

WABASH COUNTY PLAN COMMISSION

*Wabash County Court House
One West Hill Street, Suite 205
Wabash, IN 46992
Telephone 260-563-0661 EXT 1252, 1267
Fax 260-563-5895
plandirector@wabashcounty.IN.gov*

WABASH COUNTY PLAN COMMISSION **BOARD MEETING MINUTES**

NOVEMBER 4, 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: Randy Curless, Jeff Dawes, Patty Godfroy, Susie Stephan, Joe Vogel, Larry Thrush, Mike Howard, Klay Bechtold, Sarah & Scott Hanes, Dan Krouse, Kevin Bechtold, Rob Kowalczuk

The Wabash County Plan Commission Board met on Thursday, November 4, 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 October 7th meeting, there being none he asked for a motion to approve the minutes as written. Mr. Vogel made the motion to approve the minutes, this was seconded by Mrs. Stephan, the motion carried.

Mr. Curless: The first item on the agenda is Special Exception #14, Kevin & Klay Bechtold for a CFO expansion at an existing CAFO site in Pleasant Township.

Mr. Howard: Klay and Kevin Bechtold are here tonight to share what their plans are, Board members have been provided with a packet of information on the property.. Klay Bechtold said that they are wanting to expand the site just west of Manchester. We have raised pullets at that site for about 25 years now for MPS. The most recent building there was built in 2006, those are caged pullets that are raised there, with the expansion we would do cage free buildings. The first two proposed buildings, pending approval, are ready to order equipment and get started on that as soon as we can. Those would mainly be to supply the new buildings that you recently for the Hi-Grade Farm of MPS. The additional buildings, we hope to continue to expand over the next several years. The cage free egg market has continued to grow and to be a larger sector of the egg market in general and I anticipate that to continue. We would like to have this in place, we think that over the course of the next 5 or so years that those would need to be placed in service, we would like to go ahead and get the S.E all taken care of at once. Mr. Howard noted that the property is currently deeded to Kevin and Karen Bechtold, that will be changed to a separate deed that will include Klay. Klay said that he and his wife own and operate two CFO sites in Kosciusko County, my

parents own this facility, our thought is to combine both of these operations into a single larger operation that we would both have interest in, it would probably be deeded to that entities name and we would have one large operation.

Mr. Vogel asked if this is where they raise the chicks up to laying stage. Klay said the chicks are hatched at the hatchery we get them at the facility that evening sometimes the very next morning, the growth cycle is about 16 weeks for them to start laying at about 19 weeks. We like to get them grown and moved to the other layer farms that MPS owns. We then clean and disinfect our barns and get ready for the next batch.

Mr. Howard said that by the current county CFO ordinance there are 3 variances they are requesting, a variance for a one time expansion of one structure at an existing CFO site; a variance from the directional location, if you will recall in the ordinance this is an existing site so it is considered a non-conforming use that is approved by the county as a non-conforming use we stated that a new structure had to be placed so that it is not closer to a residential structure, if you look at that statement though, no matter where you place a building it it's going to be closer to a residential structure. The next variance is the setback distance from an off-site well. The only off site well within 1000 feet is Kevin's well.

Klay said that the building size may change a little as they are still looking at a couple of different equipment layouts that will determine the building size, we put the largest possible size for a building on the request. Size will not going to vary a great deal from that. Putting fewer chickens in more space to qualify to be cage free. Inside – free in the building = cage free. Need to start building P1 & P2 per the drawing ASAP. We will apply to IDEM, then we will have 5 years to complete buildings P3 thru P7. Mrs. Stephan asked if they will be converting the existing buildings to cage free, Klay said not at this time, we hope to continue to utilize those buildings for a long time to come but that will be determined by what customers and the market dictate. We are contract growers for MPS so we try to supply what they request. We hope to operate our caged buildings for a quite some time, but eventually that might happen. The first 2 houses will support the recently approved Hi-Grade houses and will be constructed ASAP.

Mrs. Godfroy asked what the definition of cage free is. Klay said it means that they don't have access to the outside but they are free to roam around in the building.

Mrs. Slee asked if they are just building 2 right now, Klay said that is right pending approval we are ready to order equipment. Mrs. Slee asked, the rest of them they are doing that tonight or are you coming back for that. Mr. Howard said that this Special Exception is for the full plan. Mrs. Slee asked, you said it could be up to 5 years before you finish it, Klay said yes with this being the first step, we haven't applied to IDEM for our permitting but when we do we would like to apply for all the buildings. Once approved, I think you have up to 5 years to complete the project.

Mr. Curless asked if there were any questions or comments from the public, there being none he asked for a motion on the request. Mr. Vogel made the motion to give a favorable recommendation to the BZA, this was seconded by Mr. Hann, the motion carried.

Mr. Curless: next on the agenda is Special Exception #15 to permit a business in an R2 zone, the applicants are Scott and Sarah Hanes. Mr. Howard told the Board that he was asked to attend an executive meeting in Roann earlier this week. The Hanes' are the owners of Eel River Enterprises, the location is 7221 W St. Rd. 16 in Roann, they have 2 parcels there. The first parcel where the buildings are located, at one point in time that was zoned Industrial, the town had requested that to be changed to R2, it was changed to R2 several years ago. There have been several different uses for the buildings over time. The Hanes have come to the town of Roann and they currently

have developing a warehousing business on the property and they want the potential to expand the business and be compliant with county policies. We met with them and the Town of Roann and decided that it would be best for them to apply for a Special Exception to have that 3.31 parcel, currently zoned R2, be approved for the warehousing business. That was agreed upon by the Hanes, the Plan Commission, and the Town of Roann. Under the new zoning the two parcels together would be zoned Industrial. Tonight, they are here to request to operate a warehousing business in an R2 zoned area and that would be the 3.31 acre parcel.

Right now, they are warehousing seed and grain, the potential is with another company to start warehousing some of their materials but it is not necessarily so much warehousing as it would be drop shipping. The products would be delivered there as a drop off point and then people would come there and pick product up.

Mr. Hanes said since they bought it they have been warehousing their seed corn, cover crop seed. We went by our tax papers, it is taxed as light industrial commercial, so we thought we were operating within the proper means and had a new possible tenant and through their steps of doing their due diligence they reached out to Grow Wabash and several entities and they found out that you are not correctly permitted to be warehousing there. We are trying to do the right thing. The business has outgrown a farm shop business. They have run into problems with one of their distributors. They make commercial coatings which fireproof steel beams, this was started after the World Trade Center fire. Their coating would be on any large inner-city structure for the infrastructure so that it doesn't fail as quickly under fire.

Their supplier won't deliver to a residential property so they can't receive their product there anymore. The thought is that if we can make this happen we could maybe look into a building for manufacturing the product, but that would be a whole different conversation with the county and the town. This is the first step in furthering that property and bringing it a little more up to date with policy.

Mr. Howard said that the material used to make this coating, none of it is toxic. There will be MSDS sheets provided for all materials. It's not actually the coating they would be handling at this time just the materials used to manufacture the coating. Mrs. Hanes said that is correct, they won't mix anything here..

Mr. Vogel asked about the parcels around the building, the Hanes own the 3.32 acres to the west and Don Long owns the .91 parcel to the south.

Mr. Curless asked if there were any other questions, there being none he asked for a motion to give a favorable recommendation to the BZA, Mr. Hann made the motion, this was seconded by Mr. Dawes, the motion carried.

Mr. Curless: next on the agenda is the Rob Kowalczyk property, 270 Main St. in Lagro Corp. Mr. Howard provided the Board with copies of the minutes from the 8-5-2021 which included what was required in the unsafe premise order along with a copy of the revised unsafe premise order. The unsafe premise order was revised per the meeting discussion and the minutes of the discussion. A copy was sent to Mr. Kowalczyk by e-mail, regular mail and certified return receipt mail.

Mr. Howard and the Board reviewed the conditions of the revised unsafe premise order. Mr. Thrush stated that he has not received any of the required documents from Mr. Kowalczyk regarding financial proof of funding to complete the structure.

Mr. Howard provided current photos of the structure. Mr. Kowalczyk stated he had to wait 60 – 90 days to re-apply for the loan, Mr. Dawes asked how much of the block work is completed, Mr. Kowalczyk said about 90% of the block is complete, not including the porch, he needs approximately 250 blocks. Getting the block is not the issue, I am behind because of the rain and my work.

Mrs. Godfroy noted that the rules are black and white, you said you understand our position, what is our position? Mr. Kowalczyk said that you don't want this to continue dragging on. Mr. Kowalczyk said that he can't go any further on the framing until he gets a loan approved, then he can purchase the house package and get someone in to frame the house up. I understand your frustration, I am just as frustrated, some things are just not in my control. Mr. Howard informed the Board that the first permit was issued on 4-6-2017. The second permit was issued 6-24-2020.

Mr. Thrush stated, Mr. Kowalczyk you agreed at the August 5th meeting that you would have all the block laid and the proof of financial ability to complete the outside shell completed by tonight and you haven't done that, you say you are trying, you have tried but you are not succeeding. Mr. Kowalczyk said I can only do so much, I understand your position, it is what it is.

Mrs. Godfroy asked what the Board's options are at this time. Mr. Thrush reviewed the requirements and said that he certainly has not met these as of tonight. Mr. Dawes said you had 90 days to get the block laid and it isn't done and now the weather will be getting bad. Mr. Kowalczyk said that he laid block last winter.

Mr. Dawes asked if he has a back-up plan if he can't get the loan. Mr. Kowalczyk said right now I can't even think about getting a loan one way or the other, I will figure out some way to get it because I've got to get this up, I am bound and determined.

Mr. Howard said that he would like to make a recommendation to the Board, his permit expired so right now he doesn't have a permit so legally he can't do anything. My suggestion would be, and it is up to him if he wants to put the money and time into it between now and April 2022 and take his chances that if he doesn't have the financing by 4/1/2022, it is a done deal, it gets closed off. That will give him 5 – 6 more months, if the board agrees to give him a permit extension to work on it during this time and if he doesn't get the financing by April 1, 2022 then it is over with.

Mrs. Godfroy asked Mr. Kowalczyk what does that mean "it is done". Mr. Kowalczyk said it is a done deal no extension, no nothing. Mrs. Godfroy asked, then what happens to your property and all the block you have laid. Mr. Kowalczyk said it is going to have to get graded over. Mrs. Godfroy asked him if he thinks that is fair. Mr. Kowalczyk said yeah, I get it, I don't want to admit to it but I will.

Mr. Howard said the financial responsibility is the big key, if you can't get the financing you have spent a lot of time and money on something that is not going to work for you and that is not what we want to see. Board members agreed that Mr. Kowalczyk needs to provide proof of financial ability by April 1, 2022 so they can be assured that the project will go forward. Mr. Vogel said that he feels he should be able to continue laying block, at his own risk. Mr. Howard asked the Board if they were in agreement that another permit extension should be issued at no charge so that he can continue to work. Board members agreed to this. Mr. Vogel stated that if by April 1, 2022 Mr. Kowalczyk cannot provide proof of financial responsibility that Rob needs to cease and desist and will have to push it in and level and seed the ground, he asked Mr. Kowalczyk if he understands this. Mr. Kowalczyk said that he is 100% on board with you on that one, Mr. Vogel

I understand that this is the last try. Mr. Vogel made the motion to accept Mr. Howard's recommendation,

1. Provide proof of financial responsibility by April 1, 2022;
 2. He can continue to lay block at his own risk, we will give him the permit at no charge;
 3. If he cannot provide proof or financial responsibility by 4-1-2022 he is to cease and desist (Mrs. Godfroy added, financial responsibility to complete the exterior of the house).
- The motion was seconded by Mrs. Slee, motion passed. Mr. Howard told Mr. Kowalczuk that he will mail him a copy of the permit extension and the conditions set here tonight.

Mr. Curless: next on the agenda is the Matthew Miller unsafe premise order at 5 N. Surf Drive, N. Manchester. Mr. Howard provided the Board with information and photos of the property, he stated that we have worked on this property numerous times, it gets cleaned up some and then reverts back in the same mess. Mr. Howard said that we are not requiring demolition of any structures. He reviewed the list of items to be taken care of. Mrs. Godfroy asked if the lots are deeded to Mr. Miller, Mr. Howard said yes they are deeded to Matthew Miller, he then reviewed the Findings of Fact and asked for a motion, Mr. Dawes made a motion to approve the Findings of Fact and have Mr. Thrush proceed to file. This was seconded by Mrs. Godfroy, the motion carried.

Mr. Curless: next is the review of the Fee Payment Schedule, Board members were provided a copy. This has been approved by the BZA. Mr. Howard said that he has asked Mr. Thrush and this does not require a public hearing or advertising. I would like to get it approved and have a start date of Jan. 1, 2022. Mr. Howard reviewed the new fees, there are several things on here that we do not currently charge fees for. I think we should publicize the new fee schedule to make the public aware of these changes. Board members agreed.

Mr. Howard said that he has been contacted by a representative from a Next Era Solar Company who would like to meet. I told him that I would prefer that he speaks to one of the Boards and we would inform both Boards so that everyone would have the opportunity to attend. I would like to have the permit fees in place especially in regards to commercial solar farms. Board members discussed the process for solar farm applications. Mr. Howard told the Board that a representative from Duke Energy would be here for the Dec. 2nd meeting to talk about Duke energy's ability to work with solar. Mr. Vogel made the motion to approve the new Fee Payment Schedule with a start date of 1-1-2022. This was seconded by Mr. Hann, the motion carried.

Mr. Curless said that this company has most of their land contracts signed in the county for solar use. Mr. Curless said that he has contacted Connie Neiningger regarding this company, she said they have a very good reputation and they would have the finances to take on a project of this size, but she was surprised that they had not reached out to the Plan Commission first. Mr. Curless said that he did not know what the land acres would be for this project. Mr. Hann said that we might want to add to our solar ordinance about the number/percentage of acres of solar panels that would be permitted in Wabash County. Mr. Howard said that in the new county ordinance it would be restricted in AG 1, but would be permitted in AG 2. Mr. Hann suggested that we might consider setting a percentage of acreage regardless of the quality of the ground that could be used for solar. Mr. Howard agreed to look into percentages.

Mr. Curless: next is the County Ordinance draft. Mr. Howard told the Board that he is still working with County Attorney, Steve Downs on this. It originally was 14 chapters but after the preliminary editing it is now at 25 chapters.

Mr. Curless: Next is the unsafe premise order on the Music property on old 24. Mr. Howard told the Board that the property was purchased by Hess & Hess, then transferred to 4537 East Old State

Road 24 Land Trust. Mr. Thrush will continue to look into some possible legal issues as Nathan McCane is not listed as an attorney.

Mr. Curless: next is an update on Imagine One 85. Mr. Dawes told the Board that the steering committee has received copies of the completed Imagine One 85 comprehensive plan for review. The process was slowed down with Kyle Mayes departure from the company. He had been heading up the Wabash County project.

Mr. Howard informed the Board of the following:

It has been brought to the attention of the plan commission office that Kenny Miller added onto an existing pole building. The original pole building was in violation from the required drainage board setback. The Drainage Board talked to him, he was told not to do this again. Now he has added to the west end of the existing building. PC will require a variance approval and he must get an ILP for both structures.

Reviewed the CFO Ordinance as proposed in the new draft ordinance. The Statement of Notice of Intent to build has an additional paragraph added. Pre-app can now apply and then determination of violation will be reviewed. If violation then pre-app will be annulled. The 1600 feet setback for lagoons is removed. Screening required but can have 9% visibility. Special Exception app process removed, One time expansion of 1 structure, removed. Non-conforming structure location of additional structure removed. Mr. Howard asked for any question or comments. Hearing none Mr. Howard will forward to Mr. Downs for editing review.

Mr. Curless asked if there was any other business to be brought before the Board, there being none he asked for a motion to adjourn. Mr. Vogel made the motion to adjourn, this was seconded by Mrs. Godfroy. The meeting adjourned at 8: 55 pm.

Libby Cook
Secretary, Wabash County Plan Commission Board
MTH