

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION
BOARD MEETING MINUTES

JUNE 6, 2019

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

Board Members: Curt Campbell, Randy Curless, Jeff Dawes, Patty Godfroy, Doug Rice, Christian Rosen, David Schuler, Cheri Slee, Joe Vogel, Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Curt Campbell, Randy Curless, Jeff Dawes, Patty Godfroy, Joe Vogel, Doug Rice, Larry Thrush, Mike Howard, Libby Cook, Robert & Leslie Patterson, Marty & Dave Wamsley, John & Donna Wendt, Pam & Doug Simons, Marianne McAllister, Jerry Dunn, Mike Cummins, Jay Gillespie, Lance Gray, Desiree Gamble, Janet Pattee, Phil & Sheri Wilcox, Mitchell Oetken, James Legg.

The Wabash County Plan Commission Board met on Thursday, June 6, board Chairman, Randy Curless called the meeting to order at 7:00 pm. Mr. Curless asked for a motion on the minutes from the May 1ST meeting. Jeff Dawes made the motion to approve the minutes as presented, this was seconded by Joe Vogel. The minutes will stand approved as written.

Mr. Curless: The first item on the agenda is the continuation of the Amended CFO Ordinance public hearing.

Mr. Howard: Wabash County Attorney, Mr. Steve Downs has reviewed the ordinance. I do want the Board to be aware of the items that we did talk about. The first item I would like you to look at is:

1. 6:25 D. (B) in some places of the ordinance it says waters of the state and in other places it says surface waters of the state discussion on the verbiage of

surface waters of the state. The wording has been changed to read surface waters of the state per Indiana Administrative Code (IAC): the thing we have to remember is that each title of the code has definitions that apply to that chapter. If we look at chapter 13 which is what is referenced in the for IDEM Rule for CFOs for the environment that is the chapter that we need to use to draw our definitions or what their intent is from there. Mr. Wamsley came in to talk with me and I appreciate him doing that. The areas he was referring to were from Title 14, which is Natural Cultural Resources. The definitions for CFOs are from IC chapter 13 which is the chapter that we would look at for our definitions. It is also stated in IAC 327-19-245 "surface waters, waters means waters present on the surface of the earth including streams, lakes, ponds, rivers, swamps, marshes or wetlands". So that is the wording we used for that. Under IN code it is 13-11-2-265 Waters and it defines waters and surface waters, so that is what we used. To define that as "surface waters of the state" I felt like that covered everything we would want covered or that should be covered.

David Wamsley: Does that include ditches or not? Mr. Howard: What type of ditches are you asking about, underground tile ditches or open ditches? Mr. Wamsley: surface ditches. Mr. Howard: I would think that would cover it, Stream, ditch, creek would all be under that same category, yes. Mr. Wamsley: The stuff that you and I spoke about under the other title, apparently we are changing titles here from 13 to 14. Mr. Howard: yes because Title 14 is Natural Cultural Resources and the Confined Feeding Ordinance is under Title 13. Mr. Wamsley: I believe that is a change from two days ago from the document you sent me, I am just trying to get it straight. Mr. Howard: It is not a change. Mitchell Oetken: there really is not a difference in the definition. Mr. Howard: Sometimes you can read a definition in one chapter and then go to another chapter and it might be the same or it might be a little different but the code for Environment and Confined Feeding is under Chapter 13, so that is what I used for my definitions. Dr. Oetken: in comparison there really is no seen difference between the two? Mr. Howard: I would think not. Mr. Wamsley: So a stream or ditch would be considered surface water under this definition? Mr. Howard: a stream, ditch or creek, I would consider them all the same.

Mr. Howard: On page 8 of the amended ordinance, item 6.25 L A2, wording was changed from waters to surface waters of the state also. 6.25 M A2 changed that from waters to surface waters, that way the wording is the same throughout the ordinance it is consistent that way. On Page 9 a Severability clause has been added, there is a Severability clause in the County Ordinance, but we added a Severability clause to the CFO ordinance. What that means is if any one sentence of this is found to be illegal the rest of the ordinance is applicable and legal.

Mr. Howard: Through discussion with Board members that have come in to talk with me through the week, a question was asked what is the difference between an off-site private water well and an off-site public water well? This goes back to 6.25 D Setbacks, Section A, a setback of 1,000 feet from a public water supply surface intake structure; Section B a setback of 300 feet for liquid manure storage structures and 100 feet for solid manure storage structures from surface waters of the state, drainage inlets (including water and sediment control basins), sinkholes (measured from the opening or lowest point) and off-site water wells. The question was asked what the difference is between an off-site water well and an off-site public water well that there is a difference of 1000 feet for public and 300 feet for private. A 1,000 feet setback for a public well, an example of a public off-site well would be wells for the city of Wabash, the schools, Whites, anything like that. An off-site water well would be just an existing individual single family water well, is what they are saying. That is how that is interpreted or the intent for that.

Page 5, 6:25 E (A,B,C,D), we have gone back and forth on this and it is up to the Board to decide which way they want it; "All Confined Feeding Operation structures shall be a minimum of 1,320 feet from any residence" and currently it states "for any non-agriculture business". The question presented is do we want to take out non-agriculture in all 4 of those A, B, C, D and just say any business? Any residence or business and remove the word non-agriculture, that is open for the Board for discussion at this time. I would ask the Chairman to ask for a motion from someone on how they think it should be and then take a vote Mr. Dawes asked what it was originally. Mr. Howard replied originally I think it was just business then we talked about it possibly being non-agriculture business, we have gone back and forth, so that is how I have put it in at this time. It is up to the Board to decide which way, I know we have talked about some things like potential, we took some businesses and looked at those situations and what it came down to was how would you classify if it was an agriculture business or not. One example was Crazy Horse, was that truly an agriculture business, In my opinion . I guess it would be since they were selling animal feed in addition to clothing items and things like that. Do you want to change the wording from non-agriculture business structure to "business structure". Mr. Curless asked for a motion, Patty Godfroy made a motion to strike the wording non-agriculture so it will just say "business structure" throughout this ordinance. Mr. Vogel seconded the motion. A vote was taken by show of hands, the motion carried. The wording in this ordinance will be changed from non-agriculture business structure to "business structure".

Mr. Howard: item 6.25 G (G) needs to have wording maintained added.

Ms. Godfroy: Made the motion on item 6:25 G (G) to add the wording properly maintained. This motion was seconded by Mr. Vogel. The vote was taken by show of hand, the motion carried. The wording "properly maintained" will be added to Section 6.25 G (G).

Ms. Godfroy: I would like to move that Item 6:25 D (B) instead of 300 feet I would like it to be 1,000 feet. Where it says 300 feet from a private well. The way I understand it, 1000 feet from a public water supply but only 300 to a private. Doug Rice asked, do we need to separate in (B) offsite water wells and make that 1,000 feet or does that all need to be 1,000 as far as from surface waters from the state drains and sinkholes or are water wells the main concern. Ms. Godfroy stated that she believes that it should all be 1,000. Mr. Dawes asked what the IDEM setback is. Curt Campbell replied that is IDEM's.

Ms. Godfroy stated that she feels that one person's well is as important as a group of people. Mr. Vogel seconded the motion. Mr. Campbell asked if the wells that the CFO would have wouldn't be included in that would it. Mr. Rice stated that is covered in (C) under on site wells. Mr. Campbell, which is the 100 feet, you are wanting to switch the off-site wells. Mr. Howard asked Ms. Godfroy are you asking for a setback of 1,000 feet for liquid manure storage structures and solid manure storage structures and structures from surface waters of the state. Ms. Godfroy said both. Mr. Campbell stated that he thought Ms. Godfroy was just concerned with off-site water wells. Ms. Godfroy, that is my main concern. Mr. Campbell asked doesn't the 1320 setback pretty much cover the wells. Mr. Dawes asked how is this going to affect those with the chicken litter, will that have a dramatic effect on them, is this covering temporary structures or just permanent structures? Mr. Campbell replied that a lot of this is covered with our manure management those that have a fertilizer license, by IDEM rules. Ms. Godfroy asked, what if we did the offsite water wells at 1,000 and left the rest? Mr. Campbell stated that that is what he thought she was doing, he feels it would be hard to patrol it, there was a lot of thought put into it making it a state law. Mr. Dawes stated that he would not have a problem with the off-site water wells and stay with IDEM rule for the rest, it would make it simple and clearer. Mr. Howard asked, what you are proposing is to strike 6:25 D (B) from the ordinance and have 6:25 (A) read: A setback of 1,000 feet from off-site water wells and public water supply surface intake structures and off-site water wells, the rest would remain. Dr. Mitchell Oetken asked a single family home would be the same as a public water supply. Ms. Godfroy stated that the public and private would be the same. Mr. Campbell stated that the on site would stay the same.

Mr. David Wamsley asked if this would apply to both grandfathered and new sites new construction or add ons. Mr. Vogel stated not for current structures. Mr. Campbell stated that we don't want to do the policing of this. Mr. Curless asked if there were any questions or comments. Mr. Bob Patterson I think you have pretty much cleared it up, stated that he feels 300 feet is ridiculous, his family has dealt with Huntington County. My grandson has had lymphoma, he was 2 miles away. Dr. Oetken asked if this is for new structures on grandfathered or new sites, why not be progressive for our kids future, this is going to have consequences. This should apply to new structures and grandfathered expansions. It is very simple to do, this should have no consequence on people who have established businesses.

Ms. Godfroy made the motion to have a setback of 1000 feet from any offsite wells, that we strike the wells portion from 6:25 D (B), and include off-site wells in the wording of part A. This was seconded by Mr. Vogel. Mr. Curless called for a vote by show of hands, the motion carried.

Mr. Howard: Should the wording on 6:25 M (2) be changed to 1,000 feet? Mr. Campbell stated that the only problem with that is you are not going to come in and ask for a permit. This is controlled by the State Chemist, if you see a neighbor doing this all the time it would need to be addressed by the State Chemist. Ms. Godfroy stated that she believes it should be changed to be consistent.

Mr. Curless, Ms. Godfroy, can you put that in a motion.

Ms. Godfroy made the motion to change item 6:25 M (2) to read 1,000 feet. Mr. Vogel seconded the motion. A vote by show of hands was taken, the motion carried.

There being no further discussion, Mr. Curless asked for a motion to accept the ordinance with the changes that were approved tonight. Mr. Campbell made the motion to approve the Amended CFO Ordinance with the changes that were approved tonight. Mr. Dawes seconded the motion. A roll call vote was taken by the members present; Curt Campbell, Randy Curless, Jeff Dawes, Patty Godfroy, Doug Rice, and Joe Vogel with unanimous approval. Mr. Dawes will present the Amended CFO Ordinance to the Wabash County Commissioners on Monday, June 10, 2019 for their approval.

Mr. Howard gave the Board an update on the Randall Bullard property in the Town of Lafontaine, Liberty Twp. Mr. Bullard is deceased, Mrs. Bullard has expressed an interest in keeping the property. She has been told that as long as she is working on the property and keeping it maintained we would work with her.

Mr. Howard then introduced Mr. Mike Cummins of Fountainvue Mobile Home Park in Liberty Township. Mr. Cummins gave the Board a presentation on the plans he is developing for the mobile home park. He is proposing to subdivide the park, sell the lots and place manufactured homes on the lots. The mobile home park is outside of the corporate town limits of Lafontaine, however the town does provide water, and sewage and fire hydrants to the park. There are some issues of concern between the mobile home park and the Town of Lafontaine such as water usage and the fire hydrants. The town of Lafontaine is responsible for the water meters throughout the park, the pipes supplying the water are the responsibility of the mobile home park. Fountainvue lies in the jurisdiction of the Wabash County Plan Commission and is zoned R3. The minimum lot size is 6,000 square feet, there are 120 lots in the park, there are currently 48 homes leaving several of vacant spots. Mr. Cummins stated that he understands that Wabash County would not want to take on the maintenance of the roadways within the subdivision. There would be a Home Owners Association and the monthly fees would be used

towards maintenance of the roads and mowing of any common area. Mr. Cummins feels the benefits are significant, the tax base would be increased, it would all be brand new. Pam Simons, a local realtor had some questions on the costs that are being presented compared to what she sees locally. Mr. Campbell asked Mr. Cummins "what about the homes that are already there", Mr. Cummins replied that all of them there would qualify as manufactured homes. Mr. Dawes asked, if they sell off the lots does that fall under the subdivision ordinance. Mr. Howard replied that he feels that it would have to be subdivided, there are some things that Mr. Cummins and the Town of Lafontaine need to get together on. Mr. Vogel asked if the current roads are going to work, Mr. James Legg, property manager for Fountainview stated that the roads are wide enough for two school buses to pass on the streets and that the turn arounds are large enough for the buses, there is off street parking for each lot. Mr. Vogel asked how many exits there are on the property, Mr. Legg answered two. Mr. Cummins stated that there is water, sewer, gas, and electric to each lot, all of the infrastructure is there. All the lots were filled about 15 years ago. Mr. Cummins also pointed out that there is no planned use for the area on the map marked "future expansion". Ms. Godfroy asked if Mr. Cummins has had any pushback on this plan, he replied that this is really the first time he has presented this plan. Ms. Godfroy asked Mr. Cummins, if you can't sell the one house that is there do you think you can sell others. Ms. Godfroy stated that if they have ownership they will take better care of it. Mr. Dawes stated that he doesn't have any objection to this as long as they meet all the requirements. Mr. Howard again reminded the Board that there are still some things that need to be addressed between Fountainvue and the Town of Lafontaine. Here you already have something laid out. If the town of Lafontaine. Mr. Vogel stated that we would want covenants drawn up so that we have something in black and white so if there are complaints they can be addressed. Mr. Howard stated that the covenants would be enforced by the Home Owners Association. Mr. Campbell asked Mr. Cummins if he knows of any other mobile home park that has done this, Mr. Cummins replied that there is one in Ohio and another in the works. Mr. Cummins also stated that they have no interest in moving in old mobile homes to the park. He also, Mr. Howard replied that our County Ordinance would regulate some of this by the minimum square footage requirements. Mr. Cummins said there may be some of the lots that they would have to combine, he left information for the Board members to review.

Mr. Howard gave the following updates:

- Parcel Review Committee, Wabash County Attorney, Mr. Steve Downs has reviewed the document. The committee is working to address some questions he has at this time. Mr. Howard noted that discussions regarding the R.O.P. should be held with all committee members not just individual members.
- Continuation of the Todd Custer request for a campground in the Chester Township area. Mr. Custer continues to work on the other required permits.
- Complaints:
 - As of Wednesday, June 5th a contractor was to be in Urbana to take down the Moser and Shelton structures.

- The Nelson property in Lagro Twp., Board Attorney, Mr. Larry Thrush is in the process of serving papers.

Mr. Howard gave the Board an update on member, David Schuler. Mr. Schuler would , at minimum, like to finish out this year of service as a Board member, I would like to ask Mr. Dawes to ask the County Commissioners for permission to retain Mr. Schuler as a Board member. Mr. Rice made the motion to retain David Schuler as a Board member, this was seconded by Mr. Vogel, the motion carried. The motion will need to be approved by the Commissioners.

Due to the next regular scheduled PCB meeting falling on July 4th, if a meeting is necessary it will be scheduled for Tuesday, July 2nd.

There being no further business Mr. Vogel made the motion to adjourn the meeting, this was seconded by Ms. Godfroy. The meeting adjourned at 9:00 pm.

Libby Cook
Secretary, Wabash County Plan Commission