

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION
BOARD MEETING MINUTES

AUGUST 6, 2020

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

Board Members: Randy Curless, Jeff Dawes, Patty Godfroy, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Susie Stephan, Joe Vogel
Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Randy Curless, Jeff Dawes, Patty Godfroy, Geoff Schortgen, Cheri Slee, Susie Stephan, Joe Vogel, Larry Thrush, Mike Howard, Libby Cook, Thomas Christman, Dan Krouse, Kasy Fierstos, Paul Pattee, Doug Unger, Haley Brandenburg, Galen & Renee Penrod, Amy Ford, Justin Gillespie, Mark Frantz, Myron Sites

The August 6th meeting of the Wabash County Plan Commission Board was opened by chairman, Randy Curless at 7:00 pm. Mr. Curless asked if there were any additions or corrections to the minutes of the July 2nd meeting, there being none he asked for a motion on the minutes. Joe Vogel made the motion to approve the minutes as written; this was seconded by Jeff Dawes. The motion carried, the minutes will stand approved as written.

Mr. Curless: The first item on the agenda is a presentation by Midwest Poultry representatives Dan Krouse and Kasy Fierstos. Mr. Krouse thanked the Board and audience for their time and attention tonight, he then explained that they are here on behalf of the family business, MPS Egg Farms to talk about an expansion project they hope to do just outside of N. Manchester (Special Exception #9). His family has been in N. Manchester for 6 generations, since 1825. My Grandpa entered into the egg business in 1967. We operate 3 farms in Wabash County; one of those is Hi-Grade which is directly east of N. Manchester which is the one we are talking about tonight. We have the opportunity to build a really unique project; this is not your typical chicken farm.

We have the opportunity to partner with a European company that has developed a different type of house which has an area inside the house where the chickens can roam and outside for the chickens to roam. The house is designed to be inconspicuous; it is much smaller and much shorter than our typical buildings. Mr. Krouse shared photos of what the buildings will look like. The chickens will have access to an outside area during the day where they are able to exhibit some more natural behaviors. The really unique thing about this house is that it has a visitor's center. Because this is so unique we anticipate hosting tours and school groups. There is a small visitor's center attached to the building, people can come eat a meal, observe the chickens. We are really excited about this; it fits well at the Hi-Grade facility. Mr. Krouse shared an overview of the existing facility showing where the new buildings would be located; these houses will fit between the existing processing plant and 1100 N. The reason that this site is ideal for these houses is because it is close to the existing processing plant so they can move eggs there to be graded. The rest of the property doesn't have enough room to fit these houses and we would like it to be close to 1100 because of the visitor's center. We want people to be able to see this as they approach the farm and to be able to access it easily. It is something that we hope to be proud of; it is a unique thing that we want to show off. The new buildings would be much smaller than the existing structures. Our proposal is to build five of these new houses, one building would be a little bit different, would be for the observation/visitors center, the other 4 buildings would have a more typical roof. All five of those houses would represent a 5% increase in capacity at the farm. While it is 5 more houses these are much smaller houses than what is typical. There would only be 24,000 hens in each building so it is a minor increase in the capacity of the farm. They are much shorter than the existing houses, the main structure would be about 32 feet high, and the remaining buildings would be about 25 feet high. They have a number of unique and environmentally friendly features some of which will be the first to be done in the United States, the south facing side of the entire roof will be covered in solar panels, which should supply over 100% of the power needs of the farm, we won't know until it is actually there. It looks like it will be more than enough to power those houses and we will actually use some of it for the rest of the farm. We will not use any natural gas in these, so all energy consumed in these buildings will come from the sun. Exhaust air is filtered through scrubbers that take out all of the dust. I am not aware of any systems that do this in the United States, it is common in Europe. All of the exhaust air goes to the back of the house and goes through this room which has water circulating all the time, the water gets in the dust and the filters pull the dust out of the water. The idea with this is to be able to stand next to this house and not realize you are on a farm, it shouldn't smell of chickens, it shouldn't produce flies, you shouldn't see exhaust, it should just look like a nice building. The manure is dried to eliminate odor and flies, so once we dry the manure it will be down to about 15 - 20% moisture and that is too dry for flies to lay their eggs or for ammonia to come off of the manure. Like I said these will not be a typical chicken house, it is smaller, quieter, lower odor, has almost no carbon footprint and in terms of the number of hens is a small expansion to the farm. Mr. Dawes asked if they

anticipate increased employment or will it be handled by what you have on staff. Mr. Krouse replied that adding this farm would add 5 - 6 new jobs. Mr. Dawes said that the last he knew was that they had between 500 - 600 employees. Mr. Krouse said that is correct, they bought another family farm in Texas this year and that brought our employment count up to 630, about 100 of those people are employed at Hi-Grade.

Geoff Schortgen asked, in the Netherlands you said that they are almost to completion with that or have they finished with those barns to see how it will look with the chickens get into the runs. Mr. Krouse stated they have 2 sites up and operating now and the older of the 2 is a little over one year old now. Mr. Schortgen asked did they get good publicity with that, this would be something great to showcase to Wabash. Mr. Fierstos said that obviously the industry is always led to be very private, in today's world there are many reasons but biosecurity and the health of the birds we have to protect, this will allow and welcome visitors to come and see what we are about in terms of egg production, we are really unique facility and we would welcome that.

Mr. Howard asked about the outdoor area shown on the plans, how do you manage this area, are there just certain times that this will be open? Mr. Krouse said that area is used only during the daytime, and only when the weather allows, during the winter those will be closed because it will be too cold for the birds, as long as it is over a certain temperature and it is daylight the birds will be allowed to go outside. Mr. Schortgen asked if they have solar panels on the existing buildings at Hi-Grade. Mr. Krouse replied yes, we have solar panels at Hi-Grade, they are not on the roof, we are very pleased with it; it has been operating for about 14 months now. Mr. Howard said that the requirements of the Confined Feeding Ordinance which was amended and approved in June of 2019, with some of the changes that were made we were looking heavily at the swine industry. The original (MPS) facilities were started in 1981 because of this they were grandfathered they were required to meet IDEM's setbacks. The ordinance now requires even grandfathered facilities to apply for a Special Exception, which is what this meeting is for tonight to go ahead and expand. In that expansion program there are three things that we have to look at that they would be asking for a variance for: (1) the structures have to be at least 1000 feet from an off site well, these structures will not meet this so they will be asking for a variance for that; (2), Any new development on an existing facility that was a non-conforming facility the expansion would have to be away from the non-conformity so that it did not increase the amount of non-conformity, in this case no matter where they build on this property they are increasing the non-conformity therefore they would need a variance for that part also (3) Another part of the ordinance is that you are allowed a one-time expansion of one structure, obviously it is going to be multiple buildings and they would need a variance for that. Those three things would be considered individually during the BZA meeting, I just wanted the Board to be aware of that tonight. At some time we will need to discuss some type of screening between the Hi-Grade facility and the property to the southwest. Mr. Howard asked about the dimensions of the buildings. Mr. Krouse stated that the buildings will be 80'x 426' with a 32 foot garden area on each side. Mr. Howard asked about increased truck traffic in the area. Mr. Krouse stated they estimate

it would increase by about 5%, the only reason trucks are accessing those facilities is to deliver feed, haul away eggs, and haul away manure and all of those things would be increased by about 5%. Mr. Curless reminded everyone that this request will go before the Board of Zoning Appeals for the formal hearing; he then opened the floor to questions or comments from the audience. Hayley Brandenburg stated that they received a notification from IDEM on Monday about the expansion; she has called IDEM and shared her concerns about what they deal with on a daily basis, the flies, odor, and property values. IDEM told me that they don't regulate that and they sent me to the Plan Commission. She is concerned about the possibility of the fly problem increasing; we can't have picnics, bonfires, or parties outside in the summer or spring months because the flies invade. Ms. Brandenburg stated that since Monday she has talked with 8 of her neighbors, everyone said that they are tired of the flies, and that was just 8 of the neighbors. About three years ago we called Midwest Poultry about our concern with the flies, I spoke with Jamie Lloyd at that time, he has been very good to us to provide fly traps and they will spray on our property once in a while. I don't feel like the fly traps help that much, the spray helps more and I am very thankful for that. It helps, but it is not enough. We tried to camp in our yard this summer and were driven back indoors. Ms. Brandenburg then brought up the odor from the facility saying that it keeps us from opening our windows and sometimes it is so strong that it burns the inside of your nostrils, how will it be when you add that many more chickens in. She concluded by asking when do we say enough is enough, we are already experiencing the ill-effect of too many chickens in one area of the land. The decisions that Midwest Poultry make on their property affects our property. While they expand and make the profit from that we get their by-product from that and get the flies and odor which make their property prosper and it is also their choices that cause our property values to decrease in value. I don't want more barns because we are tired of what we receive from the ones that are already there. Mark Kissel stated that they live by the golf course; he wanted to address the smell and stated that he believes it is from the company burning the chickens at night. He said his wife has had bite marks on her legs from the flies, they have never offered to treat our property. Mr. Kissel stated that they can't take care of the facilities they have now, I can't imagine what it will be like when they build this. Mr. Kissel concluded with "I may never be able to sell my property and if I do I will have to take a big loss for it while they will make more money because they keep building on, enough is enough it has to stop they don't care about us they only care about making money." Mr. Krouse stated that the company does not burn the chickens at night that would be illegal. We do care about our neighbors, I live in this community, I worked on this farm in high school and I ran it for a time. I do care a great deal about this community, I live in N. Manchester, I grew up there my wife and I live there today and our son will be starting school there in a few years. This farm is near and dear to me, we have been here 50 years and I hope to be here another 150 years and we want to have a good relationship with our neighbors. We do reach out to our neighbors, Mrs. Brandenburg commented that she has been working with Jamie. We do that for a number of our neighbors. My point is I care a lot about my community

and I want to do what is right for our community. We have done a lot on this farm to reduce problems that were a lot worse in the past with odor and flies. Today I wouldn't say they are entirely eliminated but we are getting closer to that. I would invite any of you to come to our farm anytime, we would be happy to host you there and you can see what we do to take care of the facility. Mr. Curless asked if the scrubbers were new technology to this area or to the United States. Mr. Krouse said that it is very new to the United States, he is not aware of anyone doing it, it has been around in Europe for a while especially in the Netherlands where they have a much higher density of animal agriculture there than we have here, they are more sensitive to dust and ammonia emissions so it was developed for those reasons. Mr. Curless asked if it would be fair to say that if that is a success that what you learn from that technology could be carried over to the existing barns and other species. Mr. Krouse said it is possible, the exhaust from those barns comes out through the sides so it would be a little bit harder to capture, with this the exhaust is at the back of the barn so it is easier to route it through that room, but it is possible that we could apply that technology to those houses.

Myron Sites stated that the MPS property is to the back of their farm on the south side and on the east side, the flies are horrible they are worse this year than they have ever been. They put out about 4 traps for us and they are getting about 5,000 flies every two weeks per trap. We can't be out by our pool, cook out or have company outside. Nobody else around has livestock so they have to be coming from there. Another question I have, with this open area you are going to have fresh chicken manure how are you going to control the flies in that? Mr. Krouse replied that the chickens would only be outside for a short time during the day and they tend to have most of their bowl movements over the nighttime when they are inside the chicken house so that manure gets captured on the belts and gets taken to the manure dryers. It is a fairly small amount of manure that will be captured there, and the drainage from that area will be captured separately, we have worked that out with IDEM's engineers to determine how to handle the drainage from that, that water will be captured and screened before it is allowed off of the farm. Mr. Curless asked if there were any further questions. Cheri Slee stated that the drainage board is working with MPS on their drainage plan so that hasn't been approved, we are waiting on the drainage report and their calculations so we can go over those, if anybody wants to know where we are at with that we haven't received the information yet. Mr. Fierstos asked if Mrs. Slee had received everything from their engineer, she replied they have the plan but have not received the drainage report or the calculations and that she has talked with Aaron. Mr. Fierstos asked if Aaron had sent her his calculations, she replied not yet. Mrs. Slee stated that there is a county regulated drain that runs across; actually one of your buildings from prior building has been probably placed right over top of it. We never knew how it was taken care of back then but from our records there is a portion of that drain that runs into this new piece. I have sent him the maps of that and he thought he could give me some insight as to what happened with the drainage before. We need to take care of some of that. Mr. Dawes asked about IDEM regulations on dead stock removal he asked Mr. Krouse to expand on what the plan is on their farm. Mr. Krouse replied that we need to remove dead livestock on the farm for two reasons, one being regular mortality that occurs every day. With a population of over 2 million birds on the farm some are going to pass away every day, those are removed by people that work in the building and are stored in a building at the back of the farm and then we pick those up 2 - 3 times a week and take them in our own truck to a drop off point in Plymouth. We use our own truck so that we can make sure it

is bio-secure and not traveling to other people's farms. The other time we need to remove dead stock from the farm is when we depopulate a flock. Layer flocks are kept for about 2 years, each building holds a flock and they are all about the same age so at the end of two years they are all removed and taken away. Up until a few years ago those birds could be taken to a slaughter plant and used for human consumption, but the market for that meat has been deteriorating for a while and that is not an option anymore so the birds go to renderers now. When we do that we have carts that we use to suffocate the birds with CO2 that is a really quick process, we hadn't done that ourselves for a long time and we were nervous about it but I was really impressed with how quickly the process works. It is our job to take care of these birds, we keep them alive every day, and we care about them so taking them out of that barn is not a fun thing. It is our responsibility to make sure that happens very quickly and painlessly and the CO2 does that. From there they are taken away in a truck to a renderer. Mr. Curless asked for a motion in regards to this whether we would send a favorable or unfavorable recommendation to the BZA. Ms. Godfroy stated that she wanted to be sure that the neighbor's biggest concerns were the flies, is that accurate? Mr. Kissel said and the burning, I have had employees tell me they are burning. Ms. Godfroy asked what are you burning, why are they mistaking that. Mr. Krouse stated that when they build the houses they had construction materials to burn that would be the only thing. Mr. Vogel asked if they have incinerators for the birds. Mr. Krouse said that they looked into incinerators when the bird flu hit because they were looking at more bio-secure ways to handle dead stock but incinerators are not a great option, they use a lot of energy, require a lot of maintenance taking away the ash, and they put out a lot of air emissions. No we don't have any incinerators. Ms. Brandenburg stated that she doesn't know what it is if it is the manure or not, there is a strong odor that burns the inside of your nose we get that once in a while, too often; she is also concerned about their property value. Mr. Krouse said that the company has done a lot to control flies; we try to eliminate that issue. We have invested in manure dryers for all of these houses as they have been rebuilt since 2000, every house there except for the two silver ones have manure dryers and that brings that manure down to about 12 – 20% moisture and reduces the ability for flies to lay their eggs. Mr. Vogel asked Mr. Krouse if a neighbor contacted the company will you provide guidance with the fly issue, Mr. Krouse replied yes, we have helped Mrs. Brandenburg and Mr. Sites and I know we have helped other neighbors. Mr. Sites stated that it helps but is not enough, Mr. Krouse asked if they could meet with Mr. Sites, he agreed to meet. Mr. Curless again asked if there was a motion for a favorable or unfavorable recommendation to the BZA on the request. Mr. Dawes made the motion to give a favorable recommendation to the BZA with the kind of technology and the type of buildings they are building I feel they are concerned and addressing the issues that come with livestock; this was seconded by Mr. Vogel, the motion passed by a majority voting in favor. Mr. Howard informed Mr. Krouse and Mr. Fierstos when the BZA meeting would be held and about the legal notices that would be published and sent to neighboring property owner the public hearing will be August 25th at 7:00 pm in the Commissioners Meeting Room. Ms. Godfroy asked Mr. Krouse if he would meet with Mr. Sites before the BZA meeting on Aug. 25th, Mr. Krouse said he would. Ms. Godfroy then asked Ms. Slee if she would have the drainage reports by then, Ms. Slee replied probably not. Mr. Howard said the BZA could rule on the request with it being subject to the drainage plan being approved if we go that far at that point in time. This would be the approval of the Special Exception, not actually permitting any of the structures yet. Mrs. Slee asked Mr. & Mrs. Galen Penrod if they had contacted anyone about the flies. Mr. Penrod said that they had never had anyone approach them but they do agree there is a problem with the

flies. Ms. Slee stated that it is hard for her to vote on the matter as her daughter (the Penrod's daughter-in-law) lives up there. Mr. Penrod said that when you are outside you are constantly fighting the flies, and they are an aggressive type of fly. We live right next door and have never been approached about the fly problem, it is a little intimidating to go ask them for help because it is such a large company. I just learned yesterday that some people are getting their property sprayed; we have never been sprayed or offered traps, whether they help or not I would like to try them. Mr. Penrod said that when they moved there in 1986 it was just the original 5 houses. Mr. Penrod asked if the odor was from burning manure, we get that too and I just thought it was burning manure. Mr. Krouse said that they sometimes do get a hot spot in the manure. Mr. Penrod asked if that was the cause of the fire a couple of years ago, Mr. Krouse said that the cause of that fire was never determined we had actually removed all the manure from the house that caught fire 3 days before the fire started. Mr. Fierstos said that we take your concerns to heart and are willing to work with you. If we missed coming to you we apologize, it wasn't because we wanted to neglect you. We are willing to come and work with you on your specific needs if there are other ways we can handle things we are definitely willing to do that. Mr. Penrod stated that he farms and he understands flies and smells, but things are changing over the years, every farm had chickens, pigs, and cows in a small number, but things are getting really big. Mr. Fierstos stated that what we have presented is a very unique concept, one that I think would be exciting to everybody for what it is, you are going to see beautiful buildings there and solar panels. Mr. Penrod said that he agrees this is the right direction to go but you will never get 2 million birds on that farm without the cage set up it will never be what you hope it will be what we wish it would be. The concern for property value is a concern for us too, maybe not a much because I have boys that will take the farm. I am not worried about selling the farm, it will be generational. I can certainly see the concern where they just have a residence and not so much a working farm. Keep us in mind, do everything you can, I would welcome help with the flies. Mr. Krouse said that he was glad to hear from Mr. Penrod tonight and would like to talk with him further. Mr. Penrod said I can talk to Cheri about the drainage and ask about the water flow and how it comes across my farm, the more roofs you have there the more runoff and are your additional wells going to handle this capacity. Mr. Fierstos said the existing wells will take care of the expansion. Mr. Penrod asked if there was any concern about the wells on the surrounding properties going dry in the future. Mr. Fierstos said that the new structures will be fed from a well to the far east side of their property, I know that hearing 5 chicken houses can sound overwhelming there really isn't that much of a need for water and manure because there are only 24,000 birds in each house. Mr. Penrod stated we talked a little bit about tree planting between the barns and our property and I would definitely like to pursue that at least along our property line, trees would be a great help they probably won't stop the flies but they would be a help. Mr. Krouse said that we have gotten bigger, right now our biggest customer is Kroger's and they want to work with big suppliers that can supply several distribution centers. We have been with Kroger's since we started and if we want to continue with them we have to grow. Mr. Penrod shared his concerns of additional traffic on the road and he said the he feels sure MPS pays their share of taxes to maintain the roads; the traffic at 3:30 is almost highway like at shift change time. Mr. Curless thanked everyone for their input.

Mr. Curless: The next item on the agenda is the Wabash River Trail (WRT). Mr. Howard provided minutes of previous meetings addressing the WRT, specifically addressing the area by the property owned by William and Lena Gray. The current zoning on the property is Industrial.

The setback from a property line for a structure is 30 feet, so we agreed to allow it to be 40 feet from the property line to the center of the trail. Mr. Frantz said that the easement is 20 feet wide; the trail will not be 20 feet wide. Mr. Howard shared minutes of the following PCB meetings where the area had been discussed: February 7, 2019, Mr. Vogel made a motion for the Board to accept the drawing with the understanding that Mr. Frantz would get with Mr. Christman about maintaining the property between the trail and the space between the trail and the Gray's property, it was to also consider the planting of trees between the Grays and the trail, this was seconded by Mrs. Slee. March 7, 2019 along with photos showing the location of the trail in relation to the Gray's home. In the minutes of the February 7 meeting Mr. Vogel made a motion to accept the survey as drawn with the understanding that Mr. Frantz (WRT) 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. In the minutes of the March 7 meeting it was noted that Mr. Frantz has added additional language in the Easement for that portion of Christman's property that will allow them (WRT) to follow the request made in the motion at the last meeting, but they are waiting on the easement to be signed. Mr. Howard stated that he and Mr. Dawes have visited the site and there are areas they would like to see planted as a screen for the Gray's. From the road back to a utility building on the Gray's property is approximately 240 feet, we felt like there should be some screening in that area. I have asked Geoff Schortgen to look at the area and what he would recommend to plant there. Mr. Schortgen said that he looked into more low maintenance options and would recommend Japanese White Pines, they would give good coverage and would absorb sound, they will get big, and would not break in wind storms. Another suggestion he gave was to mix the White Pines with Arborvitae. Ms. Godfroy asked how quickly they would grow; Mr. Schortgen said that the White Pines if you get 6 foot trees they could possibly be 20 feet in 5 years and up to 25 – 30 feet, that does depend on how good the soil is they make a pretty good border, they would cover what the existing trees don't and would cover the eye level area quickly meaning less than 5 years if you get them big enough. Ms. Godfroy asked about the growth of the Arborvitae, Mr. Schortgen said that Arborvitae are slower in growing, maybe a 6 foot tree in 15 years would grow to 20-25 feet, they are a little bit slimmer tree so you would need to plan more. Mr. Vogel asked if he was thinking of planting 1 row, 2 rows, or staggered, Mr. Schortgen said he would prefer staggered that gives more space for the tree to grow out. Mr. Howard said the he and Mr. Dawes talked with Mrs. Gray and asked if the trees could be planted on the Gray's side of the property instead of the trail property, she said that would be fine. Board members reviewed aerial photos of the properties.

Mr. Schortgen said that if space is a constriction there are other species that are economical he recommended no Blue Spruce they would fade out in 20 years. We are looking at long term 50 years plus. He asked if the homeowner is more concerned about visual or noise. Mr. Howard and Mr. Dawes both stated they believe from talking with the homeowner it is more visual. Mr. Dawes said he felt the screening would take care of both. Ms. Godfroy asked for clarification on the distance from the utility building to the road. Mr. Howard said that it is 240 feet from the shed.

Mark Frantz: Shared photos they had taken recently. Our (WRT) position, half of the length of the property is in the Gray's front yard, from what I recall of the discussion of the screening it was visual but based on a privacy concern. The front yard, that is where the biggest gaps are, I

see absolutely no need for privacy in your front yard especially when it is exposed to the road. Just getting closer to the road there is also a safety issue. It's the question of how close do we put them to the road, we can never put them right up to the road. We want both pedestrians and drivers to be able to visually see who is on the trail at that point. To screen any part of their front yard to me doesn't make sense, because one they have never had a privacy concern there at all and second it is a safety concern. The other option is, trees depending on how tall they grow and how far the roots grow there is the potential that the roots could damage the trail and we want to avoid that. The other option is, we have talked to Mr. Christman and he has given us permission to maintain that area, he very adamantly does not want any trees or shrubs or anything on that property. I appreciate Lena saying that we could put these trees on her property but we are not going to pay to put screening on her property. If we were to put any screening on their property we would have to get an easement to go on their property and that has not been a very friendly relationship the entire time. The back portion, where you would have more concern for privacy there is much denser foliage there, you can see from those pictures, yes you can still see through but there is still screening there. That is what we want, we would like that natural vegetation to build up over time and the Gray's can allow that to happen because that is on their property so that you can't see in their back yard. We understand their concern, I get that we are going out there by their property and they don't want us there, but asking us to do screening the majority of the length of their property, we don't want to do that. We are trying to be good neighbors that is why we have come here, I don't think we had to for everything, but at some point it becomes unreasonable what they are asking for. If they don't like the screening that is there or that builds up they always have the option to put up what they want themselves. Ms. Godfroy asked, if no trees are planted by anybody, will that area between the trail and the Gray's property just be allowed to grow up, Mr. Frantz said that the WRT will probably mow a portion of that but we could let that grow up a little bit. Board members reviewed photos of the property.

Tom Christman: I don't want trees planted on my own property; I try to keep them down. I don't have any problems with seeing either way. I think what these gentlemen need to look at is who is objecting to the views. I personally feel that if they (Gray's) want some type of privacy fence up there let them do it on their own side of the property line. I am willing to maintain, mow between the trail and the property line I just don't want a bunch of trees in there I am just trying to be practical in this. Look at who wants the visibility obstructed. I feel whoever wants the visibility obstructed anything that is put in there should be on their property at their expense, not mine, not the river walk committee.

Mr. Dawes said that he felt like the trees were sparser toward the road and as you go south it becomes thicker but I felt like there should be some screening put in there between the trees that are there to make it more of a screened area. Mr. Howard said that he understands what Mr. Frantz is saying that they don't want the screening to go farther toward the road to be a hazard to anybody driving, or anyone pulling out of that driveway or the bicycles leaving the property. From what I saw there were some pretty significant gaps there. I certainly understand Mr. Christman's position not wanting the trees on his property, but when I talked with them they were agreeable to the trees being planted on their property and I think that is where it should be. Mr. Dawes said that he agrees that is where it should be, use the trees that are already there, it wouldn't be on Mr. Christman's property and would provide some screening there for the Grays.

Mr. Frantz said that he doesn't mean to object and say that they can't put screening there, but if you are asking us to put screening on someone else's property that is where we have an issue. Especially that area, it may not be an issue the length between the road and the screening for a walker but for a runner or biker it could be. Personally I would err on the side of caution and safety and say give them as much visibility as you can especially a biker who needs that time to slow down. They should slow down anyway if they cross the road, but it would just give them that time to slow down. I see no reason to put any screening to block a view in their front yard, and again it is visible from the road, they could have a million people, think of Dam to Dam there is no concern with noise, visibility, privacy in the front yard in the back yard I completely understand. But again there is a lot more foliage there is little space between the trees in the back yard. Again, we don't want to put any screening, especially in the front yard close to the road.

Mr. Dawes said that his understanding is that the tree line that is already there is pretty well on the property line. Mr. Howard said that it is on the Gray's side of the property line, he asked Mr. Christman and he said it is.

Mr. Howard: You are talking about a bicycle coming up and being able to see off to the east, you really can hardly see anyway because the other side of their property has trees out to the front already.

Mr. Frantz: I think that just highlights the need to leave this space open even if it is minimal. Minimal is better than nothing.

Mr. Howard: I wouldn't disagree with that, I would disagree that you couldn't have some trees out towards the road. We are not saying right up to the road right of way.

Mr. Dawes: I wouldn't recommend coming any closer than what that last tree is. That would allow for view from the oncoming traffic on the road.

Mr. Howard: I would want to look specifically at where that tree is at again. If this were to pass we can determine that at that point to make sure that we are back far enough.

Mr. Vogel asked what was the motion at the February 7 meeting. Mr. Howard reviewed the motion it reads "the possibility of planting trees". We didn't really make a concrete ruling on planting trees it was just the possibility of talking to Mr. Christman about the possibility of planting trees, and you have done that. Are the Gray's demanding shrubbery?

Mr. Frantz: They are asking for something to be there to screen visually. Mr. Dawes said they are asking for some form of screening. Mr. Frantz continued, Mr. Christman has given us permission, we did alter the easement so that we can maintain the area between the trail and the Gray's property. Now the issue is if I am understanding correctly just what additional screening if any and again we would prefer not to put any additional screening.

Mr. Vogel: You have come to our meeting with a consensus between you and the Gray's?. Mr. Frantz said that it doesn't sound that way, no. Mr. Vogel asked if the Gray's are present tonight.

Mr. Howard said that Mrs. Gray asked if they should attend the meeting tonight and he told her that it wouldn't be necessary based on the information we have in the minutes. Mr. Dawes stated that he agreed, that he came to the same conclusion as Mr. Howard.

Justin Gillespie: I am on the Board for the WRT. I have lived in Lagro my entire life and have gone up and down old 24 past the Gray's more times than I can count. Coming from Wabash towards Lagro you can see the same view as you will see from the trail clear back to Mr. Christman's house which is about ¼ mile down the road. You have bicyclist and joggers going past their house today so they really won't be seeing any more of the Gray's property from the trail than you would see today. I know the trail is going in there, but I don't even see the trail until you are right up on it. With the height of the grass it is not like they are going to look out and see pavement. I have literally driven past and totally forgot that there is going to be a trail there until I make it a point to look it. It is not a highly visible thing unless someone is on it bicycling or jogging and like I said they are doing that past the front of their house today.

Mr. Christman: You get out there at the road where the bicyclist and joggers are going to be and I pray to God that motorists see them. That road is used as a racetrack, the speed limits are out the window on that road. When I was first approached me about the Riverwalk I wasn't in favor of it. Then they told me if I didn't want them going through my property they could go along the road. I considered that, but I didn't want that on my conscience if somebody jogging or bicycling and gets hit. I would rather have them along the river or the Wabash & Erie Canal than out on that road.

Mr. Dawes: I don't think the screening that we are talking about is going to prohibit the view of coming up on the road. I think you will be back far enough from the road that it will be ok. Mr. Christman said that if you put anything more out there on that property line anyone coming from the east is not going to see anybody on that trail. Coming from the west it won't make any difference for the motorist coming from the west. Like He pointed out on the Gray's east line they have a row of pine trees there and from the time a motorist gets visibility from the east line to the west they are not going to see anybody that is on the trail.

Libby Cook asked if there will be a stop sign on the trail where it enters the roadway. Mr. Frantz said not that it would be a stop sign but there will be directional signage. Mrs. Cook stated that trails she has been on there have been stop signs when the trail enters the road. Ms. Ford said there is one down at the other end, there will be trail entering road that kind of thing.

Mr. Vogel asked how far is it until you jog back onto the trail. Ms. Ford said about ¼ mile, really we don't even know how much traffic there will be on the trail at that point, they are so fearful of it instead of just like let's see what happens. There are so many people that go in front of that house all the time.

Mr. Christman: In the last few years there has been a lot more traffic with joggers and bicycles it's hard to imagine really. People do use it (the road) but like Amy said there is no guarantee how many people will use the trail.

Mr. Vogel: At the Feb. 7, 2019 meeting I made the motion that we accept the survey with the understanding that Mr. Frantz would talk to Mr. Christman and discuss his feelings about trees. The Gray's want the possibility of planting more trees. That was pretty iffy, we were going to discuss it, but we don't have to plant trees for that motion to be stilled out. Mr. Howard said that is correct. Mr. Vogel said that from looking at it I agree with everyone that you don't want anything north of the last tree that is already there and I would think that if it bothers the Gray's they could plant some sort of bushy plant that is low because the your higher the barrier is already there. If you had a 6 – 7 foot hedge you wouldn't see the vehicles in the driveway or see a bicycle going by on the trail.

Ms. Godfroy: I agree with Mr. Frantz, the front yard is visible from the road and I am not sure that we should request that they put that whole 240 feet of a border across there. I could see maybe planting within 60 feet from the north of the utility building toward the house maybe that part because it didn't seem to be so full I could see a blue truck in the back yard in the photos. I understand having some privacy in the back yard, but the front yard I like the idea of having the visibility and I also believe that we don't have privacy in our front yards in reality. I feel like that little section, it would be nice to have something there.

Mr. Vogel: At this point do we have to make a decision to implement more tree planting if we don't feel it is necessary? Mr. Howard said that is what this discussion is for.

Mr. Dawes: I went out and looked at it and I personally feel there should be some more screening at the north end, I don't feel it should go any farther than the last three that is already there. The further you go to the south end the thicker it gets and I don't think you would need much there at all. It is there where you can see the spaces between what is growing up there. Personally, if I lived there in that house I would want some screening I wouldn't want the bike trail coming that close to my house. Mrs. Slee asked if we can force them to do that. Mr. Dawes said he thought the screening from what we talked about was kind of conditional we passed their survey but at that time we talked about the possibility. Mr. Vogel said he thought we passed it too and we were just going to figure out how much it was, but as I read it it doesn't look like that was contingent to it. We passed the survey and were just going to discuss it.

Mr. Frantz stated that he was here at that meeting and that is how he recalls it, the setback was the issue that was fine, and then you wanted to see if we could add more screening, but I took it as the friendly request try to be a good neighbor and work it out, but here we are.

Mr. Dawes: I think it would go a long way toward the WRT being a good neighbor I don't think the cost of putting trees in there is going to break you. I think it would go a long ways toward being neighborly, they didn't want this I think that is fairly obvious, coming across there. I think this would be a good gesture on your part and being a good neighbor and planting some trees there in that tree line. Mr. Vogel said on the line, Mr. Christman doesn't want them in the field so I wouldn't want to put them in the field. Mr. Dawes agreed with Mr. Vogel, utilize what is already there and then fill in some of the gaps there.

Mr. Frantz said that he appreciates that and being a good neighbor, everybody has a different definition of that. I saw the "No Trail" sign in their yard for about a year and a half. Ms. Ford

said 3 years now. Being a good neighbor has its limits, improving the neighbor's property when they don't want you there that is a little stretch for me. We don't want to be here, we would prefer to be away from their home even though it would have to be on their property. We have tried to work that out with them multiple times, they have said no, under no circumstance. Basically they are causing us to have to go this route. Again, I would love if the decision went no screening and then Mrs. Gray comes to us and says ok because we are not doing screening we will let you go behind our property where we want to go, continue the trail straight along that canal and we will be the best neighbors. Ms. Ford said that we would screen all of their stuff back there. Mr. Frantz said there are more safety concerns with putting it up even to that last tree, even that area to me is just too much of a safety concern with how people drive on that road. Even with the lack of visibility towards Lagro we would not want to do it. Ms. Ford said you lose all of your sight lines. Putting it on someone else's property who does not want us there, even though she said yes we could put the trees there, wonderful but how do we maintain it? Ms. Slee asked if a tree dies who would be responsible for cutting it down. Ms. Ford said we have no way to water, no.

Mr. Schortgen: We are in conflict where we started at 240 feet and now we are scrunching it down to where maybe it is only 3 trees. Mr. Frantz said if we could get that to zero. Mr. Schortgen said we have crunched it down quite a bit, I am just thinking if we want to do the screening or not. Ms. Ford said they should do the screening, it is like if you don't like your neighbors or whatever they are doing don't you take it upon yourself to put up a fence or trees, that is on your property because you don't want to see their barn or whatever. Ms. Ford said we did that to another house that we did.

Mr. Howard: You made that comment earlier but yet we are going to force Midwest Poultry to screen the neighbor's property, what is the difference? Mr. Frantz said use; we are not creating a Biblical amount of flies or manure smells. Mr. Howard brought up that the screening would just be visibility, it won't help with the flies or odors, I am just throwing that out for the Board to think about. Mr. Frantz again said it is the use.

Mr. Frantz: We are here for screening and to ask the Board to not require screening.

Mr. Vogel made the motion to not require screening be done by WRT, this was seconded by Ms. Godfroy. The motion carried with Mr. Dawes opposing.

Mr. Howard: The next items on the agenda, SE #7, Donald Parsons request for a pond has been withdrawn. SE # 5, Jarrod McKee, request for a pond in Paw Paw Twp., they are still working with the DNR on their plans so this item will be continued.

SE #10, Jason Peterson, request for construction of a pond in Lagro Twp., Victor Treska the contractor is here tonight to represent Mr. Peterson. They are seeking a variance to be 35 feet from the west property line; all other setback requirements are being met; there is no flood plain or flowage easement involved; the approximate water surface area will be .5 acres; total length of the dam will be 100 ft., the base width will be 40 ft., the top width will be 10 ft.; over flow will be a single 8 inch line; outlet drain will be south to culvert running under Swango Lane; maximum depth approximately 15 feet; emergency over flow to the north west corner; watershed

into the pond is approximately 2 acres; no geothermal feed; distance to the nearest certified/non-certified drain is 2,000 feet. Mr. Vogel asked about the pond right next to the property line. Mr. Treska said that he had spoken with Mr. Scott Poole, Mr. Poole said that he has no problem with it but that he would like more information. Mr. Vogel how far will this pond be from the Scott Poole pond? Mr. Treska stated that it will be approximately 100 feet from the Poole's water line to Mr. Peterson's water line. Mr. Treska said that he would measure it before the BZA meeting to know the exact distance. Mr. Dawes asked if they will have to pump water into the pond to fill it. Mr. Treska said that he assumed that they would have to. Mr. Curless asked if there were any further questions or comments, there being none he asked for a motion on the request. Mr. Vogel made that motion to give a favorable recommendation to the BZA, this was seconded by Mr. Dawes, the motion carried.

Mr. Howard introduced Paul Pattee and Doug Unger. Mr. Pattee and Mr. Unger appeared before the Wabash Co. Commissioners on Monday, Aug. 10th with a concerns regarding excessive shooting and noise from Bass and Bucks, they were referred to the PC Office. Mr. Pattee stated that he has talked with a realtor who told him that their property value is going down due to the shooting. The men shared a recording of the gunfire sounds from Sunday morning, they stated that this is what they hear every day now. Mr. Pattee brought up an archery shoot and said that he is tired of picking up trash every time they have an event. I have called the Sheriff's Dept. Why should we pay higher property taxes? Mr. Vogel asked if the Board gave Bass and Bucks permission to hold 6 special firearms events each year. Mr. Howard reviewed the BZA minutes regarding this issue and said that the BZA did restrict Bass and Bucks to 6 Sunday sanctioned public fire arms shoots per year. We will get this ironed out with the BZA. If we are saying they can have an open shoot and they are starting at 7:00 am, we have some conflict there. Mr. Pattee said that you can't enjoy being outside, when they are closed there is still shooting going on. Ms. Godfroy said the shooting is only when they are open. Mr. Pattee said that they leave the gate open at the house and people go around to the range. Mr. Vogel asked if it was as bad last year. Mr. Pattee said that it gets worse every year. Mr. Vogel asked if they are having more than 6 events per year, Mr. Pattee said the shooting is every day and that his main concern is his property value.

Mr. Unger stated that during turkey season he was out hunting and someone fired a test round. The shooting is morning till dark every day. It started at 7:15 Sunday morning. I didn't think they could be back in the woods shooting, I thought they had to be at the range. Mr. Howard said we need to take a look at it as things have changed. Mr. Pattee shared his concerns with the new ammunition and the distance it can carry especially with all the canoes and kayaks that have been on the river these days. Mr. Unger stated that it has gotten out of control.

Mr. Curless: the next item on the agenda is Mr. Dawes with an update on "Imaging One 85".

Mr. Dawes: The Imagine One 85 committee met with the firm they hired on July 8th to visit the different communities in the county. They are asking for suggestions for names of people to contact as to what people want to see happening in their community and the county.

Mr. Howard: shared a copy of the Senate Act regarding the Extension ANR/CED representative to the PCB which states that representative does not live in the county they are employed in they can remain on the Board in an advisory capacity without voting rights. Our representative Mr.

Schortgen does not reside in Wabash Co. I have talked with Board Attorney, Larry Thrush, we can write an ordinance that would permit Mr. Schortgen to maintain voting rights from Oct. 1 through Dec. 31, 2020 after that he would remain on the Board in an advisory capacity. The Extension Board of Wabash Co. would appoint a resident of Wabash Co. to represent the ag community in the voting. I would like to recommend Randy Curless for that position as he will no longer be the Co. Council representative in the new year. As of January 2021 we will get a new Council representative. Mr. Dawes stated that he has talked with Kyle Bowman, Chairman of the Co. Council to make him aware that the PCB will have to have a new Council representative.

Updates from Mr. Howard:

- The draft ordinance is still being reviewed by County Attorney, Steve Downs
- The Deputy Director position, the PAC recommended taking away the “salaried” wording, there are only a couple of positions that still need to be classified as salaried part time.
- A representative of White’s Residential and Family Services will be at the Sept. 3rd meeting to give a presentation on the planned expansion at the facility.
- Grow Wabash County has asked for the e-mail addresses for our Board members, I would not give out personal e-mail addresses without your consent. Susie Stephan gave her consent. Mr. Howard will check with Mr. Rice and Mr. Rosen who are not present tonight, all remaining Board members have given their consent.

Mr. Curless asked if there was any further business to be addressed, there being none he asked for a motion to adjourn. Mr. Vogel made the motion to adjourn, this was seconded by Ms. Godfroy, the motion carried. The meeting adjourned at 9:05 pm.

Libby Cook
Secretary, Wabash Co. Plan Commission Board
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