

WABASH COUNTY PLAN COMMISSION

Wabash County Court House

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Wabash County Board of Zoning Appeals

Wabash County Court House

Wabash IN 46992

BZA MEETING MINUTES

JULY 27, 2021

BZA MEMBERS: Dan Dale, Patty Godfroy, Mark Milam, Joe Vogel, Jerry Younce, and Attorney Larry Thrush

PRESENT: Joe Vogel, Dan Dale, Jerry Younce, Mark Milam, Patty Godfroy, Larry Thrush, Mike Howard, Libby Cook, Julie Dalrymple, Daniel Dalrymple, Mark Shane, Levi Shane, Marty Crossland, David Wamsley, Ashley Oetken, Mitch Oetken

The Wabash County Board of Zoning Appeals met on Tuesday, July 27th, 2021. Board Chairman, Joe Vogel called the meeting to order at 7:00 pm. Mr. Vogel asked if there were any additions or corrections to the minutes of the June 22nd meeting, there being none he asked for a motion to approve the minutes. Mr. Dale made the motion to approve the minutes as written, this was seconded by Mr. Younce, the motion carried.

Mr. Vogel: The first item on the agenda is Dan & Julie Dalrymple, Variance #7, seeking a variance from the subdivision ordinance in Liberty Township. Mr. Howard stated that the Dalrymple's reside at 10921 S 600 E, Lafontaine on a 9.49 acre parcel. The 9.49 acres was a split of the original parcel in 2020, they would like to do a second split of the property of 5 acres to be sold to a family member. Mr. Vogel asked if there were any questions or comments. Mark Shane introduced himself, he owns the farmland that adjoins the Dalrymple property, he asked to view the maps and questioned where any buildings might be placed in relation to his farmland. Mr. Vogel asked if the family member would be placing a home on the property, Mrs. Dalrymple said eventually. Mr. Howard asked if the Board wanted to place the standard restrictions on the property, the Board agreed to this. The restrictions will be: no unlicensed vehicles parked outside, minimum of 1,400 square feet for a residential structure, no further splits of the property, one single family dwelling on the property. Mrs. Dalrymple asked if there could be detached buildings constructed, Mr. Howard told her that accessory buildings would be permitted. There being no further discussion the Board proceeded to vote, Mr. Thrush tallied the votes, the request was approved.

Mr. Howard reviewed the proposed solar ordinance and provided Board members with a copy of what he has been working on with County Attorney, Steve Downs. He informed the Board that

he has been in contact with Connie Neininger about the financial aspect of money coming in to the county through solar farms and they are working on setting a date for Ms. Neininger to meet with the PC Board for a discussion time. Some items brought up by Mr. Howard:

- How does the Board feel about requiring the materials used to be American made? Mrs. Godfroy asked how do you police that and do we require that for anything else in the county?
- Shared a video of very large solar farms in the Carolinas.
- A discussion he had recently with a local farmer who is opposed to the idea, he questioned do they pay to lease the total acreage used for the farm or is it just the area that is covered by the solar panels. Mr. Howard said that he asked Mr. Downs if the lease could be to cover the entire area used by the solar farm not just the area the panels cover, Mr. Downs thought that would be between the land owner and the company.
- We are required to have a scheduled public hearing before the ordinance can be adopted.
- Mr. Dale asked about bonding. Mr. Howard said the ordinance allows the Board to write their own agreements, things such as removal and restoration, liability insurance, roads, decommissioning, emergency services.
- Mr. Milam shared that he had seen a solar farm in New Mexico, the panels were on hillsides at different levels, weeds and erosion were a problem.
- Mr. Howard noted that non-commercial solar projects would be permitted in all zones. Commercial projects would be permitted in AG, FR, and Industrial zones.
- Mr. Dale questioned if the entities we will be working with, will they follow the county rules, they have the money, could they tie the county up in litigation?
- Mr. Howard said that he has talked with Connie Neininger about the possibility of imminent domain.
- Mr. Vogel said that certainly having rules in black and white is better than what we have now.
- Mr. Dale asked if there are penalties built into the ordinance. Mr. Howard and Mr. Thrush said yes.
- Vegetation requirements would be subject to change. Other states allow pasturing of sheep or the planting of vegetables within the solar farm, however the harvesting by hand gets labor intense.
- Mr. Howard reminded the Board that this is just an updated copy for their review, if they have questions or suggestions please send them to him and he will forward them to Mr. Downs.

Mr. Howard provided Board members with a copy of the County Ordinance draft; Mr. Downs thought chapter 6 needed to be broken down more. The changes were reviewed, we will continue to work on it. I have reviewed it to make sure everything we had in the draft is still there. He asked Board members to review it and if they have questions or comments to please send those to him and he will forward those to Mr. Downs.

Complaint updates:

- Swafford property at Disko, we have been told that Mr. Swafford is selling the lots to a neighbor, there is still a house on the property that needs to be razed. An unsafe premise order is on hold for the time being to see if the property transfers.

- Hackworth property at Disko, the lot is next to the Swafford lot. Mr. Hackworth has done some clean up. I have asked him to be attend the August 5th PCB meeting to address the ongoing concerns.
- Dustin Warren property at Sandy Beach, Mr. Thrush sent a letter to Mr. Warren. Mr. Warren called Mr. Thrush and told him that he has renters in the mobile home at this time, they are to be in court on August 2nd for an eviction hearing. When he is through the eviction process he will get the property cleaned up.
- Fanning/Moore property, the property is a mess again. I have sent a letter to clean it up or go back to court.
- Matthew Miller I am working on this one again.
- Doyle Silvers new home in Lafontaine, shared a photo from July 20th showing a pile of dirt, nothing done as far as the required backfill and leveling that he signed an agreement to have completed. Mr. Vogel suggested sending another letter, a reminder letter will be sent to Mr. Silvers.
- Denver Cupps, pond in Liberty Twp., I have sent him a list of contractors and the engineer and company that originally told him what he needed as far as installing the guardrail along the county road.
- Unsafe premise order in Richvalley.
- McNeeley property east of Lagro, an unsafe premise order had been issued. A gentleman is working with the family on a transfer of the property to his name and he will do the cleanup work. He is keeping the office updated on his progress but there are some things he will not do until the property is deeded in his name.
- Dana Fischer property in Laketon, an unsafe premise order has been issued. Sold in tax sale.
- Ricky Hollingshead property in Paw Paw Twp., I am working with Mr. Thrush on a junk yard violation.
- We have received a complaint about noise at Cyclone Mfg. in Urbana. The complaint originally came to Commissioner, Brian Haupert, he referred it to our office. We need documentation to back up the complaint, I gave her information on someone to help her with this. We have not had any other complaints from other neighbors. Mr. Dawes met with a representative at Cyclone Mfg. to make them aware of the complaint. Dr. Mitch Oetken asked where the readings are taken from , the house or the factory, do you take both into account?

Mr. Howard asked if any Board members attended the July 14th event sponsored by the Imagine One 85 committee, no Board members responded.

Mr. Howard shared an e-mail that he had received from Mr. Scott Dean from IN DNR regarding the Gary Treska CAFO permitting. The e-mail stated that after a June 1, 2021 site visit Mr. Treska is cooperating with our restoration plan, he is to follow up with a monthly report. We would require a survey for the construction of a confined feeding building on the Fulford farm to make sure the buildings would fit and meet all of the county setback requirements. Mr. Treska is working with Miller Surveying on this. Dr. Oetken asked when the trees were planted in the wetland area, Mr. Howard said that he doesn't have that date. Dr. Oetken, Ashley Oetken, David Wamsley and Marty Crossland shared the following concerns about the placement of a confined feeding operation on Schmalzried Road:

- It would make sense that the 3 year monitoring period would start from the date the trees were planted not the date of the violation notification.
- Concerns for the residents of the town of Lagro and what it would do to the potential growth of the town along with the many projects that are in the works in the town or have been recently completed.
- How did it happen that during two separate visits to the property within one months' time there were no trees planted on the first visit and by the second visit the trees were planted? Mr. Howard shared e-mails regarding the planting, Scott Dean with the DNR e-mailed on May 14th, 2021 that Mr. Treska was not compliant. Scott Matthews with the Army Corp of Engineers e-mailed on June 30, 2021 that he had met with Mr. Treska at the site the week prior and the wetland restoration area has been planted.
- Concerns for contamination of wells in the area.
- Does the county want to disrupt the scenic area with hog barns?
- David Wamsley: Scott Matthews, Army Corp of Engineers, he went on the property, didn't see any trees. He was called back; flags had been placed to show the trees and they weren't very tall. In conversation with Mr. Matthews, he didn't have an invoice for the purchase of the trees.
- Why do they have to keep coming back to every meeting to protect their rights to live in the country and be able to enjoy their property without the smell of hogs.

There being no further business Mr. Vogel asked for a motion to adjourn. Mrs. Godfroy made the motion, this was seconded by Mr. Milam, the motion carried. Meeting adjourned at 8:45 pm.

Libby Cook
Secretary, Wabash County Plan Commission Board
MTH