

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION
BOARD MEETING MINUTES

APRIL 1, 2021

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

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

Present: Jeff Dawes, Joe Vogel, Doug Rice, Randy Curless, Patty Godfroy, Susi Stephan, Sam Hann, Cheri Slee, Larry Thrush, Mike Howard, Libby Cook, Luann Layman, Phil Layman

The Wabash County Plan Commission Board met on Thursday, April 1, 2021. Board chairman, Randy Curless called the meeting to order at 7:00 pm. Mr. Curless asked if there were any additions or corrections to the minutes of the March 4th meeting, there being none he asked for motion to approve the minutes. Joe Vogel made the motion to approve the minutes as written, this was seconded by Cheri Slee. The minutes will stand approved as written.

Mr. Curless: The first item on the agenda is Special Exception #4, Phil and Luann Layman to operate an event center on her property located at 6731 W 300 N, Wabash.

Mr. Howard provided Board members with the site information. Minutes of the August 27, 2017 BZA meeting were included just as a reference for new Board members on the approval of the Rustic Barn at Hopewell event center owned by Deb Conner. This does not mean that this all has to apply to this application, it is just to give you a feeling of what this could entail. Mr. Howard introduced Phil and Luann Layman.

Mrs. Layman gave a history of the barn, stating that in 1957 her grandfather purchased 2 acres of land and a barn from a neighbor, Betty Lavengood. There was a problem though, the barn was not located on the 2 acres he bought. So, with a bulldozer, cables, helpers and a lot of ingenuity the barn was moved 400 feet through the woods to its new home.

It served many purposes over the years including a farrowing house, hay and farm equipment storage, and a place for the grandkids to explore. It was about 2 years ago when our newly engaged daughter, Rachel announced that the barn was where she wanted to hold her wedding, the barn held special memories for her. The barn had been neglected for the past 12 years. For a full year we worked on the barn, treasures needed to be removed from the barn at least they must have been to someone who put them in there. We scraped, painted, installed new windows and lights, electricity, and new barn doors were made. We also reroofed the barn using the same tractor design my dad used in 1988. Mrs. Layman showed pictures of the barn before and after completion along with pictures of their daughter's wedding and a reception for their son Ryan and his wife. Although the wedding was postponed from May to August due to Covid we were pleased with the way the barn turned out for the wedding. Our son got married one month later and they used it for their reception. We had an outside security light put on the barn to accommodate the parking area. We had a sign placed to indicate the entrance/ exit to the parking area. My son lives directly across from the barn, Phil and I also own the land across from the barn, there are fields located to the east and west of it. The Holbrook's live to the south of the barn in the home that Mrs. Lavengood previously owned. The property sits on just less than 9 acres. In 1958, one year after moving the barn my grandfather purchased 6 more acres from her, which makes us wonder if he would have had to move the barn. We are here tonight to request a Special Exception to make the barn into an event center, in honor of my parents, John and Ruby Swihart the barn and land have become known as "Dear John Acres". We would love to share this space with others to begin their lives together as either a wedding or reception facility. Our goal is to continue to maintain the craftsmanship of this mortise and tenon barn for future generations.

Mrs. Godfroy: it looks really nice, she asked how many guests can the barn hold comfortably? Mrs. Layman said 150 - 170 guests comfortably. Mrs. Godfroy asked about restroom facilities. Mrs. Layman said that they do not have restrooms, those would have to be provided by the event renter.

Mrs. Stephan asked about running water. Mrs. Layman said that there is no running water in the building, there is an outside hydrant.

Mr. Howard asked about food being served in the building. Mrs. Swihart said that all food would need to be catered in, that would be up to the individual also. She added that they wouldn't have candles lit inside the barn, also smoking would not be permitted in the barn. Each event would be supervised and the renter would be responsible to provide coverage if alcohol were to be served. I have talked with our insurance agent about an event insurance and she has guided me through that and what the alcohol and security recommendations would be.

Mrs. Godfroy asked about parking. Mrs. Layman said there is quite a bit of grass in front of the barn it was no problem before, and there is only one entrance to the property on county road 300 N.

Mr. Rice asked Mr. Howard if a Special Exception applies to the existing owner, if the property ever changed hands out of the family would that require a new Special Exception or does it stay with the land. Mr. Howard said a Special Exception applies only to the applicant; a variance application applies to the land. Mrs. Layman asked if this would include their children, could they do this in the future or would they have to apply also? Mr. Howard said that the property is just deeded to Luann Layman right now, maybe if you did a trust later on where they were included on the list, I think that would be fine. Certainly, if it is with the immediate family, I wouldn't have a problem with that. But to change it to someone out of the family would definitely require a new Special Exception.

Mr. Hann noted that in looking at the minutes of the Rustic Barn at Hopewell event center they have set up an LLC, if they would set up an LLC for this property would that insure it? Mr. Howard said yes, Mrs. Layman said that she has done that.

Mr. Curless asked if there have been any complaints from any of the neighboring property owners. Mrs. Layman said that the closest neighbor is the Holbrook's and he visited the property almost daily through the remodel and shared photos with the Layman's. I don't think he has any opposition to this at all.

Mr. Howard asked if they know how many events they plan to schedule. Mrs. Layman said they have not advertised this yet so they are not sure what the response will be. There is no heat in the barn so we would not have anything in the colder weather. Mr. Howard said he believes the Rustic Barn at Hopewell operates March through October. Mrs. Stephan noted that this plan sounds similar to the Hileman Barn in the Laketon area.

Mr. Curless asked if there were any further questions, there being none he asked for a motion on the request. Mrs. Slee made the motion to give a favorable recommendation to the Board of Zoning Appeals, this was seconded by Mr. Rice. The motion carried and the Layman's were told that their next hearing would be before the BZA on Tuesday, April 27, 2021 at 7:00 pm.

Mr. Curless: The next item on the agenda is SE #5, Chris Wetherford for construction of a pond on his property located at 829 E 100 N, Wabash, in Lagro Township.

Mr. Howard: The Wetherford's are not present tonight. The applicant is Christopher Wetherford, they reside at 829 E 100 N, Wabash. Eads and Son Bulldozing will be the contractor and they are requesting a variance from the south property line setback, they want to be 75 feet from the line instead of the required 100 feet. A variance for the road setback is not required. There is no floodplain or flowage easement issues. The pond will cover approximately 1/8 of an acre. Mr. Howard provided information on the dam; 60 feet in length, base width 16 feet, top width 12 feet and the overflow pipe would be one 4-inch diameter pipe, that pipe would go for approx. 100 ft going to the east and then curving around to a culvert or drain. Maximum water depth would be approximately 8

feet. there is no watershed into the pond, it will have geothermal feed into the pond. The closest certified or non-certified drain is the Lawrence Barnes non-certified to the northwest. The Drainage Board has not reviewed the plans yet. Mr. Rice noted that from the site plans it looks like the pond is only 25 feet from the house, do we have any setback requirements from residences? Mr. Howard said that the county does not. Mrs. Slee asked about the septic system and where it is in relation to the pond. Mr. Howard said the septic system is to the north east of the pond.

Mr. Curless asked if there were any further questions or comments, there being none Mr. Curless asked for a motion on the request. Mr. Vogel made the motion to give a favorable recommendation to the BZA, this was seconded by Mrs. Godfroy. Mrs. Slee asked to add to the motion that the recommendation would be based on the approval of the Drainage Board. The motion carried.

Mr. Curless: The next item on the agenda is shipping containers. Mr. Howard provided members with a list of proposed requirements for the use of shipping containers in Wabash County. Mr. Howard told Board members that he has contacted Plan Directors from surrounding counties to ask what their county has in place as far as ordinances to regulate the use of shipping containers in their jurisdictions, most have replied that they have not put anything specific in place to regulate the use of shipping containers. Grant County does appear to be somewhat restrictive on the use. A copy of other counties responses is included in board member's packet. Mr. Kerlin was kind of pushing for container use for housing pets or livestock so I put in the conditions the option to apply for a Special Exception to use shipping containers for pets or livestock. That way we would have the ability to review each request for that specific use. Another option is we would not have any regulations. Huntington County just consider shipping containers as an accessory structure. We would not have to have any conditions at all. Just take request as they come and see what happens. Personally, I would rather be proactive than reactive. Mr. Vogel said that he would rather have some conditions established. Mr. Rice stated that in his travels he has seen the containers put together and used as a double wide residence. Mr. Howard said that the lot that Mr. Kelly Kerlin owns in N. Manchester is under the jurisdiction of the Town of N. Manchester. Our Board would only be looking at how the containers are used in area under county jurisdiction. I have told Mr. Kerlin that the county would discourage the use of multiple shipping containers to be aligned and used as a storage facility site out in the rural county.

Mr. Vogel asked if we discussed if it would be just one container per property. Mr. Howard noted that the current conditions list the maximum number as the maximum allowable square footage per parcel instead of the number of units. Mr. Vogel asked, these containers are all steel, are they painted when he gets them? Mr. Howard said that they are all used, the list of conditions include that they would have to blend with the décor of the residence or the area they are in, they cannot have advertising on them. Mr. Vogel asked, what if they have 5 or 10 acres is there a limit on how many they can have on that? Mr. Howard said not really anything in this set of conditions for parcels greater than 2 acres. Mr. Vogel stated that he could see these being painted and used appropriately, and I can also see them being used for storing junk materials and have a

mess. If they get clutter outside of them, say they are scrapping cars inside and putting the scrap outside can we pursue that with the owner? Mr. Howard noted that the conditions address storage of junk, etc., around, against, on shipping containers will not be permitted. And the containers shall not be stacked except in industrial areas and then they cannot be stacked any more than two high. Mrs. Stephan asked if they would have to come in to get a permit and how much would a permit fee be. Mr. Howard replied the current fee is .05 cents per square foot and all shipping container must apply for a permit before being placed. Mr. Curless asked if there were any further questions or comments. Mr. Dawes stated that he doesn't have a problem with it, he thinks the list covers everything well. Mr. Rice made the motion to accept the list of conditions, this was seconded by Mr. Hann, the motion carried. Mr. Howard said that he will send Mr. Kerlin a copy of the list.

Mr. Howard informed the Board that we do have another event center operating in the county, a barn. I just want to be sure that we are being consistent with these facilities. This barn is located at the home of Andy Eads, but the parcel breaks down through the driveway so his house is separate from the out buildings, it is Eads Farms Inc. I have talked with Andy Eads because I know they have had some events. They are taking the approach of no more than 5 events per year for insurance and business reasons. They currently are not charging for events but do accept donations. I feel to cover the county and to cover the family, that they should apply for a Special Exception just like the others have, this is open for discussion with the Board. Ms. Godfroy asked, a SE to have the business there is that what we are talking about, to be able to serve the community you mean? Mr. Howard said yes. Mr. Hann asked if they are advertising as a business. Mr. Howard said that they call it Eads Barn on Facebook and Andy said they are advertising but they are limiting it to 5 events per year. Mr. Vogel asked if Andy said how many people they can accommodate, Mr. Howard said that he did not ask that. Mrs. Godfroy asked what Mr. Eads needs to do to get the Special Exception, Mr. Howard reviewed the process and the fees, I did mention this to Andy and he didn't feel that this would be a prohibitive cost to do this. Mr. Rice said that if they are advertising on Facebook, he feels that they should apply for the Special Exception. Mr. Rosen said that it is right around the corner from the Rustic Barn at Hopewell. Mr. Howard said that he knows they have invested a lot of money into their barn and it is working well for them. I don't know what they charge for their events, but if someone is doing it and maybe not investing as much into it so they don't have to charge as much, I still think they need to go through the application process to be fair. Mr. Hann agreed that would only be fair. Mr. Rosen agreed. Mrs. Godfroy said that based on their face book info the barn can hold up to 250 people and there are three-dollar symbols beside what it costs to rent it. Mr. Hann made the motion to require the Special Exception application, this was seconded by Mr. Dawes, the motion carried. Mr. Rice asked what they do about restrooms, alcohol, and things like that "I would have concerns if guests were allowed to bring in their own alcohol. Mr. Howard said it would be port-a-potties like Mrs. Layman said, the alcohol, I would think the person holding the event would have to bring in the alcohol and provide the bartender themselves, it is additional insurance for that. These are all good questions to be asked during the application review process.

Mr. Curless: The next item on the agenda is Mr. Dawes with an update on the Imagine One 85 county wide comprehensive plan. Mr. Dawes said that he had been in a Zoom meeting the day before with Imagine One 85, they brought together the survey information. May 6th will be the next meeting. They will have another public input meeting. Mr. Howard said that when Kyle did the meeting with the Board members, I felt it went well, then Kyle spent extra time talking with myself and Libby. Mr. Howard continued that it is more about finding your goals, I asked Mr. May if each community will do away with their individual comprehensive plans and he said absolutely not. The Imagine One 85 plan is just to tie all of these together for the county. Mr. Howard has sent Mr. May information on Ag 1 & Ag2 land in the county, along with information on the areas available within the Wabash City and Town of N. Manchester that lie within their zoning jurisdiction but are outside of the city limits for both. As far as subdivisions in county jurisdictional areas, I provided him with the total number of lots, the number of lots that are still available. Septic systems for Subdivisions in the rural county have to be a concern and I would refer Mr. May to the County Surveyor as she would have more information on the septic issues in the county. Mr. Dawes added that Mr. May talked to him about how heavily into Agriculture Wabash County is. Mr. Dawes stated that he feels they are looking at this as branding, looking at unique places in the county that would bring people in.

Mr. Curless: The next item on the agenda is HB 1381, regarding wind and solar power bill that is going through our State House. Mr. Howard: the last two Friday updates through IN Farm Bureau there wasn't much said about it which concerns me. I e-mailed Leslie Hickman, our Farm Bureau regional representative to express my concerns about the lack of discussion. She replied and stated that from around the state of IN over 60 County Commissioners have expressed their opposition to the bill, and at that time she said it wasn't scheduled but it might be heard in committee this week, however, utilities do not have it on their schedule for the meeting this week. At this time Farm Bureaus opposition to the bill has not changed, they are still opposed to the bill. Then, as of about 3:00 this afternoon, according to information published, the utilities committee submitted their recommended amendments to the bill and on one vote sheet it showed 9 to 2 on another one it showed 10 to 1 that the committee passed the bill with those amendments that they recommended, so now it goes back to the Senate. That is definitely a concern. Mr. Curless said that it was on the news, I didn't understand what the amendments were that they put in. It would be nice if they would put the amendments in and say "this is how it would read with the amendments". Mr. Howard said it is confusing because the amendments are about 6 - 7 pages long and you are trying to put them into a document that is about 60 pages long. In looking at the amendments the one thing that puzzled me was that it said "delete pages 1 through 20" so I am not sure, it was confusing to me to understand it. It is definitely a concern so if you have the opportunity, I didn't try to check the vote sheet on the 10th to see who these committee members were. Our region is totally opposed to it, if you know anybody, I would be getting in contact with them. It concerns me that this bill just might get through. Mr. Rice asked what are the key concerns. Mr. Howard said as he reads the document a setback of 2 times the total height

could be the setback from a residential structure. We are at 3,960' or $\frac{3}{4}$ of a mile. I am going to say that I could put units in as long as I was 2 times the total height of the structure with the propeller from your residential structure or $1\frac{1}{2}$ times from a property line. We talked about shadow flicker. The states regulation is that they can allow up to 33 hours a year, that is judgmental if you have to put up with it for 33 hours a year. Then it reads, if it is an issue for you, we will come and help you remedy your house to eliminate the problem. Does this mean that they will put up blinds or heavy curtains? The decommissioning part is broken up in segments, the first part for 5 years is a set amount, in 10 years this amount, and it keeps changing the older the units get. One of the things that I did see in looking at some others is that if we get the opportunity and we get to keep our ordinance one of the things that I would like to look at is the decommissioning part. Don't bond them make them put the money up front right from the very beginning for decommissioning. If this passes, I want to sit down with Larry and say ok where are the openings that we can still make to discourage them from coming here.

Mrs. Stephan said in a simple explanation it does away with our county regulation, Mr. Howard said that is right. Mr. Dawes said that is his understanding, that the state can overrule the county. Mrs. Stephan said your county might have more strict regulations than what they have. Mr. Howard said that the county cannot be more restrictive than the state regulations if this passes. Mr. Vogel asked if Wabash County has joined that Commissioners list. Mr. Dawes said that the Commissioners adopted a resolution and sent it down, we were one of the sixty opposing it, we sent e-mails to Representative Snow and Senator Zay telling them we were against the bill as it was originally proposed. Mr. Dawes continued, I know the first amendment in the house was passed in the House then it went to the Senate and that is when we adopted the resolution. I think up to that point Farm Bureau was just kind of waiting to see what is going to happen, then I think at that point they took a little bit more of a stance then they did with the original bill. I haven't heard within the last week or so what it has done, we will try to follow up with Senator Zay and Representative Snow to reinforce that we are still against it. Mr. Howard said that Farm Bureau wasn't really saying a lot and then they submitted several things that they would like to see changed in the bill. Per my understanding it was when they weren't looking at any of the changes that Farm Bureau was suggesting, Farm Bureau then took the stand that they were totally opposed to the bill. Mr. Dawes said he thinks there was an amendment that would grandfather the counties as of January 1st and that was defeated. Mr. Howard said it is a concern to see what the results are. Mr. Howard said that he has talked with Geoff Schortgen (Purdue Extension Ag Educator) about the carbon footprint, I have a printed article on how much carbon dioxide is used up in the making of a wind turbine unit, it is more than it would ever replace in its lifetime of operation. The majority of the structure would be steel and would be recyclable, the impellers are resin, plastics and other materials that are hazardous and they don't really have a place to go with that material, but I was reading an article about a place in Texas that will take them and they grind them up and use them for playground cover. Mr. Howard continued that he is all for green energy but that he is just not sure this is the way to go. Mr. Howard said he is not so concerned about the solar power, other than some of the material in the glass is hazardous and most of it will go to a landfill.

Mr. Howard gave the following updates:

- Ordinance draft, Mr. Downs is still reviewing it, nothing new to report.
- Complaints, working on 8 unsafe premise orders, 3 of these properties are in the tax sale so I am waiting to see if they sell in the tax sale, if they don't we will proceed with those. Working on finding the deeded owners.
- Doyle Silvers, new home in the town of LaFontaine, permit expired in Dec. 2020, all work on the exterior was to be completed by then. It is pretty much done on the front but it looks like that is still work to be done on the back. If it is not completed, he is working without a permit and needs to apply for another one.
- Rob Kowalczyk, new home permit in the town of Lagro, will probably be the same situation. The permit expires June 24, 2021 and he is now laying blocks for the foundation. I did send him a letter asking him to put up some barriers around the property as we have had a complaint about the large hole in the ground and the danger it poses for the neighborhood children. I drove by this week and it looks like he is making an effort to barricade it somewhat.
- The Sollars pond in the town of LaFontaine, the application has been withdrawn and they will fill in the pond.
- At the March 23rd BZA meeting the application request of LRW Enterprises for the permitting of tiny homes at Prosser's Mobile Home Park was granted. This is just for this mobile home park.

Mr. Curless asked if there was any other business. Mr. Rice asked about a property in Servia, the building has burned how long do they have to tear down and clean up. Mr. Howard said that he usually checks with the local fire department and makes sure they are finished with any investigations and then will send notice.

There being no further business Mr. Curless asked for a motion to adjourn. Mr. Vogel made the motion to adjourn, this was seconded by Mr. Rice. The meeting adjourned at 8:15 pm.

Libby Cook
Secretary, Wabash County Plan Commission Board
MTH