

MINUTES
WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING

July 21, 2021

7:00 p.m.

Whitley County Government Center
Lower Level, Meeting Room A/B

MEMBERS	PRESENT	ABSENT	STAFF
Michael Bemis	X		Nathan Bilger
Dane Drew	X		Mark Cullnane
Brent Emerick	X		Sarah Kelly (consultant)(electronic)
Theresa Green	X		LEGAL COUNSEL
Thor Hodges	X		Elizabeth Deckard
Kim Kurtz-Seslar	(electronic)		
Joe Wolf	X		NONVOTING ADVISOR
Brad Wolfe	X		John Woodmansee
Doug Wright	X		

AUDIENCE MEMBERS

The audience list of in-person and electronic guests is attached below.

CALL TO ORDER/ROLL CALL

Mr. Hodges called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Mr. Bilger read the roll call with members present and absent listed above.

Mr. Hodges asked if Ms. Kurtz-Seslar would be allowed to vote due to electronic participation.

Ms. Deckard stated that Ms. Kurtz-Seslar would be able to participate and vote on any final action.

CONSIDERATION AND ADOPTION OF THE JUNE 10, 2021 AND JUNE 16, 2021 MEETING MINUTES

The minutes for the June 10 special meeting and June 16 regular meeting were presented for consideration. Mr. Hodges asked the Commission if it had any additions or corrections to either set of minutes.

Mr. Wright made a motion to approve the June 10 and June 16 minutes as presented. Mr. Hodges asked if there was any reason why any member of the Commission would not be able to vote on a motion that included both sets of minutes. Mr. Wolfe stated that he was not present for the June 10 meeting. Mr. Hodges asked for an amendment to the motion. Mr. Wright amended the motion to approve the June 10 minutes as presented. Mr. Emerick seconded. Motion passed by a roll call vote of 7-0-2, with Mr. Bemis and Mr. Wolfe abstaining due to absence.

Mr. Wolfe made a motion to approve the June 16 minutes as presented. Mr. Bemis seconded. The motion passed by a roll call vote of 9-0.

ADMINISTRATION OF OATH

Ms. Deckard administered the oath to audience members wishing to speak.

NEW BUSINESS

Mr. Hodges announced that the agenda items would be taken out of order from the agenda so the petitions could be more efficiently handled.

21-W-REZ-5, Zone map amendment, AG to IPM, Paul McCoy

Paul McCoy requested an amendment to the Whitley County Zoning Map by reclassifying approximately 0.37 acres from the AG, Agricultural District, to the IPM, Industrial Park/Manufacturing District. The subject property is located on the northeast corner of W. US Highway 30 and N. 650 West, in Section 33 of Richland Township.

Mr. Bilger stated that one of the public hearing notices for 21-W-REZ-5 ran in a newspaper published in Kosciusko County, resulting in lack of proper public notice. The petition was administratively continued to the August 18 regular meeting.

21-W-SUBD-13, Primary approval, “Schinbeckler Subdivision”

James Schinbeckler requested preliminary plat approval of a 1-lot subdivision proposed to be known as Schinbeckler Subdivision. The parent tract is located on the west side of S. 200 West, approximately 2,050' south of W. State Road 14 in Section 8 of Washington Township.

Mr. Bilger presented the staff report. He stated that the subject property was zoned AG. He said that right-of-way would be dedicated for the county road. He stated that platting was required due to previous splits from the parent tract and that rezoning was not required because this was the first split from the parent tract since 2018. He said that petitioner indicated that the proposed lot would be used for residential purposes. He discussed lot characteristics and compared them to the district development standards.

Mr. Bilger displayed aerial images of the subject property and surrounding area, the plat, and an image with the plat overlayed on an aerial. He said that comments indicated that the plat generally met the requirements of other departments and utility providers. He reviewed staff's proposed condition.

Mr. Hodges asked petitioner or its representative to address the Commission.

Petitioner James Schinbeckler, 4319 E. 300 South, Columbia City, stated that he was purchasing 4 acres from a family member and seeking subdivision approval so that he could build a home on the proposed lot.

Hearing no questions for Mr. Schinbeckler from the Commission, Mr. Hodges opened the public hearing.

Michael Coronato, 6033 S. 200 West, Columbia City, asked if petitioner planned on building a stick framed house or placing a manufactured home. Mr. Schinbeckler stated that it would be stick built.

Daniel Robertson, 6510 S. 200 West, Columbia City, asked if the proposed subdivision was for more than one buildable lot. Mr. Hodges asked Mr. Bilger to explain the proposal to Mr.

Robertson. Mr. Bilger stated that the proposal was for one lot and that any additional, future lots from the parent tract would again require subdivision approval.

No additional comments were heard. No online comments were heard. Mr. Hodges closed the public hearing and called for a motion or discussion.

Mr. Drew made a motion to approve 21-W-SUBD-13. Mr. Emerick seconded.

Mr. Wright asked if the Commission wanted the motion amended to include staff's suggested condition.

Mr. Drew amended the motion to approve 21-W-SUBD-13 with the following condition listed in the staff report:

1. Secondary plat approval delegated to the Plan Commission Staff.

Mr. Emerick seconded. Motion passed unanimously by roll call vote.

OLD BUSINESS

Review and consideration of an update and revision to the Comprehensive Plan

Mr. Bilger stated that Sarah Kelly, Senior Project Manager with planning NEXT, was participating electronically and available to answer questions from the Commission or public, if needed.

Mr. Bilger said that he had circulated a memo dated July 14 to the Commission that outlined changes made to the updated Plan since the June 10 special meeting when it was first considered. He stated that an updated June 2021 draft of the updated Plan was distributed to the Commission on June 24 and made public on June 25. He said that one public comment was received shortly after the June 10 meeting, and that this comment was reviewed by staff, consultant, and the Steering Committee and distributed to the Commission and County Commissioners. He stated that staff received two additional public comments earlier in the day and that those had been distributed accordingly. He said that Ms. Kurtz-Seslar had provided comment as well.

He reviewed the changes discussed in the July 14 memo. He stated that typographical errors had been corrected and minor and major text and map changes had been made. The following list describes those corrections and changes:

- Typographical corrections
 - Page iv, corrected spelling of "Ronda"
 - Page 14, "3,860 acres" changed to "30,758 acres"

Mr. Bilger stated that the most recently available data was pulled from the National Land Cover Database and the amount of forested and wetland acreage was found to be much higher than what was stated. He said that the initial number likely was missing a zero.

- Page 30, corrected spelling of "judgment"
- Minor text changes
 - Page iii, "This document updates the previous..." changed to "This document updates and replaces the previous..."

Mr. Bilger said that this change was made so that it was clear that the updated Plan would replace the current Plan.

- Page 16, added Dekalb County Airport and Kendallville Municipal Airport to the list
- Page 32, “reasonable regard (as described in Indiana Code)” changed to “reasonable regard (as used in Indiana Code)”

Mr. Bilger stated that this change was made as result of a comment that requested a definition of reasonable regard. He said that staff and legal counsel were unable to locate a specific definition, in Indiana Code or case law, of “reasonable regard.” He stated that the change was done to reflect how the term was used more generally in the Indiana Code.

- Page 35, changed 1.11 from program to policy

Mr. Bilger stated that Recommendation 1.11 made more sense as a policy than a program.

- Page 83, “volunteer group” changed to “A group of appointed residents and elected officials”

Mr. Bilger stated that “A group of appointed residents and elected officials” better identified the members of the Commission than as a “volunteer group.”

- Major text change
 - Page vi, revised this page from the 2011 Plan that explains the state statute mandate to create and adopt a Comprehensive Plan as a prerequisite to any zoning ordinance

Mr. Bilger stated that Ms. Kurtz-Seslar had commented at the June 10 special meeting that the state requires adoption of a comprehensive prior to adoption of a zoning ordinance. He said that discussion of this requirement was included in the current Plan but had been edited accordingly in the updated Plan.

- Map changes
 - Changed small “dots” of *Town Enhancement* commercial in Gateway Park area to *Employment Center* commercial/industrial

Mr. Bilger said that original identification of this area as *Town Enhancement* was the result of an error during conversion of the Existing Land Use Map to the Future Character and Land Use Map.

- Changed a block of *Town Enhancement* commercial northeast of Little Cedar Lake to *Mixed Rural*

Mr. Bilger said that original identification of these areas as *Town Enhancement* was the result of an error during creation of the Future Character and Land Use Map.

Mr. Bilger reviewed comments received that did not result in changes to the updated Plan, as discussed in the July 14 memo. The following list describes those comments and, where applicable, provides additional explanation as to why no changes to the document were made:

- The application of *Mixed Rural* to the Sheets farm property near Loon Lake and the application of *Traditional Neighborhood* to the Macino property in Collins
 - Both properties have land uses that are not incongruous with the indicated character types, although they are not necessarily primary uses of the types.
- This Comprehensive Plan ignores public health by not addressing health effects of CAFOs
 - This Plan is not a public health document. So, while the Plan is mandated to promote public health in its recommendations, it does not make recommendations on every public health concern.

Mr. Bilger asked Mr. Enrietto if he had any input concerning the above summarized comment and explanation for non-inclusion. Mr. Enrietto stated that he would.

- The February 2 draft character map was largely a *Traditional Rural* character unlike the current proposal
 - Due to a communication error, that draft map had inverted colors for *Traditional Rural* and *Conventional Rural*.
- Avoid locating solar installations on “prime” agricultural land
 - There was little public input about preference for locations of solar facilities in the Plan. Specific location requirements of solar facilities should be considered as part of writing regulations.

Mr. Bilger stated that the public input received was, for the most part, neither strongly for nor against solar facilities. He said that some comments expressed aesthetic concerns and that those could be considered during creation of a solar ordinance. He added that he has recently received inquiries about placement of utility-scale solar facilities around the County.

- The “zoning” classes [staff assume this refers to Character types] are arbitrarily named
 - The names of the character types were chosen to describe the majority of the areas to which they are applied. However, in a few situations the names could be cryptic.

Mr. Bilger provided the example that *Town Enhancement* was frequently used to describe small commercial in the unincorporated towns, but that it also includes other areas of small commercial.

- Normalization of a substantial number of comments about and from Jefferson Township
 - In the 2011 Plan process, a theoretically statistically valid sample was attempted to solicit input. However, in this update process, feedback on the existing Plan and new items were sought from many sources, not simply a sample population. Because it was not designed to be statistically validated, the consultants used their expertise and experience to balance the volume and substance of comments received.

Mr. Bilger stated that public input for the current 2011 Plan was solicited via postcards sent to a randomized sample of 300 addresses. Ms. Kelly stated that the methods used for soliciting public input were consistent with what planning NEXT recommends for Comprehensive Plan updates because such methods tend to elicit more, high-quality responses from a larger group of people. She said that this method was agreed to at the outset of the process. She stated that the responses received have a greater depth than those typically received when a survey is distributed to a random sample of residents. All public input is maintained by the Planning & Building Department and can be found on the website of the Whitley County Comprehensive Plan.

- Why are municipalities excluded from the character map?
 - Municipalities have their own zoning codes and comprehensive plans, so their incorporated areas were excluded. However, their extraterritorial jurisdiction areas were included in this map in the unlikely event that a municipality rescinds its ETJ authority.
- Question about discouraging 1- and 2-lot plats in the *Conventional Rural* character
 - There was much public feedback about protecting rural character, and ongoing small lot splits could degrade that. So those small plats would be discouraged, or minimized, but not necessarily prohibited. Defining a balance between too few and too many new, small subdivisions could be done during code writing.

Mr. Bilger stated that the word “discouraged” was found to be emotionally charged and recommended that it be changed to “limited.” He asked Ms. Kurtz-Seslar if that covered her concerns. She stated that it did and added that she would want it to be addressed during revision of the Subdivision Control Ordinance.

Mr. Bilger moved on from the topics addressed in the memo and discussed questions and concerns raised concerning the use of character types. He referenced comments made by Ms. Kelly at the June 10 special meeting of the Plan Commission that provided rationale behind their usage. He summarized the main differences between character types and land use districts and stated that character types described the character of an area and provide guidance on building size, uses, and compatibility. He added that land use districts define land uses that determine the character of an area, with guidance concerning lot size, area, and compatibility.

Mr. Bilger said that character types were used instead of land use districts because it provided a higher-level view that focused less on small inconsistencies in nearby land uses in favor of the general character of an area. He stated that the Future Character and Land Use Map did not show individual land uses unless that use was considerably different from the surrounding character. He said that the use of character types was more appropriate at the comprehensive plan level, and that it provided more flexibility when considering appropriate, in-character, or compatible, uses, for example, corner stores, small-town commercial, and home-based businesses, mixed uses, and agri-tourism. He stated that the use of character types could, depending on how the Zoning Code is updated or rewritten, provide that flexibility. He stated that, because they were both at the property-level, there was some confusion between the current Plan’s Land Classification Map and the Zoning Map. He said that the higher-level view utilized by the Future Character and Land Use Map was employed to minimize future confusion between it and the Zoning Map. He added that the Future Character and Land Use Map was for planning, representing ideals and providing guidance, and the Zoning Map was for zoning, to be used for regulatory interpretation and enforcement actions.

Ms. Kelly stated that a character-based approach was a more realistic depiction of conditions on the ground and that very few areas are ever going to be single-use. She said that a character-based map would be more useful, at the comprehensive plan level, than a land use map.

Mr. Bilger presented and discussed a table comparing the current Plan’s land use classifications to the character types used in the updated Plan. The table is found below.

2011 Land Use Classification	2021 Character Type
Agricultural	Traditional Rural/Conventional Rural
Transitional Agriculture	Conventional Rural/Mixed Rural
Rural Residential	Mixed Rural
Residential	Suburban Living
	Traditional Neighborhood
Lake Residential	Lake Village
Government/institutional	Institutional Campus
Village Commercial	Town Enhancement
General Commercial	Commercial Center/Employment Center
Industrial	Employment Center/Commercial Center
Conservation and Open Space	Open Space and Conservation

Mr. Bilger stated that Agricultural could translate to Traditional Rural or Conventional Rural depending on where it was located, and that Transitional Agriculture could be Conventional Rural or Mixed Rural depending on where it was located. He said that Traditional Neighborhood could be applied to residential areas in historic, small towns or potential neo-traditional neighborhoods and that a comparable classification was not found in the current Plan. He stated that General Commercial could, in most instances, be considered Commercial Center or, alternatively, Employment Center and that Industrial could, in most instances, translate to Employment Center or, alternatively, Commercial Center.

Mr. Bilger discussed implementation of the updated Plan. He said that an implementation section was not included in the updated Plan because the current Plan did not contain one. He stated that implementation was important despite the absence of specific directives guiding implementation. He stated that the updated Plan included recommendations that were outside of the scope and authority of the Commission. He discussed Recommendation 1.10 from the updated Plan and its directive to, every three to five years, evaluate the consistency of the Future Character and Land Use Plan with conditions on the ground and to address inconsistencies by modifying decisions or updating the Plan. He recommended that the Commission establish an implementation committee composed of a mix of Commission members and non-Commission members to conduct these evaluations and possibly make recommendations. He stated that this committee could provide status updates to the Commission on a semi-annual basis. He said that other than the recommendations that refer to the Zoning Code, Subdivision Control Ordinance, or standards found therein, respectively, most of the updated Plan's recommendations are outside of the scope and authority of the Commission.

He concluded his presentation and asked for questions and comments from the Commission.

Mr. Wolfe asked about the 300 postcards mentioned during Mr. Bilger's presentation. Mr. Bilger stated that this was in reference to the method of gathering public input employed for the current Plan, not for the updated Plan currently under consideration. Ms. Kelly stated that, in addition to advertisement of the multiple public input events conducted via email, online, newspaper, and

radio, well over 300 flyers and rack cards were distributed across the County to raise awareness. Mr. Wolfe stated that many residences in the southeast corner of Jefferson Township do not receive the Post & Mail and asked how those residences were notified of the public input events. Mr. Bilger stated that notifications of public input events were not mailed to residences for the updated Plan but added that Ms. Kurtz-Seslar took it upon herself to personally distribute rack cards to many residences, primarily in Jefferson Township.

Mr. Wolfe asked if it was correct that uses not listed under primary and secondary uses in each character type description would not be listed as a permitted or special exception use in a new or revised Zoning Code. Mr. Wolfe and Mr. Bilger discussed the use of the phrase “New CFOs not expected” following “Agricultural” under the primary uses for Mixed Rural. Mr. Bilger stated that “expected” was used because character depicted what a community wanted to see, rather than using regulatory words such as “prohibited” or “permitted.” Mr. Bilger said that he was open to the use of different words in situations that arise confusion.

Mr. Hodges agreed with Mr. Wolfe that the use of such words was confusing. Mr. Hodges stated that this process was not yet complete. He said that there were parts of the updated Plan that he did not yet understand and added that he knew there were other members of the Commission who shared the same concern. He said that it was the Commission’s responsibility to send to the County Commissioners a comprehensive plan that was ready for their acceptance. He stated that the use of a Steering Committee and subcommittees pushed that work and responsibility on people that may have more input or are more of an expert than those on the Commission, and that the Commission has relied on those people to help prepare the document. He stated that the Commissioners would accept whatever document forwarded to it by the Commission, and that the Commission should be very responsible with what it forwards. He said that he did not think that the Commission has had enough involvement in the process of creating the updated Plan. He said that the Commission’s situation was made more difficult as a result of Steering Committee meeting minutes not being presented and questioned who put the document together. He said that despite the amount of hard work and expertise put into the project, it was the Commission’s responsibility to hold executive sessions to address the many questions and concerns raised by the public and members of the Commission.

Ms. Deckard said that there were limited grounds for when a governing body such as the Commission can meet in executive session and that she did not believe that consideration of a comprehensive plan would meet those standards. Mr. Hodges stated that he thought that so long as a decision was not made at executive session, the Commission could hold one to discuss the updated Plan. Ms. Deckard said that she would research the question.

Mr. Bilger stated that the Steering Committee was set up to provide input to Planning staff and the consultant. He said that, like a new or revised Zoning Code, the product was that of Planning staff and the consultant. He added that, like all others involved, he wanted the Commission to be comfortable with its decision and welcomed special meetings to further discuss the updated Plan. He asked if the Commission was amenable to scheduling a special meeting to discuss the updated Plan later during the meeting.

Mr. Hodges asked if a motion to continue could be made at this time or if a public hearing was required. Ms. Deckard stated that a public hearing was advertised and so it should be held.

Mr. Wolf asked if changes to US 30 would require major revisions to the updated Plan. Mr. Bilger stated that it would impact Part 4 and the recommendations in Goal 2 but doubted that wholesale changes to those aspects of the Plan would be required. He said that placement of freeway interchanges and limited intersections along an improved US 30 may warrant changes to Part 1 if land use were impacted. Mr. Wolf stated that changes to US 30 would require the Sheriff to hire more public safety officers and asked whether this should be addressed by the updated Plan. Mr. Bilger stated that County staffing levels were not addressed in the current draft of the updated Plan, but that it could be if the Commission wanted.

Ms. Kurtz-Seslar stated that she had some questions and comments and asked if those should be addressed now or during a future executive session or workshop. Mr. Hodges stated that those questions and comments should be made at this time.

Ms. Kurtz-Seslar asked if the standards referenced in Recommendation 1.4 should be included in the updated Plan or in the Zoning Code. Mr. Bilger said that those development standards would be addressed in the Zoning Code.

Ms. Kurtz-Seslar read Recommendation 1.11 and stated that any recommendation that referred to the Subdivision Control Ordinance or Zoning Code should be marked with a high priority icon. She provided Recommendation 1.6 as an example of such a recommendation that currently did not have a high priority icon. Mr. Bilger and Ms. Kurtz-Seslar discussed this Recommendation and Ms. Kurtz-Seslar requested that it be given a high priority icon.

Ms. Kurtz-Seslar discussed Recommendation 1.13 and asked who would initiate a housing study and how one would be funded. Mr. Bilger stated, like many of the other recommendations found in the updated Plan, this was not necessarily under the authority of the Commission. Mr. Wolf questioned the validity of housing studies, stating that changes in the housing market would invalidate any such study. Ms. Kelly stated that entities that prepare housing studies account for market fluctuations and offered to provide examples from other counties in similar situations that had conducted housing studies. Ms. Kurtz-Seslar stated that examples would be helpful.

Ms. Kurtz-Seslar asked for clarification of the designation of S. 800 East on the Transportation Map. Mr. Bilger stated that it was designated as a minor arterial.

Ms. Kurtz-Seslar asked whether Whitley County has any impaired waterbodies. Mr. Bilger stated that it does. Ms. Kelly and Mr. Bilger briefly discussed impaired waterbodies and stated that this list could be found on the websites of the EPA and IDEM.

Mr. Hodges asked the Commission if it had additional questions or comments. Hearing none, Mr. Hodges opened the public hearing. Mr. Hodges reviewed procedure for making public comment and stated that, due to the number of people present, each speaker would be limited to 10 minutes.

John Enrietto, 8151 S. 700 East, Columbia City, stated his opposition to the current draft of the updated Plan. He stated that he had emailed to Mr. Hodges on the preceding Monday two documents concerning the health impacts of CFOs. Mr. Hodges stated that he had not received these documents. He added that he does not have access to his government email address and stated that people should use his personal email address for communicating about government

business. Mr. Enrietto asked Mr. Bilger if he had received these documents; Mr. Bilger stated that he had not. Mr. Enrietto stated that he believed he had sent the documents to Ms. Green. Ms. Green stated she was not aware of such an email, but asked Mr. Enrietto to proceed with his presentation. Mr. Enrietto stated that he would provide these documents to the Commission.

Mr. Enrietto summarized comment letters from Indra Frank and from D'Ann Williams and Robert Martin, both addressing public health concerns with CFOs. The letter from Indra Frank raised concerns about disease transmission, air pollution, and contaminated ground and surface water that result from CFOs. The letter from D'Ann Williams and Robert Martin discussed CFO impacts on air emissions, community health effects, spread of microbial pathogens, and antibiotic resistance. He stated he had previously raised concerns about the health impacts of CFOs, had been rebuffed each time for multiple reasons, and that these documents address these reasons. The documents are maintained by the Planning & Building Department and are available for public inspection.

Mr. Enrietto refuted comments concerning the measurement of air emissions from CFOs made at a previous meeting of the Commission, referencing a draft EPA study entitled "Development of Emissions Estimating Methodologies for Swine Barns and Lagoons." He stated that this document demonstrated that the EPA could measure and monitor air emissions from CFOs, that CFOs did generate hazardous air emissions, and that CFO proponents misrepresented the truth concerning negative health impacts of CFOs. He stated that ignoring these negative health impacts was in violation of the Indiana Code.

Mr. Enrietto requested that the updated Plan be discarded and that a new Plan be prepared. He requested that a new Plan contain specific zones for CFOs and residential areas.

Robert Eherenman, 444 E. Main Street, Fort Wayne, stated that he was an attorney representing a group of Whitley County residents, including Tom and Pam Armbruster, Byron and Shelby Lamm, Pete and Alice Eshelman, and John Popp. Mr. Eherenman presented the Commission with a written version of his testimony along with a list issues, questions, and recommendations. These documents are maintained by the Planning & Building Department and are available for public inspection.

Mr. Eherenman stated that he has twice in the past represented plan commissions through the comprehensive plan process and that responsibility for a comprehensive plan rests squarely upon a plan commission. He said that his clients felt that they had been excluded from the process. He stated that the process employed to generate the updated Plan did not include an adequate amount of public input and that it should be continued to provide additional opportunities for gathering such input.

Mr. Eherenman stated that his clients compared the current (June 2021) draft to the previous (May 2021) draft presented at the June 10 special meeting of the Commission and counted no less than 20 recommendations in the previous draft. He said that they found very few of those recommendations included in the current draft and that the Commission, rather than anyone else, should decide whether to include those recommendations. He said that, although the development of comprehensive plan was a consultant-driven process, responsibility for what is or is not included in a plan is the responsibility of a plan commission.

Mr. Eherenman discussed implementation plans and stated that the updated Plan should include a specific implementation plan. He questioned whether the updated Plan would adequately address

the land use issues that had repeatedly been divisive in the county in the recent past, specifically citing CFOs. He said that lack of a specific implementation plan would not alleviate those issues but potentially exacerbate them.

Mr. Eherenman said that the character types were vague and that the updated Plan should clarify specifically where character types that allow for residential and CFOs could be located. He stated the Suburban Living, Traditional Neighborhood, Lake Village, and Mixed Rural characters should be separated from types that allow CFOs uses.

Mr. Eherenman stated that recommendations specific to CFOs regarding compatible uses and development had been removed from the current draft and that those recommendations should be reinstituted into the updated Plan.

Mr. Eherenman reviewed BEA vintage 2019 data concerning Whitley County employment and GDP by industry. He said the data showed that county employment and GDP were driven by industries other than agriculture and that the Commission should take the interests of all the County's industries into consideration.

Mr. Eherenman stated that water quality and environmental resources needed to be addressed. He said that businesses should be surveyed to determine their expansion plans and whether they believe there is adequate housing available for their potential workers.

Doris Derheimer, 5621 S. 600 East, Columbia City, stated her opposition to the current draft of the updated Plan. She said that public input was inadequate and requested that more people be involved. She said that she and her husband own 300 acres in Jefferson Township and that they had not received an invitation or notification of public input events or opportunities. She questioned how people were picked to provide input and stated that it was always the same people selected for committees pertinent to planning and zoning decisions. She stated that her opinion had not been taken into consideration and that, unless she personally receives a notice of public hearing, she is not aware of what is happening. She said that she had no idea that the updated Plan was this far along in the process until she received an email from another citizen. She stated that the current Plan had not been effective at resolving land use conflicts. She said that the Commission should have a good understanding of the document and requested that it be continued.

Brianna Schroeder, 8425 Keystone Crossing, Suite 111, Indianapolis, stated that she was an attorney representing Sonya Emerick and the Whitley County Farm Bureau. Referring to comments made previously in the hearing, she stated that Dr. Indra Frank was not present to represent herself or her work. She said that Dr. Frank was affiliated with the Hoosier Environmental Council. Ms. Schroeder discussed *House of Prayer Ministries, Inc. d/b/a Harvest Christian Camp v. Rush County Board of Zoning Appeals, Milco Dairy Farm, LLC*, a land use case that she litigated. She stated that Dr. Frank was utilized by the plaintiff, that the case was appealed to the Indiana Court of Appeals, and that the Court of Appeals rejected Dr. Frank's claims about the negative health impacts of CFOs in that particular situation. She said that she did not know Dr. D'Ann Williams but was aware that she was involved with an organization that is generally against big farms.

Ms. Schroeder addressed comments made earlier concerning the measurement of air emissions from CFOs. She said that a draft document or study holds no power in litigation. Concerning the way the state of Indiana addresses air emissions from CFOs, she referenced a case recently

decided by the Indiana Office of Environment Adjudication (*Troyers*, 2021 OEA 10) that dealt with emissions from a hog farm in Noble County. She stated that petitioners who objected to that hog farm lost the decision.

Ms. Schroeder stated that the current draft of the updated Plan was not ready. She said that there had been a lot of input from many parties, but that there was not yet agreement on multiple issues, and suggested continuance. She said that form-based codes have no place in rural areas, but that they had been used in urban areas to great effect, citing Miami, Florida and Sonoma, California as examples.

Ms. Schroeder questioned the use of the phrases “historic rural agricultural aesthetic” on page 66 and “[t]raditional agricultural aesthetic on page 67, and stated that she was not sure what those terms meant or what the difference was between them. She said that she was concerned that such phrases could be used in the future to control design standards, and asked whether their use could be used to mandate the color that barns were painted. She said that, according to most recent Census of Agriculture data from USDA, agricultural sales from Whitley County farms amounted to over \$120 million. She stated that the updated Plan should not hinder existing agricultural establishments or the development of future establishments.

Ms. Schroeder said that the Future Character and Land Use Map seemed to move the County toward converting some land currently used for agricultural purposes to more limited categories. She stated that the table presented earlier by staff showing a crosswalk between 2011 land use classifications and 2021 character types demonstrated this, because what was Agricultural in 2011 was now broken up into two groups, Traditional Rural and Conventional Rural. She said that Conventional Rural limited future opportunities for agricultural development. She stated that the current draft of the updated Plan further restricts agriculture compared to the current Plan.

Ms. Schroeder discussed implementation of the updated Plan, asking how and by whom it would be done. She said that Planning staff and the Commission should take another look at developing rural areas via agricultural opportunities. She stated that there was a lot of money available from federal and state sources in support of rural and agricultural development, citing the federal Rural Economic Development Innovation Initiative and the Indiana State Department of Agriculture’s Rural Economic Development Model. She said that Whitley County was unlikely to land a General Motors facility, but that it could continue to develop its agricultural assets.

Ms. Schroeder stated that the updated Plan was a good start but that it still needed work.

John Meister, 5995 S. Woodstrail Drive-57, Columbia City, stated his opposition to the current draft of the updated Plan. Mr. Meister read from prepared remarks. He distributed these remarks, along with additional documents, to the Commission. These documents are maintained by the Planning & Building Department and are available for public inspection.

Mr. Meister reviewed his background and history of involvement with matters pertaining to Whitley County. He stated that he was the current president of the Crooked Lake Association and Whitley Water Matters. He said that he comes from a multigenerational farm family and currently owns an 80-acre row crop farm. He stated that he was instrumental in securing funding related to development of the Parkview Whitley Hospital campus and improvements to SR 205 between Morsches Park and US 30.

Mr. Meister stated that he was pleased that the Commission was updating the current Plan. He said that the current Plan’s goals and objectives were rarely ever discussed at a Commission

meeting. He stated that there had never been any attempt to review the extent to which those goals and objectives had been met. He stated that all parties would need collaborate to achieve results and that the absence of an action plan in the current draft of the updated Plan was a major oversight.

Mr. Meister presented a brief history of attempts at aligning the Zoning Map with the recommendations from the Land Classification Map in the current Plan. He said that Ordinance # 2017-10 charged the Commission with the duty to undertake an effort to change the Zoning Code to better reflect the recommended locations of Agricultural, Transitional Agriculture, and Rural Residential found in the current Plan. He said that failure to achieve this has resulted in land use conflict and uncertainty. He stated that the Commission should complete this task prior to considering the updated Plan.

Mr. Meister said that Ordinance # 2018-09 introduced CFO development standards to the County. He stated that a commitment was made during an August 2018 meeting involving Planning staff and members of the Commission that the CFO standards would be reviewed and updated in two to three years after adoption of Ordinance # 2018-09. He referenced a recommendation from a previous draft of the updated Plan that called for preparation of a recommended buffer and setback map and/or strategy for CFOs that would recognize both existing ag and residential areas and include reciprocal preferred distances between uses. He said that he did not understand why this was removed or who removed it.

Mr. Meister discussed a document containing information that he had compiled comparing the County's CFO setback standards to the IDEM minimum setback standards. He said that Whitley County setbacks fall below Indiana averages.

Mr. Meister referenced a letter that he had submitted to Planning staff in March 2021 that discussed a Purdue Extension study that stated home prices were expected to decrease the closer a property was to a CAFO. He said that in Bartholomew County some property owners experienced a decrease in property taxes due to decreased assessed valuation that resulted from being close to CAFO. He said that a real estate appraiser was prepared to meet with the Commission to discuss residential property values in relation to CFOs, and that this offer had been made to address questions posed by Ms. Kurtz-Seslar at the January 2021 Commission meeting.

Mr. Meister discussed water quality issues and stated that both the current and updated Plans call for monitoring the County's impaired waterways, but that monitoring was not enough and that the Commission should be more forceful in protecting water quality. He stated that the current draft was inadequate.

Mr. Emerick asked Mr. Meister what county he lives in. Mr. Meister stated that comments he had made at previous meeting had been disregarded because he lives on the border between Noble County and Whitley County. Mr. Meister stated that his commitment is to Whitley County. Mr. Emerick asked Mr. Meister if he lives in Whitley County. Mr. Meister said that he lives in Noble County. Mr. Emerick referenced previous comments from Doris Derheimer and stated that Mr. Meister was taking time away and diluting the voice of Whitley County residents and workers. Mr. Meister stated that his commitments are to Whitley County and asked that everyone work together.

John O'Connell, 1705 E. Bair Road, Columbia City, stated his opposition to the current draft of the updated Plan. He said that he was a former president and current executive member of the Board of Directors of Whitley Water Matters. He stated that land use conflicts had been occurring for years and that he had gone before the Commission in the past and stated that, to avoid future conflict, a land use map clearly defining where large-scale farming can locate should be created. He said that the current draft of the updated Plan should be continued. He suggested that Mixed Rural and Conventional should have very specific guidelines and delineations for where residential, commercial, and large-scale farming can be located. He stated that Planning staff, the consultant, and Steering Committee had done their job regarding soliciting public input. He said that he had volunteered to be on the Steering Committee but was not selected. He stated that he had been selected to be on a task force, but that the task force met one time, for 3.5 hours, and the discussion that took place was guided by very narrow questions about very few recommendations. He stated that he felt his task force was underutilized. He stated that he appreciated and agreed with Mr. Hodges comments expressing a desire for executive sessions to further discuss the updated Plan.

Sonya Emerick, 5865 E. State Road 14, Columbia City, stated her opposition to the current draft of the updated Plan. She said that the Commission had entrusted the comprehensive plan update process to a consultant, Planning staff, and Steering Committee and thus have had a hand in the process since the beginning. She said that the Commission had spent \$90,000 to date on the process and that, based on comments made by the Commission and by the public during the hearing, she felt that all the effort has been for naught. She said that comment letters had been submitted with misleading content, disparaging people for their gender and occupation. She said that she felt that Mr. Bilger had made a good effort to provide a good product. She said that the Steering Committee was picked by the Commission. She asked Mr. Bilger if that comment was correct. Mr. Bilger had no comment. Mr. Hodges stated that he has been a member of the Plan Commission for four years and never had any input on it. Mr. Bilger stated that the original members of the Steering Committee were volunteers and included a member from the Commission, the Board of Zoning Appeals, and the County Commissioners. He stated that Mr. Wright was the Commission's volunteer, that Danny Wilkinson was the BZA volunteer, and that Tom Western was the County Commissioners volunteer. He said that the other two members of the Steering Committee were picked upon discussion to represent certain interests that the three original members did not necessarily represent.

Ms. Emerick and Mr. Hodges briefly discussed the process used to identify the Steering Committee. Mr. Hodges stated that his previous comments were being mischaracterized and that, ultimately, it is the Commission's fingerprint that will be on the product that is sent to the Commissioners. He said that Mr. Bilger had approached him when he became Commission President in January about being involved in the process and that he had welcomed that invitation and stated that he would like to get minutes from the Steering Committee meetings. He said that he requested these minutes multiple times and that after the third request was told that there were no minutes. He stated that he felt it was important to have a trail documenting why or by whom decisions were made. Ms. Emerick asked whether the end result was worth \$90,000. Mr. Hodges stated that he did not believe the process should be started over. Ms. Emerick asked Mr. Hodges if he trusted the Steering Committee. He said that he would like to see everything that was presented.

Ms. Emerick asked Mr. Bilger if Steering Committee meeting minutes or whatever notes were available would be provided to the Commission and made available to the public. Mr. Bilger stated that discussions were primarily between consultants and Planning staff for guiding the consultants in preparation of the product. Ms. Emerick asked if there were notes from the Steering Committee meetings. Mr. Bilger stated that there were notes. Ms. Emerick asked Mr. Hodges if that was what he was looking for. Mr. Hodges stated that he wanted minutes from the Steering Committee, not somebody's notes. Ms. Emerick stated that the process was over budget.

Mr. Hodges asked if there was additional comment from the public. Hearing none, he closed the public hearing.

Mr. Hodges asked the Commission for discussion.

Mr. Wolfe made a motion to continue the process. Ms. Kurtz-Seslar seconded the motion.

Ms. Green asked Ms. Deckard to investigate an executive session or special meeting. Ms. Deckard stated that she had researched the question during the meeting and that there are instances in which a governing body can enter executive session, but that this situation would not fall under one of those exceptions and thus the presumption is that any gathering where the updated Plan was discussed would have to be open to the public. She said that deliberation is an official action and that even a discussion would constitute a public meeting.

Mr. Emerick asked for clarification of an executive session. Ms. Deckard stated that the Commission could not hold an executive session to discuss the updated Plan because discussion is deliberation and deliberation is official action. Mr. Emerick stated that it is important to find middle ground because the document will probably not make everyone happy. He said that the Commission needed to compromise and come to agreement on something that everyone can live with and depend on. He says that he understands that Planning staff is overwhelmed.

Mr. Hodges stated that executive sessions are for the free exchange of ideas. He said that he would be fine with holding a public meeting that did not obligate the Commission to offer the opportunity for making public comment. Mr. Bilger suggested a workshop that consisted of a public meeting but not a public hearing. Ms. Deckard stated that she would look into whether a special meeting had to include a public hearing. He said that with hindsight the June 10 special meeting should probably not have included a public hearing.

Mr. Drew asked if extending the timeline of potential approval would increase the cost to the County. Mr. Bilger stated that the consultant charges on an hourly basis. He said that the Commission has several options. Mr. Hodges stated that he felt the work could be transferred solely to Planning staff.

Mr. Wolfe amended the motion to continue with a workshop. Ms. Kurtz-Seslar seconded the motion. Motion passed by roll call vote of 9-0.

Mr. Hodges asked for discussion of whether to retain the consultant or transfer all future work to Planning staff. Mr. Bilger asked for consensus on whether the consultant's direct involvement in the process should be ended and whether the consultant's involvement should be continued on an hourly basis as needed. Mr. Drew stated that it would make sense to continue the consultant's involvement as needed, but rely on Planning staff to handle revisions to the document, as required. Ms. Green and Mr. Wright agreed.

ADJOURNMENT

Having no further business, Mr. Hodges declared the meeting adjourned at 9:22 p.m.

GUEST LIST

1. John Enrietto8151 S. 700 East, Columbia City
2. Brianna Schroeder.....8425 Keystone Crossing, Suite 111, Indianapolis
3. Robert Eherenman444 E. Main Street, Fort Wayne
4. Amanda Schinbeckler4319 E. 300 South, Columbia City
5. James Schinbeckler4319 E. 300 South, Columbia City
6. William Todd Nichols.....5653 N. 350 East, Columbia City
7. Mike Williams8062 S. Westfield Trail, Columbia City
8. Charlene Williams8062 S. Westfield Trail, Columbia City
9. Alayne Johnson6906 E. 150 North, Columbia City
10. Tom Western.....5321 W. 600 North, Columbia City
11. Kim Arnold6649 W. 100 North, Larwill
12. Tony Reust1271 E. Keiser Road, Columbia City
13. Nicki Venable253 W. 150 North, Columbia City
14. John Klefeker6443 W. Plattner Road, Columbia City
15. Linda Hoffman.....8120 S. Westfield Trail, Columbia City
16. Sonya Emerick5865 E. State Road 14, Columbia City
17. Randi Engelhardt8135 S. Westfield Trail, Columbia City
18. Chris Harrison5263 E. 1000 South-92, Roanoke
19. Mike & Ann Marie Coronato.....6033 S. 200 West, Columbia City
20. Doris Derheimer.....5621 S. 600 East, Columbia City
21. John O'Connell1705 E. Bair Road, Columbia City
22. John Meister.....5995 S. Woodstrail Drive-57, Columbia City
23. Brad Battershell8105 S. 700 East, Columbia City
24. Mark Engelhardt8135 S. Westfield Trail, Columbia City
25. Danny Wilkinson5637 W. 280 South, South Whitley
26. Daniel Robertson6510 S. 200 West, Columbia City
27. Gaven DeVillier413 W. 93rd Place, Crown Point

GUEST LIST-ELECTRONIC

28. Carol Fanger.....9009 S. 600 East-92, Roanoke
29. Kurt Kehmeyer.....8244 S. 600 East, Columbia City
30. Judy Kehmeyer8375 S. 600 East, Columbia City
31. Robert Kehmeyer8411 S. 600 East, Columbia City
32. Kelley Sheiss.....8179 N. 650 West, Larwill