

# *WABASH COUNTY PLAN COMMISSION*

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## **WABASH COUNTY PLAN COMMISSION** **BOARD MEETING MINUTES**

**OCTOBER 3, 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**

Those present: Curt Campbell, Randy Curless, Jeff Dawes, Patty Godfroy, Doug Rice, Christian Rosen, Cheri Slee, Joe Vogel, Larry Thrush, Mike Howard, Libby Cook, Dan & Deb Dale, Steve Freshour, Annette Urschel, Dorcas Bishop, LeRoy Bishop, Kris Kerlin, Klay Bechtold, Lowell Lindzy, Sharon Lindzy, Doug Campbell, Alice Campbell, Todd & Heather Custer, Tyler Stoppenhagen, Danny French, Travis Boggs, Lyndon Miller, Eddie Ray Borkholder, Josie Borkholder Derek Borkholder, Brody Miller, John French, Lori Keresztes,

Plan Commission Board Chairman, Randy Curless, called the October 3, 2019 meeting to order at 7:00 pm. Mr. Curless asked for a motion on the minutes of the September 5<sup>th</sup> meeting. Jeff Dawes made the motion to accept the minutes as presented; this was seconded by Christian Rosen. The minutes were approved as written.

Mr. Curless: The first item on the agenda is SE #9, Travis Boggs.

Mr. Howard: Mr. Boggs is seeking to construct a pond in an Ag zone on his property located at 4858 W St. Rd. 16, Roann, Paw Twp. on a 3 acre parcel. Troy Eads will be the contractor. The water surface will cover approximately .4 acres. No variances are required, no floodplain or flowage easement issues, it will have a dam approximate length 420 feet, maximum depth approximately 15 feet, overflow pipe will be 6", outlet drain and will hook into an existing tile on their property, watershed into the pond is 1 acre, it will be geothermal feed, distance to the nearest certified drain is 250 feet. Mr. Howard asked if the Drainage Board has reviewed the pond specifications, Mr. Dawes and Ms. Slee stated that they see no problems. Mr. Curless asked if there were any questions, there being none Mr. Dawes made a motion to give a

favorable recommendation to the Board of Zoning Appeals; this was seconded by Cheri Slee. SE #9 was given a favorable recommendation to the Board of Zoning Appeals. Mr. Boggs was informed that the hearing before the BZA would be held on Tuesday, October 22 at 7:00 pm.

Mr. Curless: The second item on the agenda is SE #10, Steve Freshour.

Mr. Howard: Mr. Freshour is seeking to construct a pond on his property in an Ag zone, located at 1233 W 1500 N, Silver Lake, Pleasant Twp. The parcel size is 40 acres; the pond will have a water surface area of approximately 1.1 acres. Mark Oldfather will be the contractor. No variances are required; no floodplain or flowage easement issues maximum depth approximately 12 feet, there will be no geothermal feed. Mr. Campbell asked about the soil type, Mr. Freshour replied that it was clay loam. Mr. Curless asked if there were any further questions. Mr. Howard asked if the Drainage Board had reviewed the plans. Ms. Slee stated that they would look at it on Monday, Oct. 7 and would have their decision ready for the Board of Zoning Appeals meeting on Oct. 22. There being no further discussion Doug Rice made the motion to give a favorable recommendation to the BZA, understanding it still needed approved by the drainage board. This was seconded by Joe Vogel. SE #10 was given a favorable recommendation to the BZA; Mr. Freshour was informed of the date and time of the hearing.

Mr. Curless: The next item on the agenda is being continued from the September meeting, SE #6, Four Horsemen Ranch.

Mr. Howard: Four Horsemen Ranch is seeking a Special Exception to operate an Outdoor Commercial Recreational Enterprise in an agriculture zoned area on the property of Eddie Ray Borkholder located at 5643 W 1400 N in Pleasant Twp. Board members have been presented information regarding the protocols of the proposed deer hunting preserve, information on the Borkholder property and the location and distances to neighboring properties and residences. In the event this request goes forward some requirements that would have to be met include: the property is currently deeded in names of Albert & Ann Schafer (1/2 interest) and Eddie and Diana Borkholder (1/2 interest) in the event this goes forward that would have to be taken care of, the property would need to be transferred entirely to the Borkholder's; there would be no transfer of this application to anyone except Eddie. 69.9 acres of the 135 acre parcel is currently listed as Forest Reserve, this would have to be changed as a hunting preserve cannot be operated in Forest Reserve, this would have to be taken care before any work could be done, and this would be through the County Auditor's office and the DNR Forestry Division. As a reminder an Outdoor Commercial Recreational Enterprise is permitted to be applied for through the Special Exception application process, there are certain requirements, there is no minimum parcel size in our ordinance required for an Outdoor Commercial Recreational Enterprise; setback of structures is 65 feet from the center of the secondary county road that would be any type of building structure and 40 feet from the side or rear property lines; buffering required no parking area within 25 feet from a residential use, loading berth is 50 feet from any residential use, fencing or walls of 4 feet high woven wire fence which you will exceed that with your BOAH requirements, buffering and screening must be 8 feet high solid within 5 years of start of the operation to block view of residential uses. If you have any residential property it would have to have tight screening that would be 8 feet high within 5 years, the planting should be done within the initial first year of the program. There is no definite requirement for the number of entrances

on the property. That basically covers the areas of our Ordinance that the applicant would be required to conform to.

Lori Keresztes and Lyndon Miller introduced themselves as representing Mr. Borkholder and Four Horsemen Ranch. Ms. Keresztes stated that we are here to talk about the zoning (SE), at the last meeting we got into whether it was a legal enterprise and the state of Indiana has already determined that it is legal, there is a law that has been passed. We wanted to be sure to cover our safety protocols. Photos of the property showing where the stands/blinds locations are on the property and the distance from the surrounding homes. She discussed the topography map of the property showing elevations and stated that all stands/blinds will be elevated from 6 to 17 feet depending on the area. The majority of our stands are in use right now except for two of them which we don't have up right now, those are on the east side # 4 & 5. The stands have hunted from since 2006, the people who are leasing the land are hunting out of #1, 2, 3 & 6 and they have been since 2006. We would not be changing those locations they will stay there. Mr. Miller stated that he will be overseeing the hunts and managing the Four Horsemen's Ranch. Going down and taking pictures gives you a different perspective than what the map shows. The locations we have here are located strategically, keeping in mind the boundaries as Eddie has done in the past, these are going to be elevated and #'s 2 - 5 are pretty much inside the timber and the yardage you are going to be able to shoot is not going to be dramatic That is what we want for our clients is to keep the deer in as close as possible for numerous reasons. Ms. Keresztes informed the Board that the 3 stands, #'s 5, 6 and 1 would be shooting out over an open area, the rest of them are pretty densely forested, pictures are included so you can see from every angle what we see from the stand. Distance we would be shooting is limited; you are not going to have a hunter taking a 100 yard shot you wouldn't be able to see something 100 yards on this property based on the topography. As we said before we would only have 3 hunters with guns at a time and four with archery, not all stands will be filled each time there is a hunt. We have checked to see how many hunts were conducted overall in Indiana in preserves, there were 290 hunts on 13 licensed preserves. Through Ms. Keresztes' calculations the average of hunts on licensed preserves in the state of IN is 22 per year. The market limits itself; we only have so many people we can sell to. She stated that she would foresee an average number of hunts on this property due to its size; she doesn't see it being high traffic with a lot of hunters. It is rare to have it filled up, from other preserves she has been on they have not had three at one time, a lot of times we just have one. From the perimeter fence all shooting would be toward the interior of the property and would be 180 degrees parallel from the fence line. Stand 4 there is absolutely no shooting lane to the south. She stated that the closest property border is 87 yards away and that is not a structure. We will be only shooting 180 degrees out of that stand where it is 87 yards away toward the interior of the preserve. A guide will be with each hunter 100 % of the time, we won't be shooting anywhere near that direction.

Mr. Howard: At the September meeting Board members had asked for information on distances from the Borkholder property line to the surrounding residential structures, this has been provided in their packets.

Ms. Keresztes: Our number one priority is safety; she then asked if there were any questions for herself or Lyndon. Mr. Miller stated that at the last meeting he felt there was some negativity toward Ms. Keresztes and Eddie Borkholder, I wanted to take some ownership of that on myself

because I actually contacted Eddie about doing some of this stuff, so if there is any negativity I would like to take ownership of some of these things on myself instead of Eddie and Lori.

Mr. Howard stated that when we come into these meetings one thing that is required is that you address the Board and the Board can in turn ask the question. The comments that were heard at last month's meeting will not be tolerated

Mr. Curless asked, for firearms you can have three hunters in three different stands, will all three hunters have guides with them or just one guide? Ms. Keresztes replied that every hunter has a guide that is our protocol.

Mr. Curless: Can there be mixed, can there be some that will have bows and some that have shotguns? Ms. Keresztes replied that we let them hunt with what they want to hunt with, whatever is legal in IN. If we have anybody with a gun there is only three. If two people want to use a gun then there can only be one bow. There will only be three hunting if anyone is using a gun.

Mr. Dawes: The topic came up at the last meeting about the length of the season there was some concern raised about starting September 1, normal gun season starts the middle of November is there some flexibility on that? I can understand some concern from neighboring properties, if you are out there hunting with a gun what that may do to the deer in the neighboring properties. Ms. Keresztes replied "I don't think that is something I can answer right now; I think we would have to talk about it first and make a decision on that. I don't anticipate there being a lot of just nonstop shooting kind of thing. If you average it out there were 22 and spread it over that time frame it isn't that many. Personally I wouldn't see it being any different from someone outside target shooting or at a gun range; anyone who lives out in the country basically hears that any time of day and any season. Who is going to say that people outside the fence couldn't be target shooting on their property during archery season? To not allow us to have the opportunity to shoot with the guns inside the fence, to me that doesn't seem quite fair.

Mr. Dawes asked if the majority of the hunts would be during the month of November. Ms. Keresztes replied that it definitely does. The majority of the people want them to have the antlers already cleaned; having a velvet hunt is not a common occurrence in Indiana. I would say that 95% of the people want to hunt during rut and that is going to be gun season outside of the fence.

Mr. Rosen asked how long a hunt lasts. Ms. Keresztes said typically three days. Mr. Borkholder stated that after January 1 the horns start to drop so there are very few hunts after that, certainly not into February and March. The season is still open but there are no hunts because the horns have dropped.

Mr. Campbell asked if they can shoot whatever is there, a doe or buck. Ms. Keresztes if they want to shoot a doe they could if they want to shoot a buck they can shoot a buck.

Mr. Howard: One thing Board members had asked to be checked on is the length of season on other preserves. Based on a list of licensed preserves in Indiana provided by Shelly Chavis

(BOAH) I tried to contact all of these that I could find by e-mail, there were a couple I couldn't make e-mail or phone contact with. The response back was pretty limited. Basically the questions I asked them is what is the normal length of season that you would allow or have hunting on your preserve and the other question was are there certain times that you have only bow or gun seasons? One preserve owner replied to the question about the length of their season; they operate October 1 through January 1, it is still very hot, everything is still really green and visibility is limited to start any earlier. They offer 3 day hunts that are semi-guided, which I wouldn't want, I would want guided, it includes lodging, meals, and transportation to and from stands; it is the hunter's preference they have the choice of the weapon they use, there is no set schedule for gun or archery however they will not intermingle gun and archery, they will not have a bow hunter in the preserve at the same time as a rifle hunter. I used the GIS system to find the number of residential structures immediately outside the perimeter of the preserve within 1320 feet. The preserve at Roanoke offers more than just the deer preserve, for example they offer target shooting.

Mr. Curless asked if there were any further questions from the Board. Mr. Campbell asked Mr. Thrush; from a legal standpoint is there anything we should consider? Mr. Thrush stated that they should consider what effect it would have on the master plan for the county.

Mr. Howard asked the Board members if there were any conditions they would like to recommend to the BZA, as a Plan Commission Board you can't enforce that but you can make recommendations to the BZA for their determination. For example if you wanted to alter the hunting season or the time period. In Noble County they permitted the preserve there it was a lot larger scale than what we are talking here, one thing they did when they started out was to restrict the number of harvest per season, the number could increase by 4 each year up to a certain number, then if they wanted to go beyond that, the preserve owners had to go back to the BZA to request increasing the numbers. Something to be considered would be a time for bow season and a time for gun season. I certainly understand Eddie's position on this and don't have any qualms about that, these are just things to be considered. I would like to request that anytime an inspection is done by BOAH that this office receives a copy of the report. Mr. Howard then asked about the guides and their training, are there programs they are attending to be certified? Mr. Miller said that there are different programs for them to do, we would have our own protocols and safety and things that they would have to sign off on training and stuff like that, requirements that they would have to meet in order to be helping us; there are organizations that we would be considering to get certified through them and go from there. We are not exactly sure what that looks like at this point.

Mr. Howard asked if a deer is harvested only for the rack, you have an option as to what you can do with the meat. I would like their to be a requirement that anytime that happens that meat is donated.

Mr. Miller answered that the meat would be donated; Ms. Keresztes stated that most want to take the meat with them, but if they don't we would definitely donate it.

Mr. Howard then addressed fencing and parking. We would require that in your entrance area guests would be able to get off the road while waiting to enter the preserve. Parking must be off the road.

Mr. Curless then opened the discussion to the audience, reminding them to stick with the topic, and that deer preserves are legal in Indiana. The fact that you don't approve of this is a state issue, it is approved by the State of Indiana.

Lowell Lindzy: Nobody in the neighborhood was ever notified of this, when we put a confined hog feeding building up there we were notified that this was taking place, this has been word of mouth, there are still people just finding out about it. Mr. Howard explained that the requirements for a Special Exception is that they meet with the Plan Commission Board first and present what they are doing, once the Plan Commission Board makes a vote whether it is favorable or unfavorable to the BZA then we notify by mail every deeded property owner within 250 feet of the property, and a legal notice of the BZA hearing is published in the local newspaper we have not reached that point yet. As far as everybody getting notified about a hog house that is IDEM, that is a state regulation, that is not ours.

Mr. Lindzy asked "say I am going hunting tomorrow, where is this deer that I am supposed to be hunting, where is it coming from, when was it put on the preserve, how many bucks will be put on that preserve at the same time.

Mr. Howard: Eddie, if I recall you said there would probably be no more than 20 deer put in initially and no more than 20 there at a time.

Mr. Borkholder: There are times we may put them in in the Spring and raise them there, and that will vary from year to year. They are raised on our farm.

Mr. Lindzy, When you put all these bucks in there during mating season, some of them are not going to come out of there looking so pretty. Mr. Borkholder stated that is why we put them in in the Spring, if they grow up together, it is not that big of a deal. Mr. Lindzy said we have a lot of concerns and you have a lot of unhappy people in our neighborhood.

Klay Bechtold introduced himself and stated that he is probably the closest neighbor to the preserve; he shared photos of his property looking toward the fence line of the proposed preserve. Mr. Bechtold's main concern is the safety of his young children, less than 200 feet from where the preserve will take place. I respect people's property rights and I don't want to infringe on that. Mr. Curless you said that the State law wouldn't prohibit something like this we will respect that. I hope it is a priority of this Board to protect the health and safety of our residents. He pointed out that in recent months the Board has passed more stringent ordinances on setbacks for confined feeding operations and that he feels a commercial hunting preserve poses more danger to the health and safety of the surrounding neighbors than a livestock building. If the same setbacks were implemented by the same county there are no less than 10 residences that fall into that 1320 foot setback from this property. You wouldn't allow a hog or poultry building to be built on this property, I find it hard to believe that you can justify that it would be a good idea to put a commercial hunting facility on this property. He stated that he

knows that people hunt on this property now. You can allow someone to have a few hogs or chickens in their back yard without meeting those setbacks but anytime you take that to a commercial scale that changes the requirements. Mr. Bechtold reviewed photos of his property looking toward the Borkholder property. He then referred to the minutes of the August, 2019 PCB meeting regarding Mr. Borkholder talking with the neighbors, which he did, the minutes state that only one neighbor was unhappy with it but that the rest of the neighbors were fine with it. Frankly I didn't know what to make of it, I didn't know the first thing about a commercial hunting facility, then I started looking into it after that. I stated that it was first and foremost a safety concern for my children, to state that the neighbors were fine with it I think it is a pretty gross misinterpretation of what I said to Mr. Borkholder (the Plan Commission office has no record of the conversations between Mr. Borkholder and the neighbors). Mr. Bechtold brought up what would be the county incentive to approve a facility like this, it was brought up that the Charlie Creek Inn where maybe some of these hunters would stay and it would be a source of tax revenue there. With facilities in nearby counties, he questioned how much tax revenue the county would see from visitors coming in. He stated that he hopes the Board feels a responsibility to the residents of the county, I understand that Mr. Borkholder is a property owner in the county and pays taxes on his property as well. As elected officials I hope you feel a responsibility to your constituents. At the September meeting a Mr. Hunter spoke regarding Mr. Borkholder and his deer farm, he stated that he is in the business of raising some deer to be sold. Mr. Hunter lives just 2 miles west of this facility in Fulton Co. In looking at the Fulton County public records it looks like Mr. Hunter has 112 contiguous acres there, so if this is such a great opportunity then it would be an even better opportunity to move this to his property and you guys could partner together. On that 112 acres there where his house is I understand that you could section off 10 acres and the boundary for the commercial hunting facility there would be further from his house than it would be from my home.

Mr. Howard stated that on a computer program he ran the 1320 feet radius on every house that is there on the west and north of the Borkholder property as far as a setback, there would still be approximately 69 - 70 acres left that was still wide open on that property that would not have been in the 1320 foot setback. So you would be reducing this area down to about a 70 acres but it is still in a 135 acre parcel which would meet BOAH requirements. In saying that, also it would meet county setback requirements for a confined feeding building on that property.

Mr. Bechtold stated that obviously he feels that it is not a safe idea to approve this. I hate to even get to the point of compromise, because I feel like in general the idea doesn't seem like a safe one. There seems to be a lack of willingness to concede any sort of angling, if we are going to do this let's go 1320 feet from our homes get it back to the 60 acres, limit it to archery. In their words, they say 90-95% of the hunts will be mid November to January 1, ok let's make it mid Nov. to Jan 1. They say 22 hunts on average per facility, it is about 180 days of the year, how do I know when it is safe for my kids to play in the yard? Twenty two days out of 180 is not a very significant time frame to try to work around. We haven't even talked about the effect of land values for the surrounding area and our homes, the utilization of our property. Granted is it legally preventing me from going out and utilizing my woods or yard, no of course not. I presume that most of you have children or grandchildren would you have your children out in my yard with the pictures that I have passed around with that facility there?

Mr. Curless: Your children are going to be way safer than mine are in a few weeks. I've got woods between ¼ and ½ mile on all 4 sides of me. I will have people out there that I don't know, that don't know the area, they can be walking around, whereas these will be in strategic set places. These people (by Mr. Curless's property) can be shooting in any direction, whereas the people in the preserve will have a very set pattern and will have guides with them. I mean as far as protection, you guys will have way more protection than the rest of us have once hunting season opens. Mr. Bechtold said that he strongly disagrees with that, the people that are hunting by my house are people that are from the area and are familiar with the area. They know where my house is and where Tyler's house is.

Mr. Curless: These people will know that too because they are going to be instructed beforehand.

Mr. Bechtold: Your confidence in their ability to learn their surroundings and ability to develop a relationship with the surrounding neighbors is much stronger than mine. If you ask yourself, I don't think you would feel comfortable letting your children play right there, to say that they will be safer is crazy.

Mr. Curless asked if anyone else has any questions.

Tyler Stoppenhagen: stated that he lives on the west side of the property. They are pushing safety and we appreciate that, anybody that really pushes safety knows that the first rule of thumb is if it is avoidable, avoid it. I don't care if there is 100/1000 percent of a bullet entering my house that is too much. Who is enforcing 3 – 4 guys at a time, is it the county? What if I call and say that these guys are running rampant, there are 5 guys in here with rifles. Who do I call, the Board, obviously I can answer my own question nobody because nobody is going to care. What is preventing that, this is a question for the Board not for Four Horsemen. Ms. Godfroy asked, what do you do now if you see 4 people carrying guns in any woods? Mr. Stoppenhagen replied that they say they have 4 hunters with 4 guides, what happens if 3 of the guides don't show up and they have 4 hunters with one guide. So 3 hunters are out there by themselves, do they sit in the lodge, no, I know the answer to this. Lori contacted one of my best friends who runs a lodge up in Michigan, they had an e-mail conversation back and forth. You get guys in there with high power rifles that have paid an amount of money whatever it is, none of our concern, and they see a deer with an enormous rack walking across the horizon. My buddy has been guiding for 15 years. You can't control a grown adult that has paid a certain amount of money to tell him sorry you can't shoot that deer because he is too far away, because boom the gun has gone off. He has had guys shoot through the power lines, it happens, accidents happen we understand that. I would like to apologize for a passion felt meeting last month I didn't mean to undermine anyone. The differences don't matter, put them aside. My kids playground is 67 yards away from this. My pond is even closer, I know you will say who is going to be in a pond at this time of year. It is the fact that there is a chance that a stray bullet and I believe the chances are increased like you said. I am a bow hunter, I hate gun season it gets pretty crazy. This in my mind is like a full time rifle season from Sept. 1 to January 1. I try to keep my personal preferences out of this, it comes down to my kid's safety, Klay's kid's safety and the safety of people in general. I don't understand how the state of Indiana can pass a law prohibiting this with the boundaries of residential homes, it is crazy. He stated that he had



talked with the owner from Hillside (preserve in Huntington Co.) and he is no longer in the business, these guys go for an experience there is no experience staying in a lodge in Wabash and having to drive 18 miles. His exact words were in 2 years their business is probably going to fail. That is neither here nor there, for me it is safety. Like Klay said it is your responsibility to really take that into account, a big question should be what if an adjoining resident their house gets struck by a stray bullet or heaven forbid a person because we have allowed guys to hunt with rifles for 6 months, 5 months, 4 months consistently. The hunts are for three days, is that 3 days this week and then three days next week or is it two hunts a week? Those are some questions I would like answered, but I would really like the question about the guides answered, who is responsible when I see guys walking out in orange with guns, if they even have to wear orange, without guides, do I contact you as the Commission Board who approved this? Who is monitoring this preserve?

Ms. Keresztes: Our season is September through January that is when we already stated that we would have our hunting season and that is when the majority of our hunts would occur during that time. It is really not that different from what it is now. Seven people lease the land right now so there could be seven people out hunting right now. They are people Eddie knows, I don't know how well Klay knows them but apparently they know them. I guarantee that they are not following our safety protocol that we have, they don't have a guide with them. Anyone can walk into the property and poach or shoot over the fence. I spoke with the owner of the Valhalla Lodge in MI, I found it was really strange that they had deer that got shot and run off and died and no one found it, so I contacted them. I asked does that happen because I can't speak to what happens on another preserve, but he said no that they find all of the deer that they have shot. If Valhalla clients are out of control that is not our problem they are in MI and we are not Valhalla, we are Four Horsemen, we are talking about zoning the Four Horsemen so I am not sure how that relates to us. As far as who enforces the rules, I think common sense tells you that if we were to have a lawsuit or injury that would shut us down right away. It behooves us to be as cautious and careful as humanly possible, follow our safety protocols and not have any accidents. Any industry, any place that is a commercial property I think that is a standard. Especially in this industry, we know what it took to pass the law, Eddie Ray and I were on a committee and worked on that, we know how difficult it was, we know how much scrutiny the Indiana preserves are under. We wouldn't want to be the first one to have an accident because we are careless in any way. That alone on our end is going to make sure that we are as careful as possible. We go through way more than other states or places go through for our preserves. The number one reason we do it is for safety for our surrounding neighbors, our hunters, our guides. That is the number one reason. Safety is a huge concern and it should be for any industry. Like I said we are under a lot of scrutiny, safety is priority number one, that is why we have all of this. Mr. Howard questioned the dates of the season September 1 through January 1 as mentioned. Ms. Keresztes said no I am talking about the outside the fence in comparison, outside the fence we have the youth season which is sometimes earlier where it is the 17<sup>th</sup> it depends on when it falls in the year, that is the entire reason that BOAH said that for simplicities sake said it would be Sept. 1 and then we go all the way up to March 1. Like Eddie Ray said no one wants to hunt a deer without antlers so typically when that happens we don't have hunters. We would follow pretty much the same time frame that outside the fence would follow. As of now we don't control when the lease hunters come in to hunt, so it could be during the week, it could be on the week-end. We don't control what season they hunt in now. We don't control if they bring old

uncle Bob who has bad eyesight and is going to shoot from this stand but he doesn't know exactly where, we don't control that. In our scenario we do, we control all of that. We control who enters, who leaves, what kind of weapon they use, where they are shooting, we control all of that. Right now under non-preserve hunting, we just have to trust them.

Mr. Dawes: You said each hunter will have a guide, do you foresee any circumstance under which a hunter would be out without a guide? What happens if the hunter doesn't obey what they guide tells them, I assume they would be escorted off the property. Ms. Keresztes, if you read our safety protocol that they have to sign, if they don't adhere to that they are gone. They don't hunt period, they have to agree to that. We have to make it clear to them before the hunt starts that they are not going to take shot until the guide tells them they can, until we know that the deer is in a safe zone.

Mr. Rice asked what state governing body controls the preserves, Mr. Howard replied BOAH (Board of Animal Health).

Mr. Dawes: I would assume that that organization if there would be a violation would be the one that is in control of these preserves.

Mr. Howard: To me, for example, if Tyler was to call me today and say that there is total bedlam going on out there today, my response would be to get a Sherriff's officer and make a trip out there. I would have to address it according to that, our policies are what we can enforce and the state would have to enforce theirs. In consideration of what Tyler is asking that is what I feel I should do. In Noble County they have the right for the Planning Director and 3 Board members to go and inspect the preserve any time. I don't feel we are qualified to do that.

Mr. Borkholder: His (Tyler Stoppenhagen's house is on top of a hill, our blind is down the hill, you can't even see his house from our blind.

Mr. Borkholder: The hunts are three days, there will be no hunts on Sundays, we honor the Lord's Day. We want to do this right; I feel their kids would be safer.

Mr. Lindzy referenced a recent article in the Wabash Plain Dealer regarding fair chase. Who are the responsible people, is it an LLC, do they have insurance? Would you like to have this in your back yard?

Mr. Howard reminded everyone that we have to take the ethics out of this, this is legal in the state of Indiana, and it can't be part of our decision. Safety can be a concern. Baiting, is it ethical, we all know it happens outside the fence.

Josey Borkholder: What is fair chase; does the hunter have a gun and the deer a have gun or camouflage?

Mr. Bechtold asked, with the various ordinances, what was your impetus for changing the setbacks? Mr. Howard stated that he thought the considerations originated from the potential growth of dairies, swine and poultry.

Mr. Bechtold then asked if it was for the health and safety of others, I would ask that you consider some standardized ordinances.

Mr. Kerlin: I felt like I was misled when they asked me about the first time they came around. I thought they were on regular season. I feel it will have a detrimental effect on properties. I limit hunting on my property. They say they probably won't be using it much after January, but we have no guarantee. I don't think it will consider the people who live here, these people don't live in the county. Mr. Borkholder replied that he would have no problem with Sept. 1 through January 10.

Mr. Stoppenhagen stated that he feels if this was bow hunting only this would be a whole different discussion. We are talking gun season for 5 months.

Mr. Dawes: As far as CFO's, I think the biggest issue was odor, I don't think this falls into this category. Mr. Bechtold responded that he doesn't think his kids are in any danger from a CFO.

Mr. Kerlin: Last month they declined not using high powered rifles.

Mr. Curless: There being no further discussion, the Board will take a paper ballot vote. Mr. Howard told the Board members that they will be voting to give a favorable or unfavorable recommendation to the BZA, Board members may also list on their ballots any recommendations they would like to suggest to the BZA for their consideration. The vote was taken, Mr. Thrush tallied the votes, and the voting ended in a tie. Mr. Thrush stated that the request can go to the Board of Zoning Appeals without a recommendation. Mr. Howard told the Board that the BZA members would not see the vote sheets but that he would pull any recommendations that were written in and present these to the BZA.

Mr. Howard informed Ms. Keresztes and Mr. Borkholder along with those present who have concerns that the BZA meeting will be held on Tuesday, October 22 at 7:00 pm. Prior to the BZA meeting a legal ad will be published in the newspaper and the deeded property owners who have parcels of land within 250 feet of the Borkholder property will be notified by mail.

Mr. Curless: The next item on the agenda is SE #6-2018, Todd Custer. Mr. Custer is seeking to operate a campground on his property in the Liberty Mills area of Chester Twp. This is a continuation on this request from 2018.

Mr. Howard: Mr. Custer is seeking to operate an Outdoor Commercial Recreational Enterprise on his property located at 3188 E 1425 N this is a 6.852 acre parcel. His original plans were reviewed by the BZA in September of 2018, at that time the Board members asked for Mr. Custer to have all State approvals in place before they would vote on this. Mr. Custer has had his engineering layout done by NuInventa. He has received approval from the DNR, Army Corp. and IDEM. The State Department of Health is requiring a port-a-toilet, these have to be on a trailer that can be moved out in case of flood waters. Graywater, the requirement would be a storage tank that would be portable and could be moved, the local County Health Department can look at the plans also. Mr. Custer has met the requirements of the State for the campground. With regard to the .528 acre parcel, the County Surveyors office is working on the drawings; we

all know he doesn't own part of the river. In the drawings you have walkway around the campsites. To the east of your line the state floodway continues, there no residential structures in that area. Mr. Custer replied "the drawings don't do it justice; the walkway is very close to the 40 feet. When the foliage is off the property we will be surveyed for engineering of a well. Ms. Slee asked if the survey will be recorded, Mr. Custer answered that it would be.

Mr. Howard shared copies of letters from neighboring property owners stating their concerns. Shared some suggestions that the PCB might want to recommend to the BZA.

- Will there be an office on the property? Mr. Custer said that they hope to have a building on a trailer; it can't be open to the public. We have to provide a telephone and first aid kit.
- Picnic tables at each site? Mr. Custer: we hope to have one table at each site; these will be fixed to the ground with rebar.
- The campers can't stay..... Mr. Custer: pop up campers, no 5<sup>th</sup> wheel campers.
- Pets allowed?
- ATV's allowed?
- Security for personal belongings. Mr. Custer: this would be in your own vehicle, you would be responsible.
- How many days can a camper remain at one site?
- Alcohol & tobacco, permitted or not?
- Site Plan for First Responders and law enforcement?
- Emergency notification plan, who notifies the campers of emergency situations?
- Will there be a responsible party on the grounds when campers are present? Mr. Custer asked if he was meaning someone there 24/7?
- This is in a floodway, no chain link or woven fence can be used? Mr. Custer: the DNR approved a fence on the north end of the property, single strand 4 feet high. On the south end we are planting willows for screening, we have to leave openings for wildlife.

Mr. Curless asked if there were any questions or comments from the audience.

Don Meyer introduced himself; his home is on the other side of the river from the Custer property. He liked the comment on there being a responsible person on site. He commented that he has spent a lot of time and money getting things cleaned up. If I want to challenge the DNR it will be a court hearing, I am not going to put that kind of money into fighting this, I will put it in your hands. He asked if Mr. Custer will have to re-apply to the DNR after the survey is completed. Mr. Howard told him not for me. Ms. Slee said it is based on the acreage he has, they know he doesn't own the river. Mr. Howard stated that his survey will be re-drawn on GIS.

Doug Campbell, an adjacent property owner introduced himself. I appreciate the Board and everything the Custer's have been through. There have been a lot of trespassers. I hope we can maintain the 40 foot setback. Ms. Godfroy asked how many acres of land the Campbell's own, he replied 11. Curt Campbell asked if their home was on this property, Mr. Campbell replied no.

Mr. Curless asked if there were any further questions or comments. There being none the Board members took a paper ballot vote. Mr. Thrush tallied the votes; SE #6-2018 was given a favorable recommendation to the BZA.

Mr. Custer told the Board that they do not plan on extending on the river, they do not intend to have firearms on the property; dogs will be leashed at all times; the Isaac Walton League down the road has shooting going on all the time; we want to maintain a nice clean campground.

Mr. Howard informed the Custer's that the BZA will meet on Oct.22 at 7:00 pm for the hearing on their request.

In other business Mr. Howard informed the Board that an unsafe premise order has been sent to NORAG (Speicherville Elevator). NORAG has responded that they plan to have a representative present at the November 7<sup>th</sup> PCB meeting.

There being no further business Mr. Curless asked for a motion to adjourn the meeting. Mr. Vogel motioned to adjourn; this was seconded by Mr. Rosen. The meeting adjourned at 9:30 pm.

*Libby Cook*  
*Secretary, Wabash County Plan Commission Board*  
*mith*