 5th meeting. We anticipate that changes may need to be made. We would like in the long run to be able to conduct a joint Commission meeting for all of the Plan Commissions in the county, we can discuss that again when we come back on May 5th. We are sorry for any misunderstanding, we have always thought of this as a Comprehensive Plan, if we weren't clear and you feel you have been misled we truly regret that.

Plan includes fiscal analysis

Community Foundation and Grow Wabash County think of ourselves as including you by including Jeff Dawes

Larry Thrush and Mike are going to go through it and bring back any changes

Conduct a joint Plan Commission meeting of all Plan Commissions in the county

Public hearing

We have always thought of this as a Comprehensive Plan

Ms. Zartman: a once in a generation plan.

Mr. Curlless asked if there were any questions

Mr. Dawes: I think part of the misunderstanding came with the term "comprehensive plan" maybe it is more of a strategic plan, each one will still have separate zoning plan.

Mr. Howard: I read Mr. Lehman's letter and Mr. Thrush asked Mr. Lehman if he interprets this to replace our comprehensive plan and Mr. Lehman said yes, that to me was not my understanding of what we were doing. I won't speak for the Board but I think we are all in agreement that our goal here is to improve Wabash County and we are all willing to work together, but that just alarmed me when I saw that.

Ms. Grant: We are prepared to listen to you, so that you are comfortable with it and we are all in one accord.

Ms. Julie Garber: It's your plan, it's the county's plan. The outside consultants that have come in have been so impressed with who we are as a community and the resources we have here.

Mr. Curless: next on the agenda is Special Exception #4, William Meyer for a pond in Liberty Twp.

Mr. Howard introduced Mr. Victor Treska, the contractor who is representing Mr. Meyer tonight. Specs for the pond are: address, 1299 E 900 S, Lafontaine; no variances from setbacks required; Pond specs: .5 acre water surface; dam length 110 feet, 60 feet wide at the base, 20 feet wide at the top; one 8" outlet connect to 10" tile running to drain line; pond depth 16 ft.; emergency overflow into natural waterway; approximately 9 acre watershed; no geothermal feed; nearest drain 1900 feet to the southwest; Drainage Board has reviewed , at this time the minutes of the meeting have not been approved. Board members reviewed aerial photos of the property. Mr. Hann made the motion to give a favorable recommendation to the BZA, this was seconded by Mr. Rosen, the motion carried.

Mr. Curless: The next item on the agenda is Special Exception #5, Brent McKillip for a pond in Lagro Twp. Mr. Howard reviewed the specs for the pond: address 3325 E. Baumbauer Rd., Lagro; construction will be Mr. McKillip and Troy Eads; asking for a variance to be 35 feet from the East property line instead of the required 100 feet; no variance from the roadway setback; Pond specs: .3 acre water surface; dam length 150 feet, 50 feet wide at the base, 12 feet wide at the top; one 8" outlet running in 6" tile approx. 430 feet west of dam to open ditch; pond depth 20 ft.; emergency overflow into natural flow; approximately 4 acre watershed; no geothermal feed; nearest drain 400 feet to the west; Drainage Board has reviewed , at this time the minutes of the meeting have not been approved. Mr. Dawes made the motion to give a favorable recommendation to the BZA, seconded by Mr. Hann, the motion carried.

Mr. Curless: the next item on the agenda is Special Exception #6, Kraig Musselman, for storage units in Paw Paw Twp. Mr. Howard presented the following information: address is 7530 W St. Rd. 16, at the west edge of the town of Roann; planning to start with one 30' x 150' building to be located at the north (back) area of the parcel total area roughly size is 500' x 230'.; current zoning is Residential 2, when the new ordinance is passed it will be zoned Ag 2. Could potentially put in up to 4 units of 30 x 150, he would like to eventually fence the buildings area. Living just west of the site he would use camera monitoring to watch the property. Mr. Vogel asked if these will be homeowner rentals, Mr. Musselman said yes, the units will be 10 x 15 square feet, and will be on both sides of the building for a total of 30 units. Mr. Vogel made the motion to give a favorable recommendation to the BZA, this was seconded by Mr. Rosen, the motion carried.

Mr. Curless: Next on the agenda is the Rob Kowalczyk property in the town of Lagro. Mr. Howard stated that Mr. Kowalczyk is not present tonight. Current photos of the property were shared with the Board to show how the work on the property had progressed. Board members agreed that not much progress was made and Mr. Kowalczyk has did not provide proof of financial responsibility to Mr. Thrush by 4/1/2022. Mr. Howard informed the Board that a survey has been completed on a neighboring property and what work has been completed does not meet the required setbacks from the east property line. Mr. Howard e-mailed Mr. Kowalczyk and was informed that Rob has a sale pending on the property. Mr. Howards recommendation at this time would be to have Mr. Thrush send notification to Mr. Kowalczyk and require him to provide proof that there is a pending sale of the property. Mr. Vogel agreed noting this is the second extension of the permit. Mr.

Howard reminded members the dates were for 11/5/2021 through 4/1/2022, there were no charges for the extension, any work done on the structure during 11/5/21 through 4/1/22 was at the owners risk. Rob did not provide proof of financial responsibility and failure to do so is just cause to place a cease and desist order on the property. Ms. Godfroy made the motion to have Mr. Thrush file notice and require proof of the pending property sale, this was seconded by Mr. Hann, the motion carried.

Mr. Howard stated that due Susi Stephan no longer being able to serve on the PCB, he would like to recommend Mr. Mark Milam to fill the remainder of Ms. Stephan's term. Mr. Howard has checked with Board Attorney, Mr. Thrush, to clarify that there would be no issues with having more than two members of the Board of Zoning Appeals serving on the PCB, Mr. Thrush did not see any issues with this. Mr. Milam has said that he would be willing at minimum to finish Mrs. Stephan's term which would be through 2024. Mr. Vogel made the motion to add Mr. Milam to the PCB, seconded by Mr. Dawes, the motion carried.

Mr. Howard gave the following updates:

- Continuing to work on the County Ordinance with Mr. Downs
- Complaints:
 - 2 properties in Servia scheduled for demolition, one has been completed at this time.
 - A property in Sandy Beach, we have a court hearing in May.
 - A property in Sandy Beach, the owner is working on cleaning up and providing information about the progress.

There being no further business Mr. Curless asked for a motion to adjourn. Mr. Vogel made the motion to adjourn, seconded by Mrs. Slee. The meeting adjourned at 8:45.

Libby Cook
Secretary, Wabash County Plan Commission Board
MTH