

Wabash County Plan Commission

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Wabash County Plan Commission Board

Board Members: Randy Curless, Jeff Dawes, Sam Hann, Patty Lengel, Mark Milam, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Joe Vogel

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Meeting Minutes of Thursday, September 7, 2023

Roll call was taken with the following present:

Board Members: Randy Curless, Jeff Dawes, Sam Hann, Patty Lengel, Mark Milam, Christian Rosen, Geoff Schortgen, Cheri Slee, Joe Vogel

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Absent: Doug Rice

Others present: Dave Blocher, Emily Blocher, Suzanne Peebles, Billie Roth, Shad Roth, Dave Arnett, Ryan Stout, Brenda Tomson, Chris Tomson, Mike Tomson, Bill Urschel, D Urschel, Nicky Burnsworth, Jaskaran Singh, Keelan Rushing, Tyler Guenin, Cheryl Ross. Not signed in but spoke at meeting: Jennie Terrell, Clark Steiner, Kelly Schenkel

The Wabash County Plan Commission Board met on Thursday, September 7, 2023 in the Commissioners Meeting Room at the Wabash County Courthouse. The meeting was called to order at 7:00 pm by Board Chairman Mr. Randy Curless.

Mr. Curless stated first on the agenda was a review of the minutes from the August 3, 2023 meeting. Motion to approve the minutes as written was made by Mr. Dawes, second by Mr. Hann. Roll call was taken, motion passed unanimously.

Mr. Curless then stated next on the agenda would be the Unsafe Premise Order on Curt Arnett's property, located at 23 W. Branson St. in Lafontaine, Liberty Township. This is a continuation from the August 3rd meeting. Mr. Campbell introduced Mr. Dave Arnett, who is representing his father, Mr. Curt Arnett, at this meeting. Mr. Campbell shared with the board he had gone to the site on August 10th and roped off the stairs that were a safety concern of board members at the August meeting. Mr. Arnett presented a proposal from a contractor, Riley Construction, to make the necessary repairs to the structure. The plans include separating the structure into two buildings. Mr. Arnett explained that originally the structure was two buildings, one was a house and one was a business. The two were combined and an apartment was added upstairs. No one has ever lived in the apartment upstairs. Due to the flat roof, there has been water damage to a section. The plan is to remove the section that is rotten from the water damage to create the two separate buildings. Mr. Arnett stated the overhang would come down. Mr. Milam asked if they would create two separate residences. Mr. Arnett indicated he was not certain, because they might leave it connected at the back. Mr. Milam then asked if apartments were the plan and if so, how many. He stated in the two-story portion of the building there could be an apartment upstairs and downstairs, the other section of the building is just a big open space with a small bathroom in the back. Ms. Lengel asked for confirmation that Mr. Curt Arnett has told Riley Construction to do the work. Mr. Arnett indicated yes; he has. Ms. Lengel stated the board has asked Mr. Curt Arnett to get started working on the issues, how soon will the

contractor be able to complete the project. Mr. Arnett indicated they were just waiting on the approval of their plan from this meeting. Mr. Milam asked if the contractor had given them an estimated time to complete the project. Mr. Arnett stated no, but he felt the tear out process would go fast. Ms. Lengel asked Mr. Campbell if this has been an on-going issue for the past nine months. Mr. Campbell responded yes; the first letter was sent to Mr. Curt Arnett in January. Mr. Milam asked Mr. Arnett for an estimated completion date. Mr. Arnett stated 3-4 weeks. Mr. Rosen stated there would need to be a report back to the Plan Commission at the October meeting because if it is not making adequate progress we will have to reevaluate, Mr. Dawes stated he would agree. Ms. Slee asked about the abandoned vehicle on the property. Mr. Arnett stated it was his, but the keys to it had been misplaced. Ms. Lengel said she would like an update on the vehicle by the next meeting as well. Mr. Campbell verified with Mr. Thrush that there would be no further action needed by the board pending an update at the October 5th meeting.

Mr. Curless stated next on the agenda was Special Exception #4 for 13th Street Properties (Mr. Singh), seeking to change use from a Subway restaurant to a liquor store at 202 S State Road 15, LaFontaine in Liberty Township. This is a continuation from the August meeting at the board's request to give the town of LaFontaine time to meet and make a recommendation to the Plan Commission. Mr. Campbell shared that he had received notification from the town clerk of a favorable recommendation for the liquor store. Mr. Singh shared that there would be no changes to the outside, and that inside they would be adding coolers. There is already adequate parking at the location. He said most people are excited to see close to a one-million-dollar investment coming to town and glad the building is not going to be left abandoned. They see it as a win-win situation for everyone. Mr. Dawes stated he was glad the plan had received a recommendation from the town and that typically the Plan Commission Board will follow those recommendations. Mr. Curless asked if there was any other questions or comments from board members or the public. Mr. Arnett stated that he owned the tavern in town and is aware alcohol is also sold at the gas station. Mr. Singh responded that his business requires a different type of license as a package store because anything purchased will not be consumed on site. Ms. Terrell spoke that she has worked with Mr. Singh and attended the LaFontaine meeting with him. There were a few concerns about a third entity, but overall, the town was excited. Mr. Singh added that all his employees would be licensed. There being no further questions or comments, Mr. Hann made the motion to give a favorable recommendation to the Board of Zoning Appeals; second by Mr. Dawes. Roll call vote was taken; motion passed unanimously. Mr. Campbell reminded Mr. Singh he would need to appear before the Board of Zoning Appeals on September 26th.

Mr. Curless indicated next on the agenda was Special Exception #5, David Wintrode, for a pond in Lagro Township. Mr. Campbell shared with the board that Mr. Wintrode was unable to attend the meeting and had contacted the office in the time allowable to request a continuance to the October meeting. Mr. Rosen made a motion to approve the request for continuance to October; second by Ms. Lengel. Roll call vote was taken; motion passed unanimously.

Mr. Curless then stated Special Exception #6, DKB Farms LLC / David Blocher, for an earthen structure on 500 N in Lagro Township is next on the agenda. Neighbors had previously come to the Plan Commission August meeting with concerns about the structure. Mr. Campbell introduced Mr. Blocher and shared with the board that a drainage plan for the project was approved by the drainage board. Troy Eads, the contractor for the project, is applying for the Erosion Control with IDEM. Mr. Campbell shared he is working on eagle concerns with DNR and Fish & Wildlife. Mr. Schortgen referred Mr. Campbell to Teresa Rody at the Salamonie Interpretive Center as a resource as well. Mr. Campbell shared he had researched shooting ranges on private property, and most concerns he found regarded safety and concerns about contaminants left behind from lead. Mr. Blocher came forward to address the board and neighbors present.

Mr. Blocher: I want to address what neighbors felt was a lack of communication. I felt the project was moving dirt and did not realize permits were needed. The structure is expected to be private only, and will never be public. If it was any public project for BMX racing or something I would have communicated with neighbors to work through

their concerns as I feel that is how conflict should be handled. I apologize that they are all in this situation because I did not communicate but I did not see a reason to do so. Addressing the concerns voiced about scaring animals, loud noises are everywhere; others shoot too. If horses have been scared, I apologize. My family likes having the horses and other animals in the area. There are other noises and times it is not peaceful with farming late at night and planes crop dusting, but it is country living and that is understood as a part of it. Regarding the concern for the eagles, the eagles have been in the area for approximately 8 years. I moved into my home 10 years ago and have been shooting firearms at the location since that time. It has not been an issue for the eagles so far. As for the environmental concerns that had been mentioned at the previous meeting, I cannot shoot enough to cause any issues with lead; it would take hundreds of millions of rounds to create a contamination problem. I do not own any full auto firearms. I do not believe that is a valid concern for this use. I would like to share a little about myself, I have been described as crazy, eccentric, and owner of multiple businesses including King & Country Armory. The guns I own are my own; not property of the business. This project is personal and not associated with my business. The business stands for my King Jesus Christ and my country. I felt I had the right to move dirt on my own ground. This is my attempt to raise my family. I have been married to Emily for 17 years and have 4 daughters. I want my kids to be able to fish, hunt, and shoot. I want them to logically be able to work through problems they may encounter and contribute to society. He continued that the most exciting thing for him is the pursuit in the pursuit of happiness that our founding fathers referred to; you cannot just be happy. Most people cannot have enough stuff to be happy. He continued that he knows people who could buy anything they want, but they are still not happy. But that is not what we are here for. I have seen guys go from making \$5.00 to making six figures because they have worked through the system, that is the fun stuff. The stuff we are dealing with – I moved dirt. I asked farmers who they would use for a project, got one quote from Troy Eads, and had him do it as a local contactor. I did not think anything of it. I apologize for not knowing, this is something else – the ordinance that I have been working through. The second issue is the property line itself. I talked to Mr. Boyd, he is not here tonight, I talked to him multiple times prior to the project. He wanted eight feet between the property line so he could drive a four-wheeler and go to the back side of his woods. Roughly there is 20' there. That is what we had agreed on. Mr. Boyd is getting it surveyed for other reasons, and once that is done, I will know exactly what the variance from the property line will need to be. What other questions or issues?

Mr. Campbell: A picture shows approximately 20' from the toe of slope to the fence, if the fence is the property line. The survey that is being completed should confirm that distance.

Mr. Curless: How many years have you been at the residence?

Mr. Blocher: Ten years.

Mr. Curless: And you have been shooting?

Mr. Blocher: Yes, so I do not understand why now it is an issue.

Mr. Curless: I think, recalling the concerns from the last meeting, a lot of it was the unknown by neighbors. You do have to admit that this is a nice facility that has been built and certainly something that could have been used commercially.

Mr. Blocher: It is. It is a life investment in our property and the things we own and how we want to raise our kids, it is an investment. And I want to make sure I am doing it safely. When we were younger, I used to weigh 300 pounds. Life is a continuous improvement journey. I have lost 90 pounds. It is that feeling of continuing to improve a little at a time. But when we were younger, for example we sit down around a fire with our friends with a beautiful girl. One friend might jump over the fire to get her attention. You go to jump; your safety is whose responsibility? You made that choice, you are. Shooting a firearm is the same way, there is a lawyer attached to

every bullet. It does not matter if you are on a range or out in public. That is the reality of the world we live in. My safety and my family's safety are important and that how I chose to do it.

Mr. Curless: I shoot on my property and I am sure a lot of us here do the same. I do not have a backstop as elaborate as this, but I know that if the lead would happen to hit a rock just the right angle you do not know where it is going to go.

Mr. Hann: What is the standing with this being on Ag 1 ground and the factor point system?

Mr. Campbell: The problem with that is, since it is in Ag 1, but it is not a residence or ag related business. We have not done the evaluation on this yet because right now we would have to do it on the entire property. I think it would be hard for it to pass that test. I have held off to see what the board wanted to do with it because that would also be a variance through the BZA. He would be required to see if it is approved with Ag1 test, if not he would need a variance for that and the property line setback for the earthen structure. With this he is asking for a special exception though, so it comes to the Plan Commission Board for a recommendation to take to the Board of Zoning Appeals. At that point I do not know if the Plan Commission can send any other recommendations other than favorable or non-favorable to Board of Zoning Appeals.

Mr. Thrush: It would be up to Board of Zoning Appeals to determine anything else.

Mr. Curless: This is not a structure, so I do not understand where this comes into play.

Mr. Campbell: For all intents and purposes under the ordinance, it is either considered a pond/lake/earthen structure unless you want to call it a shooting range. If you call it a shooting range, it is not allowed. So, at that point you only have one option, which is a variance. Mr. Blocher decided to go through the special exception process so at that point it would be considered an earthen structure, and per our ordinance a special exception comes before the Plan Commission for a recommendation first. I understand it is not a commercial business or home like we would normally see come through but at some point, we have to call it something and earthen structure was closest. So, he chose the special exception.

Mr. Rosen: What is the definition of an earthen structure?

Mr. Campbell: There is none, for an earthen structure. I think per the ordinance, there is no specific definition for that in the ordinance. My thoughts are because it was lumped in with pond and lake, an earthen structure would be a pond that does not hold water. That would be an earthen structure. This was the closest thing I could find without saying it is a shooting range. If we say it is a shooting range, then it should go straight to Board of Zoning Appeals because it is not allowed. He has chosen to go the special exception route and call it an earthen structure so that is why we are here.

Mr. Rosen: I was not at the last meeting, so I have a few questions. You want it for your personal use, to shoot guns? That is all you want it for?

Mr. Blocher: Why does it matter what the dirt is for?

Mr. Rosen: I am a farmer. I am just asking because I know when you move that much dirt you have to get permits. I have had to come get permits; I am on the Board. I am not against you, I am just asking, I want to know.

Mr. Blocher: So, you are a farmer?

Mr. Rosen: Yes.

Mr. Blocher: I do not know how many acres you farm, but let us say it is a lot, say 5,000. Have you ever tilled the ground?

Mr. Rosen: Yes, but if we do something like this, we go through the permit process or the FSA office for waterways or terraces. It is pretty big, so I was just asking.

Mr. Blocher: It is, but every farmer moves acres and acres of dirt and there are no permits for that. And dealing with erosion or run off for that – and I do not believe there is any permits for that.

Mr. Rosen: I have worked with Troy too. I think when you go moving dirt like that he would tell you to go get a permit.

Mr. Blocher: He did not.

Mr. Rosen: I am surprised.

Mr. Blocher: He told me if we had to dig a pond to get the dirt, I would have to get a permit.

Mr. Rosen: Ok, so you had that conversation.

Mr. Blocher: Yes, we had that conversation. But if my kids want to use it as a sledding hill, if I want to shoot into it. I believe men should be able, willing, and capable of protecting, providing, and leading their home. That is a life journey for all of us. But if I want to get into cross fit and run up the hill, it is dirt. We are talking about moving dirt. That is the issue, and I do not understand why it is such a big issue. If it was for public use, if I was charging people to come out there and run up and down it or ride their bikes on it, or whatever I would understand.

Mr. Rosen: So do I, I just wanted your explanation. Thank you.

Ms. Slee: So, there is nothing in our ordinance that defines what this is?

Mr. Campbell: The table of permitted uses says shooting range indoor / outdoor. It is not allowed in an Ag1 zone, but it is allowed in an Ag2 with a special exception.

Ms. Slee: What is the definition of a shooting range?

Mr. Rosen: But if I understand him right it is not going to be a shooting range.

Mr. Blocher: The shooting range definition says it is for a for profit or a not for profit. So, it is not going to be used for profit and it is not owned by a non-profit. It is individual, it is for me and my family.

Mr. Campbell: Do you want me to read the definition from the ordinance?

Ms. Slee: yes, please.

Mr. Campbell: Shooting range means a permanently located and improved area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, and other similar sport shooting, in an indoor or outdoor environment. The area may be publicly or privately owned and operated for profit or not for profit. Shooting range does not include any area for the exclusive use of air guns.

Mr. Dawes: Mr. Thrush, what is your opinion? Should this be a special exception or a variance?

Mr. Thrush: It seems to me if it walks like a duck, quacks like a duck, it is a duck. It should be treated as a shooting range. If you were not shooting bullets into it could be an earthen structure. I do not think earthen structure is a good characterization of what this thing is. It is an earthen structure you are using as a shooting range.

Mr. Blocher: I can use it as lots of things. My kids can sled down it, I can run up it, ride bikes on it. I own a Jeep; I can drive on it. It is dirt.

Mr. Thrush: But you are also shooting bullets in it.

Mr. Blocher: Yes, but I was shooting bullets at my house anyway. If my land had a big enough hill already on it, we would not be having this conversation. I would be out there using my land and shooting. It did not and so I wanted to make it safer. I moved some dirt to create a backstop and make a place for my kids to play. Is there a problem with that? It seems like there is.

Mr. Thrush: It looks like a shooting range to me, based on the definition.

Mr. Curless: I have a problem with this. I have my own land. I moved several loads of dirt back to form a hill to shoot into. My property, I own it, I did not get a permit for that. I did not think about getting a permit for it so I can shoot safely. I have a problem with this.

Mr. Campbell: Did you do that before the new ordinance came in?

Mr. Curless: Yes.

Mr. Campbell: The old ordinance was different on some things. But regardless the State of Indiana says if you disturb more than one acre you need IDEM approval. At that point the office would have been notified. In Mr. Blocher's case, the office was notified by neighbors coming in asking questions because there was a large amount of dirt being moved. They were asking if it was a permitted project. I asked Mr. Blocher what was being done and he informed me a shooting range. We asked him to come in and apply. He chose the special exception process. I understand where everyone is coming from. Property rights are tough to balance, but according to the ordinance it is not allowed without going through a process. If you moved a couple trucks of dirt, but did not disturb an acre it would not have needed the IDEM approval. In the new ordinance an indoor / outdoor shooting range specific to that zone is not allowed. That is why we are talking about this. I do not know how the board has viewed this in the past. There is a process in place for these situations and the process was not followed. I understand it is your property, but I am tasked with dealing with issues from people building even homes without proper permits.

Mr. Thrush: A special exception is required for an earthen structure?

Mr. Campbell: Yes. This structure is an earthen structure to be used as a shooting range in Ag 1 and it is not allowed. Shooting range is not allowed in Ag1 per the ordinance. An earthen structure requires a special exception. The process was not followed and now we need to deal with it after the fact.

Ms. Lengel: Regardless of feelings we have to follow the process. We are waiting for IDEM?

Mr. Campbell: We should get the IDEM approval before we give any approval. The tricky thing with IDEM is that if he goes through the process, they normally do not turn those down. You have to show you are taking precautions to avoid erosion. That is why I asked them to get it seeded as soon as possible.

Mr. Blocher: It has currently got wheat, rye, and bluegrass on it right now. Tomson's were concerned about the looks; I am open to suggestions if there is something else they would like to have incorporated. Wildflowers?

Mr. Campbell: Going back to the process, as far as I can see there are several steps we should be taking. No matter what, I think we should be going through the Ag 1 process. Anybody else would go through that process with anything else. At the point where he does not get enough points, he would need to apply for a variance to the points required and for the setbacks. After this, no matter what, he is going to need to go through the variance process for the setbacks.

Mr. Thrush: Are we mischaracterizing this to get an easier path?

Mr. Campbell: I am wondering if it is easier. He is coming to this board for a special exception recommendation to the BZA. A variance would only require him to go before the BZA.

Mr. Thrush: Indiana law does not require going to Plan Commission for a Special Exception or Variance.

Mr. Campbell: According to the ordinance a special exception should come before both boards.

Mr. Thrush: If this was a natural hill would it still require approval for shooting range?

Mr. Campbell: It is not permitted in the Ag 1 zone to be used as a shooting range.

Mr. Vogel: We need to give a favorable or non-favorable recommendation to Board of Zoning Appeals?

Mr. Thrush: Correct.

Mr. Vogel: And then BZA will have an advertised meeting with public notifications and hear public input.

Mr. Campbell: Yes, the BZA hearing will be published in the paper and notices will be mailed to land owners within 250 feet of the affected parcel.

Mr. Curless: Any further comment from board members or the public?

Mr. Tomson: I am not against shooting. This is not an earthen structure once you shoot into it, it is a shooting range. Still must abide the law as a US citizen. This falls under shooting range.

Mr. Curless: How many shooting ranges do you think there are in Wabash County using the definition given?

Mr. Tomson: There is a lot of them. I look at it if you throw two loads of dirt in to make a backstop that is different than moving acres of dirt. This is different than an earthen structure. The ordinance talks about the trees, shrubs, and things required.

Ms. Lengel: I am a little jealous – I was in the middle of my 62 acres recently and neighbors were shooting. I wish I knew they were being this safe.

Ms. Slee: Same in my neighborhood with shooting constantly. We also have cattle out there. I have been walking a regulated drain when someone approached me and said they could have shot me because they shoot that direction.

Ms. Lengel: On the lead poisoning – I worked as a kid with my dad making projectiles. I helped with millions of rounds. I was tested recently for lead and I do not have any issues.

Mr. Campbell: I did not expound on those issues because it seems to be very long-term exposure and extreme amounts of lead in concentrated areas. The big issue is this should have been addressed before that much dirt was moved. I am bringing as much information to the Board as I can.

Mr. Curless: Do I have a motion to vote on?

Mr. Milam: Don't we need to wait on IDEM?

Mr. Campbell: We should wait on IDEM for full approval, but full approval will not be given until the BZA meeting. In the meantime, I need to make sure we get the Ag1 test done because I think it absolutely needs done for this since it's not an ag related business and it's not for ag use and that was the whole point of the Ag 1. At that point we will see if he needs to request another variance from the required points.

Ms. Lengel: And BZA can grant that?

Mr. Campbell: Yes, it would have to get a variance just to be permitted in that zone and another one for the setback. So he may need two variances.

Ms. Lengel: Regardless of favorable or non-favorable recommendation it goes to Board of Zoning Appeals?

Mr. Campbell: Correct.

Mr. Vogel: I make a motion to give a favorable recommendation to BZA.

Ms. Slee: Second.

Roll call vote was taken. Motion passed 5-3, with Mr. Dawes, Mr. Hann, and Mr. Rosen opposing the motion. Mr. Campbell informed Mr. Blocher he will be in contact with him regarding the Board of Zoning Appeals meeting.

Mr. Curless stated next on the agenda is Special Exception #7, Bryan Burcroff, for a pond in Lagro Township. Mr. Campbell shared with the board that the new setbacks for a pond are 105'. Mr. Hann asked if the pond had received drainage board approval; Mr. Campbell stated yes. Mr. Curless asked if there were any further questions or comments from Board members or the public. There being none, Mr. Vogel made a motion to give a favorable recommendation to Board of Zoning Appeals; second by Ms. Slee. Roll call was taken, motion passed unanimously.

Special Exception #8, Brian Campbell, for a pond in Noble Township was next on the agenda. Mr. Campbell plans to build a pond at 665 S 475 W. Mr. Campbell shared Eads & Sons will be the contractor, the pond has received approval from the drainage board, and it may be smaller than indicated on the overall plan due to having to add a liner. He also informed the board that a variance will be requested from the Board of Zoning Appeals for the setbacks on the east and south property lines. Mr. Curless asked if there were any further questions or comments from board members or the public. There being none, Mr. Hann made a motion to give a favorable recommendation to the Board of Zoning Appeals; second by Ms. Lengel. Roll call vote was taken; motion passed unanimously.

Mr. Curless moved to Compass Rose, Jadyn's Hope Barn on the agenda. Mr. Campbell stated Compass Rose is before the board because this building was not part of the original project that was approved by the board. Mr. Keelan Rushing was present to present the plan. He stated this was a stand-alone, and was not lumped in with the

other project at the site. Mr. Schortgen asked how many animals would be kept at the location. Mr. Rushing stated 4-5 alpacas. Ms. Slee added that she had heard they might also add chickens and goats at the site. Ms. Schortgen stated he would have questions about animal care, wanting to make sure they understood what they were taking on, but understood that Mr. Rushing is probably not the best person to address those questions; Mr. Rushing agreed. Mr. Schortgen then asked to verify if the animals were being kept for therapy related reasons. Mr. Rushing indicated yes, they were. He elaborated on the building plans, stating that 1/5 would be the barn and 4/5 would be a reception hall. Ms. Lengel asked what the overall size of the barn was to be. Mr. Rushing indicated he would get the information to the Plan Commission Office. Mr. Campbell informed the board the project has received drainage board approval and IDEM erosion control approval. Mr. Rushing stated he will submit the state design release. Mr. Campbell informed the Plan Commission Board tonight was simply for a plan review, no vote is needed per the zoning ordinance. Ms. Slee reminded Mr. Rushing to submit as-builts.

Mr. Curless asked Mr. Campbell to provide a complaint update to the Board. Mr. Campbell stated:

- 9 complaints were rolled over from 2022
- 48 new complaints have been received in 2023, for a total of 57 worked to date.
- Linda Trent property (1106 E. 800 S., Lafontaine) unsafe premise order has been filed in court, there has been no changes, and appears to be additional trash in the yard, the property is scheduled for tax sale on September 13, notice of the unsafe premise order is posted on Beacon Schneider
- Myron Dill (231 E Wall St, Liberty Mills) is to be in court again September 29.
- Multiple vision concerns due to crops, not logging those separately as complaints.
- Ongoing issues with Gose / Gahl property (140 W. Sims St., Servia), per conversation with Eldon Stoops they are going through the process to convert the mobile home to real property.
- Traci DuBois (2123 E 1050 S) had a previous complaint in 2016 regarding boats and vehicles in front of the house. A new complaint was received, when checked found multiple vehicles and boats in front of the barn, but not the house. In reviewing the file found a discrepancy between the minutes and the letter that was sent to the property owner in regards to whether it is not allowable in front of house and barn or just not in front of the house. As it was a BZA decision, Mr. Campbell stated he will review with them at the September meeting.

Mr. Curless then asked if there was any other business from board members. Mr. Campbell brought the following items before the Board:

- The development standards for multiple zones indicate a limit of one residence per parcel. We are seeing more people applying for an ILP to build a new home while living in an existing residence on the parcel. Should we require a signature stating their intent to raze the existing residence upon completion? Mr. Campbell presented the board members with a draft of a form for their review.
- Issues from a Variance granted in 2010 have been brought to the Plan Commission Office. A mobile home was allowed to be placed on a parcel with stipulations that it would need moved before the parcel could be sold, would need moved when the accessory use ceases, and that it would not become a rental. They have since created a new parcel with the mobile home on it, which is smaller than allowable by the Zoning Ordinance. The mobile home was not moved as specified in the variance. Ms. Lengel asked if the same person was still living in the mobile home. Mr. Campbell believes so. Ms. Slee asked if the mobile home had its own septic. Mr. Campbell stated no well, no septic for the mobile home, it was approved to share with the existing residence according the conditions set in the variance. The survey to split the mobile home parcel off was done under the old zoning ordinance, but recorded under the new zoning ordinance. Board members inquired what the best plan of action would be at this point. Mr. Thrush stated they could file a mandatory injunction to have the mobile home removed. Mr. Vogel stated since the parcel is less than one acre it would not be buildable even if mobile home was removed. Mr. Campbell stated he would like to see the property returned to the way it was and the new parcel placed back with the original residence parcel because the health department will not give a septic permit for less than one acre parcel. Mr. Hann agreed that would be the best solution.

- The solar moratorium is officially in place. It has been signed by all towns. The committee will be formed and start looking into the solar ordinance. Ms. Lengel, Mr. Schortgen, Mr. Hann, and Mr. Dawes all agreed to help with the committee.

Mr. Curless then asked if there was any other questions or comments from the public. Mr. Clark Steiner stated he was in attendance after speaking with Mr. Campbell about a letter he received regarding assessments on RV parks for sheds, porches, and decks that campers bring in. He asked where that originated from and why he should be responsible for that assessment when it is not his property, but personal property of the campers. Ms. Lengel asked does the property they are bringing in stay if they rent multiple years or does it go home with them. Mr. Steiner stated when they leave for the year, typically they take their property with them. Sometimes the structures are built on site, sometimes they are brought in. Ms. Lengel asked if Mr. Steiner would agree that someone should be assessed for it; Mr. Steiner responded no, he did not. He added that in Florida there is no personal property tax. It is an extra burden on business owners when we are already dealing with insurance, pricing, and everything else. He does not feel he needs another expense. Mr. Thrush asked who sent the letter, to which Mr. Steiner responded the Assessor's Office. Ms. Schenkel, the County Assessor, stated her office sent the letters to the deeded property owners requesting a map of the lots at each location. Mr. Curless asked if this was required by Indiana law. Ms. Schenkel stated these items had never been picked up before but with the new ordinance and because of issues at Coco Jo's it was brought to attention. Mr. Campbell explained it is not because of the new ordinance. The previous ordinance also required permits for any deck, porch, or shed over 100 square feet, but it was never done at the campgrounds. For questions regarding the assessment portion, Mr. Campbell directed further questions to the assessor's office. Mr. Steiner is asking for what recourse options he has and who he needs to work with going forward on this. Mr. Campbell explained to Mr. Steiner the Plan Commission would issue permits for items being built, the Assessor's Office would determine the assessment for tax purposes. Mr. Campbell added that for a number years the campgrounds have essentially received a free ride, in his research he discovered that surrounding counties all do the same. Mr. Steiner asked why he should bear the burden to pay the property tax for someone else. Ms. Schenkel shared her understanding is that Coco Jo's will be raising lot rent 8% per year to help cover the additional cost, which seems outrageous in her opinion. She said rough figures show an increase of approximately \$50 per site for adding assessments. Ms. Lengel stated she felt that since she must get a permit and pay taxes on a shed on her property these should also. Mr. Steiner said he felt the assessor's office was carrying the brunt of the burden of trying to assess all this stuff at every campground. Mr. Campbell shared that for the permitting process the fee will need to be collected by the deeded property owner, who will bring that payment in when they come in to pick up permit. He stated this is how other counties handle the permit process, he did not inquire with other counties about how the assessment is handled in other counties. He also reminded Mr. Steiner that permits are only issued for items over 100 square feet, adding that the Assessor's Office might pick up smaller than that though. Mr. Campbell stated that since he is the owner of the property, he is responsible party. Mr. Steiner stated he felt it should all be dealt with as personal property. Mr. Campbell asked Ms. Schenkel if she felt the state would budge at all on the assessment portion. Ms. Schenkel explained that the DLGF has a process for mobile homes as personal property, but not a program that would allow her office to charge for personal property in this situation. Mr. Shad Roth, owner of Long Lake Resort, asked who would be in trouble when a permit is not obtained for a deck or shed over 100 square feet. Mr. Campbell responded, the deeded landowner. The process is a letter is sent asking them to obtain a permit. If they do not, a second letter is sent and the permit fee is doubled as allowed by the ordinance. Mr. Roth indicated he does not feel campers will come down to get permits. He does not allow elaborate structures, but most decks are about 200 square feet. They do not allow roofs over campers or decks and sheds must be prefabricated at Long Lake. He does not feel it's right that he will be punished for this when his customers don't come in for the permits. Mr. Roth said he has had conversation with Ms. Schenkel and knows she does not want to go through this process either. His tax paperwork alone will go from 5-6 pages to 50-75 pages. Coco Jo's may have over 100 pages at this rate. It is going to be tremendous amount of work, Ms. Schenkel suggested we come to this meeting. Mr. Roth stated a lot of counties across the state do not tax all the sheds and decks. Mr. Roth said most take them with them. Ms. Lengel

asked what happens if they do not. Mr. Roth replied they are junk if they are left behind and he must deal with them. If a camper leaves and does not return the following year Mr. Roth is concerned that the camper will not pay for the assessment increase he encountered because of them the year prior and attempting to contact a camper who has not returned the following year will be difficult. He stated he could up everyone's rent, but that is not fair to those who don't have a deck or shed. Mr. Roth stated that because a permit is issued, an assessment will be made. Mr. Campbell asked Ms. Schenkel for clarification. Ms. Schenkel explained no, if there is not a permit and something is picked up by the assessment team it will be added and a penalty may be added for not getting a permit. Ms. Schenkel stated because of state law they would have to pick it up regardless of a permit. Mr. Roth stated he had not understood that from his previous conversation with her. Mr. Roth questioned if it was state law. Mr. Vogel asked what the assessment impact would be. Mr. Campbell shared rough estimates the assessor's office had shared with the Plan Commission Office. If a lot had a 10x12 utility shed, it is \$28.00. A 12x16 deck, \$39. A 16x24 carport, \$18. He reiterated those are just estimates, as several factors are considered. Ms. Lengel asked if Mr. Roth could charge more per site per structure, if bringing in a deck it is an extra charge, a shed is another extra charge. Mr. Roth asked if Mr. Campbell would be going back to ask people to get permits for previously built structures. Mr. Campbell stated he did not think he could go back. Mr. Roth stated people built this stuff under the assumption they would not be paying taxes on it; so that needs to be addressed with Ms. Schenkel's office. He would ask that stuff would be grandfathered in and anything new would be taken on because the people did not realize they would be getting taxed on it when they built it because Wabash County had never done it before. Mr. Milam asked if all the campgrounds would need to be annually assessed. Ms. Schenkel responded that they were going to start picking up items for assessment in October after everyone leaves so they could see what is actually left there. Mr. Roth stated a lot of times they do not leave until the spring. Mr. Milam asked how it was determined to be October, Ms. Schenkel responded that is when they were told most of the campgrounds would close. Ms. Lengel stated she has heard Coco Jo's plans to close November 1st. Ms. Schenkel stated her office must have it done by January 1st. Mr. Thrush asked for clarification why this came to Plan Commission. Ms. Schenkel responded it started with the Plan Commission, because her office was not aware of this problem until the Plan Commission brought it up to us. Mr. Campbell explained that he asked what was being assessed at Coco Jo's for the sites because we got a complaint from the State of Indiana of issues out there. It was generated by the Indiana Department of Health because Coco Jo's did not get approval for their expansion so Mr. Campbell started asking questions about the county processes for them. The assessment team then asked the state and were told they should have been doing this all along. He stated the Plan Commission Office was then told by the assessment team that we would need to permitting these things. Mr. Roth asked where it was written in state law that this had to happen. Ms. Schenkel stated that as a real property owner all structures on that property have to be assessed. Mr. Roth then asked if the state had mandates on what needs to be assessed or if there were exceptions. Mr. Roth indicated he would like to schedule a time to meet with Ms. Schenkel and Mr. Campbell to discuss this process more. Mr. Campbell stated the assessment portion will be through the assessor's office, the permitting portion will be the Plan Commission office. Mr. Roth asked who will have to file for permit; Mr. Campbell responded the landowner from the processes he is hearing other counties are using. Mr. Roth asked what happens when they do not get a permit and if he would be penalized. Mr. Campbell explained he would send a letter, if no response he would send a second letter, and at that point the permit fee would be doubled. Mr. Campbell explained he is hoping everyone will do the right thing to maintain compliance and that he understands there is sometimes miscommunication between contractors and property owners on who is to obtain the permit. Mr. Steiner thanked the Plan Commission Board for their time this evening and added that campgrounds generate revenue for the county. If there is an unfriendly tourism environment, they will not continue to come. Mr. Campbell encouraged Mr. Steiner and Mr. Roth to come to the office if they had any other concerns they would like to discuss with him.

There being no further business Mr. Curless asked for a motion to adjourn the meeting. Mr. Vogel made the motion to adjourn, seconded by Mr. Hann. Vote on the motion was taken, carried unanimously. Meeting adjourned at 9:15 pm.

*Amanda Lyons
Secretary, Wabash County Plan Commission Board*

**If any names are incorrect, spelled incorrectly, or omitted from the attendance in these minutes, we apologize.*

(bac)