

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION
BOARD MEETING MINUTES

February 7, 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, Cheri Slee, Joe Vogel, Larry Thrush, Mike Howard, Libby Cook, Mark Frantz, David Wamsley, Mitchell Oetken

The February 7, 2019 meeting of the Wabash County Plan Commission Board was called to order at 7:00 pm by Board Chairman, Randy Curless. Mr. Curless asked if there was a motion to approve the minutes of the January meeting. The motion to approve was made by Jeff Dawes, seconded by Joe Vogel; the minutes were approved as written.

The first item on the agenda is the Wabash River Trail (WRT), represented by attorney, Mark Frantz. Mr. Frantz stated that he had received an e-mail from Plan Director Mike Howard after the January PCB meeting with a diagram to show him where the Board preferred the trail route to run. I wanted to come before you and address any concerns you might have because that represented a significant deviation from what the Board was comfortable with based on our meetings last year in talking about the setbacks. I was hoping that I could address any issues that you have. Mr. Howard and the Board reviewed the original plans submitted by the WRT and the proposed changes the Board discussed at the January meeting. Sharing aerial maps of the property indicating the trail being 40 feet from the property line and 75 feet from the Gray's house, the second one showing how the trail would look. Mr. Frantz explained to the Board that there are two easements that need to be connected, and it is because of the hill and the steepness on Mr.

Christman's property that the trail won't be close to the river on the Christman property, it will be along what was the old canal bed. We had the survey done for this area because that was the portion that we thought we were ok with not having any setbacks to meet so we went ahead and said do that portion of the survey so that we can get the easements prepared and recorded, that way we can just worry with the hill and get that done whenever we can. We haven't actually signed the easement or recorded it, so we can take care of any issues tonight. Mr. Frantz stated that in his opinion he wants to be on the same page as the Plan Commission Board, rather than saying "we are going here" regardless of what the Board recommends. Mr. Christman has ground in the CRP program; the route that has been proposed by the Board does lie in the CRP ground. Mr. Christman would have to have it taken out of the program and reimburse the NRCS; it would get quite involved to make this change. The portion with this easement strip in it, where the proposed trail would be, isn't in the CRP program. Mr. Howard then reviewed maps of the properties involved with the Board. Mr. Frantz apologized to the Board, he wanted to bring maps showing what portions of Mr. Christman's property was in the CRP program, however due to the recent government shutdown he has not had a response from the USDA.

Mr. Howard: Reviewing maps, notice the line that goes approximately 225 feet from the property line (Gray's/Christman) to the west that line is what the Board was thinking at the January meeting that maybe we would prefer to see the trail go that much further from the house.

Mr. Campbell: If the plan is not to go to the south but to stay along the wooded area, that kind of defeats our purpose to make the trail go straight, then the original way makes the most sense.

Ms. Godfroy: I thought we wanted it to go to the west to be good neighbors, I believe that legally we are good with the WRT original plan, is that accurate?

Mr. Howard: Yes, as a Board we have discussed trying to establish a standard setback but because you get involved with going from rural areas into incorporated towns, back and forth it's virtually impossible to establish a standard setback. We have researched this and it is hard to find any information on trail setbacks. You can find setbacks for structures from a trail but you don't find it the other way.

Ms. Godfroy: If someone was putting in a driveway on their own land, how far would they need to be from the property line?

Mr. Howard: There currently is no setback for a driveway from the property line. In the new ordinance we have created a setback for a driveway at a minimum of 10 feet.

Mr. Frantz: I completely understand trying to be good neighbors that is why we are not trying to butt up against the property line. We have spoken with the Gray's, we know they have issues with the trail and we have tried to address them. We haven't been able to reach any type of agreement.

Mr. Campbell: That 40 foot line is pretty much brush and rough and there is pretty much a barrier there.

Mr. Frantz: Yes there is a visual barrier.

Ms. Godfroy: Is the plan to leave that barrier there?

Mr. Frantz: That is out of our control that is the Gray and Christman property. We (WRT) only control the 20 feet of easement for the trail. It is entirely up to them.

Mr. Dawes asked if the barrier is on the Christman or Gray property. Mr. Howard replied that he believes it might be on both properties. Have you talked to Adam Jones, NRC office, about taking ground out of the CRP? Mr. Frantz replied that as far as he understands that the property could be taken out of the program with the approval of the USDA, but you would have to pay back the profits you have received from it. I am not trying to say that we can't do what you are wanting us to do, but it is just going to throw some monkey wrenches into Mr. Christman's plan. The portion of the Christman property that the trail will be using was left out of the CRP plan because of this.

Mr. Howard asked Mr. Frantz, the 40 feet between the trail and Gray's property line who would maintain that? Mr. Frantz replied that his group can certainly talk with Mr. Christman about WRT maintaining that ground. The 20 feet of our trail we have the right to maintain that. If Mr. Christman is in agreement we would be happy to maintain that. We can certainly talk to Mr. Christman about that.

Mr. Howard: Shared an e-mail from Amy Ford explaining what the WRT plans are within the Wabash City jurisdiction, just for the Board's information. It would involve the county highway department and the City of Wabash.

Mr. Frantz: Tonight I am looking for the blessing of Board that your preferred route wasn't a mandated route, I understand legalities and all, I still personally would like to be on the same page as the Board.

Curt Campbell: I think when we originally looked at it we were trying to understand why you would put all the curves in it. Mr. Frantz replied that he understands that when the Board thought the trail would be coming straight up from the river why would we put a curve in it to make it closer to the property line. Mr. Campbell said it makes sense now seeing how the trail will be along the trees and won't put so many bends in it.

Mr. Vogel: I was kind of in disagreement with the outcome because I hated to see an acre and a half of ground that you would have to go out and around to farm it. I would like to see maybe more trees or bushes planted as a screen for privacy for the Gray's and for the trail.

Mr. Frantz: That is something we could discuss with Mr. Christman and maybe within the easement we could do something. I agree with you not to cut through tillable ground. The CRP is good for 15 years and he is through 2 years of it now, after that is done I don't know what is going to happen with it.

Mr. Dawes stated that he was alright with what they have proposed as long as they maintain the property between the trail and the Gray's property.

Mr. Frantz said he will certainly talk to Mr. Christman and address the concerns. He then encouraged Board members to visit the portions of the trail that have been paved, there have been a couple of events held this year to clean up any debris that is on or around them and they look really nice.

Cheri Slee reminded Mr. Frantz about the county regulated drain and that the Drainage Board would need to review the plans.

Mr. Vogel made a motion to accept the survey as drawn with the understanding that Mr. Frantz will talk to Mr. Christman about maintaining the property between the trail and the Gray's property and the possibility of planting more trees between the Gray's and the trail. The motion was seconded by Ms. Slee, the motion carried.

Mr. Frantz said he will be come back to present the full layout and keep the Board updated.

Mr. Curless: The next item on the agenda is Special Exception #1, Gary Hiatt requesting to construct a pond in Lagro Township.

Mr. Howard: Mr. Hiatt lives at 1863 N 750 E, in Lagro Township. He then reviewed with the Board the maps of the property and the plans for the pond. Troy Eads is the contractor for the pond. The pond will cover approximately 1/8 of an acre, no variances from the property lines or road setbacks are required. The pond will be used for geothermal feed. The plans have been submitted to the Drainage Board for review. Mrs. Slee, County Surveyor, stated that the Drainage Board has not had time to review the plans however she sees no problems that the Drainage Board would have with the plans. Mr. Vogel made a motion to give a favorable recommendation to the Board of Zoning Appeals; this was seconded by Mr. Campbell, the motion carried. Special Exception

request #1 will be presented to the Board of Zoning Appeals on Tuesday, February 26th at 7:00 pm.

Mr. Howard gave the Board updates on the following unsafe premise order properties:

- Randall Bullard property 204 W. Kendall St. in the town of Lafontaine, Liberty Twp. Mr. Bullard is not here tonight and there is no one here representing him. He has received 2 previous letters and we have had no response, so an unsafe premise order has been filed. I checked with the town of Lafontaine today and they reported that nothing has been done with the buildings. The roof structure is collapsing in; the garage door has been left open. It is in impaired condition and is therefore unsafe. It is what we would consider an abandoned building. Findings of Facts were presented and signed by the Board Chairman. Mr. Bullard was to start making repairs or show some action of work on the property within 30 days of the first letter which was sent out January 8th and nothing has been done. Mr. Bullard has until April 1, 2019 to do something with the property after that time we will proceed to file to have something done with the structure. I believe there is a finance company involved; they have been notified along with the town of Lafontaine.
- The Rick and Barbara Nelson property at 1120 N 300 E in Lagro Twp. The owner was notified 10/01/2018 of violations. Notification was sent regular and certified mail, the certified letter was returned to our office as unclaimed. The property has a mobile home on it that is in terrible shape, no one is living in the home. Mr. Nelson is deceased, notification of the unsafe premise order was sent to Ms. Barbara Nelson. Ms. Nelson called the office on Feb. 1st, she is aware of the conditions on the property and said she will begin cleaning up the property and removing the mobile home as soon as the weather breaks. She was given until May 1, 2019 to accomplish the required action, come May 1st if it is not removed we will have it removed. Findings of Fact were presented and signed by the Board Chairman.
- Update on 3 unsafe premise properties in Urbana. We have filed the unsafe premise orders for the Harney, Moser and Shelton properties in Urbana.
 - Mr. Don Harney received the court order regarding demolition of the house at 311 E. Emmett St., Urbana, deeded in his name. Previously Mr. David Moser had told the Board that he was working with Mr. Don Harney on the Harney property. He stated that he would remove the house, this was not done. Mr. Harney contacted the Plan Commission Office to inform that he was working with Mr. David Moser on the property and Mr. Moser has done nothing that he had stated he would do such as tear down the house. Mr. Harney informed the Plan Commission that he would have the house razed; this was completed on January 23, 2019.
 - Chris Shelton property located at 171 N. First St., Urbana. A court order has been issued to raze the home. At this time we have not been able to

contact Mr. Shelton so a public notice will be placed in the newspaper as notification.

- David Moser property. Mr. Howard shared photos taken on February 5th showing that none of the clean-up work that Mr. Moser had stated he would do has been done. We have an April 4th court date on this matter.
- Update on the proposed campground in the Liberty Mills Area:
 - Mr. Todd Custer continues to work on plans for a campground in the area of Liberty Mills. At the SE hearing for his request we had several people attending that night that had concerns with this plan. One thing I wanted the Board to be aware of, Mr. Custer has hired an engineer to do his design work to present to the DNR so he is investing quite a bit in this project. Mr. Dawes asked if this was standard practice to do this first or would you normally get permission from the Board first then work on the engineering. Mr. Howard said he believes in the case it needs to be done this way because the Board needs this information to review before granting or denying approval since the proposed area has floodplain or floodway involved.

Mr. Curless: The next item on the agenda is the Confined Feeding Operation grandfather clause in the county ordinance.

Mr. Howard: We have two gentlemen with us tonight who were here last month to express their concerns about the CFO Grandfather clause in the ordinance. He then shared with the Board information he gathered from surrounding counties that have replied to his request for information on their county's CFO ordinance regarding a grandfathered clause. He stated he believes that some counties have other ways in which they review the CFO application, while DeKalb Co. replied that they don't have standards for CFO's. Mr. Dawes asked, even with the grandfather clause they would still have to come in here for approval is that correct? Mr. Howard replied the way our ordinance stands right now is that if they are grandfathered and they meet the state requirements for setbacks and state policies, unless there is something significant that is not in line with our ordinance, once they receive their state permit, they would still need to get drainage Board approval, outside of that they would be permitted. Mr. Campbell asked even with additional construction I can understand the grandfathering clause if it was already there before we put the ordinance in but if they want to add on they have to come to you? Howard, if you are putting up a new facility at an existing site, as long as you are within 500 feet of an existing structure with your new structure you are grandfathered. When we were first writing the ordinance and were discussing this, the term "immediate area" was being used and we decided we needed to specify what the immediate area would be and that is when we came up with the 500 feet as the maximum distance it could be from that line.

Mr. Dawes: My thoughts on this, I sat through those meetings when all of this was being discussed and the reason that was put in there, from my interpretation, we had existing

facilities or permits that were there, the county was imposing new additional setbacks and basically you could be telling the person that they couldn't expand their operation with the setbacks that were put in place and that is why the grandfather clause was put in there. I feel that as time goes on there are going to be fewer and fewer of these go into place because those people are going to phase out of production probably, maybe not all of them but I think the majority would. I still think there is a legitimate reason for having that clause. If there are neighbors that are opposed to it I think it needs to come before this board and they have their right to be heard and then a determination made. I am not really in favor of just doing away with what was put in place back then because I think there was a legitimate reason for that being put in there.

Mr. Howard: One of the responses that I thought was interesting is from Wells County any preexisting site that increases the number of animals or manure storage capacity by 10% require full approval through us, we do consider waivers in grandfathered sites as a Board more favorable than new sites. So in other words they would prefer you to be building at existing sites from a Plan Commission Board standpoint. From the health standpoint for livestock, that is probably not what they want, they want to spread them out.

Mr. Dawes: Another reason I think that was put in is when you build a facility you have considerable expense in the driveway, well, utilities and those kind of expenses, it makes sense to a certain point to expand using those same things. From an industry standpoint there is a limit to how many head they are going to put on one building site from a health prevention standpoint. It is not unlimited I don't think, there is a limit how many head you are going to put on one site. Most contractors seem to be at 8,000 head, that seems to be the maximum head that they want, from a disease standpoint to put on one site.

Mr. Howard: Another part of this that we have had happen and would be considered grandfathered, was when one building had a roof collapse due to storm damage, they got the livestock out and then tore the existing building down and built a new building that held more hogs. Another was a fire and they rebuilt several of those buildings and expanded their structures within the confines of the existing site. When the confinement building has had some type of damage, they have been replaced with new buildings which were larger than the original.

Mr. Campbell: They were regulated by IDEM as well.

Mr. Howard: Yes, they were regulated by IDEM but they were also grandfathered because they were there before our ordinance went into effect.

Mr. Campbell: I don't think we want to keep them from rebuilding.

Mr. Howard: I don't think you would do that. If you were thinking of making an adjustment or doing away with the grandfathered clause, if I am understanding Jeff right, you take into consideration the location and circumstances. Is that what you are thinking?

Mr. Dawes: I am not opposed to it coming before this Board. If you have an objection to something, I think everybody has the right to be heard. I am not in favor of just doing away with the grandfather clause. I understand your concern, but it was put in there for what I consider a legitimate reason. I guess if there is a situation that comes up I would rather handle it on a case by case scenario rather than just use a broad policy.

Ms. Godfroy: If the grandfather clause is taken out, instead of being any new structure at a new site or farther than 500 feet from an existing building they must comply with county regulations, what does that mean?

Mr. Howard: If we take the grandfather clause out then say you have a building and you come in and say I want to put another building at this site, your old one was grandfathered because of the setbacks and everything but the new one would have to be conforming to the county CFO rules and has to meet the setbacks and chances are it is not going to meet all the requirements.

Mr. Curless: The setback being mostly from the facility to a neighboring residence. That is what the biggest changes were when they passed the new ordinance they increased the distance to other residences. That is what the grandfather clause is, because if you don't have that you are stopping that individual from growing his facility through no fault of his own, just through our changes. We tried to lessen the effects of that.

Ms. Godfroy: So what you are thinking is if the ordinance is left like it is now with the grandfather clause then they wouldn't have to come to us at all. But you would like to hear them, is that correct?

Mr. Dawes: Using Mr. Wamsley's example, if Mr. Treska pursued and wanted to put a facility there and he (Mr. Wamsley) has an objection to it, I think he should have the right, before we would issue any permit to come before this board and publicly state what his concerns are and this board consider what his concerns are and then make a decision at that point in time which way they wanted to go. There could be some circumstances where it might not be advisable to expand at that location.

Ms. Godfroy: So if the grandfather clause is left in that is not going to happen.

Mr. Howard: Not if the grandfathered clause is left in as currently stated.

Ms. Godfroy: So it is just basically the opposite of having the grandfather clause, is what you are saying?

Mr. Vogel: An existing facility, does that have to be a registered CAFO? So if somebody came in with say 20 sows, under the number for CAFO requirements, he could put a building up 500 feet away because he previously wasn't a registered CAFO.

Mr. Howard: Yes, it would have to be an active IDEM permit. The first thing I would do is check through IDEM to be sure the site is still permitted. We do have systems that have ceased operations and have been taken out of the system and are no longer permitted.

Mr. Dawes stated that he thinks it is every 5 years for renewal, if you are not in operation any longer they ask you to notify them. If there was a situation where they didn't apply for the renewal of their permit then they couldn't apply for this.

Mr. Howard: In the original ordinance we required all operators with IDEM permits to identify their facility. We no longer require this since we can check IDEM permit records any time.

Ms. Godfroy: New facilities are required to meet all IDEM standards, you aren't grandfathered at a new site?

Mr. Vogel: I think it is Automated Egg, the buildings are very close to the road, they have a dirt mound as a buffer. They were grandfathered, but I still think the setbacks from the road need to be maintained.

Mr. Curless asked Mr. David Wamsley if he had any comments he wanted to share.

Mr. Wamsley: I had some thoughts after the last meeting. One thing that is important to note, particularly the situation that I am talking about, the Treska farm off of Blue Star Hwy, is just east of me. We are on the third generation of Treska's there and it has been a nonconforming use for two of those generations now, in other words the county enacted the CAFO ordinance in 2007. Gary's dad and grandparents have all passed on, Gary has it now. In my reading, I am not a lawyer or zoning person, in reading about nonconforming uses in the world as we know it today in the United States, generally the nonconforming uses continue for either the life of the building or the life of the family, it has a finite life in other words, eventually it becomes a conforming use or a new use is found for the land. Our ordinances are written that way I understand, especially after the background you gave how it came to be. My suggestion would be if we are looking at rewriting the master plan and trying to clean up some loose ends here and there and make things better what we look at, you all as planners and what Indiana law says about impartiality for everyone, looking out for the best interest of everyone, the homeowners, the farmers, the residents of the county, the groundwater, the surface water, that we consider all these factors as we try to figure out what the right thing to do is. One further factor that I didn't bring up is property values. If you talk to any appraiser anywhere in

the Midwest they will tell you the 2nd worst thing for property values behind a landfill is a CAFO, particularly chickens would be worse, but hogs are a close second. We look at property values and over time the town of Lagro and people like me have come over decades since Gary's grandfather had that farm originally with just a few hundred head and built up closer and closer. When I acquired my land in 2011 I had what I will call a gentleman's conversation with Betty Treska who was the owner at that time and she assured me that there were no plans for expansion. I made a decision to buy 85 acres and Scott Galley's kind of expensive house to retire and have a quiet existence here in Wabash County not knowing that this grandfather ordinance existed. In talking to my Indianapolis real estate attorney they assured me, perhaps mistakenly it looks like, that there were no such thing as grandfather clauses that they were aware of that would affect my pig farm. I tried to look at all the angles, the residential just west of me, zoning wise I have 24 to the north of me, the town of Lagro to the southwest of me. I felt pretty well protected making the investment I have made knowing full well that Betty Treska has a few hundred head of hogs down there and winds blow to the northwest predominately, that I would probably be alright. But the way the ordinance reads had Gary not gotten in trouble environmentally with the State and Army Corps of Engineers I could be potentially looking at 4,000 head at my back door which would decimate my property value. There is a big difference between a little small operation to something that goes to industrial. Potentially if he weren't dealing with the creeks that he has on his land if you measure it out, 500 feet 8,000 head could go there. I don't think he will get it done because of the creeks, the floodways, whatnot. Eventually I suspect that he will get into compliance somehow with all the people that he has gotten into trouble with, maybe not. I would love for you to see where I come from, where Mitch comes from, as a new person coming to the county. Mitch has Treska property on the other side of him as we discussed the last time. Gary never got a chance to put in his expansion card with IDEM for the operation that is directly across the river from Mitch. As a cancer survivor all the gasses that come off of these things are toxic. Hydrogen sulfide, ammonia are two of the biggies. That is a really bad thing for someone that has impaired health; it is not good for any of us to be down wind of these things. Many of the counties, if they are allowing expansion through a special exception they require odor abatement and a lot of screening. Mike you mentioned two counties when I came to see you earlier this week, Delaware and Wells I believe.

Mr. Howard: The initial letter I received back from Delaware just said "yes" that they would allow it. When I heard back from the director, he explained it in a little more detail, I don't believe it is grandfathered directly but I think they provide the possibility.

Mr. Wamsley: Long story short, I have spent a lot of time, I think Indiana has 88 counties if I am not mistaken, I couldn't find any and I did a lot of digging. Mike has unearthed, you have the credentials to go online and send letters to plan directors and get responses. There aren't many that are directly comparable to our ordinance. Wells Co. might be

close by allowing 10% expansion without anybody having to go before a board to ask permission.

Ms. Godfroy: I wonder how often that is 10% this year, 10% next year?

Mr. Wamsley: That is an interesting point. The way our ordinance reads if you get constructive or cute with it you could expand within 500 feet from your present operation and you could potentially put 4,000 head in and then use that existing operation measuring point to springboard again. That is the way ours reads, that is a scary thought. Yes, maybe the integrators don't want more 8,000 head but maybe they change their mind and decide that they will accept those terms and we end up with a very, very large operation, 8, 10, 12,000, do the math it could go on and on leapfrog style. The land which is rather open that we have on the books right now, let me study my notes real quick.

Mr. Howard: One thing I thought that was interesting, after our last month meeting and I don't mean this to be discouraging to Mitch. The way our new ordinance is proposed and the permitting for residential structures in Ag 1 Zone have to qualify by meeting a point standard based on density of soil types, crops yields, and everything else. I went through and did Mitchell's property, had our ordinance been in place your property would not have passed for a residential structure. Mr. Wamsley asked, Mitch's wouldn't, is that because not enough land? Mr. Howard replied, no, in an Ag 1 Zone we are restricting residential building. In an Ag 1 Zone prime farmland ground you have to meet a certain point total based on the data that we program in and what we have developed and his property would not have passed.

Dr. Oetken: That's good I guess, for the next guy.

Mr. Howard: If our ordinance had been in place, unfortunately it wasn't.

Mr. Wamsley: I think in a perfect world we try to get it equitable for the majority of the people, I think that is a good as we can do in today's world. I am going to say that to have it that unilaterally say that anybody that has CAFO can expand without consideration of, particularly Treska's site near me is very environmentally sensitive. I can tell you that the DNR and I can tell you that the Army Corps of Engineers thinks so because of the creeks that run through this land and the very, very shallow actual surface soil above the rock there. The potential for a bad runoff or spill problem is there. The only way they could possibly fit a barn or barns onto this land is to use berms and there is not enough room to put in a berm unless they get a permit from the DNR or the Army, the berms are a special way that IDEM can approve things that otherwise wouldn't have been approved because you are supposed to stay at least 300 feet away from creeks or streams. It is a bad spot to have a barn period, let alone a big barn. I can tell you from studying a lot of CAFO ordinances a number of the counties at the county level go look at the site not just for drainage but also for potential environmental contamination

problems. Not that we have got the manpower to do it here, I know the constraints of the county the way it is. Mike and I have talked quite a bit and I understand where we are. Some of the counties score the farms as well as the farmer. Wells County would be an example you have to have 220 points even if you meet all the setbacks. Some of the scoring system involves odor barriers or odor mitigation there is a lot of things going on that are a lot different from what we are doing. I am not proposing that we upend the whole ordinance by any stretch; I am just asking that you all give really strong thought to not making it, make it so that a farmer who wants to expand where they are in a nonconforming situation needs to come before you all and request a Special Exception.

Dr. Mitchel Oetken: The potential of the springboard effect, building after building, where does it stop? A new CAFO system starting has to meet all the setbacks, the grandfather clause doesn't have to adhere to that, they can just springboard off, new buildings off of existing buildings with no consideration to the expansion of residential buildings in that area and also existing properties and property values in that area. Try to sell that house now.

Mr. Wamsley: Property value within a mile depending if you are upwind or downwind, can be decreased by up to 50% and within a ¼ mile it could be 70%. The town of Lagro has grown right up to that farm; they thought it would just stay that little farm, everybody that signed my petition that was their response "I just thought it was going to be that little farm". If we let that, I don't know what the right thing to wish for is, but I hope Gary doesn't get the chance to build at that location. I think he has every right in the world to earn a living. He has other places that do make a lot of sense to expand, particularly down on America Road and he is not going to affect too many people down there, if anybody. Mr. Howard pointed out the Libby Cook lives just down the road from the America Road facility. Mr. Wamsley asked, you are some distance away aren't you. Mrs. Cook replied a little over a mile. Mr. Wamsley stated that a lot of the counties there is a mile setback. Mrs. Cook stated that there are several homes, some very nice homes, in that area too.

Dr. Oetken: I think any expansion should come before this board not just to hear the farmer but from the people in the area.

Mrs. Cook: To just say that he has plenty of room down there, that is not fair either.

Mr. Wamsley: I am just thinking predominate wind direction and that would go straight to the Salamonie Forest and that is public land. I am not thinking, but there are homes down there you are right, I apologize.

Dr. Oetken: I am just thinking there should be some accountability hearing, one person's occupation and livelihood and yet affecting all those within a mile radius.

Mr. Wamsley: That is a good point. Talk about a 4000 head hog CAFO that gives the farmer to take some of his land, go and borrow a million or two to put up a building and for the 15 years that he has a mortgage on it he has a chance to earn \$30,000 net after for himself and whoever he chooses to employ. In the meantime he is devaluing property of people out to two miles around him, substantially, and perhaps keeping industry that might come to our town, our community, our county. For every one of these things we build there is a tradeoff. So we have given one individual a job at \$30,000, he has encumbered his farm, he has encumbered his life with a very large mortgage and if any of these integrators over here in Peru or Logansport decide they've got too much pork they are going to stop writing checks. I had it happen to a farmer client of mine in Rushville IN, for three years he didn't get a check. Pork prices are very near an all time low, this may not be the best time to be building these things anyway. We have the second highest count in IN for CAFO's. Maybe we should diversify a little towards other industry.

Mr. Dawes: Wabash County has always been a very high number as far as livestock.

Mr. Wamsley: It has been a staple to the county, I get that. When you get home and find a letter in your mailbox saying that you have 31 days to put in a reply to IDEM and you spend two weeks of that time researching how to make an intelligent response to IDEM and mail the letter off certified only to find out that the best thing that you could possibly write couldn't possibly change the course of history that's the reality of it because IDEM will approve anything that breeds. Literally, unless the farmer has been in a world of mischief or his site, because it is only a 300 foot setback, it is a very minimal setback and that is our grandfather clause we go from our quarter mile setback to the 300 foot setback with that grandfather clause, that is all they have to meet. So it is totally different, if a quarter mile is good for everybody in the county maybe it should be good for everybody in the county.

Dr. Oetken: We have to have progress as people too, just because that is the way it was doesn't mean it is always right. Just because it was a law and was permitted doesn't mean it has to stay that way. We have to have progress.

Mr. Vogel: One thing you didn't add in when you said the \$30,000, is the fertilizer value the guys get is quite a bit, you have to think about that.

Mr. Wamsley: That is a true statement, absolutely. On the converse, I am not trying to argue, our board of health won't let somebody put a home where the soil won't perk we can't get a septic system put in, yet we are taking manure of all kinds and spreading it on the fields totally untreated full of many, many pathogens that potentially, because we have a lot of field tile, run right off into our rivers. We've got blue green algae growing in the rivers. You can't go to the Salamonie for half of the season and not kill your dog because of the blue green algae. I am not saying that is all from manure, obviously it is

from conventional fertilizer as well. We are putting a lot more raw sewage going on the fields than what we have by people by a factor of 4, untreated. I know that has been the way it has worked. We are up to 35% of our existing land in the county being required to spread everything that we are producing right now, that is a lot of land. That is an IDEM statistic.

Dr. Oetken: I am just requesting that the commission look at the language, to think about special zoning ordinances where you would have to come across for any type new expansion. If you find it through your research that maybe we do need to have the existing come before and meet the new setbacks. If that is what is right for the new then why would it not be right for the old.

Mr. Wamsley: Especially when the existing old, the people have either moved on or we are into a multi third generation operation that has other resources or has other land. Or could go acquire other land, they could sell what they have and go buy something else somewhere else if they choose to, they are not going to do that.

Mr. Vogel: Been there for 150 years you are not going to move.

Dr. Oetken: If you see that that is your opportunity to make money, just like if you are in some other industry, just because you are in Wabash and you see another industry that you want to succeed in doesn't mean you just stay here and do it. You make your sacrifices, you make your purchases to go to another city, take your money.

Mr. Vogel: I think this new ordinance on these houses, where you buy 5 or 10 acres and want to put a house on it and we tell you no because of the soil type and other things are really going to help this in the longer term. If you look at IN, it is an agricultural state. It is a hard balance, I am not arguing or on your side.

Mr. Dawes: You make some very valid points, I am not against totally what you are saying.

Mr. Wamsley thanked the Board for listening. As planners you've got a tough job I recognize that. IN mandates that you've gotta be fair to everybody, that is a tough job.

Mr. Vogel: This Board did stop a Dairy CFO from building in the southern part of the county on America Road because the flow was going straight to the river. It wasn't right, it could cause a real problem. The Huntington Co. site, the dairies were coming our way, we have stopped some things. You bring up a valid point on the grandfather clause. You've got your buildings over here and you have 610 hogs where you had a CAFO and you have a house over here well you want to be 500 feet closer to that house, that is probably not right. It is hard when you get into this multi generation, or a son coming back you have to keep growing or you will be out of business and that is just the way

farming is, you have got to keep growing acres or units or income. Dollars per acre of revenue total profit gets smaller and smaller so you've got to have more acres.

Mr. Campbell: You can't grow more acres so in order to grow more agriculture the livestock industry is part of that.

Mr. Vogel: We have been lucky or very unlucky to have plants at Logansport, Delphi and Coldwater MI. We have 24, 69, you can load up and get them there to the packing facilities. It has been a logical expansion from the packing facilities. I agree with you on that particular farm with the water there the poor soil, some of that soil there is nothing, you bring up the shale. Mr. Wamsley replies, on the Irving land where he is proposing to spread if he got his big barn put in, there is no soil there.

Mr. Campbell: There are regulations that you have to follow, you can only apply so much the phosphorus level cannot get above 200 pounds per acre that is the reason they are having to spread it out over a much larger area is because once that area is saturated to that nutrient level you have to move on.

Mr. Howard: It is a double edged sword. My personal feeling has always been the buildings have never been a problem, the application of the manure has been the problem. But obviously the more buildings you build the more manure you have.

Mr. Campbell: Just in the last 10 years the regulations, like having a commercial license to apply, there are more regulations the farmer has to follow. As a farmer you have to be real careful, things happen that you don't plan on happening, you are trying to do things right.

Mr. Wamsley: When you are that close to the water though you just don't have a rescue option. If a manure hose breaks.

Mr. Campbell: You are right that is not a good location, but there are many good locations in Wabash County.

Mr. Wamsley thanked the Board for their attention to his concerns.

Board members agreed that this is a unique situation.

Ms. Godfroy asked, any changes that are made now, how would this affect the Treska application?

Mr. Howard: He has pulled his permit.

Mr. Curless: Most contractors would not allow their livestock to be placed that close to an existing building.

Mr. Howard gave updates on the following complaints:

- Kowalczyk property in Lagro, the utility shed has been removed.
- T. Dill property, DCS has been involved with getting the property cleaned up; due to health issues they have extended time to work on the cleanup.
- Speicherville Elevator, I believe it is a health department issue; we are looking in to it.
- Complaint on M. Linkenhoker property in Ijamsville. Ms. Linkenhoker has been in to the office to discuss the property and what she would need to do to build a pole barn style home on the property.

Mr. Howard provided Board members with information of an upcoming Purdue Extension webinar for local planning officials. The webinar, Rules and Procedures for Local Plan Commissions and BZA's will be held on Friday, March 1 from 12:00 - 1:00 pm.

There being no further business Mr. Curless asked for a motion to adjourn. Mr. Dawes made the motion to adjourn this was seconded by Mr. Campbell. The meeting adjourned at 9:05 pm.

Libby Cook
Secretary, Wabash County Plan Commission Board
mth