

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION
BOARD MEETING MINUTES

MAY 6, 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: Joe Vogel, Doug Rice, Randy Curless, Christian Rosen, Jeff Dawes, Cheri Slee, Sam Hann, Geoff Schortgen, Patty Godfroy, Larry Thrush, Mike Howard, Libby Cook, Andy Eads, Danny Hackworth, Marty Crossland, David Wamsley, Mitchell Oetken, Ashley Oetken, Diana Blankenship

The Wabash County Plan Commission Board met on Thursday, May 6, 2021. The meeting was called to order by Board Chairman, Randy Curless at 7:00 pm. Mr. Curless asked if there were any corrections or additions to the minutes of the April 1, 2021 meeting. Mr. Howard noted that the name of member Jeff Dawes was not listed as being present, this has been corrected. There being no other corrections Joe Vogel motioned to approve the minutes as corrected, this was seconded by Sam Hann, motion carried.

Mr. Curless: The first item on the agenda is Special Exception #6, Eads Farms Inc.

Mr. Howard introduced Andy Eads, and informed the Board that Mr. Eads is asking to operate an event center in a barn that is located on the Eads Farms Inc. property.

Mr. Eads: This all began with my son and his fiancé wanting to get married on the farm. In 2017 we restored the barn for their wedding in 2018. Mr. Eads gave a history of the barn stating that in 1952 the original barn burned. In 1953 the Gothic Arch kit barn was rebuilt at a cost of \$12,000. Mr. Eads noted that many of the furnishings have been made

from repurposed items from the farm and items from family members of historic and sentimental value. Mr. Eads noted that his son is the 5th generation of the Eads family to live on the farm. Mr. Eads stated that he talked with his insurance company, Thorne Insurance and was told that if they wanted to keep it from being classified as a business, they would have to keep it to 5 events or less per year. Mr. Eads provided a copy of the insurance information for the barn. This year we have a couple of graduations and weddings booked; we only take so many. Mr. Eads stated that they do not charge a set fee for the use of the barn, it is by donation. The barn is 2,700 square feet and can accommodate up to 250 people. The barn does not have running water so any food has to be catered. Mr. Howard asked Mr. Eads about parking, Mr. Eads said the parking area is oversized, there are 4 parking areas on the property. Mr. Eads stated that one barn on the property was just rebuilt after a Dec. 8, 2020 fire.

Mr. Curless asked if there were any questions or comments, there being none he asked for a motion on the request. Mr. Hann made the motion to give a favorable recommendation to the BZA for SE #6, this was seconded by Mr. Rosen. The motion carried unanimously.

Mr. Curless: The next item on the agenda is the Dana Fischer property, unsafe premise order.

Mr. Howard asked if anyone was present representing the Dana Fischer property, no responses. Mr. Howard stated that the property is located at 165 W. Lake St., Laketon. Ms. Fischer has vacated the house and is living in Arizona. The unsafe premise order has been placed on the property ordering that the house be razed, the property recently sold in the Commissioners Tax Sale. The property was purchased by a gentleman from Claypool and he is working on cleaning it up and hopes to save the house but he will need more time than the order allows. Mr. Vogel made a motion to extend the time and give him a chance to clean up the property, this was seconded by Mr. Dawes. The motion carried unanimously.

Mr. Curless: The next item is the McNeeley property in Lagro Township.

Mr. Howard asked if anyone was present to represent the McNeeley property, no response. The deeded property owners, James & Phyllis McNeeley are both deceased; therefore, the unsafe premise order falls back to their children. I have been in contact with Mildred McNeeley and she has asked for a 30-day extension. The house and the mobile home on the property both have to be razed the original date for this to be done was Friday May 14. I have extended this to Friday, June 14th. They are working on cleaning up the property. Mr. Howard asked for a motion to approve the extension of time for the removal of the structures. Mr. Dawes made the motion to grant the extension, this was seconded by Mr. Rosen, the motion carried.

Mr. Curless: The next item on the agenda is the Danny Hackworth property located at 777 W St. Rd. 114, Silver Lake.

Mr. Howard: In 2018 we met with Mr. Hackworth regarding utility buildings brought in for people to live in and a camper brought in for a woman to live in with her son who has disabilities. The property has been trashed again, there is someone living in the camper and in a garage.

Diana Blankenship introduced herself and stated that she has been there off and on for the last couple of months, trying to get her things together and off the property. She stated that she is the only one that has been there, no one else is living there. We've got about half of it done. Mr. Hackworth said the buildings did go back.

Mr. Howard shared photos of the property. Ms. Blankenship said that in the last couple of weeks we have been cleaning up. Mr. Howard said that he didn't give them a deadline for the property to be cleaned up, but did send a letter asking them to be present tonight and I do appreciate them coming in. I would like for the Board to give them a deadline to have the property cleaned up and if it's not cleaned up then we will have to take further action.

Mr. Dawes asked how long do they think it would take to get the property cleaned up. Ms. Blankenship said if the weather stays good, within 30 days we would be fine. Mr. Howard said the next PCB meeting would be on June 3rd. Mr. Vogel made a motion to extend the deadline for clean up to June 2, this would be the day before our next meeting then we can see if they are getting the work done. This was seconded by Mrs. Godfroy, the motion carried, the property will be reviewed again at the June 3rd meeting.

Mr. Curless: next on the agenda is the Swafford property, unsafe premise order. Mr. Howard stated that the Swafford property is 3 lots directly to the east of the Hackworth property. He shared photos of the property and stated that he has been dealing with this family for several years. No one was present to represent the Swafford's. Chuck Shane has been purchasing some of the parcels as they come up for tax sale. Mrs. Godfroy asked about the house, Mr. Howard said the house needs to be razed, and the property cleaned up. I would like to file an unsafe premise order. Mr. Vogel asked if anyone is still lived in the house and what kind of timeline Mr. Howard was thinking of. Mr. Howard said he would like a motion to file an unsafe premise order on the property with a timeline for the junk to be removed and a timeline to raze the house. Mr. Rosen made the motion to file the unsafe premise order, this was seconded by Mrs. Godfroy, the motion carried.

Mr. Curless: The next item on the agenda is the Dustin Warren property located at 8 N. Vacation Way, Sandy Beach.

Mr. Howard: The property originally belonged to Calvin Warren. Calvin is deceased, in 2018 it transferred to Dustin Warren. I have sent requests to the deeded owner to have the property cleaned up and asked for them to be here tonight, no one is present. Mr. Howard shared photos of the property and stated that we have notified multiple times to clean up. I would like a motion to have Mr. Thrush send notice to Mr. Warren of what the penalties will be if the property is not cleaned up and maintained. Mr. Rice made the motion to have Mr. Thrush send notice to Mr. Warren, this was seconded by Mr. Vogel, the motion carried.

Mr. Curless: the next item on the agenda is an update from Mr. Dawes on the Imagine One 85 Comprehensive Plan.

Mr. Dawes stated that the committee met that afternoon. They are planning a public event on July 14 from 6:30 – 8:30 pm on the plaza at the Honeywell Center with food and entertainment and to get the opinions of the public. The group discussed housing and broadband services, they agreed that you have to have good broadband to draw young people to the county. The housing here is geared toward the aging population, nothing here to draw young people here. There was discussion about Mr. Howard's conversation with Kyle May about housing in Ag land, I think they are aware of our goals here. Mr. Howard said that he did receive another request from Mr. May asking for copies of Ag1 and Ag2 grounds and zoning study. Mr. Dawes said it was very important to Mr. May how many acres of land were available within the city zoning.

Mr. Curless: next on the agenda is the update on the County Ordinance review. Mr. Howard stated that Mr. Downs is continuing to work on the review.

Mr. Curless: Next is any other business.

- Mr. Howard: the complaints we reviewed tonight, unfortunately we have a huge stack. I have tried to keep it to a couple at each meeting, but we may have to look at more to keep up with them. Mr. Vogel said he agreed with Mr. Howard, we need to push pretty hard, now is the time to get people working on these, the weeds aren't too tall and the weather is good.
- The County Auditor provided our office with copies for Gary Treska's 2 proposed CFO sites in Wabash County. 1 site is an existing CFO site and will have to go through the SE process. The second site is a new site location, there has been a site plan sent showing the two buildings he would like to put up. Those did not meet the required setbacks so the plan has been sent back to Agronomic Solutions for review, they changed the location and building size from 2- 4,000 head buildings to 2 - 2,000 head buildings just trying to fit them in to the property. I have gone through the ordinance and tried to give you a feel for where we are at on these.

If they proceed with this location, we would require a survey to assure that those buildings would fit and they will meet all required setbacks. I have not been able to make the buildings fit, that is why I want a survey. As for the soils in that area, I talked with a gentleman from IDEM northeast region that is doing the permit review for this, that area is underlaid with bedrock or flagstone. If you read about the soil types, they recommend that you not build a home with a basement because the soils are too shallow. I have talked to him a little bit about that, he said that those are all things that would be considered. Because the buildings have had to be moved the geologist will be getting all new samples. If the site location doesn't go through or pass with IDEM they would have to relocate again completely re-apply. The Fulford farm, the pre-application was not done prior, to submitting to IDEM, he has since completed the pre-applications, on the 29th of April. We have never penalized anyone for proceeding prior to completing an application process and I don't want to do that now. He would have to submit his drainage plan to Wabash Co. Drainage Board for their approval and it would need to be approved by Wabash Co. Soil & Water District. Shared maps of the proposed sites. The buildings are to be 80 x 201; the setback requires that all feed bins and cut outs for fans meet the setbacks.

Hegel farm, there is an existing building, the proposed building is to the south of the existing structure. I have talked with Agronomic Solutions and the two things that we are looking at there is the 1,000 feet from an off-site well and according to her the well to the south is 1005 feet, the modular does not have its own well it uses a shared well with the Swan's. Another thing we talked about during the BZA meeting, if you look at the zoning, the Swan's property to the east part of it is listed as Forest, Conservation, Recreation, that is a result of the planned 1965 reservoir spillway. When we talked about that, we talked about the setback from the Salamonie that the intent was only for the ground deeded to the government, but having said that I don't think this applies since this is an existing site, in my opinion. The other part of the ordinance that is of concern is that the expansion, extension, enlargement must be only in a direction that would not increase the nonconformity or, for example, away from a residence or non-agriculture business structure. As it reads no matter where you put that building you are moving closer to a residential building or structure. We will have to deal with that part of the ordinance as it is now, but to me that part should be stricken from the ordinance because no matter what you do you are always going to be putting a building closer to a structure. Mr. Dawes said that he had not thought of it that way but that Mr. Howard is correct. Mr. Dawes asked about the Special Exception process. Mr. Howard explained that if they apply for the Special Exception and do not meet the required setbacks they would have to apply for a variance. At the last BZA meeting it was pretty much decided that no variances for that would be permitted on the CFO applications.

Mr. Dawes asked if Mr. Treska thinks he can get the smaller buildings in on the Fulford farm. Mr. Howard said yes. Mr. Dawes said he agrees that we should require a survey of the property. Mr. Dawes and Mr. Howard discussed the soil borings. Mr. Howard said that a gentleman from IDEM said that they require it to go through 5 different groups of geologists before it could be permitted.

David Wamsley, Marty Crossland, Dr. Mitchel Oetken and Ashley Oetken were present to share their concerns about the proposed CFO buildings. Mr. Howard provided Mr. Wamsley and Dr. Oetken with copies of the maps that the Board members were looking at.

Mr. Wamsley said the soils, you hit bedrock within 15 – 18 inches, it is a sensitive site, I don't know where they are putting the building. Several years ago, I had occasion to visit with the gentleman that manages the Salamonie Reservoir and they were under 24/7 watch fearing a possible dam break. If you look at the FEMA maps of what could be inundated if one of those dams broke, it would potentially take the water to 20 feet above the valley floor of where these fields are. If we have a large structure full of manure it would be that much more debris going down stream towards the town of Wabash and further downstream. I can tell you that IDEM will not study the FEMA flood maps, that is not part of their protocol. We are very appreciative of what everyone on this Board did to get better protection for the town of Lagro and the rural residents around the town. I was surprised when I got the letter from IDEM, rather than getting a notification, the way our rules read, from Wabash County about this potential new barn going into the bottom land. I would ask that as things go along that we are kept in the loop. Mr. Howard said yes. Mr. Wamsley continued, this application was filed on April 27th and the notification came shortly after that. IDEM has not been posting these things to where anyone can look at them like they are supposed to on their virtual file cabinet. I had to reach out to Jordan on two occasions to get even the most cursory knowledge, I would have had that cursory knowledge had this permit process gone the way the county has scripted it where the applicant would come in before you all, provide you with a site plan and then it would be mailed out from the county, I would have had something solid to go on that has not been the case. Mr. Howard said, when you say that we would have had something solid to go on the pre-application would not be something solid to go on because they are going to say we are thinking about building here, I have 30 days after that pre-application is done to send out a notification. What I am doing is, they say this is where we are thinking about building, I go out 1,320 feet from that circle and that is all that I am notifying because we are saying we would not allow you a permit for a residential structure within that area. Mr. Wamsley said so I misread it that in the sense that you wouldn't have sent out something like this where x marks the spot. Mr. Howard said I would have sent a picture of a map showing those 1,320- foot halos. Had he done that ahead of time, that is a preliminary thing where

we are just saying this spot is secured. Mr. Howard asked Mr. Wamsley if he is farther than 1,320 feet from that property, Mr. Wamsley answered me as an individual yes. Mr. Howard said that he would not have been notified because we only go the 1,320 feet and that is to notify those people that would have the potential to put a permit in for a house within that 1,320 feet. Mr. Wamsley said then I misunderstood. Mr. Howard said that one reason Mr. Treska didn't come in was that where he was putting the buildings no one could touch that property within that 1,320 feet to push him out of it. He didn't think he had to, I told him no, read the ordinance.

Mr. Wamsley: Jordan did eventually fulfill what IDEM is supposed to do. They have a virtual file cabinet, it should be on a day that an application is filed for a CAFO or CAFO expansion any member of the public can, per Indiana Open Door rules see anything, the whole application, everything, the very specifics, so that they can comment and they have 30 days and only 30 days to comment and weigh in on what is right and perhaps what is wrong. IDEM is not doing that right now. That is an IDEM problem, but it is still a problem. Mr. Howard asked if they said why, they weren't doing it. Mr. Wamsley said they threw out Covid. Mr. Howard said when I talked to him, he said that they were waiting for new plans to be submitted. Mr. Wamsley said that when he first talked to Jordan the one for the Hegel farm had been submitted on April 22nd and it should show up almost immediately on the virtual file cabinet. He promised that it would be there by a Friday, and 5 days had gone by and I gave him a few more days and he told me "I'm sorry I didn't get it done". He also told me on the very first contact that they completely pulled the application for the Fulford farm but it was completely pulled. Which implied to me that the process started over but it doesn't sound like it is that way from what you described. Mr. Howard said that he was under the impression that if they didn't receive a revised plan within 2 - 3 days that it would have to be filed over again. Mr. Howard said one other thing I would like to address is that even if the buildings aren't put there, I feel that manure will still be spread on that property. I feel as a county that we do not want to get involved with the application of manure. Mr. Wamsley said it is too shallow, and just so you know I have explored the county's ability to regulate manure application over and above the Indiana State Chemist, I have the knowledge and I can share it anytime you are interested. Mr. Howard said he is not sure we would ever want to get involved in that but he would leave it up to the Board. Mr. Wamsley said it has been said in this room that we cannot do that and I will absolutely contend that we can do that and I don't think it is a bad idea and I won't go any further but if people in the room have an interest, I have the knowledge.

Mr. Howard: under other business:

- Town of Lafontaine is working to improve the existing sewer district, on the west side of State. Road 15 on the north side of the creek they are annexing that area

into the platted area of Lafontaine. Bunnell Surveying has been working with them.

- Monitoring House Bill #1381 for Wind Farms and Solar Farms, the Bill died in the Senate. Our ordinance will be in place.
- Tiny homes and cargo containers, I have given everybody a copy of the requirements.

Mr. Curless asked if we currently have an ordinance in place regulating solar farms. Mr. Schortgen said he feels we need to be careful about the fad of renewable energy. Mr. Howard said he would look into what other counties are doing. Mr. Curless said he thinks it is coming and they are looking for counties that aren't prepared.

There being no further business Mr. Curless asked for a motion to adjourn. Mr. Vogel made the motion to adjourn, this was seconded by Mrs. Godfroy, motion carried. The meeting adjourned at 8:20 pm.

Libby Cook
Secretary, Wabash County Plan Commission
MTH