

**MINUTES
WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING
AUGUST 16, 2017 7:00 P.M.**

MEMBERS PRESENT

Chad Banks
Elizabeth Deckard
John Johnson
Kenneth Kerch
Mark Mynhier
Tom Western
Brad Wolfe
Doug Wright
John Woodmansee

STAFF

Nathan Bilger
Jennifer Shinabery

ATTORNEY

Dawn Boyd

VISITORS

There were 244 visitors who registered their attendance at the August 16, 2017 regular meeting of the Whitley County Plan Commission. However, a head count indicated over 300 were actually present.

CALL TO ORDER

Mr. Wright called the meeting to order at 7:00 P.M.

ROLL CALL

Ms. Shinabery read the roll with those members present listed above.

CONSIDERATION AND ADOPTION OF THE JULY 19, 2017 REGULAR MEETING MINUTES

Mr. Wright asked if there were any additions or corrections to the July 19, 2017 regular meeting minutes. There being none, Mr. Kerch made a motion to approve the minutes as submitted, seconded by Mr. Western. The minutes were approved by a unanimous 9-0 vote.

OATH TO WITNESSES

Mrs. Boyd administered the oath to those present who wished to speak during the meeting on behalf of the petitions.

OLD BUSINESS

17-W-REZ-2 Troy Center, Inc., 709 W. Business 30, Columbia City, requested an amendment of the Whitley County Zoning Map by reclassifying property from the IPM, Industrial Park/Manufacturing District to the GC, General Commercial District in order to

relocate the school. The property is located on the north side of E. Business 30, approximately 250' west of S. Governors Road, more commonly known as 1911 E. Business 30, Columbia City, in Section 13 of Columbia Township.

Mr. Bilger reviewed the staff report. He explained that the building on the property was most recently used for a sign business and the Troy Center is proposing to use the building for their school, which is a permitted use in the GC district, but not in the IPM district as either permitted or by special exception. He referred to the aerial view, pointing out the surrounding land use and current zoning and mentioning that the land immediately to the east is zoned GC. He briefly discussed the review criteria and stated that, in general, the staff view this petition as favorable and the most recent Comprehensive Plan recommends that the site be used as either general commercial or industrial.

Andy More, 5715 N. Ashford Drive, Columbia City, stated that the Troy Center is in the process of purchasing the above mentioned property, pending rezoning. He stated that the school has relocated several times and is desiring a permanent location. He explained that the property meets all of their needs and criteria with the exception of the zoning.

Mr. Wright asked if there was anyone present who wanted to ask questions regarding the petition or who wanted to speak either in favor or in opposition of the petition. There being no one, he asked if the Commission had any questions or discussion. Mr. Western asked what the acreage was of the property and Mr. Bilger responded that it was 1.63 acres.

Mr. Woodmansee made the motion to favorably recommend the petition to the County Commissioners, which was seconded by Mr. Banks. The motion was unanimously approved.

17-W ZOA-2 Public hearing to consider text amendments to the Whitley County Zoning Ordinance to create an Overlay Zone related to Agricultural and Residential uses near lakes, State Road 9 and 109 corridors, and eastern Jefferson Township.

Mr. Bilger recapped what was discussed during last month's regular Plan Commission meeting and reviewed the purpose of the Overlay zone. He explained that the overlay zone could potentially restrict possible conflicts in land use in desirable growth areas as outlined in the 2011 Comprehensive Plan. He explained that the Plan Commission had continued this consideration in order to have more time for further consideration, in addition to enacting a Steering Committee to meet and provide recommendations. Mr. Bilger explained that the overlay zone would be a temporary measure while the Plan Commission considers more detailed regulations based upon the Comprehensive Plan. He explained that the overlay zone would allow the planning effort to be done more easily, along with having time for complete public input and research without unexpected projects that could affect the planning.

Mr. Bilger explained that the Steering Committee was formed of three representatives of water interests, three of agricultural interest, three Plan Commission members, and staff, along with members of the public observing. He stated that the committee met a total of three times, with the most recent meeting held last evening. He stated that several of the

Committee members visited Confined Feeding Operations in the County for further insight and information. He explained that the Steering Committee agreed upon one recommendation, which was to require a review by the Plan Commission of its appropriateness in 12 months. He stated that there were two differing recommendations regarding setbacks. He stated that those representing agricultural interests recommend a 1000' CFO setback from lake shores exceeding 40 acres, as well as a 1000' reverse setback or buffer of subdivisions from CFOs. He stated that those representing water interests recommend a 2 mile CFO setback from lake shores exceeding 40 acres and a ¼ mile CFO setback from Transitional Ag and Rural Residential classifications, as shown on the 2011 Comprehensive Plan map. He stated that another outcome of the Committee was to identify the most pressing issues for both interests as well as identifying less concerning issues that warrant more detailed study.

Mr. Bilger referred to the revised draft of the Interim Overlay Code, based upon the recommendations of the Steering Committee, which gave the Plan Committee three options to decide upon. He explained that the revised proposed code was proposed to apply only to AG or AGP properties. He explained that, as proposed, there would be no plats of over 5 lots or those that require new public streets without rezoning out of AG or AGP. He explained that in addition, the proposed code would have a reverse buffer for plats of 5 lots or less in AG with a distance to be determined. He further explained that the way CFOs are dealt with outside of the buffer areas would not change. He stated that although not highly discussed by the Committee, the proposed overlay code would require buffers from three growth areas as well. He concluded that all other AG and AGP regulations and locations would remain as is at this time.

Mr. Bilger then explained where the three growth areas were, referring to a map. The areas are as follows: 1) the area bounded by County Roads 700 South, 800 East, 600 East, U.S. 24, and State Road 114, 2) the area bound by State Roads 109 and 9, the Columbia City planning jurisdiction, and the north county boundary, and 3) the area defined as 1,320 feet on each side of the centerline of State Road 9 between County Roads 200 South and 500 South. He also pointed out the lakes in the county that are over 40 acres, referring again to a map showing what a 1000' and a 2-mile buffer would look like from each lake, as well as distances in between the two. He referred to yet another map that showed the above buffers, growth areas, and current CFOs in the county as of 2016. He concluded by reviewing the criteria for the Plan Commission to use when considering zoning amendments.

Mr. Wright then opened the meeting for public questions and comments.

John O'Connell, 1705 E. Bair Road, Columbia City, stated that as a member of Whitley Water Matters and the above mentioned Steering Committee, he wanted to be sure to communicate that WWM was not concerned with CFOs in general, nor agricultural regulations in the rest of Whitley County. He explained that WWM was concerned with CFOs being too close to the heavily populated lake residential areas in the northern part of Whitley County. He stated that his organization was asking for a 2 mile buffer, but is willing to discuss other options, such as the 1.5 mile buffer that was offered in the last Committee meeting. He stated that members of WWM have visited local farms and

believe they have learned from those farmers, as well as those farmers have been able to understand more about the concerns of WWM.

Kelley Sheiss, 8179 N. 650 West, Larwill, stated that the agricultural perspective views the proposed zoning districts and overlay code as confusing and would like to see the Commission look at where and how the County is currently zoned and take the overlay code off the table. She also stated that the agricultural community wanted to emphasize the importance of reverse setbacks to protect the agricultural community. She stated that her group was asking the Commission to consider the same setbacks to protect CFOs against platted subdivisions that they would consider to protect the lakes from CFOs.

Paul Mills, 1679 E. Bair Road, Columbia City, stated that WWM believes the ordinances that were enacted in White County, Indiana in November 2016 are a good model for what Whitley County should do and asked the Commission to consider this in their decision.

Tim Dygert, 5945 S. Woodstrail Drive-57, Columbia City, asked if Indiana law required zoning decisions to be in alignment with the Comprehensive Plan. Mr. Bilger responded that the Commission should pay reasonable regard to the Comprehensive Plan. Attorney Boyd further clarified that the Comprehensive Plan is not a law and can be deviated from; however, it is meant to be a guide and should be considered.

Larry Alles, 2220 E. Wilcken Road, Columbia City, asked if the setbacks being considered would be measured from the structure and whether or not consideration would also be given to the manure fields that are in close proximity to the lakes. Mr. Bilger responded that this is something that needs to be addressed before the proposal is forwarded to the County Commissioners. He also responded that the question regarding manure fields is a good question; however, in his understanding this cannot be regulated through zoning. He stated that manure fields might be regulated through other ordinances and this issue would need to be brought directly to the County Commissioners. Attorney Boyd confirmed. Mr. Woodmansee added that his understanding is that manure application is regulated by IDEM and the office of the Indiana State Chemist and any effort to further regulate this is outside of the Plan Commission's jurisdiction.

Brooks Langeloh, 3258 W. Circle Drive, Columbia City, asked whether areas such as the Pheasant Ridge Subdivision, which was platted as larger lots with the intent to allow some animals for 4-H and other such purposes would be affected if rezoned as Residential Districts. Mr. Bilger responded that likely such properties would be zoned RR, Rural Residential, and under that zoning classification, 1 animal unit per acre is allowed.

Linda Zimmerman, 5747 N. 350 East, Columbia City, stated that she lives on the east end of Round Lake. She stated that her husband's family are farmers and the chicken/egg operation her husband's brother owns has had uncontrollable problems with flies. She stated that she also grew up on a houseboat on Grand Lake in St. Mary's, Ohio, and in the past several years no one has been able to swim, boat, or fish due to bacteria that is caused by the number of CAFOs in the county. She stated that it is important to protect the water in the lakes and wells.

Robin Werstler, 7820 W. 750 North, Larwill, stated that the discussion has been about land value of lake residents; however, for farmers that have been in the area for generations, the overlay code will affect their livelihood and their land value as well. She stated that the farmer is concerned about improving the farming operation in order to pass it down to the future generations and property rights should be a serious consideration.

Tena Woenker, 3439 E. Magley Lane, Columbia City, stated that she would like the Commission to consider how a CAFO could be defined to include both the structure and the manure fields.

Randall Keller, 2905 E. Crescent Avenue, Columbia City, stated that each decision a farmer makes is for their own benefit and there is zero regulation and enforcement on pollution. He stated that there is nothing today that existed 50 years ago, such as strip cropping, to purify nutrients and Whitley County has a tiling program that makes the problem worse.

Wanda Shillace, 5770 N. Etna Road, Columbia City, stated that she is a new resident on Winters Lake and was told by the previous owners that they started noticing problems with the water about three years ago and it will cost her \$3200 to improve the water. She stated she is wondering who will regulate the ordinance if it is passed.

John Meister, 5995 S. Woodstrail Drive, Columbia City, stated that every recommendation WWM has made is science based and has a rationale. He stated that the rationale for the two-mile setback has to do with manure management based on a direct conversation with the office of the State Chemist.

Joe Sheets, 3035 W. 700 North, stated that he does not take one cent from any government agency for his farm and takes offense with previous innuendos about farmers. He stated that his farm borders two lakes and the ditches are clean and are not listed as being impaired whereas Blue River is, where residential sewer is dumped.

There being no further questions or comments, Mr. Wright closed the public hearing.

Mr. Wolfe explained that the Steering Committee had suggested forming another Committee following tonight's decision in order to continually evaluate the effectiveness and timing of the overlay code as well as the planning process.

Mr. Johnson stated that his opinion was that both sets of recommended setbacks were unreasonable and believed a reasonable compromise would be ½ mile.

Mr. Wolfe stated that the Board should discuss and clarify whether the setback would be from the center of the structure, the wall of the structure, or the property line. Mr. Wolfe stated his recommendation would be the property line, as he see it as a property rights issue.

Mr. Woodmansee stated that his opinion is for the setback to be measured from edge of structure to edge of structure.

Mr. Western stated that his opinion is to measure from the structure as well as it would not be fair to use the property line.

Mr. Wolfe stated that using the property line to measure the setback as well as implementing a reverse setback would protect the farmer.

Mr. Wright asked Mr. Bilger to clarify Item A of the proposed Interim Overlay-Agricultural Residential District. Mr. Bilger explained the locations where the overlay district would apply, how the Committee arrived at that recommendation, and the reasoning behind why some of the locations listed in the original proposed overlay district were removed.

Mr. Woodmansee stated that he is not in total support of the overlay in general. He explained that there are ordinances that have been in place and the differing land uses have co-existed well up to this point. He stated that although that is his opinion, he is willing to take the recommendations of the Steering Committee and arrive at a compromise.

Mr. Woodmansee made the motion to adopt the August 16, 2017 draft of Section 3.5 “IO-AGR” Interim Overlay-Agricultural Residential District with a reverse buffer of ¼ mile, a lake buffer of ½ mile, and a residential growth area buffer of ¼ and the setback to be measured from structure to structure. The motion was seconded by Mr. Kerch and passed with a 7-2 vote with Mr. Wolfe and Mr. Mynhier voting against.

Mr. Wolfe made the motion to add an Evaluation Committee for the duration of the Overlay District with representatives from each township, from the agricultural, lake residential, and rural residential communities, from local businesses, and possibly developers and representatives from Whitley County Patriots.

Mr. Banks asked for clarification on the goal of the committee. Mr. Wolfe responded that the committee would be a research and study committee with the purpose of ensuring that adjacent zoning districts are compatible, directing development in areas that have the capacity to support that development, and making sure social and economic conditions are being recognized along with the effects of those conditions on the community. He explained that in general, the committee would ensure that the planning process is kept on track and is working.

The motion was seconded by Mr. Mynhier and passed with a unanimous vote.

NEW BUSINESS

17-W-REZ-3 Joe & Sarah Lopez, 5300 N. 250 West, Columbia City, requested an amendment of the Whitley County Zoning Map by reclassifying property from the AG, Agricultural District to the AGP, Agricultural Production District. The property is located on the east side of County Road 250 West, approximately 700’ north of Etna Road, more commonly known as 5300 N. 250 West, Columbia City, in Section 7 of Thorncreek Township.

Mr. Bilger reviewed the staff report, mentioning that this would be the first rezoning to AGP that the Commission has considered since the enactment of the current Zoning Ordinance in 2006. He explained that the property is nearly 95 acres and that the intended land use is for a broiler chicken CFO which exceeds 3,001 animal units. He explained that this land use requires rezoning to AGP, as well as a Special Exception through the Board of Zoning Appeals, which the petitioners were approved for last year and currently have a pending petition for an amendment to that Special Exception, which will be heard next week. He referred to an aerial view of the property, mentioning that all surrounding zoning is AG, Agricultural District, with residential and agricultural land uses. He summarized the review criteria, mentioning that the Commission should pay reasonable regard to whether this site is “properly located” as the 2011 Comprehensive Plan indicates the subject site should be planned for “Agricultural”, which does recommend agricultural operations such as CFOs, while some surrounding areas are designated as “Transitional Agricultural”, which does not include CFOs as a land use.

Brianna Schroeder, attorney for Janzen Agricultural Law LLC, representing the petitioners, reviewed the petition and added that the Tippecanoe Environmental Lake and Watershed Foundation does not oppose the proposed CFO construction as the Lopezes have agreed upon 6 conditions adopted by the Foundation. She summarized the Review Criteria under the Indiana Code and the Whitley County Zoning Ordinance, as well as arguing how the 2011 Comprehensive Plan supports the growth of Agriculture, including CFOs, in Objectives 1.7 and 4.3 under “Planning Principles” as well as Part 3 “Land Classification Plan”. She pointed out that the Land Classification Plan and Map are guides and an initial foundation for making decisions and in the 2011 Comprehensive Plan, the Land Classification map identifies the Lopez’s property as Agricultural. She also pointed out that the property, as well as the surrounding properties, are zoned Agricultural and are being used as such, which is a perfect use for this rural area. She stated that using the land as the Lopezes desire creates a significant value for the County, creating increased area incomes and jobs, both directly and as a ‘ripple effect’. She stated that the value of the sited land can be used at its best and highest value by being the Adlock Broiler farm that requires this rezoning. She stated that surrounding property values would not be affected as they would be able to continue with the current land use. She stated that the CFO would be highly regulated by IDEM, as well as other State Boards, and would operate under strict standards, using best management practices to mitigate any adverse effects. She explained that a few of these standards include the use of a dry litter compost, using double the amount of storage than what IDEM requires, and the fact the farm would have zero manure discharge. She mentioned that the Lopezes just received recognition at the State Fair for completing a voluntary Certified Livestock Producer program, demonstrating their commitment to the environment, animal well-being, food safety, biosecurity, and in general being a good neighbor. She pointed out that currently, larger farms are required in order to keep the farm in the family. She concluded that the sited property is in a solidly rural area of Whitley County and is appropriate to be zoned AGP, which is not a drastic change from the current zoning.

Mr. Wright opened the meeting for public questions.

David Heckman, 3455 W. Shoreline Drive, Columbia City, asked whether the area is power washed after the manure is scraped out and if so, where the water goes. Joe Lopez

responded that the floors are clay and do not require power washing. He stated that the manure is wood chips and explained the process of windrow composting.

Linda Zimmerman, 5747 N. 350 East, Columbia City, asked how many chickens were expected to die, whether these chickens were composted with the manure, and how close the fields are to Goose Lake where the manure would be spread. Joe Lopez responded that the out of 40,000 birds, 38,000 are expected to be harvested. He explained that the compost is stored in the stack shed and is continually composted. He explained that the manure is hauled off by another farmer and is not spread anywhere near Goose Lake.

Seth Slater, 2470 W. 500 North, Columbia City, stated that his home is located approximately 800 feet from the proposed location of buildings 3 and 4. He asked what the landscaping plan is for those buildings. He also asked how often he could expect the operation to be cleaned out and therefore experiencing increased noise, dust, and odor. Joe Lopez responded that the houses will be full all of the time and they are currently looking into landscaping possibilities.

Ron Romanowski, 2260 E. Linker Road, asked what the setback would be to Goose Lake from the CFO and also what type of fly control will be used. Attorney Schroeder responded that the CFO would be .6 miles from Goose Lake. Joe Lopez responded that there is no fly control necessary with their current operation and that although there will be some flies, he does not anticipate any future need for such measures. Sarah Lopez explained that the dry compost mitigates flies. Melissa Lehman, Environmental Consultant with Agronomic Solutions, LLC, added that a broiler operation, such as this one, and cannot be compared to a layer operation. She explained that the operation will be on a dry sawdust compost base and any odor and/or fly issues are easily manageable.

Katherine Rittner, 3415 W. Shoreline Drive, Columbia City, asked how many additional trucks would be traveling the county roads to the CFO and what, if anything, the county will do to repair the roads or her vehicle from damage due to the road conditions.

Paul Mills, 1679 E. Bair Road, Columbia City, asked if the setback of ½ mile established earlier for the overlay district would include the floodplain around the lake; and if so, the proposed CFO would be too close. He also stated that in the Steering Committee it was suggested that the Lopezes would be included in the Overlay District as their applications had not yet been approved. Attorney Schroeder responded that because the Lopezes applied for the Special Exception and the Rezoning prior to the passing of the overlay, the overlay does not apply. She stated that she is unable to answer whether the overlay setback will include the floodplain.

Denise Heckman, 3455 W. Shoreline Drive, Columbia City, asked whether the Lopezes could guarantee she will not smell ammonia when the wind blows to the east or whether there will not be any additional runoff into Goose Lake. She also commented that there are rural residential people within 1000 feet whose property values equal over 3 million dollars and the Lopezes are not being good neighbors. Mr. Lopez responded that he is not God and could not guarantee anything. Attorney Schroeder also responded that the surrounding properties are zoned Agricultural and the property is an appropriate place to modify the zoning to AGP.

Patrick Murphy, 1490 E. 200 South, Columbia City, stated that his understanding was the Steering Committee had defined a “new” CFO for the purposes of the Overlay District as one that had not yet been applied for, no work had yet been done, and no plans had been created.

Doug Driscoll, 2305 E. Esterline Road, Columbia City, asked whether the Lopezes would be willing to put up a bond if surrounding property values were negatively impacted. Attorney Schroeder responded that putting up a bond is not a requirement for a request to rezone property and the Lopezes are residents of Whitley County and are entitled to a fair hearing on this request.

Henry Mazzola, 2934 E. Muncie Road, Columbia City, asked what the difference is between the AG, Agriculture District and the AGP, Agriculture Production District. Attorney Schroeder explained the differences of permitted and special exception land uses between the two districts per the Whitley County Zoning Ordinance, specifically highlighting the differences in number of animal units allowed for CFOs.

Carol Fausey, 4575 N. Etna Road, Columbia City, stated she lives 1 mile down-wind from the CFO and does not believe the Lopezes are good neighbors as they are putting their neighbors at an environmental risk due to greed. She asked how much money the Lopezes expect to make and whether her and her neighbors could pay that amount to not have a CFO. She also stated that her small flock of animals will likely die from the diseases carried by the CFO’s flock. Attorney Schroeder responded that the main purpose behind the petition was so that the Lopezes and their family could continue to live and work in the County and the accusations that the Lopezes are not good neighbors and are greedy is irrelevant to this specific rezoning petition.

Wanda Schillace, 5770 N. Etna Road, Columbia City, stated that the County does not have any ordinances that protects the lakes and the surrounding properties are residential, as well as agricultural. She asked how many chickens they are planning to have and where the farmers plan to spread the manure. Mr. Lopez explained how manure spreading is variable, depending on soil sampling, and why he was unable to specifically answer that question. He also explained that he does not want to hurt the same water he and his family have used for three generations and will continue to use for generations to come. Mrs. Lopez extended an invitation to Mrs. Schillace in order to show her all they have implemented in order to be good stewards of the land.

Tim Dygert, 5945 S. Woodstrail Drive-57, asked whether the chicks and the feed will be purchased in Whitley County and whether the adult broilers will also be sold in Whitley County.

Denise McCann, 1278 E. Pressler Road, Columbia City, asked whether there would be an unlimited amount of hens allowed if the property were rezoned and what the expected number of birds would be. Attorney Schroeder responded that IDEM caps the number of birds permitted as well as the County BZA limits the number through the Special Exception and if the Lopezes wanted to change that number in the future, they would

have to go back to those authorities for permission. She explained that the Lopezes intend to start with 80,000 birds and end up with 160,000.

There being no further questions, Mr. Wright closed the meeting for public questions and opened the meeting for opposing comments.

Bob Eherenman, attorney, Haller & Colvin, 444 East Main Street, Fort Wayne, summarized the remonstrance of Whitley Water Matter, LLC, which was submitted to the Commission in written form. He mentioned that the Lopezes could still have a CFO of up to 20,000 birds under the current AG zoning and that this petition is about implementing an entirely new zoning district that does not exist yet in Whitley County. He argued that the personal circumstances of the petitioners is irrelevant to the consideration of rezoning this property and what is relevant is whether or not the 94 acres is best suited for AGP zoning. He stated that there is no relevant justification to rezone the property and that the property is not well or adequately suited for AGP zoning, based on the Hydrology Report from a licensed professional geologist, as well as the argument that the surrounding land uses of rural and lake residential are conflicting.

Seth Slater, 2470 W. 500 North, Columbia City, stated that under 3.3 of the Whitley County Zoning Ordinance, it states that the Plan Commission should strive to protect the neighbors from any injurious impacts and asked what the Commission would define as injurious. He also asked if the Commission could identify where the signs required in an AGP district per the ordinance would be located, whether they would be near his property, and what they will say. He stated that he would argue that the proposed CFO is not a “normal” farming operation and asked the Commission if they could clarify what a “normal” farming operation is currently and what a “normal” farming operation might be under the AGP district. He concluded that until such details are figured out, the Plan Commission should not move forward with this petition.

David Heckman, 3455 W. Shoreline Drive, Columbia City, stated that the Association of Goose Lake opposed this rezoning petition and asked the Commission not only to consider the lake residents, but also consider the Goose Lake Conservation area of 40 acres.

There being no other opposing comments, Mr. Wright opened the meeting for favorable comments.

Jeremy Lopez, 216 S. Chauncey Street, Apartment #1, Columbia City, stated he is in favor of the farm because the farm has been in his family for generations and the proposed CFO expansion is pertinent to the longevity of the farm. He explained that his family wants to remain in Whitley County and they need to grow in order to continue farming in this county.

Keith Shuman, 5860 W. US 30, Columbia City, explained that he is an Officer and Board Member on the Whitley County Economic Development Corporation and in his research he found that CFOs contribute 6 billion dollars annually to the Indiana economy and 35,000 employees. He stated that a farm such as is being proposed will also increase the price of corn in the area, benefitting local farmers and the local economy.

Phillip Bradshaw, North Manchester, stated that he does not understand the expectations and resulting complaints of property owners who moved to an area known for agriculture. He stated that what the Lopezes are proposing is progressive and a result of careful research and planning. He stated that the Commission's job is to further commerce in Whitley County and what the petitioners are proposing will do that. He stated that Mr. Lopez will not be able to do anything on his property that will not affect him first.

Weston Jagger, 2526 E. 300 North, Columbia City, invited Randall Keller to visit his farm, in response to Mr. Keller's previous comments and stated that he has filter strips on his farm.

Joe Sheets, 3035 W. 700 North, Columbia City, stated that his wife's family owned the wetlands area on Goose Lake and if it were not for the farmers, that area would be a housing addition and housing additions pollute more than farms do. He stated that the Lopezes are going above and beyond what they need to do as far as regulations and are trying to do what is right.

Emily Studebaker, 5147 W. 200 South, stated that to the best of her knowledge, she owns and operates the largest chicken facility in Whitley County. She showed the Commission and the public a sample of the dry manure she had just collected and stated that it will not run-off as it is dry. She also stated that her own residence is located 250 feet from the barn and she has not had any issues with flies or ammonia. She added that her neighbor who lives 1500 feet from their barn cannot smell the farm.

Attorney Schroeder, representing the petitioners spoke, rebutting some of the arguments of the remonstrators. She stated that simply because this is the first time for an AGP zoning district does not make it wrong. She stated that the surrounding properties are all zoned AG and are not zoned LR, Lake Residential. She stated that the proposed operation will be a zero discharge facility, using dry compost, with no risk of run-off. She concluded that the petition is not an improper request because it comes from a Whitley County resident's interest.

There being no further comments, Mr. Wright closed the public meeting.

Mr. Wolfe stated that there seemed to be some confusion on whether this was an old or new petition and asked that this be clarified.

Mr. Bilger stated that the rezoning petition was filed prior to the overlay district being adopted. He explained that the building permits for the barns have not yet been issued as the IDEM permit is still pending, which could make the overlay applicable.

Mr. Banks made the motion to forward a favorable recommendation to the County Commissioners. The motion was seconded by Mr. Johnson passed with a 7-2 vote, with Mr. Wolfe and Mr. Mynhier voting against.

Mr. Bilger mentioned that the makeup of the Committee previously mentioned, including who will chair the Committee, will need to be established soon.

ADJOURNMENT

There being no further business to discuss, Mr. Wright declared the meeting adjourned at 9:45 p.m.

GUEST LIST

A complete Guest List accompanies these minutes.