

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION **BOARD MEETING MINUTES**

April 5, 2018

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

Board Members: Curt Campbell, Randy Curless, Scott Givens, 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, Scott Givens, Patty Godfroy, Doug Rice, Christian Rosen, David Schuler, Cheri Slee, Joe Vogel, Larry Thrush, Mike Howard, Libby Cook, David & Mary Moser

Chairman, Scott Givens called to order the April 5th meeting of the Wabash Co. Plan Commission Board at 7:00 pm. Mr. Givens asked if there was a motion to approve the minutes of the March 1st meeting. The motion to approve the minutes was made by Joe Vogel this was seconded by Randy Curless. The minutes were approved as written.

Mr. Givens: the first item on the agenda is the David Moser property in Urbana.

Mr. Moser addressed the Board, asking if anyone had been out to check on the progress he has made on the property. Mr. Moser has reached an agreement with Mr. Don Harney regarding purchasing the Harney property located at 311 E. Emmett St. in Urbana. Mr. Moser informed the Board that he has cut several trees, cleared some brush on the property, put a new garage door on, and he is planning to tear down the house himself and save the garage. He plans to have a dumpster set for all of the materials from the house, he stated that he will not be salvaging any materials. Mr. Moser also told the Board his plans for the property he owns located at 170 N. First St. in Urbana. He no longer plans to restore the house to live in, instead it will just be used for storage and he will be putting metal siding on it. Mr. Moser expressed an interest in the Chris Shelton property located at 171 N. First St. in Urbana. At this time the Shelton property is not listed on the spring commissioners sale. Mr. Moser has purchased the Shelton property in the tax sale two times previously, however he never followed through and redeemed the property, Mr. Moser explained that he didn't understand all the red-tape that was involved. Mr.

Moser wants to take one section off the Shelton house, redo the rest of the house for his daughter and granddaughter to live in.

Mr. Howard noted that the schedule visit was canceled by Mr. Moser and Shelton house was condemned by the county health department in 2008.

Mr. Moser told the Board that if they will work with him "I will do everything I am telling you". I have talked with a State Representative's office and with Senator Zay's office maybe we can get some help with the water issues in Urbana.

Patty Godfroy asked Mr. Moser how often would the dumpster be emptied?

Mr. Moser: "I have done another larger house and got it all in one dumpster. I take it down in sections. I like to keep it neat and clean when I am tearing something down. I will be using all new lumber. I won't be salvaging any of the materials."

Mr. Howard: Do we have any timelines for all this?

Mr. Givens: I think we are too late to get the Shelton property listed in the spring commissioners sale.

Mike Howard: As far as the demolition of the house we would also want the foundation and footers removed and the lot leveled and seeded.

Mr. Moser: Not a problem I did the lot on the corner for \$1200.00

Mr. Givens: Are there any further questions?

Mr. Howard: I sent a letter to Mr. Harney indicating that he had two choices, we have the fire department burn the house and garage, or he can have the house razed, save the garage and have the lot leveled and seeded.

Mr. Harney returned the signed letter choosing to have the structure razed and the garage saved.

Mr. Moser: That is what Mr. Harney told me he wanted to do. I am going to buy the property from Harney on contract. We still have to get everything worked out.

Mr. Howard: Suggested to Mr. Moser to be sure to have the contract recorded.

Mr. Givens asked if anyone else had anything.

Mr. Givens thanked Mr. Moser for coming tonight.

Mr. Howard: Update on complaints:

- Mr. Howard is to meet with Mr. Ramsey to show him which vehicles need to be removed.

- Davidson/Heister, mobile home set without permits. We have a court date of April 11th.

- Kowalczuk property in Lagro. The permit for a new home on the property will expire on April 6th. Mr. Kowalczuk came to the office to ask if he could put a storage building on the property while the new home was under construction, he was told yes and that he would need a permit for the storage building. Mr. Kowalczuk then put the storage building on the property without a permit and began living in it. He came back in to the office and he was then given permission to use the storage unit as temporary housing for 180 days, that time will expire on 4/08/2018. The old house has been taken down, now there are several piles of debris that have been pushed over the hill with reports of some of it landing in the road right of way of Blue Star Hwy. these still need to be removed. At this time no work has been done on the new house. I would like to notify him that the storage building has to be removed and no permits will be issued until the currently schedule court hearing is completed.

Mr. Rice: Made a motion to send the notification to Mr. Kowalczuk.

Mr. Vogel: Seconded the motion, the motion was passed by the Board.

Mr. Howard: We are already scheduled for court the original permit was to build a new house behind the old one and tear down the old house. He had until the Sunday after Thanksgiving to have the old house down. That didn't happen. Legally, I think we can say no permits issued until he is compliant.

Mr. Rice: You will notify him that his time for the building permit, and the temporary use of the storage building as a house have expired.

Mr. Givens: Does the town of Lagro take care of this as far as saying that the storage building has to go? Have neighbors been complaining? What is the quickest way to address this issue?

Mr. Howard: Send a letter stating the permit has expired and the temporary use for the utility building has also expired. Give him 30 days to remove the temporary quarters.

Mr. Rice: We need to send the letter to at least get the time line started.

Mr. Howard: Will do. (Complaint list continued)

- Jason Peterson property in Lagro Twp., complaints about salvage vehicles and parts on the property. Mr. Peterson did not have a salvage permit, however after checking with the State I have found out that he did apply and to the State and has since received a used vehicle sales license for a lot in Wabash city.. The residential property under county jurisdiction is zoned R2. A salvage yard would not be permitted in this area. I have checked on the property and only found 3 vehicles out front, he does seem to be working on it, I will continue to check on it. Mr. Peterson is operating a business

named Recycled Ridz which is located on South Wabash St., within the Wabash City zoning district.

- West / Rager CFO lot, there is a 2 acre parcel that would not meet the 1320 feet setback. The property owner could sign a waiver to the 500 feet setback and that would leave approximately ½ of the lot to put a home on. I have explained the process for permitting a mobile home. The inquiring person has not responded or submitted a sign waiver. The property is located west of State Road 15 on Lukens Lake Road.
- Passwater / Purdy pond, nothing to report.
- Sandy Beach Estates: Gary and Marthene Burnau appeared at the March Board of Zoning Appeals meeting to discuss some issues at Sandy Beach. About 3 years ago someone moved campers on a property. It is not legal to live in the campers. The Association of Sandy Beach talked with the family. the family asked for time to correct the violation. Nothing has been done. Recently area residents have complained about the situation and now the association is asking for the Plan Commission Board to re-initiate the process to get the campers off the property. There is also the issue of a pig on a property, county ordinance unfortunately does not cover livestock in platted areas. The covenants for Sandy Beach Estates do address this. The PC Board agreed to again assist with the clean-up day on May 7th.
- Mr. Howard: Trail setbacks, nothing new to report on that. The organizers of the Wabash River Trail did host a meeting at the Lagro Town Hall on March 28 to uphold their agreement for funding and to keep the public informed.
- Mowing Ordinance: A copy of the ordinance has been sent to Board Attorney, Larry Thrush to review for legal content. A copy of the ordinance and a letter were mailed to local mowing crews asking for any input they might have, at this time I have not heard back from anyone.
- Parcel Review Committee: The current documentation for the committee has been sent to Mr. Downs, Attorney for the Board of Commissioners, for him to review.
- Solar Farms, would we permit in AG1 zone? Mr. Campbell asked if we are talking about Commercial Solar Farms, or personal use? Mr. Howard replied that we are talking Commercial Farms only. There are farmers in the Wabash County area who have been approached concerning the use of their ground for solar farms. Mr. Campbell asked how many acres are we talking? Mr. Rice replied “that could be endless”. Mr. Howard replied that he is talking 60 – 100 or more acres. Mr. Campbell asked “If a utility company can just say they are doing this and take the ground?” They would have to market it. Mr. Rice asked “currently in Ag1 zone what are the restrictions on Commercial Business?” Mr. Howard stated Industrial category, Utility would require a Special Exception, right now it would not be permitted. Mr. Rice stated “I would be fine with saying it is not permitted in an AG 1 zone. Mr. Campbell stated that it would

need to come before the Board. Mr. Rice made the motion that a Solar Farm would not be allowed in an AG 1 zone. Mr. Campbell seconded the motion, the motion carried.

Mr. Howard reported that both he and the County Surveyor, Cheri Slee, have been working with EMA on the Hazardous Mitigation Plan getting mapping information updated for the County.

Mr. Howard then gave an update on the point system to be used to determine residential construction in Ag 1 and Ag 2 zoned areas. Board members should have received a copy of a list of new home permits issued between 2014 to 2017. Of these permits only 2 missed the required points to be eligible for permitting, they were close enough that they could have gone to the Board of Zoning Appeals for a review. If a family is wanting to split a piece of property to another immediate family member, this would be approved. Also, provided board members with documentation of total Ag land, how much would be Ag 1 / Ag2?

Mr. Campbell asked how close are we on finalizing this?

Mr. Curless asked if the right to farm notice would go with the deed? Would this statement be just for that landowner, or would it run with the land?

Mr. Howard, my opinion is that it would stay with the property.

Mr. Curless, that is what I would like to see. Realtors may not like this.

Mr. Rice, if it is not recorded along with the property deed it might not get to the purchaser.

Mr. Howard, We still need to determine when this document will be presented, but I agree it needs to be recorded with the deed.

Mr. Howard: Section 12:3 changes to be made:
Change wording to anyone (buying) land
Shall be signed and recorded with the deed.

Mr. Curless: In the situation with the Ungers, did it say in the covenants the parcels in the subdivision cannot be split? We need to be sure that the draft has that in it.

Mr. Howard: In the draft ordinance we put it is stated that any alteration to an interior or exterior lot line will require a re-plat and that the covenants have to state no further splits of lots within the subdivision without re-plat approval. I have made the changes we have discussed. I would like for the Board to make a recommendation to ask attorney Larry Thrush to review the Ordinance. I would also like ask that we seek funding approval from the council to make sure that the funding is available to pay Mr. Thrush for the review before proceeding.

Mr. Rice: Do we need a motion to go ahead with review?

Mr. Howard: Yes, then once Mr. thrush reviews the draft we will need to go to the incorporated towns in Wabash County (LaFontaine, Lagro, and Roann) and have then sign off on the draft.

Mr. Rice: I make the motion to move ahead with the review of the Ordinance.

Mr. Curless seconded the motions, the motion carried.

There being no further business Mr. Givens asked for a motion to adjourn the meeting. Mr. Vogel made the motion to adjourn, this was seconded by Mr. Curless.

There will be no meeting in May, due to Mr. Howard being out of town for the GIS Conference.

The meeting adjourned at 8:10 pm.

Libby Cook
Secretary, Wabash Co. Plan Commission Board
mth