

## ***WABASH COUNTY PLAN COMMISSION***

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## ***WABASH COUNTY PLAN COMMISSION BOARD MEETING MINUTES***

***MARCH 7, 2013***

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

**PC Board Members: Curtis Campbell, Randy Curless, Scott Givens, Doug Rice, Sue Ridenour, Lowell Rosen, David Schuler, Cheri Slee, Joe Vogel, Attorney Larry Thrush**

Members present: Curt Campbell, Scott Givens, Sue Ridenour, Lowell Rosen, David Schuler, Joe Vogel and Attorney Larry Thrush.

Mr. Schuler opened the meeting at 7:00 p.m.

Mr. Vogel motioned to approve minutes as written from the February 7, 2013 meeting.

Mrs. Ridenour second.

Minutes approved.

David Vandermark, Replat of Shadow Creek Subdivision.  
2848 N. 800 E., Andrews, IN 46702

Shadow Creek Subdivision consists of approximately 14 acres which is divided into 4 lots; all lots are currently owned by Mr. Vandermark.

Mr. Vandermark explained that he wanted to change the sizes of lot 1 (Currently 11.10 acres) and lot 4 (currently 1 acre). The new dimensions would make lot 1 approximately 6.35 acres and lot 4, 5.75 acres.

There would be no changes to the overall size of the Subdivision or to the covenants within the subdivision.

Mr. Vogel asked which lot Mr. Vandermark lived on.

Lot one said Mr. Vandermark.

Mr. Givens asked if he was selling his house.

Yes, replied Mr. Vandermark, it will probably be on the market for a while.

Mr. Schuler stated the lots (1 & 4) will be about the same size. Do you own the whole subdivision?

Yes, replied Mr. Vandermark.

Would the lots have a common or shared driveway?

No, each lot will have its own drive said Mr. Vandermark.

Mr. Howard stated that Mrs. Ridenour brought up a good point concerning the setback of the pond from the newly proposed property line for lot 4. Our ordinance requires a one hundred foot setback (front, side and rear) from a property line for a pond. Since the subdivision was established prior to the setback requirement does it apply for this situation?

Mr. Thrush was unsure when the ordinance went into effect.

Mr. Howard state that he thought the subdivision originated in 1998.

Mr. Vandermark said the property line skirts around the pond so it would be included in lot one. He didn't want to have the property line through the center of the pond.

After reviewing his paperwork, Mr. Howard said that the subdivision was created in 1998 and the ordinances were amended in 2002. The subdivision was there before the ordinance took place.

Mr. Thrush stated that this would be the first violation.

Yes, because the property line will be less than 100 feet said Mrs. Ridenour.

Mr. Thrush said that since Mr. Vandermark owned all four lots, there would not be a problem. There would be an issue if he would happen to sell the lots.

Mrs. Ridenour agreed there is no violation, until the lots would sell.

Mr. Vogel thought if the pond was already established, a property line could be moved closer than 100 feet and not be in violation.

Mr. Vandermark stated that there is a ravine that runs along the pond on lot four which would make it impossible to build in that area of the lot.

Mr. Thrush reviewed the ordinance and stated that it refers to the construction of a pond, which would require a 100 foot setback from a property line.

Since the pond was already there and the property line is subject to change, the ordinance setback does not apply, therefore, it would be acceptable to have the property line closer than 100 feet.

So the property line can be right up to the edge of the pond? said Mrs. Ridenour.

Yes, stated Mr. Thrush.

Where would you be able build on lot 4 asked Mr. Vogel?

Toward the north end of the lot would be suitable to build on said Mr. Vandermark.

No further discussion from the Board, proceed to vote.

Vote sheets were passed to Members.

Vote sheets tallied. Approved 6-0.

Replat of Shadow Creek Subdivision approved.

John Nagle, Indiana State Department of Agriculture was in attendance to speak about the Certified Livestock Producer Program.

The program was developed in 2008 under the direction Lieutenant Governor Becky Skillman.

There was a 19 member advisory board that included representatives from many sources such as universities, state and national officials, and producers who gathered information in developing the program.

There are currently 81 operations in the program within the State. There are 6 in Wabash County.

The program is open to all producers, from an operation with small numbers to large CAFO operations. The application and completion of the program takes about 6 months or longer to complete. Indiana currently has 100 in the process. Mr. Howard questioned if there was additional training or maintenance needed to stay in the program once the course was completed.

Yes, every 5 years you would need to be re-certified. This allows updating any changes made by the producer to their operation and any changes made within the CLLP program.

Are there any benefits, such as financial, by completing the program? Said Mr. Howard.

Yes, for example, some agribusinesses have started discounting some of their products and Farm Bureau Insurance gives a 5% discount for a farm policy stated Mr. Nagle.

Mr. Howard told Board Members that in talking with Mr. Nagle about the CLLP, Wabash County does have CAFO ordinance in place and charges a fee for CAFO permits. We are in the process of developing new county ordinances. A possible stipulation in the new ordinance could be that if a producer is in the CLLP, it would reduce the CAFO permit fee. This would encourage more producers to complete the course.

Mr. Nagle stated if there is an IDEM violation before someone enters the program, there is a 2 year waiting period. If a violation occurs while enrolled in the program, the producer is placed on probation for 2 years.

Matt Pearson, State Chemist Office was also in attendance to speak about the new rule regarding fertilizer / manure and the policies for stock piling, staging, applying manure which was signed 2/16/2012, and went into effect 2/16/13. Mr. Pearson explained that the new rule basically states that everyone that was unregulated is now regulated. The State basically took IDEM's rules and adapted

those to include anyone who applies 10 or more cubic yards or 4000 gallons of fertilizer material to produce an agricultural product. This means that this rule pertains to every farmer.

The main goal is to keep nutrients out of the water. Indiana is one of the top 3 states that produce nitrogen and phosphorus.

Mr. Pearson passed out a summary for Fertilizer Application Regulations.

Mr. Howard stated that the major thing we have dealt with before the rule was the staging of manure.

The question is what to do with the manure that is already staged?

They have 90 days to apply it. The definition of staging is "to be applied" There is a fine line between staging and storage. When staged, the farmer has 90 days to apply it said Mr. Pearson.

Curt mentioned that lime is one of the main nutrients stockpiled. Is that allowed?

Mr. Pearson said lime is not considered a fertilizer.

Mr. Howard stated that if a farmer hauls slurry chicken manure and takes it out to 120 acre field in the fall with the intent to spread it in the spring, that's staging, correct?

Yes, the farmer has 90 days to spread it. That was the biggest complaint, if you ask IDEM, was the staging of the manure and the application of it by non-regulated farms replied Mr. Pearson.

Mr. Campbell mentioned that there is also a setback of 400 feet from residential buildings.

Mr. Vogel asked if the following statement would be correct: A CAFO owner cannot spread manure on his own property in the winter when the ground is frozen but someone else can take the manure and apply it to their own property . A non-CAFO or CFO operator can get that same manure and spread it on his frozen ground, correct?

Yes, as long as it is applied by a licensed applicator.

Mr. Pearson commented that the Extension Office has helped a great deal in getting the word out about the new rule. Education is the key and we will try to work with people who may not be aware of the new rule. So much of this whole process is just simply using common sense.

No other business, Mr. Vogel motioned to adjourn. Mr. Givens second.

Meeting adjourned.

*David Schuler*