

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION **BOARD MEETING MINUTES** **DECEMBER 3, 2015**

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

PC Board Members: Curtis Campbell, Randy Curless, Scott Givens, Doug Rice, Sue Ridenour, Lowell Rosen, David Schuler, Cheri Slee, Joe Vogel, Attorney Larry Thrush

Members present:, Curtis Campbell, Randy Curless, Scott Givens, Doug Rice, David Schuler, Cheri Slee, Joe Vogel and Attorney Larry Thrush.

Mr. Givens opened the meeting at 7:00 p.m.

Mr. Vogel motioned to approve the November 5, 2015 minutes as written.

Mr. Curless second.

Motion Carried.

Special Exception #15 West Plains Mining LLC

Request for a Rail Siding and Expansion of Mining Area

6601 W Old State Rd 24, Wabash

Part of Section 13, Township 27N, Range 5E and Section 18, Township 27N, Range 6E, Noble Township, Wabash County.

Application was tabled during November 5th meeting to give board members the opportunity to inspect the creek, and examine additional data.

Mr. Woodward passed out orthos of 4 different quarries and this quarry showing the structural density around each quarry at 1000, 2000, and 3000 feet. This illustrates the proximity of homes and businesses at 4 other quarries vs the closet home being 2400 feet away at this quarry. We have had no structural damage to any of the structures at the other four quarries.

Vogel, are the blasts here comparable to these other sites.

Woodward, the blasts here are smaller in comparison to other sites except for Kokomo. Those would be similar to here. The Carmel quarry general does 150,000 ton shots, the Ft Wayne quarry does 3 million tons per year of business and Thornton does 7 million tons per year so they both do very large blasting. We are held to a scale reading that must be less than 1 on the Richter scale. Our highest reading here was .21 when we did a 100,000 ton open pit blast. Our building is 300 feet from the blast area, setting in my office and with a .1 reading I don't feel the blast, I hear the air blast, but I don't feel it.

Campbell, Sue Ridenour requested to be notified for the next open pit blast. Wants to be in attendance if not working.

Woodward, yes we agreed to call her so she can be here when we do an open pit blast.

Vogel, how is drilling done for open pit and underground pit blast?

Woodward, for open pit we do vertical drilling and blasting and the material falls into the mine. We get pieces up to 6x6 in size and then it's fed through the grinders. Open pit blasting is a larger area but less powder, usually 40,000 ton. Under ground we do vertical drilling but use more powder in a smaller area and get about 1,400 ton per blast. We are doing on average 3 to 4 underground blast per week.

Mr. Howard provided all in attendance with a copy of the 2007 letter from the Army Corp of Engineers regarding increased flow rates from the Salamonie Reservoir. The document noted that the flood stage at Wabash had been increased from 12 to 14 feet, and that the allowable flow rates from the Roush and Salamonie Reservoirs had been increased.

Woodward, in June 2015, 23,000 cubic feet per second was being release between Roush and Salamonie which equals 10.4 million gallons per second of water flowing by, going down the river.

Howard, I have a couple questions based on previous meeting minutes. What would be the maximum number of trains per week?

Woodward- 3 trains per week.

Howard, how many shifts will you run?

Woodward, two, we will not be running between 5 and 9 PM because that is peak power time and REMC will not let us run then. We may be doing maintenance or loading cars with loaders, but major electrical consumption for crushers, conveyors, and cleaning systems will not be permitted during that time. We have no control over the railroad and there will be times when we have to load at night. Otherwise, at night, we will be doing heavy maintenance if we don't have a train load.

Vogel how long will it take to load a train?

Woodward, it will take 12 to 16 hours to load a train depending on the products being loaded.

Givens, you will load the trains with loaders?

Woodward, for now yes, we would like to eventually do flood loading from silos and conveyors, but starting out it will be loaders with scale buckets.

Wolfrum, all loading will be done south of Old St. Rd. 24?

Woodward, yes it will all be done on south side of Old 24 on the quarry site. It would be against the law to block Old 24 crossing while loading cars. I believe INDOT law states we must be clear of a crossing within 20 minutes.

Mr. Thrush, according to state statute a crossing is to be blocked no more than 10 minutes.

Slee, has it been determined yet whether you are going across or under Old 24?

Woodward, No, it is a function of INDOT. The final determination of the exact pinpoint location of the crossing and which crossing will be approved is out of our hands and that decision comes down from INDOT.

Wolfrum, why can't you go underground along the side of the current rail track? N.S. won't allow us to use there tunnel, and there is not enough room in the quarry to complete the required tear drop loop to double back on the same track.

We are presenting both options for the crossing so whichever way INDOT says to go has been presented to the board. The Quarry is 47 feet below the road and 23 feet below the tracks at the bridge.

Wolfrum, will you be crossing the road once or twice?

Givens, actually it would only be once, the other way they would be going under Old 24.

Wolfrum, would it cost that much more to break the train?

Woodward, you can't get 40 cars on the north side between 700 W and Old 24. You would have to have 3 sidings to do that or it would be continually blocking Richvalley crossing which we cannot do.

Wolfrum, how much time will the crossing at Richvalley be closed hooking or unhooking and making the switch?

Woodward, this will be an individual train unit. The railroad will not be breaking down a train and sending in 80 cars.

Vogel, this is not like dropping cars off at say Poet, where the unhook a few cars, set them off at the site then hook up and go on.

This will be a separate train unit that will go into the quarry, be loaded and leave the quarry. The engine will remain running, cars will remain coupled together. It will be a dedicated engine and car unit.

Woodward, all train testing done by N.S. will be completed before the unit ever leaves the quarry. The train will go straight to the main line and head to its destination. Products will be located south of Old 24 all around the quarry siding and will be loaded while the train sets on the quarry siding.

Wolfrum, you're not expanding any portion of the current quarry for the rail siding?

Woodward, No, the siding will run alongside the floodway but will never be in any portion of the floodway. It will of course be in the floodplain.

Wolfrum, will the siding cross the Carlin Branch?

Woodward, Yes and the culvert size must be determined from modeling the area 3 miles upstream of the culvert location to determine what size of culvert must be put in. We must model bridges and culverts for the 500 and 100 year flood plan.

Wolfrum, was the quarry modeled before excavation and mining ever began?

Woodward, yes, that is what was approved in all of the DNR, IDEM permits which we are required to carry and maintain.

Wolfrum, how much more will you have to elevate for siding track?

Woodward, there will be very little change. The quarry is within ½ foot of the pad point and the road is 6 inches higher than everything else. The train will be up to the 10 MPH speed by the time it gets to the grade crossing.

Givens, if there is a problem with crossing time will the railroad bring a shorter train unit?

Woodward, that is possible but you have to remember we are at the mercy of the railroad and we have to go with whatever the railroad says or N.S. will start getting all jurisdictional on us.

Givens, so a shorter train would be the railroads decision . Is a 3500 foot unit the max you can fit into the quarry?

Woodward, no, an 80 car train is the max weight they can pull up the 1.9% grade out of Wabash without breaking knuckles on the train.

Miller, What will this do to truck traffic?

Woodward, it should reduce by 15 to 20 %. Eighty five percent of the current market goes north and it is a 5 hour round trip to our distribution yard by truck. It's just not economical to keep doing that. One train unit will be equal to about 400 to 500 truckloads depending on product type.

Wolfrum, you stated last meeting that you hope to double business.

Woodward, Yes, we hope to double business and that would equal an output of about 3 train units per week on average.

Miller, will the old elevator at Richvalley have to come down?

Woodward, it may fall down in the current condition it is in, but no it does not have to come down. The train unit will clear without removal of any buildings.

Miller, how much reserve is at the quarry?

Woodward, 160 million tons of reserve. In the underground mine the columns which remain are 35 foot square with 45 foot room cutouts between the pillars. We are able to recover 82 % of the material.

Slee, how close will the rail siding be to Ketner Creek?

Woodward, the DNR requires us to be a minimum of 50 feet from the bank of the creek and we cannot remove any of the current tree line.

Slee, ok, cause it looks close on the drawing.

Woodward, we will have to fill in the east section of the fresh water pond, which you see in the current photo, in order for the siding to fit.

Howard, I contacted DNR Division of Water again and sent all the information and previous minutes to them to make sure we are following the current floodplain ordinance. It was agreed that neither the old or new floodplain ordinance has required compensation for removal or fill in a floodplain in the policies.

Givens: does anyone else have comments or questions?

Slee, have the photos of Mill Creek been around for everyone to see. As you can see it needs a lot of work. It is creating new channels because of blockage.

Campbell, it is my understanding that as surveyor, your hands are tied as far as what can be done at this time to correct the blockages.

Slee, I have talked to DNR and need to talk to Army Corp and IDEM.

Vogel, why are your hands tied?

Slee, because it is not a certified drain, it's a creek.

Vogel, a creek can't be cleaned?

Slee, it can be cleaned by land owners through the permitting process. They have to fund whether it is a creek or regulated drain. For us to initiate we need to create the whole watershed

and determine who benefits and who will pay to have it cleaned. We need to determine where to start and stop or how much to certify.

Miller, is the old cement bridge from one side to the other side of the old gravel quarry still there?

Campbell, I don't recall seeing any part of a bridge. One big concern is the number of trees now in the creek as well as the number of trees that are close to falling into the creek.

Vogel, if Mill Creek is cleaned out will that help to drain you faster?

Wolfrum, I think it would have to. It is so damned up, I don't see how it flows at all. The down side is it may back up quicker under the type of rains we've been getting when cleaned out. There is virtually no creek bed in some spots.

Public, the flooding in 2013 never bothered Peru when Wabash flooded.

Woodward, the river is a lot wide on west of Wabash as you get closer to Peru. The overflow of water was caused by letting water out at Salamonie. It was absorbed here so less cubic feet per second of volume was experienced downstream.

Wolfrum, still concerned why my low spot now floods before the north side of floodplain fills north of bridge on 700 W. Did a real good job on my property in 2013.

Howard per state DNR this year's flooding report showed that 82 % of areas reporting flooding had not previously had any type of significant flooding.

Woodward, the river bank elevation on north side of river is higher than the south side.

Wolfrum, the river never overflows into my north field, instead it is filled by backing in from low spots on the creek. Pressure used to be to the north and now it is to the south.

Woodward, water hits a blockage in the creek and tries to find a way around it and so it outlets into your field.

Campbell, after viewing river bank from both sides, I feel the north side is for the most part higher than the south side.

Woodward, we have not changed the elevation or profile of the river bank.

Wolfrum, when you start on my farm and go west towards Simon's property my side is higher.

Campbell, that's off to the west of the quarry. Between the far south west mound of the quarry and the river is the old canal way and it did not appear to have loss due to any flooding and appears higher than the south side.

Woodward, Mr. Wolfrum says his field to the far south floods before his field in floodway floods. The floodway should flood before the floodplain, so his early flooding issue has to be caused by Mill Creek backing up and flooding that area first. Hopes cleanup will rectify the problem.

Campbell, just for clarification so we all clear on this, what is difference between the floodway and floodplain.

Woodward, floodway is the water course which must efficiently carry and discharge the peak flow of any regulatory flood of any river or stream. You cannot impede the floodway. Once it fills, the floodway it begins to fill the floodplain. The Floodway should always fill before the floodplain. If the reverse is happening then some other circumstance is causing the flooding.

Givens, does anyone have any other question or comments, if not we are looking at two motions. A motion for a favorable recommendation of the rail siding to the BZA and a motion for a favorable recommendation to mine underground north of Old 24 on the 43 acre parcel of Bex and the 9 acre parcel of Ron Eads.

Slee, it is the responsibility of West Plains to maintain culverts and remove them when the quarry ceases operations.

Woodward, by law we are required to remove all once mining is complete and the plant ceases operations.

Woodward, with regard to the rail siding it is INDOT who will make the final determination of how to cross Old 24. They may say go under at the reef or go over at the proposed crossing, or they may give approval for both.

Slee, do we have a choice which way we prefer you cross Old 24.

Woodward, that is your board's decision, if both choices are an option, but ultimately it will be INDOT who will say which way to go if only one way is approved. We don't want to restrict our options so that is why we are providing both options for crossing the road.

Slee, If the rail siding is approved by BZA, all engineering for drainage must be approved by drainage board before any dirt is moved and if I have a preference, I prefer you go under the road.

Woodward, as I stated last meeting the plant will pave the front area once the rail siding is done in order to reduce the road grime mess.

Slee, going under the road would reduce the potential for traffic problems.

Woodward, yes but it would create problems for us. The train would then have to pull in and back out, which is not the best scenario for a train. Plus, if we have to go under it would increase the timeline for the siding project by as much as 9 to 12 months.

Doug Rice made a motion for a favorable recommendation for the expansion of underground mining only on the north side of Old 24 on the Bex and Eads properties.

Wolfrum, is Old 24 considered a state or county road?

Givens, it is a county road now.

Curt Campbell, second on the motion.

Roll call vote.

All voted in favor of the motion.

Slee, is there such a thing as you can notify someone if train blocks the road?

Woodward, yes that would not be a problem.

Givens, if it becomes a safety issue I would like to see shorter trains but the railroad will probably not go for that.

Woodward, if there is an issue with a train it should be on the quarry site and N. S. will correct it before leaving the quarry. Once they start the train moving it must go straight to the main line and then head on to its destination from there. If there was to be an issue, we can call whoever the board recommends we call in that situation.

Howard, One thing to remember is that the train is the responsibility of N. S., not West Plains, but requiring West Plains to notify central dispatch would be the thing to do.

Rathbun, The main thoroughfare for emergency response by the Noble North Fire Department is State Road 115 to Old 24 and from there on to Richvalley. If we are notified and aware of the road being blocked we can save 8 to 10 minutes on a run by not having to turn around if we were to get to the crossing and it was blocked. The Noble South station would respond by coming into Richvalley from the south. If they are aware they can adjust travel accordingly.

Givens hearing no more discussion, called for a motion.

Randy Curless motioned for a favorable recommendation for expansion of the rail siding to the BZA contingent on final determination by INDOT of the location of the siding and approval of the final plans by the Wabash County Drainage Board and with the understanding West Plains will notify central dispatch in the event a train unit is going to block the road crossing for more than the state allowed 10 minute time period.

Doug Rice second on the motion.

Roll call vote.

All voted in favor of the motion.

Mr. Wolfrum asked for the drainage board to proceed however necessary to get Mill Creek cleaned up.

Slee, we need to get permits to get it done. First approach would be to look at maps and develop a watershed for creek. Then you have to carry a petition and get signatures.

Wolfrum, we brought up the issues with Mill Creek over 10 years ago and it was my understanding the process to resolve it was to be implemented and yet the issue just seems to carry on.

Slee, if it is to be regulated the process to do it is a whole different deal that being a county certified.

Wolfrum, whatever needs to be done, I would just like to get moving on it and I will do whatever you need me to do.

Slee, If it was just one obstruction we could do an obstruction removal but its way more than one obstruction.

Rathbun, Noble Township Fire has had to evacuate some properties over the past few years along Mill Creek in the area of Mill Creek Pike and Mill Creek Estates because water is getting backed up and is not flowing to the river like it should.

Howard, from my observation with the terrain as it is, both sides of the creek will need to be accessed in order to do the proper job of cleaning the creek.

Howard, any discussion from the board regarding the Farm Bureau presentation?

Givens commented on questions poled to area farmers and the responses to those questions.

Howard, I would like the board to consider reducing the permit fee for CFOs since state permitting fees have increased. Under the current ordinance a large project like Poet had minimal permit fees. In the future, as currently proposed, a development plan would be reviewed by an engineering firm of our choice and the review would be paid for by the applicant. We do not review CFO detailed plans since they are reviewed and approved by IDEM. It is my understanding that the IDEM application fee process for CFOs has increased. With that in mind I feel we should lower the application fee from \$.02 to \$.01 per foot. That should equal out the playing field.

Slee, when you talk about receiving in money to have an engineer look at development plans, are you talking about reviewing the drainage plan also with that? We have had reviews done in the past, but we really don't have the funds to do that.

Howard, the plan commission doesn't govern the drainage board, but to me a review would be a review of all phases of a plan including the drainage plan. If the drainage board wanted further review it would be up to them to initiate the review and determine how it was to be paid.

Slee, we just don't have any way to pay for an engineering review.

Howard, We really don't have funding either that is why the clause has been added to the new draft ordinance, so it is clear right up front the applicant will pay for reviews. To me everything would be reviewed in a development plan.

Givens, all they would have to do is provide the drainage board with a final report of the drainage portion of the review for the drainage board to take action on, note it in our minutes and put the report in our file.

Slee, you are still going to want to review it some and review what the engineer says also.

Givens, I really would not want an engineer to come in and explain it all to us. I just want a written report of the findings made during the review.

Howard, how does the board feel about reducing the CFO permit fee from \$.02/sq. ft. to \$.01/ sq. ft.? The new permit fee schedule should go into effect with the new ordinance.

Givens, for comparison what is the current total permit fee cost and what would it be at \$.01/ sq. ft. for a CFO?

Howard, an average CFO permit fee could range from \$750 to \$1200 or more under the current fee structure and if lowered to \$.01 / sq. ft. it would be half of that.

Board members had no objection to lowering the CFO permit fee to \$.01 for the proposed permit fee schedule.

Vogel, in the presentation by Farm Bureau, they pointed out that a million dollar CFO generates about \$11,000 personal property tax revenue a year, but according to what Mr. Howard showed us last month that is not always the case.

Howard, I selected one of the more recent structures from 2012 and a million dollar facility is being assessed for \$258,000. So the personal property tax for it is \$3321. At a meeting a few years ago Mr. DeBoer gave a presentation that showed numerous cost analyses and he pointed out that a person should not be too quick to assume a large CFO generates positive income for a county when you consider all the cost.

Vogel, Mr. Ringel talked about how increasing livestock numbers in the county helps build a corn base that we need. I understand what he is saying and yet the last facility approved in the county will be getting its pigs and feed from Ohio and sending them to Michigan for market.

Givens, According to Mr. Martin, CFOs don't generate enough tax revenue to pay for the road maintenance.

Howard, any thoughts from the board regarding satellite manure storage structures.

Givens, do you feel a setback should be established?

Rice could a structure be built 10 feet from a property line?

Curt, there are regulations for setback of stock piling in fields, but not for buildings.

Doug, I feel there should be something in our ordinance to prevent these structures from being close to a residence.

Howard, I will look into it and have information to present to the board at our next meeting. The section of the ordinance draft which defines permitted uses in specific zones has been changed by removing the conditional portion of permitting in a zone.

Another area which still needs work is defining: farm, farmer, farm residence.

Givens, do you think acreage size should be part of the definition?

Howard, based on response from ISDA they recommend shying away from financial size or acreage size in the definition. Once the definition of farm, farmer, farm residence is completed we can then decide if acreage should be a part of the equation. As a board we need to get real aggressive with the draft and get it done before we have to go back and update the Comprehensive Plan.

Doug, When this is to be reviewed before the general public, will it be during a regular meeting or a special meeting.

Howard, regular board meeting.

Doug, how much input have you had to date?

Howard, other than Farm Bureau coming in and Surveyor, Barry Bunnell talking with us at one meeting, I have had no public input. The draft document has been on the website since July 7, 2015. We have had 353 hits to date, but have not received one other response.

Doug, since the draft has been available for review on the web site and notification of such was publicize more than once through the local newspapers, what will be the procedure for the public hearing? Will we listen to all responses, then review the comments and determine if changes need to be made to the draft? The general public has already had 6 months to review and comment on the draft, and we have received nothing, so how much more time do we allow for public input? There has been more than ample time for the public to comment on things.

Slee, I have been through the document a couple times but I don't feel we have conversed on this as a group. I thought a small group was going to go over it initially.

Howard, the draft was provided to board members at the January meeting. Sue volunteered to review definitions and submit comments/questions which she did for the February meeting. We went through the development of the two Ag Zones and explained the key differences between the old ordinance and draft ordinance in March. I have asked just about every month if anyone has comments or questions.

Givens, we just need to have this as the only topic on our agenda starting in January and start working our way through it.

Howard, that would be great, but if we have applications to process, we obviously have to do those.

Hearing no further business Mr. Givens called for a motion to adjourn.

Mr. Vogel motioned to adjourn.

Mr. Rice second.

Meeting adjourned. 9:35 PM

Also present were: Will Woodward, Dave Wolfrum, Dan Miller, Clarence Rathbun, and Sam Unger.

