

MINUTES
WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING

March 15, 2023

7:00 p. m.

Columbia City High School
Performing Arts Auditorium

MEMBERS	PRESENT	ABSENT	STAFF
Travis Baker	X		Nathan Bilger
Dane Drew	X		Brent Bockelman
Brent Emerick	X		
Jack Green	X		LEGAL COUNSEL
Thor Hodges	X		Elizabeth Deckard
Mark Johnson	X		
Rob Schuman	X		NONVOTING ADVISOR
Kim Kurtz-Seslar	X		John Woodmansee X
Joe Wolf	X		

AUDIENCE MEMBERS

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

CALL TO ORDER/ROLL CALL

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

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for the February 15, 2023 regular meeting were presented for consideration. Mr. Johnson called for any comments or a motion. Mr. Wolf made a motion to approve the minutes as presented; seconded by Ms. Kurtz-Seslar. Motion passed, 9-0 by roll call vote.

ADMINISTRATION OF OATH

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

OLD BUSINESS

22-W-REZ-6 (requests continuance to May, will be re-notified)

22-W-REZ-8 (tabled pending additional information, will be re-notified)

NEW BUSINESS

23-W-REZ-2, Columbia City Solar, LLC Overlay District

Mr. Bilger Stated that Columbia City Solar had withdrawn their petition filing. He read aloud the notice provided by Columbia City Solar, LLC explaining the reasons for withdrawing the zoning request.

23-W-SUBD-2, Clifford and Donna Nation, Subdivision

Clifford & Donna Nation request preliminary approval of a 1-lot subdivision plat proposed to be known as “Nation Subdivision.” The property is located on the west side of 450 East, 150’ north of SR 205 in Section 31 of Smith Township, with the address of 1577 N. 450 East.

Mr. Bilger presented the staff report. He explained the proposed plan. Aerial views were provided to further explain splitting off the house and property, and an overlay of the plat was shown for reference. Drainage of the property was discussed. He discussed the recommended conditions, emphasizing the condition regarding the new ingress/egress easements. The recommended conditions were:

1. Consider clarifying who the grantee is of the new ingress/egress easements.
2. Health Department requirements be met.
3. Secondary plat approval delegated to the Plan Commission Staff.

Clifford Nation, 1577 N. 450 East, petitioner, addressed the Commission and explained the project and the proposed property split involved.

Having no comments for the petitioner, Mr. Johnson opened the public hearing.

Virgil Fulk, 1701 N 450 East, addressed the Commission with a question as to how many houses were planned to be built on the property being sold. Mr. Nation answered that the plan was for the new owner to build one house on the property. He was unable to speak on any future plans of the new owner.

Hearing no other comments, Mr. Johnson closed the public hearing. Ms. Kurtz-Seslar made a motion to approve 23-W-SUBD-2 with the recommended conditions. Mr. Wolf seconded the motion. The motion was passed by roll call vote of 9-0.

23-W-REZ-1, Jarod and Lori Baker Rezoning

Jarod & Lori Baker request a zone map amendment to reclassify part of a 23.29-acre parcel from IN, Intensive Use, to IPM, Industrial Park/Manufacturing. The subject property is located on the west side of SR 9, approximately 1,000’ south of 500 South in Section 2 of Washington Township, with an address of 5410 S. SR 9.

Mr. Bilger presented the staff report. He explained the request to change an 11± acre portion of the property, that is currently zoned IN, to IPM and AG. Approximately 7.4 acres around the landscaping company would be changed to IPM and the remaining 4± acres would be rezoned to AG to match the zoning of the rest of the property. Permitted and Special Exception uses of the different zoning districts were reviewed. The surrounding property zoning and land uses were

discussed. Explanation was given that the rezoning would bring the existing legal nonconforming landscape business into conformance as well as allow for the future plan of including mini warehouse use to be permissible. Review criteria was discussed.

Jarod Baker, petitioner, addressed the Commission. He explained the reason for the rezoning request and asked if there were any questions for him.

Mr. Johnson opened for public hearing. Hearing nothing, the public hearing was closed.

Mr. Johnson made a motion to recommend a favorable recommendation for 23-W-REZ-1 to the Commissioners; Mr. Green seconded. Motion passed by a vote of 9-0.

23-W-ZOA-2, Zoning Code Amendment

Text amendment to the zoning code to establish a moratorium related to Commercial Solar Energy Collection Systems.

Mr. Johnson stated that the public hearing would be open for all to speak. He stated that a time limit of two minutes would be in place for individuals speaking and five minutes for group representatives. He also stated that the discussion would need to be only about the moratorium and not a specific project.

Mr. Bilger expressed his appreciation and thanks to the High School Staff and students for the work they had done in accommodating for the meeting location change.

Mr. Bilger presented the staff report. He explained the proposed moratorium on new commercial scale solar energy collection systems. He pointed out that it would not affect private solar. The moratorium would be county wide not including the municipalities. He stated that the moratorium would include new applications and permitting. The proposed time period would be one year from the Commissioner's adoption. Mr. Bilger stated that the reason for the moratorium is to review the standards of the current code. The process of amending the code was described.

Ms. Kurtz-Seslar discussed the reason for the public hearing due to being a zoning issue.

Mr. Johnson opened the public hearing.

Jason Dafforn, 3134 E. Mowrey Road, addressed the Commission. He provided a petition and signatures on behalf of Whitley County Citizens Against Solar. He stated his concern with the loss of farm land, ecosystem, and livelihood of Whitley County. He shared his concern about the setbacks of the current code. He asked for the Commission's support of the Moratorium.

Joan Null, 8099 S. 200 East, addressed the Commission. She stated her concern about the protection of nonparticipating property owners. Discussion was made about the communication from the developer to the public. She asked for the Plan Commission to send a favorable recommendation to the Commissioners for the moratorium. She also discussed her concern about the negative effect on the property values of surrounding properties.

Diana du Pont, 1676 S. 700 East, shared her concerns regarding the placement of solar projects. She also stated her concern with the negative impact environmentally as well as financially. She hoped the moratorium would allow time to find answers to some of those questions. She thanked the Plan Commission for considering the moratorium.

Doug Hosler, 3700 E. 300 South, asked for clarification as to the time that the moratorium would be effective if approved. Mr. Bilger stated that the moratorium would be effective at the time of

the Commissioner's vote. Discussion was made regarding the time between this meeting and the Commissioner's meeting and if a new filing would be able to be made. Mr. Bilger stated that regarding the project filing that was withdrawn, there would be a six-month wait period before refiling. He stated that approving the moratorium would give time to review the code and asked for the Commission's support.

Ena Colbart, 1975 E. Mowrey Road, shared her concern with the effects of commercial solar on adjacent property owners and businesses. She discussed the need for more research to determine the negative effects of the solar farms on the areas surrounding the projects. She discussed the long-term effect on the next generations.

Jenna Sallee, 3005 E. Mowrey Road, addressed the Commission. She stated her family history of six generations of Whitley County land ownership. She thanked the Commission for the time spent on this issue. She asked for the Commission's consideration in supporting the moratorium in order to review the ordinance and make sure that it protects the community and what is right for Whitley County.

Rachel Conner, 580 E. Carmel Drive, Carmel, Indiana, representative for Hoosiers for Renewables, addressed the Commission. She discussed the positive aspects of renewable energy regarding business generation and additional ways for local farmers to have additional income. She stated her willingness to provide additional information and help in further review of the solar ordinance.

Henry Janda, 4360 E. 700 South, stated his concern with blackouts and the industries agenda. He stated his support of the moratorium.

Becky Bechtel, 6046 Meridian St, Indianapolis, representative of Indiana Land of Liberty Coalition, addressed the Commission. She stated their advocacy of land owner rights to allow farm owners to chose what to with their private property. She stated that the moratorium would only delay the benefits available through solar development.

Carrie Laukhuf, 7570 S. 850 West, stated her concern about the long-term environmental effects of commercial solar developments. She shared her concern that enough research has not been done to collect the needed information to make an informed decision on the impact. She stated her support for the moratorium.

Larry Long, 4835 W. 800 South, asked for the approval of the moratorium and stated his concern with the setback distances and intermittent power provided by solar.

Erica Lambert, 1532 E. Keiser Road, stated her concern with the lack of information provided to the public by the solar development company. She stated that there is a lack of benefit to Whitley County. She stated the effect on the local properties around the development. She discussed the unknowns with this technology and environmental hazards to the land.

Hearing no further comment, Mr. Johnson closed the public hearing.

Mr. Wolf discussed the different views to look at and time spent in the creation of the existing ordinance and that the Plan Commission does not take this decision lightly.

Mr. Emerick discussed the time involved in crafting the ordinance. He included the depth of research and public input on the ordinance.

Mr. Hodges stated for clarification that the Plan Commission is a sub committee of the County Commissioner's. If the Commissioners come back to the Plan Commission and ask to review the ordinance, it is because they have recognized that more work and thought needs to be put into it. Stating the importance of completing the tasks assigned to them by the Commissioners. He stated that with any recommendations given to them, the Commissioners still have the final say.

Mr. Schuman discussed the public input that he had received as a commissioner. With the amount of concern, they felt that things were moving too fast and needed to slow down and give more time to research and make an informed decision. This is why he had asked for the Plan Commission to enact the moratorium on commercial solar.

Mr. Johnson stated that if the moratorium is passed and approved, the Plan Commission would like to get direction from the Commissioners on what issues and items to address in the ordinance to solve the issues and move forward.

Mr. Schuman clarified that the moratorium is up to one year and not a one-year moratorium.

Mr. Emerick asked Mr. Schuman if the commissioners would like the full year or if he thought it could be handled sooner.

Mr. Schuman stated that he did feel it could be taken care of sooner but would allow adequate time to get issues taken care of.

Mr. Johnson asked for clarification that if an amended solar ordinance is approved before the one-year time limit, could the moratorium be lifted. Ms. Deckard confirmed that the moratorium could be lifted.

Discussion was made about public notification on future meetings and public input.

Ms. Kurtz-Seslar discussed how the process of the ordinance had worked so far. She stated that the Commissioners had asked for the Plan Commission to design a solar code. Research, education, time, and effort were put in to designing a code that was proposed to the Commissioners and approved with changes made. Now confronted with a moratorium, she doesn't want that to negatively reflect the work that was done. She stated that she would prefer to move forward with a no recommendation decision and receive guidance from the Commissions on what they would like to see changed in the code.

Mr. Bilger explained to the audience the decision options from the Plan Commission to the Commissioners.

Ms. Kurtz-Seslar made a motion to send a no recommendation to the Commissioners on 23-W-ZOA-2, Text amendment to the zoning code to establish a moratorium related to Commercial Solar Energy Collection Systems. The motion was seconded by Mr. Drew. The motion passed by roll call vote of 8-1 with Mr. Schuman voting against.

OTHER BUSINESS

Mr. Bilger discussed the Rules of Procedure that were distributed earlier in the year. Decision was made to review and discuss at an upcoming meeting.

ADJOURNMENT

Having no further business, Mr. Johnson adjourned the meeting at 8:20 P. M.

GUEST LIST

1. Jonathon Gordan304 E. Swihart
2. Lori Mowrey3934 E. 300 South
3. Doug Walker3686 E. 300 South
4. Amber Walker.....3686 E. 300 South
5. Michael Myers4640 S. 275 West
6. Jeremy Barron.....5901 E. 600 North
7. Jeff Hinen.....117 W. Market St.
8. Rachel Conner.....Hoosiers for Renewables
9. Shelly Lybarger.....5075 N 450 East
10. Belinda Yagel.....700 S. 300 East
11. Becky Bockelman3745 N. 550 East
12. Justin Dafforn.....3134 E. Mowrey Road
13. Jenna Sallee.....3005 E. Mowrey Road
14. Gary Kaufman.....1676 S. 700 East
15. Diana du Pont.....1676 S. 700 East
16. Clifford Natioin.....1577 N. 450 East
17. Donna Nation1577 N. 450 East
18. Tom Sroufe1894 E. Paige Road
19. Jane Sroufe.....1894 E. Paige Road
20. Dave Judd.....1901 E. Mowrey Road
21. Mike Judd.....1901 E. Mowrey Road
22. Cany Hull1700 S. Raber Road
23. Joni Walker8160 S. Washington Road
24. Brooks Walker8160 S. Washington Road
25. Kim Arnold6679 W. 100 North
26. Sarah Simmons1308 E. Louise Drive
27. Brent Simmons.....1308 E. Louise Drive
28. Michel Gordon1605 E. 300 South
29. Mark Mowrey3934 E. 300 South
30. Jason Dafforn3134 E. Mowrey Road
31. Mary Ann Ranly2675 S. 400 East
32. Inara Wait.....3504 S. Wait Road
33. Becky Bechtel6046 Meridian St. W. Dr. Indianapolis
34. Tony Dear1846 E. Paige Road
35. Sarah Weber.....175 E. Keiser Road
36. Virgil Fulk.....1701 N. 450 East
37. Jenni Fulk.....1701 N 450 East

38. John Meister.....	5995 S. Woodstrail Dr.
39. Ethan Dahlen.....	5620 River Run Trail, Fort Wayne
40. JoEllen Gaff.....	2979 E. State Road 14
41. Joel Copas.....	1580 N. Mountain Lake Rd., Albion
42. Cammie Casey.....	5233 S. 200 West, Albion
43. Debbie Gay.....	1980 E. Robin Hood Road
44. Alivia Walker.....	8160 S. Washington Road
45. Rachael Hartman.....	The Post and Mail
46. Brent Bradbury.....	4905 E. Duffin St.
47. Nikki Bradbury.....	4905 E. Duffin St.
48. Ben Gordon.....	3253 E. 300 South
49. Lanna Trimmer.....	3575 S. Washington Road
50. David Trimmer.....	3575 S. Washington Road
51. Jarod Baker.....	964 E. 500 South
52. Lori Baker.....	964 E. 500 South
53. Harry Oelschlager.....	2136 E. Mowrey Road
54. Shannon Case.....	727 Kirkwood Ct.
55. Teri Douglas.....	4801 W. Plattner Road
56. Don Douglas.....	4801 W. Plattner Road
57. Benjamin Strack.....	3764 E. 300 South
58. Dakota Gable.....	7624 Canter Chase Ct. Fort Wayne
59. Karen Rust.....	1846 E. Paige Road
60. Gerald Puff.....	1847 E. Paige Road
61. Ron Case.....	2494 E. Mowrey Road
62. Lana Case.....	2494 E. Mowrey Road
63. Michael Love.....	113 East Market St.
64. Dian Hagar.....	3259 S. Raber Road
65. Barbara Lahrman.....	1690 W. Westgate Ave.
66. Mike Rowland.....	3606 S. Meridian Road
67. Ginny Rowland.....	3606 S. Meridian Road
68. Kayla Wigent.....	1720 E. 300 South
69. Barbara Knuth.....	4279 E. Lincolnway
70. Mark Haudenschild.....	2380 E. Mowery Road
71. Joe & Beth Trahin.....	1820 S. 700 East
72. Larry Long.....	4835 W. 800 South
73. Gerg Lambert.....	1532 E. Keiser Road
74. Deb Shively.....	1958 E. 400 North
75. Jay & Dale Bolante.....	3701 S. Washington Road
76. Marilyn Hively.....	1946 E. Robin Hood Road
77. Phil Hively.....	1946 E. Robin Hood Road
78. Jennifer Esterline.....	8324 W. SR 14
79. Jason Esterline.....	8324 W. SR 14
80. David Trimmer.....	2060 E. Fox Drive
81. Dick Kyler.....	4200 S. Raber Road
82. Hollie Lamle.....	7868 E. 500 South
83. Don Osos.....	2905 E. Mowrey Road

84. Karen Dafforn	3134 E. Mowrey Road
85. Kim Patterson.....	4880 W. 500 North
86. Mike Rowland.....	3606 S. Meridian Road
87. Connie Forrester.....	614 W. Columbia Parkway
88. Art & Susan McClish.....	3185 E. Raber Road
89. Denise Puckett	580 E. 200 South
90. Brandt & Teri Mowrey	3935 E. Mowrey Road
91. Karen Crandall	5820 E. 900 South
92. Kathleen Hazelet.....	3651 S. Washington Road
93. Bruce Hazelet.....	3651 S. Washington Road
94. Alayne Johnson	6906 E. 150 North
95. Tammy Bowler	6755 E. Lincolnway
96. Cindy Zollinger.....	3770 S. Meridian Road
97. Kendra Peterson	3746 S. Meridian Road
98. Todd Kyler.....	3101 S. Raber Road
99. Paul Lea	2505 S. 400 East
100. Jayme Lea	2505 S. 400 East
101. Carolyn Sloan.....	
102. Gene Childers.....	965 E. Gatesworth Drive
103. Nathan Patterson	4880 W. 500 North
104. Oliver Patterson	4880 W. 500 North
105. Sephen Patterson	4880 W. 500 North
106. Marshall Patterson	4880 W. 500 North
107. Jesse Gordon	116 W. Van Buren Street, Apt 202
108. Kurt Hosler.....	3700 E. 300 South
109. Douglas Hosler.....	3700 E. 300 South
110. Debra Hosler	3700 E. 300 South
111. Marlin Leininger	2501 E. Business 30
112. Sharon Simmons	2065 S. Raber Road
113. Amy Herron	1901 S. Coffee Tree Lane
114. "Thea"	314 N. Wayne Street
115. Karen Wigent.....	2255 S. Raber Road
116. Jeff Wigent.....	2255 S. Raber Road
117. Sheryl Kiminski	388 W. 500 North
118. David Bemer	3644 (4366) E. 300 South
119. Sonya Emerick	5865 E. SR 14
120. John Dafforn	1864 E. Willie Court
121. Joan Null	8099 S. 200 East
122. Marsha Reynolds	306 Hanna Street
123. Mike Godlove	1815 W. 500 North
124. Rick Ladd.....	1825 N. 450 East
125. Randal Crawford	1951 E. Paige Road
126. Andrew Greer.....	1780 E. Paige Road
127. David Hearld.....	1959 E. Robin Hood Lane
128. Donna Hearld.....	1959 E. Robin Hood Lane
129. Susan Teague	5005 N. 450 East

130. Larry Weiss	1609 W. Westgate Avenue
131. Rachel Simmons	2260 E. Mowrey Road
132. Jacob Simmons	2260 E. Mowrey Road
133. Barbara Forest.....	1338 W. Stoneridge Drive
134. Randy Vanderford.....	790 S. Valleyview Drive
135. Greg Reynolds	306 E. Hanna Street
136. Kathy Crawford	1951 E. Paige Road
137. Karen Wigent	727 E. 200 South
138. Jerry Wigent.....	727 E. 200 South
139. Trent & Andi Sutton	1775 E. Mowrey Road
140. Matt & "Bria" Maggart	1885 E. Paige Road
141. Jana Baker	706 Shoreland Court
142. Madalyn Dafforn.....	3134 E. Mowrey Road
143. Austin Butler.....	3134 E. Mowrey Road
144. Jason Buckles.....	2200 W. 350 South
145. Ericka Lambert.....	1532 E. Keiser Road
146. Carrie Laukhuf	7570 S. 850 West
147. Henry Janda	4360 E. 700 South
148. Jeremiah Johnston.....	2395 E. Mowrey Road

Many in person attendees did not sign the guest list provided.

GUEST LIST-ELECTRONIC

1. Ardonna Angel.....	220 W. Van Buren St.
2. Tim Dygert.....	5945 S. Woodstrail Dr-57
3. Judy Kehmeyer	8375 S. 600 East
4. Robert Kehmeyer	8411 S. 600 East
5. Susan Lawrence	275 N. 800 East, Avilla
6. Wane 15 News	2915 W. State Blvd. Fort Wayne
7. Rita Sauders	189 Quail Ridge
8. Matt Shipman.....	119 S. Main Street
9. Mark Sturtevant	101 W. Van Buren
10. Emily Weigold.....	5147 W. 200 South
11. Debra Laux.....	1810 W. State Road 14