

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday, October 18, 2017

The Regular Meeting of the DeKalb County Plan Commission was called to order at 7:00 P.M. in the Commissioner's Court of the DeKalb County Courthouse by President Tim Griffin.

ROLL CALL:

Members Present: Tim Griffin, Sandra Harrison, Frank Pulver, Randall Deetz, Bill Van Wye, Jerry Yoder, Elysia Rodgers and Sarah Delbecq.

Members Absent: Mike Kline

Staff Present: Plan Commission Attorney David Kruse, Director/Zoning Administrator Chris Gaumer, Assistant Director Dawn Mason & Secretary Caeli Hixson

Community Representatives Present: None

Public in Attendance: Harold Stafford, Jane Stafford, Sandra Krafft, Margaret Haller, Ken Hoffman, Rob Hauold, Tom Kelleher, Marlene Kelleher, Bill Hartman, Nancy Hartman, Sara Stafford, Brian Phillips, John Phillips, Tom Sigil, Gretel Siuich, Nancy Huguenard, Tena Woenker, Tim Haynes, David Powers, Cindy Kern, Thomas Gollmer, Caramée Crabill, Deborah Lapp, Rebecca Slentz, Michael Slentz, Jerry Eldridge, Cedric Hallabaugh, Leah Ward, Elizabeth Ward, John Slentz, Steve Bingham, Matt Bechdol, Jacob Walker, Daniel Hudson, Ron Walter, Erik Weber, James Phillips, Michelle Phillips, Susan Lawrence, Chris Krafft, Judy Krafft, Ben Krafft, Mark Murdock.

The Pledge of Allegiance was led by the President.

APPROVAL OF MINUTES:

Motion was made by Sandra Harrison and seconded by Jerry Yoder to approve the September 20, 2017 minutes. Motion carried.

CONSIDERATION OF CLAIMS:

Motion was made by Bill Van Wye and seconded by Sandra Harrison to accept the September claims as presented for \$11,909.46. Motion carried.

MOTION TO MODIFY AGENDA:

Motion was made by Randall Deetz to modify the agenda by moving Petition #17-25 before the old business, Petition #17-07. Seconded by Elysia Rodgers. Motion carried.

NEW BUSINESS:

A public hearing was conducted pursuant to proper legal notice.

Petition #17-25 - James & Michelle Phillips requesting a Zone Map Amendment from R3, Village Residential to C2, Neighborhood Commercial. The property is located at 1016 US Highway 6, Corinna, Indiana.

Zoning Administrator Chris Gaumer read the report.

Mr. Gaumer advised the board to look at the list of all the potential uses that could go on this property if the rezone is found favorable.

Mr. Van Wye asked if there was currently a house there. Mr. Gaumer said yes.

Mr. Griffin asked if there were any questions from staff. There were none.

Erik Weber, representing James and Michelle Phillips, stated that the intent for this property is to remove the existing home and put in a commercial flooring business that is low intensity. He gave some examples of the Phillips' current business located in Auburn and said that the proposed building would look similar to the one located on Grandstaff St. in Auburn. Mr. Weber said that the location, being on U.S. Highway 6, was very attractive for the business because of the traffic and because it is a major commercial corridor between Noble and DeKalb County as well as being close to the Interstate. He said that if approved, they will be back with a development plan in the near future for a commercial retail carpeting business and intend to utilize the public access for a driveway.

Mr. Gaumer reiterated that this would be described as a low intensity retail since there is not a retail or commercial flooring use.

Mr. Griffin asked if there were any further questions.

Mr. Kruse asked if there were concerns of compatibility with adjoining uses. Mr. Weber said no, there shouldn't be. Its commercial use now and that Albright's would probably be higher intensity use. This business would only be 9 a.m.-5 p.m.; anything they do will be within the Zoning code.

Mr. Griffin asked if there were any more questions for Mr. Weber. There were none.

Mr. Griffin asked if any audience members had questions or comments.

William Hartman, who owns the property to the North across U.S. Highway 6 from this property stated that he is totally in favor of this. He believes that a new business would be a great addition to the town and the other businesses adjoining to it.

Mr. Griffin asked if there were any other comments or concerns from the audience. There were none.

Mr. Griffin closed the public hearing.

JURISDICTIONAL FINDINGS:

1. **The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.**
 1. Application completed and filed on 9/21/17
 2. Legal notice published in The Star on 9/29/17
 3. Certificate of mailing notices sent and receipts given to staff. YES
 4. Report from the County Board of Health, dated 10/6/17
 5. Report from the County Highway Department, dated 9/25/17
 6. Report from the County Surveyor or Drainage Board, dated 10/6/17
 7. Request to change R3 to C2

UDO & STATUTORY MATTERS TO CONSIDER:

1. **Is the change in zoning in harmony with the Comprehensive Plan?**

☒ Yes No

Future Land Use Map indicates that this should be a commercial area which is the change so it is compatible.

2. Do the current conditions and the character of current structures and uses in each district adapt to the proposed zoning?

☒ Yes No

Commercial use exists on each side of tract to be rezoned.

3. Is the change in zoning consistent with the most desirable use for which the land in each zoning district is adapted?

☒ Yes No

Surrounding lands are businesses. U.S. Highway 6 corridor is a natural thoroughfare for industrial or commercial properties for transportation and convenience.

4. Will the change in zoning help with the conservation of property values throughout the jurisdiction?

☒ Yes No

Increases value of the town and the property.

5. Does the change in zoning promote responsible growth and development?

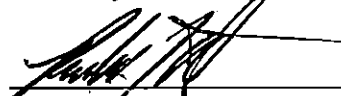
☒ Yes No

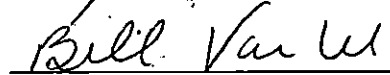
The change is in harmony with adjoining uses.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION AND THAT THIS ZONE MAP AMENDMENT, PETITION # 17-25, IS HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 18TH DAY OF OCTOBER, 2017.

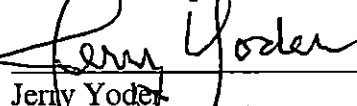
Bill Van Wye made motion to approve Petition #17-25, seconded by Frank Pulver.


Vote tally: Yes: 8 No:

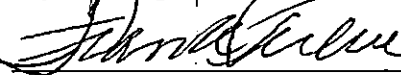

Randall Deetz

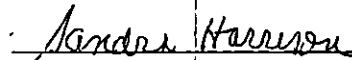

Bill Van Wye



Sarah Delbecq


Jerry Yoder


Elysia Rodgers


Frank Pulver


Sandra Harrison


Tim Griffin

OLD BUSINESS:

A public hearing was conducted pursuant to proper legal notice

Petition #17-07 – Textual Amendment to the Unified Development Ordinance that will include the addition of Development Standards for Confined Feeding Operations.

Mr. Griffin announced that the board was not defending for or against the CFO's but that this meeting is only to discuss the proposed setback standards for a CFO. He also advised that there would be a 2 minute limit per person to speak.

Mr. Gaumer gave a brief history for the audience of the planning, research, committee's and courses taken to get to this point. He also stated that there is currently no standards in place that protects the residents.

Mr. Gaumer read the proposed standards.

Mr. Giffin asked if there were any questions from staff. There were none.

Mr. Griffin asked if anyone in the audience would like to speak in favor of the proposed standards.

Mr. Deetz clarified that the favor would be for the exact language of what is proposed, not in favor of Confined Feeding Operations themselves.

Jake Walker stated that he is in favor of what is being proposed and that he feels this is a good compromise with a good set of ground rules.

Tim Haynes referenced the maps that were used during Committee meetings to support his decision to be in favor of the proposed standards. He stated that the maps were helpful in giving a visual of the affects the different buffer sizes had on the county. He feels that the proposed standards are workable for farmers and land owners.

Mr. Gaumer and Mrs. Mason gave a short presentation for the audience explaining the map that Mr. Haynes referred to. The map gives a visual on the available land in respect to the different buffer sizes. They also gave percentages on land mass that would be taken up per buffer size.

Matt Bechdol stated that he did not wish to express an opinion for or against the proposed setback requirements. However, he feels that from a professional opinion this proposal is 100% in the spirit of the Comprehensive Plan of balancing the economic environmental and total needs of the County. It is a compromise effort to balance all of these uses which is the goal of the Comprehensive Plan.

Susan Lawrence, representing Indiana Farm Bureau, stated that she applauds the Committee for their work and what they have done to protect modern day agriculture for a safe and affordable food supply. She feels there has to be a balance when it comes to residential and agriculture. She said that CFO's are a vital part of DeKalb County. She also wanted to clarify that Confined Feeding is a 0 discharge.

Mr. Griffin asked if there were any other comments in favor. There were none.

Mr. Griffin asked if there were any one from the audience that wishes to speak against the proposed setback standards.

Ron Walter, Mayor of Butler IN, was concerned that the sub-committee did not have representation from any city people. He also feels that the 1300 ft. and 500 ft. proposals were not appropriate. He was concerned that there was nothing listed in the setbacks regarding wellhead protection areas. He doesn't feel that the proposed setbacks would be enhancing the quality of life for the majority of the people.

Steve Bingham, City Planner for Butler, submitted a written statement in regards to the Comprehensive Plan and consideration of wellhead protection areas, waterways and wells. He stated that he would like to know how this setback would apply to Extra-Territorial Jurisdictions, if there were clarification on defining minimum separation in the UDO, and justification

regarding the statement of adding or revising changes in the UDO for Confined Feeding Operations as being part of the proposed amendment or for future reference.

Mr. Gaumer briefly answered Mr. Bingham's questions to the best of his ability at the time. Mr. Deetz stated that he doesn't feel they can answer every question but that they are here to listen and decide what they need to do to move forward.

Mrs. Delbecq stated that there is also jurisdiction from what ends up on the ground from the Indiana Department of Environmental Management. So they will have setbacks for a CFO from certain things. Wellhead protection areas and waterways may be part of that equation.

Dan Hudson, Public Utilities Manager for the City of Butler, submitted a written statement. He stated that there are 2 main concerns. The first being protection of the public water supply which is not only wellhead protection but the aquifer protection. Mr. Hudson suggests a setback from water supplies. The second concern is about the watershed located in Butler. He is worried that if it is polluted IDEM will come in and start regulating the water thus increasing costs for treatments, etc.

William Hartman stated that he feels the setbacks are inadequate. He is also concerned about the waterways and indirect discharge by surface applied manure and excessive rains. He expressed concern about the intensity of the smell with the setbacks being roughly 1000 ft. or less.

Tena Woenker, representing the Town of Waterloo, stated that their concerns mirror Butler's in regards to the ETJ and waterways. Specifically Cedar Creek and wellhead protection area which exceeds the town boundary.

John Slentz expressed his concerns about the proposed setbacks stating that there would only be 33% of the County protected for the residents which he feels is very small. He also suggested that there should be different setbacks for expansion of an existing CFO versus new CFO because neighbors of an existing CFO already know what that's all about as far as smell and operations whereas residents in the vicinity of a new CFO have not experienced those things and that it would be a big change for them.

Mrs. Delbecq asked what Mr. Slentz's opinion would be if a current farmer who only had crops decided to diversify their farm and add livestock, would he consider that a new operation. Mr. Slentz said he feels that it would be new because the people in close proximity have still never experienced it before so it would be new to them.

Mr. Deetz asked if Mr. Kruse could research the legality of different standards for existing CFO's versus new. Mr. Kruse stated that his preliminary opinion, based on Constitutional Concepts, is you can't discriminate between them because it is the same use.

Rebecca Slentz submitted a written statement. She was concerned about air quality. Particularly the potentially harmful chemicals, such as ammonia, that emit from animal waste.

Jerry Eldrige, City Councilman for Butler IN, is in agreement with the City Officials with concern that no other city was represented on the committee and that it could be viewed as one sided as well as concerns for the protection of the waterways.

Ben Krafft, IDEM Certified Drinking Water and Waste Water Operator, also has the same concerns as Butler does. He also asked if it was taken into consideration that the setback is from foundation to foundation so that leaves a potential for the lagoons to be closer. Mrs. Delbecq said that the intent is for a structure to be viewed as anywhere where animals are housed and manure is stored so a lagoon would count as something that would need to be 500 ft. from a residence. He also asked what the setbacks are for spraying the manure over the fields is. Mrs. Rodgers stated that manure application is regulated by the State.

Caramée Crabill stated that she is concerned about property values. A recent court case in Indiana ruled in favor of having land reassessed in correlation to where the property was to a CFO. She stated that she feels a realtor should have been present on the committee.

Mr. Griffin asked if there were any other comments or concerns. There were none.

Mr. Griffin asked if there were any comments from staff.

Mr. Gaumer stated that he feels it needs to be decided as to whether they should have another committee meeting to bring in education on both sides as to what setback or separation is needed.

Mr. Deetz said that what appears to be of most concern were the ETJ and waterways. He feels that those are valid points that need to be looked at. He suggests that the committee be expanded by 1 or 2 and include an official from another city or town and also include soil and water because they could shed light on some of the concerning issues.

Mr. Slentz suggested a moratorium. Mr. Kruse said that you cannot do a moratorium on zoning. It has to go through proper procedures and become an ordinance.

Mr. Griffin asked if there were any further questions. There were none.

Mr. Griffin closed the public hearing.

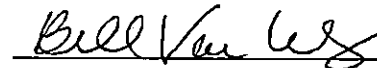
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO TABLE, PETITION #17-25 AND EXPAND THE COMMITTEE BY 1 OR 2 ON THIS 18TH DAY OF OCTOBER 2017.

Mr. Deetz made motion that Petition #17-07 be tabled and that the committee be expanded by 1 or 2 members. Seconded by Bill Van Wye.


Vote tally: Yes: 6

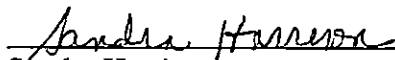
No: 0



Randall Deetz

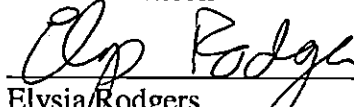

Bill Van Wye



Frank Pulver


Sarah Delbecq


Sandra Harrison


Tim Griffin


Elysia Rodgers


Jerry Yoder

Rules of Procedure – Revisions

Consensus ruling to table Rules of Procedures – Revisions to a future meeting.

REPLACEMENT OF VICE PRESIDENT:

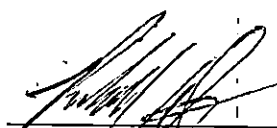
Due to absences of Mike Kline, V.P. of Plan Commission, a replacement was needed.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO REPLACE THE VICE PRESIDENT DUE TO ABSENCES ON THIS 18TH DAY OF OCTOBER 2017.

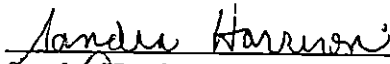
Sandra Harrison made motion to replace the Vice President, seconded by Frank Pulver.

Vote tally: Yes: 7

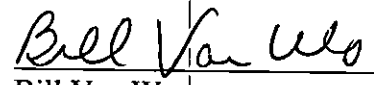
No: 1 (Bill Van Wye)

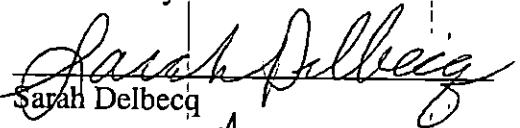

 Randall Deetz


 Frank Pulver


 Sandra Harrison


 Jerry Yoder


 Bill Van Wye


 Sarah Delbecq


 Tim Griffin


 Elysia Rodgers

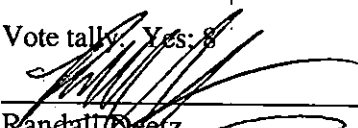
ELECTION OF VICE PRESIDENT:

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ELECT BILL VAN WYE AS THE VICE PRESIDENT ON THIS 18TH DAY OF OCTOBER 2017.

Sandra Harrison made motion to nominate Bill Van Wye as Vice President, seconded by Frank Pulver.

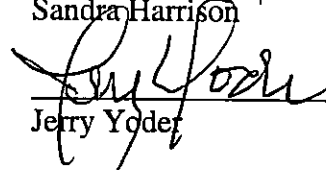
Vote tally: Yes: 8

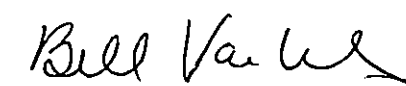
No:


 Randall Deetz


 Frank Pulver


 Sandra Harrison


 Jerry Yoder


 Bill Van Wye


 Sarah Delbecq


 Tim Griffin


 Elysia Rodgers

REPORTS FROM OFFICERS, COMMITTEES, AND STAFF OR TOWN/CITY LIAISONS:

Frank Pulver gave a copy of the new annexation for Garrett. He stated that there was 124 lots annexed into the City of Garrett.

Mr. Griffin reported that he was unable to attend City of Auburn's last meeting.

There being no further business to come before the Plan Commission, the meeting was adjourned at 8:53 p.m.


 Timothy B. Griffin, President


 Bill Van Wye, Vice President