

**MINUTES
WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING
AUGUST 15, 2018 7:00 P.M.**

MEMBERS PRESENT

John Johnson
John Woodmansee
Elizabeth Deckard
Tom Western
Brad Wolfe
Doug Wright
Joe Wolf
Mark Mynhier
Thor Hodges

STAFF

Nathan Bilger
Jennifer Shinabery

ATTORNEY

Dawn Boyd

VISITORS

There were 278 visitors who registered their attendance at the August 15, 2018 regular meeting of the Whitley County Plan Commission. A signed Guest List is kept on record.

CALL TO ORDER/ROLL CALL

Mr. Wright called the meeting to order at 7:05 p.m. Ms. Shinabery read the roll with those members present and absent listed above.

CONSIDERATION AND ADOPTION OF THE JUNE 20, 2018 REGULAR MEETING MINUTES

Mr. Wright asked if there were any additions or corrections to the June 20, 2018 regular meeting minutes. Ms. Deckard made a motion to approve the minutes as presented, seconded by Mr. Wolfe. The motion passed with a unanimous vote.

OATH TO WITNESSES

Attorney Boyd administered the oath to those present who wished to speak during the meeting.

Mr. Wright explained that the Commission would address new business first.

NEW BUSINESS

18-W-VAC-1/18-W-SUBD-11 Thomas and Laurell Schroeder, 2450 E. Shirley Avenue, Columbia City, are requesting a vacation of the western half of the platted Lot #4 and also primary plat approval for the replat of Lots #3 and #4 in Pfeiffers Addition to Tri lakes Resort.

The property is located on the south side of E. Shirley Avenue, more commonly known as 2466 E. Shirley Avenue, in Section 11 of Thorncreek Township and is zoned LR, Lake Residential.

Mr. Bilger reviewed the staff report, explaining the specifics of the petition. He referred to an aerial view, describing the location of the property. Thomas and Laurell Schroeder were present to discuss their request. Mr. Wright asked if there was any public comment. There was none. With there being no questions or further discussion, Mr. Johnson made a motion to approve the vacation petition with the condition that the vacated part of Lot 4 shall be combined with adjacent parcel #92-03-11-000-115.000-011 after the required 30-day appeal period of the vacation. The motion was seconded by Mr. Hodges and passed unanimously.

Mr. Wolfe made a motion to approve the subdivision petition with secondary plat approval delegated to the Plan Commission Staff; the motion was seconded by Ms. Deckard and passed unanimously.

18-W-SUBD-12 Harold Myers, 6600 N. 250 West, Columbia City, is requesting primary plat approval for a 1-lot subdivision to be known as Holden Hills. The property is located on the northeast corner of N. 250 West and W. 650 North in Section 6 of Thorncreek Township and is zoned AG, Agricultural District.

Mr. Bilger reviewed the staff report, explaining the specifics of the petition. He referred to the aerial view, describing the location of the property. He noted that since the writing of the staff report, the Health Department had submitted their comment letter, stating that the lots would be considered for well and septic permit applications.

Kevin Michel, Walker & Associates, presented the request on behalf of the petitioner, reviewing the details of the plat.

Mr. Wright asked if there was any public comment. There was none. With there being no questions or further discussion, Mr. Hodges made a motion to approve the petition with secondary plat approval delegated to the Plan Commission Staff. The motion was seconded by Mr. Western and carried with a unanimous vote.

OLD BUSINESS

18-W-ZOA-1 Public hearing regarding the development of amendments to the Whitley County Zoning Ordinance related to Agricultural and Residential uses.

Mr. Bilger reviewed the staff report and gave a PowerPoint presentation, reviewing the history and details of the various proposed changes to the text of the zoning ordinance, explaining that the proposal was based upon staff's interpretation of Code Development Committee research and input. Referring to various maps, he explained that the staff proposal included four classes of CFOs and their standards, suggested minimum separations for CFOs, buffering, notices, residential changes, and other miscellaneous components. He explained that the proposal is

pending comment and input as well as legal counsel review. He also explained that the Overlay District was not included in the proposal and the Commission may wish to address this.

Mr. Wright opened the public hearing at 8:07 p.m. and explained some general guidelines. There were 40 individuals who spoke.

Trent Shively, 1176 W. Whitetail Drive, Columbia City, asked the Commission to consider large agricultural investments in the County such as his family's feed mill investment.

Bill Konyha, President of the Regional Chamber of Northeast Indiana, stated he was the previous Executive Director for the Indiana Office of Community and Rural Affairs and stated that agriculture is important to Indiana, making up a significant portion of the Gross Domestic Product.

Edgar Johnson, 1300 E. Pressler Road, Columbia City, stated he supports the Comprehensive Plan as well as the current overlay and the staff proposal does not show how Chapter 5 of the zoning ordinance would be altered.

Henry Janda, 4360 E. 700 South, Columbia City, stated he thought the public was held in the dark and not given adequate and timely information. He also stated he thought the staff proposal was only the agricultural perspective and everyone else was ignored.

Linda Hoffman, 8120 S. Westfield Trail, Columbia City, stated there needs to be a notice to perspective home buyers regarding water quality and potential concerns. She also stated the staff proposal does not mention water pollution and this needs to be addressed as CFOs produce three times the amount of manure than humans.

John Popp, 12316 Aboite Center Road, Fort Wayne, stated he is a Whitley County property owner and has developed over 300 acres in Jefferson Township. He stated that the focus should be on growth, advancing economic development, and enhancing quality of life. He stated he was in favor of continuing the Overlay District. He also stated that in considering the text amendments, the Commission should look at what areas are good for residential development.

Kelley Sheiss, 8179 N. 650 West, Larwill, stated she is in general favor of the staff proposal with a few concerns. She stated that there are a lot of talented people in agriculture and adding too many regulations could do significant harm.

Elizabeth Johnson, 5429 E. Lincolnway, Columbia City, a High School Senior and FFA member, gave a speech in support of agriculture and how overregulation can affect the future generation of farming.

Jim Odle, 1326 E. Pressler Road, Columbia City, expressed his support of the Comprehensive Plan and the maps provided by staff.

Emily Studebaker, 5147 W. 200 South, Columbia City, gave a presentation on behalf of the agriculture Code Development Committee members and community, expressing support of the staff proposal in its intent and provided positive aspects of the proposal and how compromise has been accomplished. She stated that the overlay was intended to be temporary and should be repealed upon adoption of the new ordinance. A copy of her presentation was provided for the record.

Heather Twomey, 7165 E. Indian Creek Road-92, Roanoke, had several questions including what water conservation efforts will be made, what will be written in the code to protect animals, and buffering around manure fields.

Andy Drummond, 5050 E. 800 South, Columbia City, stated that it is important to live at peace with one another as neighbors and when making decisions it is a good idea to ask whether the decision benefits everyone.

Joan Null, 8099 S. 200 East, Columbia City, stated she owns property in Jefferson and Washington Townships and believes setbacks should be contained on the property of the petitioner and should be measured from the property line of the non-participant as to not create a no-build zone on the non-participant's property or use the non-participant's property as a buffer zone without consent. She also expressed her support over extending the area for public notice.

Tina Haynes, 9481 S. 500 East-92, Roanoke, stated that Whitley County is not providing sufficient notification. She also stated that she appreciates farmers, but it is necessary to have rules and policies.

Anne Pliett, 2119 W. 500 North, Columbia City, stated she lives 1000' from a pending chicken CAFO and has concerns for her husband's health as he has COPD. She provided the Commission with copies of a research article on the increase risk of pneumonia in residents living near poultry farms and emphasized the importance of setbacks and buffering.

Barbara Hohenstein, 2555 E. Beech Avenue, Columbia City, stated that the notification process from IDEM is not sufficient and does not provide adequate time for neighbors to respond. She stated she wants to see the County notify within a 2-mile radius, rather than the proposed 660'.

Brooks Langeloh, 818 N. Newport Run, Columbia City, stated the staff proposal was a good plan that provides compromise, yet there are a few areas of concern. He stated it would be difficult to enforce a sales notice regarding agricultural use with the purchase agreement. He stated that he supports a larger notification area, with increases depending on the size of the CFO. He concluded that Whitley County needs to be proactive rather than reactive.

Jeff Johnson, 6460 E. Old Trail Road, Columbia City, Code Development Committee member, stated that he believes the Commission should strongly consider the staff proposal. He also stated that it is important to acknowledge that environmental effects come from sources other than CFOs.

Marlin Stutzman, 302 Dawn Estates Drive, Middlebury, former Indiana congressman, stated not every county and not every farm is the same and the issues at hand are better handled at the local level. He stated that he would argue on behalf of CAFOs, although location should be a factor.

Dawn Stauffer, 8170 E. 150 North, Churubusco, stated she has lived at her residence for 30 years and is in close proximity to some major hog operations. She stated she enjoys being outdoors and that with current technology, she has not been affected by manure odor.

Karl “Mick” McOmber, 2324 E. Wilcken Road, Columbia City, stated he does not think the staff proposal reflects the recommendations of all of the Code Development Committee members and is unfair. He stated he believes the 2011 Comprehensive Plan should be followed and also the Overlay District should be permanently free of CFOs.

Byron Lamm, 8530 S. 700 East, Columbia City, read two letters, one from Scott Glaze, Chairman and CEO of Fort Wayne Metals and one from Shep Moyle, owner of Shindigz. Those letters were submitted for the record.

Greg Gunthrop, 435 N. 850 East, LaGrange, stated he is a farmer and believes the problem in agriculture is overproduction and food distribution. He stated that the definition of economic development is to increase the number of jobs and improve the quality of life and we need all kinds of agriculture in appropriate places.

Alayne Johnson, 6952 E. 150 North, Columbia City, stated she is speaking on behalf of her husband, Mark, member of the Code Development Committee, who is recovering from back surgery. She stated that her husband wanted to express his support of the staff proposal and believes it provides certainty and was developed with compromise and sacrifices made on the side of agriculture. She also stated that modern agriculture looks very different than it did 80 years ago and cautioned against unnecessary regulations.

Joe Zehr, North Eastern Group Realty, 10808 La Cabreah Lane, Fort Wayne, stated he is a developer that seeks communities where people can live and desires to expand to Whitley County. He cautioned that his development interest may be affected by the decisions that are being made and asked the Commission to consider how CFOs could become a liability for residential development.

Jill Rogers, 2050 E. Linker Road, Columbia City, stated there are no zoning regulations for CFOs, yet strict regulations for Home Occupations exist, which is not fair to county residents. She stated that the Comprehensive Plan is being ignored and expressed support of the Overlay District.

Paul Mills, 1679 E. Bair Road, Columbia City, showed three large-scales maps: the Whitley County Zoning Map, the Land Classification Map from the 2011 Comprehensive Plan, and the map of the current overlay district. He stated that there is fragmented planning in Whitley County and the zoning ordinance should be updated to reflect the land classification map. He also stated he agrees with the majority of the staff presentation, yet would like the Overlay to be included.

Denise McCann, 1278 E. Pressler Road, Columbia City, passed out copies of the June 21, 2017 Plan Commission Meeting minutes, mentioning a comment made regarding where CFOs should be located in relation to the Comprehensive Plan. She also stated the County needs to consider places to put people.

Pat Hess, 201 W. Wayne Street, Fort Wayne, attorney for some Jefferson Township property owners, stated the concepts of the 2011 Comprehensive Plan should be implemented and Jefferson Township should be rezoned to Rural Residential. He stated there is room for everybody in Whitley County and it is really important to look at where to put what and not simply react. He also stated the overlay should be adopted to promote growth and is good for economic development.

Pete Eshelman, 6755 E. 900 South, Columbia City, stated the residents in Jefferson Township were generally supportive of the staff proposal, but want to see the Overlay District remain.

John O'Connell, 1705 E. Bair Road, Columbia City, stated he is in support of the majority of staff's proposal. He stated the Overlay District would not extend the setback boundaries much more and would like to see that remain. He stated the proposed 660 foot notification was too limited and would like to see that increased. He stated that he believes breaking the farming operations into classes is progressive thinking and supports that.

Jim Federoff, attorney, 301 West Jefferson Boulevard, Fort Wayne, stated that he represents the agricultural side. He stated that the Overlay District was intended to be a temporary measure and it is not appropriate to be used to rezone property. He stated that specific zoning changes must follow state code and the narrative provided must be changed to code text. He explained that he had provided the Commission with a summary of minor changes or questions from the agricultural community pertaining to the staff proposal.

Denise Heckman, 3455 W. Shoreline Drive, Columbia City, referred to the maps provided by Mr. O'Connell previously and stated that the maps do not reflect the Comprehensive Plan or the staff's recommendations. She also stated that she wants the Overlay District to be permanent.

Jeremy Lopez, 216 S. Chauncey Street, Apartment 1, Columbia City, stated he has strong roots here and wants to continue farming as his family has done. He stated there needs to be protection for farmers also and although there should be restrictions, having too many will keep farmers out of the county. He stated the proposal is not adequate and appears to prefer residential growth over agriculture.

Ronda Salge, 5465 N. 650 East, Churubusco, stated she has appreciated the Code Development Committee as she has learned a great deal from both sides. She stated she believes extending notices is positive and the Comprehensive Plan is a work in progress. She stated that in her experience, odors from CFOs are minimal.

Don Stoltz, 8065 S. Westfield Trail, Columbia City, stated that he moved to Westfield Passage because he wanted to live in the country where there is clean air and does not want a CFO across the street from him. He stated that there needs to be zoning protection as there is a lot of money in residential investments.

Brent Emerick, 5249 S. 500 East, Columbia City, voiced his support for the proposal and stated that it was a good compromise. He stated that both sides want some changes but believes overall it is good. He stated that those in the agricultural community hold one another accountable and help each other and there needs to be certainty for young people to remain local. He added that the county's rural character is a major selling point and we do not want to lose that and not all of Jefferson Township is a bad location for agriculture.

Jeremy Barron, 5901 E. 600 North, Churubusco, stated he is a grain farmer and expanded from Noble County into Whitley County due to the low regulations and he is in opposition of the Overlay District.

Rita Harness, 2319 E. Esterline Road, Columbia City, stated that IDEM has admittedly said their hands are tied and they have not turned down a CAFO in the past 5 years. She expressed concern over the county's contaminated waterways.

Mr. Wright called the public hearing closed at 10:05 p.m. due to the time. The Commission discussed holding a Special Meeting to continue the public hearing as there were additional people who wished to speak and for staff to make modifications to the proposal in response to comments. Mr. Western made a motion to table the meeting until a Special Meeting can be held on September 5, 2018; Ms. Deckard seconded. The motion passed unanimously.

OTHER BUSINESS

There was no other business to discuss.

ADJOURNMENT

There being no further business to discuss, Mr. Wright declared the meeting adjourned at 10:15 p.m.

Note: Due to technical difficulties, there is no audio recording for this meeting. The minutes were created based upon staff notation during the meeting.