

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday September 18, 2024

The Regular Meeting of the DeKalb County Plan Commission was called to order at 5:00 p.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan

ROLL CALL:

Members Present: Jason Carnahan, William Van Wye, William Hartman, Tyler Lanning, Suzanne Davis, Angie Holt, Elysia Rodgers, Jerry Yoder and Frank Pulver.

Members Absent: Sandra Harrison

Staff Present: Plan Commission Attorney Andrew Kruse, Director/Zoning Administrator Chris Gaumer, and Secretary Meredith Reith

Community Representatives Present: Mike Makarewich

Public in Attendance: Tim Derrow, Jessica Fogle, Cory Fogle, Caramee Crabill, Christian Pearson, Kathy Pearson, Lester Tatro, Elizabeth Seiler, Nanette Ruckman, Kevin Ruckman, Wesley Matsel, Joe Herendeen, Dan Cory, Anthony Warfield, Laura Leprey, Jared Malcolm, Ernie Vance, Tara Graham, Kate Mason, Jack Bortner, Kyle Koop, and Scott Seiler.

PLEDGE OF ALLEGIANCE:

Jason Carnahan led The Pledge of Allegiance.

PRAYER:

Jerry Yoder led in prayer.

APPROVAL OF MINUTES:

Motioned by Suzanne Davis to approve the August 28, 2024 meeting minutes. Seconded by William Hartman. William Van Wye abstained due to absence. None opposed. Motion carried.

CONSIDERATION OF CLAIMS:

Jason Carnahan inquired about any comments, questions, or motions to approve August 2024 claims, totaling \$22,853.61.

William Hartman motioned to approve claims seconded by Jerry Yoder. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Petition #24-32 – Ernie Vance requesting a Zone Map Amendment of approximately 0.36 acres from C1, Village Commercial to C2, Neighborhood Commercial. There is no development plan proposed for this property at this time. The properties are located at and around 1032 US Highway 6, Corunna, Indiana.

Mr. Gaumer went over the staff report stating where the rezone will be located. He stated that Mr. Vance is proposing to have a roofing business and beauty salon which is permitted for C2. He will need to come back for a Development Plan. If there are any questions Mr. Vance is here to answer them.

William Van Wye asked what the size of these lots were. Mr. Gaumer answered that both lots combined are 0.36 acres.

Jason Carnahan asked if there was any further discussion from the board. He asked if the petitioner had anything to add. Hearing None. He opened the public portion of the hearing to any comments or questions.

Tim Derrow approached the podium stating that he's a lifelong resident of Corunna. He has no problem with another business coming into town. He addressed his concerns regarding the traffic coming in off US

Highway 6. He asked if traffic could be directed on US 6 and not down the alleyway. The vehicles that access the alleyway already have trouble getting down them.

Mr. Gaumer stated that there is currently no Development Plan. The Plan Commission can add a condition of approval that traffic can only come in and off US 6, to maintain the flow of traffic.

Mr. Carnahan asked Mr. Vance to answer his questions.

Mr. Vance approached the podium stating that there is no plan currently. He's not opposed to having the drive come off US 6.

Mr. Gaumer stated that permits would be needed from INDOT for the driveway location. He asked William Hartman if he knew anything about what he would need.

Mr. Hartman stated that he's not aware of what all the requirements are from INDOT.

Mr. Gaumer stated that he believes that the Plan Commission could add a condition addressing the driveway location. The Town of Corunna would need to address the issues with the alley to maintain it. He added that if a condition is needed, he will work the language out with Andrew Kruse.

Mr. Carnahan asked if there were any further questions from the public. Hearing none he closed the public portion of the hearing. He inquired if the board members had any further questions or comments. Seeing none, he asked Andrew Kruse to review the Findings of Fact.

Mr. Kruse read the Findings of Fact.

JURISDICTIONAL FINDINGS:

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 **August 16, 2024**
2. Legal notice published in The Star on **September 6, 2024** and Publishers Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Non-Objection letter from the County Board of Health, dated **September 10, 2024**
5. Non-Objection letter from the County Highway Department, dated **August 19, 2024**
6. Non-Objection letter from the DeKalb County Soil & Water Conservation District, dated **August 16, 2024**
7. Non-Objection letter from the County Surveyor, dated **August 16, 2024**
8. Letter from the DeKalb County Airport Authority is not applicable.

UDO & STATUTORY MATTERS TO CONSIDER:

1. Is the change in zoning paying reasonable regard to the Comprehensive Plan?
The subject area has a Future Land Use (FLU) designation of Commercial. The proposed zoning districts are not necessarily compatible with this FLU designation.
2. Is the change in zoning paying reasonable regard to the current conditions and the character of current structures and uses in each district?
The existing development surrounding the properties are commercial, residential and industrial in use. This change in zoning will be consistent with the surrounding properties, current conditions and character of current structures and land uses.
3. Is the change in zoning paying reasonable regard to the most desirable use for which the land in each district is adapted?
The proposed zoning district is desirable for this property and the area.
4. Is the change in zoning paying reasonable regard to the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively considering the adjacent uses.

5. Is the change in zoning paying reasonable regard to responsible development and growth?

In changing the zoning of the properties to C2, Neighborhood Commercial, the Plan Commission will be promoting the desired use of the land while promoting responsible development and growth.

CONDITION OF APPROVAL:

1. The first option for a driveway is to be off US Highway 6. If INDOT doesn't allow access it may be off the public alley to the rear.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS ZONE MAP AMENDMENT, PETITION #24-32, VANCE REZONE, HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 18th DAY OF SEPTEMBER 2024.

Motion made by: Suzanne Davis

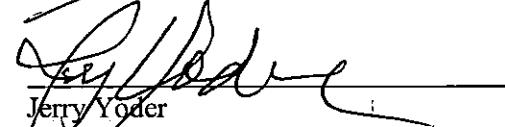
Seconded by: Frank Pulver

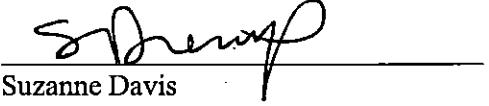
Vote tally: Yes: 8

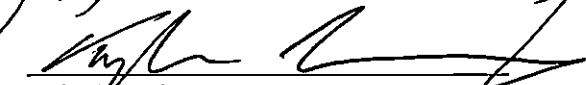
No: 0

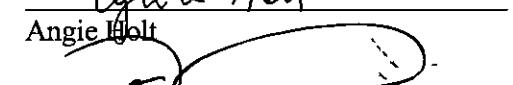

Jason Carnahan

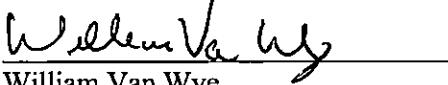

William Hartman


Jerry Yoder


Suzanne Davis


Tyler Lanning


Angie Holt


William Van Wye


Frank Pulver

Petition #24-33 – Brian Rothgeb, applicant, Westrick LLC, property owner, requesting a Plat Vacation of Lot 3 in Rotondo Estates. The purpose of the vacation is to add this property into a new 14 Lot subdivision. The properties are located at the northwest corner of County Road 17 and County Road 66, Auburn, Indiana.

Mr. Carnahan read the proposed plat to be vacated. Mr. Gaumer explained why the vacation of Lot 3 is needed, there are two additional public hearings tonight for this property and property to the north.

Mr. Carnahan asked if there were any further questions amongst the board. He opened the public portion of the hearing up to any comments or questions for or against. Hearing none he closed the public portion of the hearing. He asked if there was any further discussion from the board.

Mr. Kruse read the Findings of Fact.

JURISDICTIONAL FINDINGS:

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 **August 14, 2024**
2. Legal notice published in The Star on **September 6, 2024** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 10, 2024**

5. Letter from County Highway dated **August 28, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 28, 2024**
7. Letter from the Drainage Board, dated **September 5, 2024**
8. Airport Board report, if applicable: **not applicable**

FINDINGS OF FACT:

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?
Yes, the property owner wishes to add this parcel to a new 14 Lot subdivision. To be able to do so, Lot 3 must be vacated.
2. Is it in the public's interest to vacate all or part of the plat?
Yes, the vacation will allow for a new subdivision to be created that will add value and enhance the area with new single-family homes.
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?
No, the vacating of this lot will not negatively impact neighboring properties.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS PLAT VACATION PETITION #24-33, FOR ROTONDO ESTATES LOT 3, IS HEREBY GRANTED APPROVAL ON THIS 18TH DAY OF SEPTEMBER 2024.

Motion made by: Tyler Lanning

Seconded by: Jerry Yoder

Vote tally: Yes: 8

No: 0

Jason Carnahan

Jerry Yoder

Tyler Lanning

William Van Wye

William Hartman

Suzanne Davis

Angie Holt

Frank Pulver

Petition #24-34 – Brian Rothgeb, applicant, Westrick LLC, property owner, requesting a Zone Map Amendment of approximately 58 acres from A2, Agricultural to RE, Rural Estate. The purpose of the Zone Map Amendment is to allow a 14 Lot subdivision. The properties are located at the northwest corner of County Road 17 and County Road 66, Auburn, Indiana.

Mr. Carnahan read the proposed petition for a Zone Map Amendment. Mr. Gaumer read the staff report explaining why the rezone is needed. He added that this rezone will be included with the vacation that was approved before.

Bill Van Wye asked what the total acres of this project was. He questioned if the other Lots 1 and 2 have houses located on them.

Mr. Gaumer stated that the total is 58 acres, and this includes what was vacated. He stated that he would have to check and see if any permits were pulled for the other two Lots. He added that these lots will not be associated with this development.

Angie Holt asked what the lot size that's being proposed is approximately.

Elysia Rodgers stated that the minimum lot area ranges from 2.018 acres to 4.593 acres.

Frank Pulver questioned the proposed subdivision and San Giovanni Estates having driveways directly across from one another.

Mr. Gaumer stated that we need to discuss the rezone before we move onto the Development Plan for the Subdivision.

Mr. Kruse stated that obviously everyone's going to have questions. Its better legally if we discuss one first then the other.

Mr. Carnahan asked if there were any further questions amongst the board. He opened the public portion of the hearing up to any comments or questions for or against. Hearing none he closed the public portion of the hearing. He asked if there was any further discussion from the board.

Mr. Kruse read the Findings of Fact.

JURISDICTIONAL FINDINGS:

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 **August 14, 2024**
2. Legal notice published in The Star on **September 6, 2024** and Publishers Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Non-Objection letter from the County Board of Health, dated **September 10, 2024**
5. Non-Objection letter from the County Highway Department, dated **August 28, 2024**
6. Non-Objection letter from the DeKalb County Soil & Water Conservation District, dated **August 28, 2024**
7. Non-Objection letter from the County Surveyor, dated **August 27, 2024**
8. Letter from the DeKalb County Airport Authority is not applicable.

UDO & STATUTORY MATTERS TO CONSIDER:

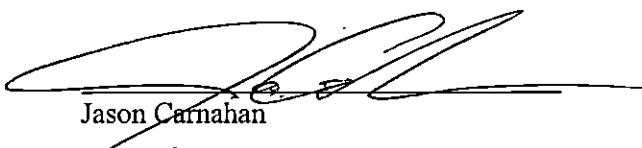
1. Is the change in zoning paying reasonable regard to the Comprehensive Plan?
The subject area has a Future Land Use (FLU) designation of Mixed Agricultural/Rural Residential. The proposed zoning districts is compatible with this FLU designation.
2. Is the change in zoning paying reasonable regard to the current conditions and the character of current structures and uses in each district?
The existing development surrounding the properties are agricultural and residential in use. This change in zoning will be consistent with the surrounding properties and the current conditions and character of current structures and land uses in the area.
3. Is the change in zoning paying reasonable regard to the most desirable use for which the land in each district is adapted?
The proposed zoning district is desirable for this property and the area. The neighboring development San Giovanni Estates has all but 1 lot sold. It appears that this type of development in this area is needed and desired.
4. Is the change in zoning paying reasonable regard to the conservation of property values throughout the jurisdiction?
The property values of the area should not be disturbed negatively considering the adjacent uses.
5. Is the change in zoning paying reasonable regard to responsible development and growth?
In changing the zoning of the properties to RE, Rural Estate, the Plan Commission will be promoting the desired use of the land while promoting responsible development and growth.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS ZONE MAP AMENDMENT, PETITION #24-34, WESTRICK LLC REZONE, HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 18th DAY OF SEPTEMBER 2024.

Motion made by: Frank Pulver

Seconded by: Jerry Yoder

Vote tally: Yes: 8 No: 0



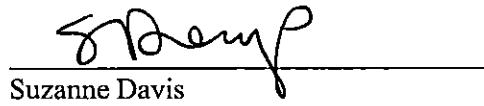
Jason Carnahan



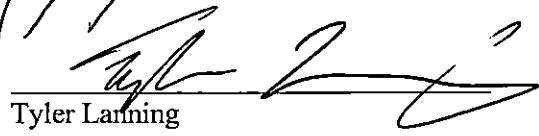
William Hartman



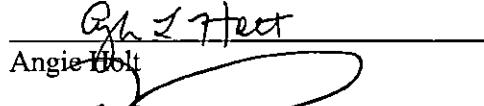
Jerry Yoder



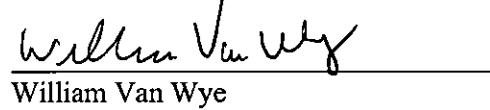
Suzanne Davis



Tyler Lanning



Angie Holt



William Van Wye



Frank Pulver

Petition #24-35 – Brian Rothgeb, applicant, Westrick LLC, property owner, requesting a Conventional Subdivision known as Rotondo Estates, Section II. This subdivision will be a total of 14 lots and will be used for single-family residences. The properties are located at the northwest corner of County Road 17 and County Road 66, Auburn, Indiana.

Mr. Carnahan read the proposed petition for a 14 lot Conventional Subdivision. Mr. Gaumer read the staff report stating that this is only for the Primary Plat at this time. We will discuss the proposed conditions for the approval of the Secondary Plat. He explained the difference between a Primary and Secondary Plat when approving. He added that the project hasn't received approval from the Drainage Board and before the Plat can be recorded the rezone must be approved by the Commissioner's on October 7th. He read the standards in the staff report and the waivers that have been requested applicable to this development. He addressed the aerial map showing the proposed 14 lot subdivision with the drive being directly across from San Giovanni Estates. He had requested that the driveway be moved, they wish to have it remain in the same location. They haven't received a permit for the location of the driveway. He stated that a condition has been added that the Plat can't be recorded until the driveway location is approved by the Highway Department.

Mr. Pulver stated that the waivers are requesting no sidewalks to be added to the subdivision.

Mr. Gaumer addressed that yes due to no sidewalks being located on San Giovanni Estates there's nothing really for the sidewalks to connect to.

Mr. Van Wye questioned the driveway locations being located directly across from one another. Mr. Gaumer asked Joe Herendeen to approach the podium. He stated that he was concerned if there's a need for emergency services and would they know which way to go on the road.

Joe Herendeen approached the podium to address the location of the driveway. He stated that the developer requested having the driveway location here. He added that he had spoken with Mr. Gaumer

regarding moving the driveway to the north. The developer wanted to keep the driveway location where it was originally.

Mr. Van Wye questioned that this will be the only access to County Road 17 for this development.

Mr. Gaumer stated that yes, this development will all be accessed within the cul-de-sac.

Jerry Yoder questioned if the Surveyor's Office had any concerns with there being no curbs to control their stormwater.

Tyler Lanning stated that the Drainage Plan hasn't been reviewed yet with no Secondary Plat being submitted. When speaking with Joe Herendeen they will use roadside ditches and swales to direct the water to the south and northwest corner. Mr. Herendeen stated that any drainage on the northwest would still drain to that corner. Anything towards the road area would drain to the south to the existing wetlands. He stated that he fully understands that this will still need to receive Drainage Board approval before moving forward.

Mr. Yoder stated that they will walk on the road or across the drives to access the other subdivisions. William Hartman stated that they can go across to the pond or get access to Cedar Creek from San Giovanni Estates.

Mr. Gaumer questioned if the owners of the development would allow access to San Giovanni Estates.

Mr. Carnahan asked if there were any further questions amongst the board. He opened the public portion of the hearing up to any comments or questions for or against. Hearing none he closed the public portion of the hearing.

Mr. Kruse read the Findings of Fact.

JURISDICTIONAL FINDINGS:

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 **August 14, 2024**
2. Legal notice published in The Star on **September 6, 2024** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 10, 2024**
5. Letter from County Highway dated _____
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 28, 2024**
7. Letter from the Drainage Board, dated **September 5, 2024**
8. Airport Board report is not applicable.
9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District RE, which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Conventional Subdivision adequately conform to the Comprehensive Plan?
Yes, the Conventional Subdivision – Primary Plat will be used for residential use, which is compatible to the existing and adjacent land uses.
2. Does the Conventional Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s) – *Meets or exceeds standards or waivers requested and approved by the Plan Commission.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. – *Meets or exceeds standards with access to the development from County Road 17 & private internal streets.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None required. Private wells & septic systems will be utilized.*

d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions given by the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.
5. Prior to the Plat being signed and recorded, the Zone Map Amendment, PC# 24-34, must be approved by the DeKalb County Commissioners and the Ordinance be recorded in the office of the DeKalb County Recorder.
6. Prior to the Secondary Plat being signed and recorded, a Driveway Permit is required for Padre Pio Drive. Applicant is working with the Highway Dept. to comply.
7. Prior to the Secondary Plat being signed and recorded, the Drainage Plan must be approved by the DeKalb County Drainage Board.
8. The Secondary Plat may only be reviewed and approved by the Zoning Administrator if the Secondary Plat meets the standards in Section 9.24 G(2)(a). If the Zoning Administrator determines that the Secondary Plat does not meet these standards, it shall go before the Plat Committee.

Further discussion from Plan Commission:

Mrs. Holt inquired if we move to recommend this does it include all the waivers that are being requested. She stated that she had concerns about the waivers. She addressed the percentage of minimum open space required and if the cul-de-sac length could be met. She added that she doesn't really see a site barrier to meeting that minimum open space requirement.

Mr. Gaumer stated that when making your motion you can request which waivers you want to approve. The standards would have to be met for whatever is changed.

Mrs. Davis stated that she was reviewing where the driveway was located. If the driveway was moved it would cut down on the cul-de-sac length. Getting rid of the confusion of which driveway is which.

Mr. Gaumer stated that the public hearing would need to reopen for Joe Herendeen to answer these questions. We would have needed to discuss this before the hearing closed.

Mr. Kruse stated that the Plan Commission can reopen the public hearing if they choose to do so.

Mr. Carnahan asked if there was any objection to reopening the public hearing to bring the petitioner back up. Hearing none the public hearing portion was reopened.

Mr. Gaumer asked Mr. Herendeen to approach the podium and address these two questions.

Mr. Herendeen stated that he would need to work with the developer regarding the open space to accommodate that requirement. The maximum cul-de-sac length to have that driveway moved will need to be discussed too.

Mr. Gaumer stated that the board's concerned about the driveway entrance wanting to be moved.

Mr. Kruse asked if the driveway is moved the length would be under 500 feet.

Mr. Herendeen stated that they could accommodate that the length be under 500 and remove the requested waiver. He asked about the street signs for San Giovanni Estates being on the west side of the road and Rotondo Estates on the east.

Mr. Gaumer stated that Brian Rothgeb didn't want the street sign to be in front of the entryway. They would need to move the signs to the correct side of the street.

Mr. Kruse asked if this would change the approval for San Giovanni. Since they were allowed to have the street sign located on the other side of the street.

Mr. Gaumer stated that it's a county ordinance and not part of the zoning ordinance. He stated that they worked with the Highway Department because they didn't want it to be in front of the entrance.

Mrs. Davis addressed that if the driveway entrance was moved up by Lots 2 and 3, we would still have the same issue with the cul-de-sac going down to Block B.

The board further discussed the cul-de-sac location. They questioned where this could move to.

Mr. Gaumer stated that the Plan Commission needs to come to an agreement as to where they want the driveway entrance to be.

Mr. Pulver inquired that maybe between Lots 2 and 3 would be suitable for a driveway location.

Mrs. Davis stated that she believed it would decrease the desirability of those two lots.

Mr. Yoder stated that the way it's already laid out is the best usage of the land that's there.

Mr. Herendeen added that if we were to move the driveway, it would still have the proposed cul-de-sac length of 692 feet.

Mr. Gaumer added that moving the driveway entrance will still need a waiver or there will need to be two driveways on CR 17. He stated that it would make more sense to have the driveways across from one another, this would make sure no one is walking along CR 17 to access San Giovanni Estates.

Mr. Herendeen stated that in Allen County their Highway Department requires driveway entrances to be located across from each other because of safety concerns.

Mr. Gaumer stated that before the public hearing portion closes, there needs to be discussion on what waivers you would grant and what you wouldn't. He addressed that Mr. Herendeen needs to be able to say yes or no.

Mr. Carnahan asked if we need to discuss the waivers separately or need to have a motion.

Mr. Gaumer answered that these need to be done separately. We need to address the open space and cul-de-sac length that we were concerned with.

Mrs. Holt questioned why the minimum open space requirement couldn't be met.

Mr. Gaumer asked if everyone was okay with granting the waiver for the cul-de-sac length. The board agreed that they were okay with it.

There was discussion on how the minimum open space required could be addressed to remove the waiver.

Mr. Carnahan asked if you would like us to list each of the waivers and get our approvals or denials of each one. Mr. Gaumer answered yes.

Mr. Carnahan entertained a motion to have all the waivers granted as presented.

Motioned by Jerry Yoder to approve all seven waivers that were presented. Seconded by Tyler Lanning. A vote was taken resulting in a 6-2 vote.

Mr. Carnahan closed the public portion of the hearing. He entertained a motion to approve or deny the Primary Plat with the approved seven waivers.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS CONVENTION SUBDIVISION PETITION #24-35, IS HEREBY GRANTED PRIMARY PLAT APPROVAL ON THIS 18th DAY OF SEPTEMBER 2024.

Motion made by: Tyler Lanning Seconded by: Jerry Yoder

Vote tally: Yes: 6 No: 2

Yes: William Hartman, Jerry Yoder, Suzanne Davis, Tyler Lanning, Frank Pulver, Jason Carnahan

No: Angie Holt, William Van Wye

Jason Carnahan

~~Jerry Yoder~~

Tyler Lanning

William Van Wye

William Hartman

Suzanne Davis

Frank Pulver

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

Mrs. Holt informed the board that there's no report from the City of Waterloo.

Mr. Pulver informed the board that there's no report from the City of Garrett.

Mrs. Davis informed the board that the City of Auburn had their meeting. She stated that there was a request for a spot rezone. The members except one approved an unfavorable recommendation. She added that Bear Creek Estates will expand to have 83 lots for single family residents. They received approval.

Mr. Hartman stated that he would like to address a moratorium received from the Concerned Neighbors of DeKalb County for a request for High Intensity Livestock Operations.

Mr. Gaumer stated that he had printed everything that was received. Included with this information are two pages in the UDO for those who can initiate a proposal to amend. He stated that a moratorium is a text amendment when it will change a proposed use. When the Commissioners did a moratorium on solar there wasn't a permitted use in the UDO. He stated that Mr. Hartman is initiating this request.

Mr. Hartman inquired if there would need to be a public hearing to discuss this.

Mr. Kruse stated that it can't be voted on tonight because it hasn't been up for a public hearing.

Mr. Gaumer added that we need to go over this proposal and review what this is for first. He stated that there has been concerns regarding the two chicken barns that have been permitted for Darrin Schmucker and James Zehr. He addressed that there are requirements from the state for these operations. There aren't standards in the UDO to address any requirements for setbacks. He reviewed the letter that was received. He stated that a permitted use in the UDO when building won't need to have notifications sent to the neighbors. He asked what the Plan Commission would want to see as far as what public hearings will take place.

Mr. Kruse asked how many chickens this would apply for.

Mr. Gaumer stated that this wouldn't include just chicken farms. This includes all livestock under the confined feeding operations. He added that there's additional information that was presented to go along with this moratorium. He stated that the Plan Commission has the option to take this on and see if you want to move forward.

Mr. Pulver stated that eight years ago there was an opportunity to approve standards for feeding operation like this, but it was denied.

Mr. Gaumer added there were standards proposed and brought forward. Coming forward with high opposition. He stated that personally he hasn't received any complaints about existing operations in DeKalb County. If there are issues, there's ways through the state and federal agencies to object to these complaints.

Mr. Hartman stated that the biggest concerns and complaints he heard were no setback restrictions for existing homes and lack of transparency regarding the permitting process. With no one knowing about this chicken barn until the concrete was put down.

Mr. Gaumer stated that this is something that needs to be discussed with both sides of the argument. The Commissioners did hear from the citizens regarding the chicken barn and even brought the developers in to go over their intentions. He stated that he will need directions on how far this moratorium will go.

Mr. Kruse stated that when he investigated moratorium issues through solar. They are legal if approved through the zoning change process. This implies the right of farming that's strong in Indiana. We will need to define the moratorium carefully in what we will stop and for how long. With this moratorium being proposed by a member of the Plan Commission we would need to have a public hearing, discussion, and a vote.

Mr. Carnahan stated that's its very unpredictable on what and who you're suddenly going to regulate. He questioned what the proposed setbacks would be for.

Mr. Hartman stated that site distance was a big concern regarding the setback requirement.

Mr. Gaumer stated that this moratorium would be for all livestock not just chicken barns.

Mr. Carnahan addressed that if we are concerned with the manure in a fully enclosed chicken barn. This size of barn should have a plan in place. He questioned how the manure would be regulated.

Mr. Van Wye stated that farmers will pay to have chicken manure spread on their fields. He addressed his concerns regarding having these chicken barns.

Mrs. Davis stated that when she went out to visit. She asked them about the location of these facilities and how close it made sense to put them by each other. They had stated they did not want them to close together due to potential illness.

Mrs. Davis added that maybe it makes sense that the Plan Commission knows ahead of time what projects like this are coming forward. Making sense as to how close these operations can be together.

Mr. Gaumer asked what the required setback would be. He stated that he didn't want this to become like a solar discussion. We need to be thoughtful in what the standards will be and stick with them. He addressed the AG Covenant that was agreed upon. There must be concrete evidence proving that any operation is polluting the environment.

Mr. Kruse added that the law states that you can't stop farmers from during their farming operations based off nuisance.

Mr. Pulver stated that his concern is still waste management. He addressed that farmers asked him to come to their farms and see their operations. He stated that he wasn't very happy with how the farms were managed.

Mr. Carnahan added that back then this farm was well into the CAFO standards and was regulated by IDEM. He stated that chicken manure is hauled out of the chicken farm and onto another farm without animals to be put on their field. Those farms aren't liable to what happens. He questioned what would be regulated and where to stop regulating.

Mr. Gaumer stated that the first step would be to address whether a moratorium is up for discussion. This will need to receive a public hearing notice in the newspaper ten days before the meeting because it's a countywide moratorium. He added that someone will need to work with Mr. Kruse to come up with paragraphs to define what this moratorium means. He addressed if there were still conflicts in October to have a meeting to bring this forward.

Mr. Hartman asked if a motion was needed to move forward with this proposal.

Mr. Kruse stated that we're not approving of anything just getting an opinion from the group as to if this is something your open to reviewing.

Mr. Gaumer stated that this will need a recommendation from us and approved by the Commissioners. If this does pass you will need to setup a subcommittee of the Plan Commission to develop standards as to what will be regulated.

Mr. Davis asked what will prohibit us from doing some of this work that needs done. Mr. Kruse stated that it would be proposing a new section in the ordinance. Mr. Gaumer stated that the moratorium would prohibit any permits from being approved on these types of projects. Being any farm under the confined feeding operation standards. Mr. Kruse stated that it would basically be any barn that a farmer would want to house livestock in.

The board discussed what would be prohibited if the mortarium was approved. They would need to know how many total animals this would restrict.

Mr. Carnahan stated that the chicken barns that are already prohibited under the current UDO standards wouldn't be affected only if they were to expand. He asked if a motion would need to be made.

Mr. Gaumer stated that a motion's not really needed. He would just like to see where the Plan Commission is on moving forward with a moratorium. Someone will need to initiate this with Mr. Kruse.

He stated that if you don't want to move forward a subcommittee can be created to meet with all sides to discuss these operations.

Mr. Van Wye stated that if Mr. Hartman wants to put something together to bring forward. We can review it with a public hearing and see if this is something that we want to approve of.

Mr. Gaumer added that this would be like how UDO amendments are brought forward. We would bring the moratorium forward for discussion and review if we should consider the proposed.

Mr. Lanning added that if Mr. Hartman does bring things forward to review. He suggested using the IDEM chart to go over the number of animals. It defines what types and how many are affected. He addressed that the setbacks be established with whoever is concerned so we can have a number to review.

Mr. Carnahan inquired if there were any comments or questions from the public.

COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

Corey Fogle approached the podium addressing concerns regarding CAFO's, CFO's, and chicken farms. His group's focus is not specifically the farms located on CR 52 and 46A. He stated that we have become familiar with the permitting process and the production that takes place at these farms. When they were doing research there were holes in the UDO that needed addressed. He stated that he's here representing the concerned group of DeKalb County voters and residents. He addressed what got the residents involved was the rather speedy development of a \$1.2 million commercial egg laying facility. With a close group of concerned neighbors, we were curious as to what was going on. He stated that they never had the opportunity to talk to their neighbor. To better understand the operation and its intent this included reviewing the GIS maps, permitting process, local, state, and federal requirements. The more we learned the more we realized the opportunities to improve the current UDO. To minimize issues for citizens relating to conflicting land uses associated with High Intensity Livestock Operations. He addressed that after facility tours and talking to the landowners we're remotely comfortable with these operations. We recognize that DeKalb County permitted this as a residential accessory structure. He stated that there's a lack of transparency and searchability available to know where these operations are located. He stated that the UDO standards are recognized for two times the IDEM limit for CAFO numbers to operate in the same zoning district A2. He stated that DeKalb County doesn't have any additional control regarding setbacks and public meetings on these operations that are just under the regulated numbers. He explained the packet from Indiana State Department of Agriculture that was provided to the board to review. He stated that his group recognizes the limitations of our own awareness of the UDO. He stated that two meetings have been hosted to share information on this topic and to hear from the residents of DeKalb County. He added that signatures have been gathered who agree with us based on these points. That a moratorium for High Intensity Livestock Operations is necessary to evaluate risks and potential impacts associated with these operations. He stated that the counties surrounding ours have strike ordinances involved with livestock operations. He added that his group wants to help the county have a better proactive approach.

Lester Tatro approached the podium stating that his mom used to live in the house located on CR 52 south of the chicken barn. He stated that he has lived in DeKalb County all his life. He addressed his concerns as to how this barn was permitted when it was applied for. He added why chickens will be a problem for the residents near these operations. He stated that he understands that the county is in a predicament as to what to do with livestock operations under the CAFO numbers.

Elizabeth Seiler approached the podium stating that she wanted to recognize that before her property was zoned A2 it was County Rural Suburban. She addressed that they have not had any problems with the crop farming around them. She stated that this was all new to her when it was transitioned to high intensity livestock farms. She addressed her concerns regarding environmental hazards associated with this chicken farm. The Stormwater Construction Permit wasn't applied for the first barn and IDEM was involved for them to come into compliance. The process of construction for the second barn was started

before the permit was approved and the construction was halted. She stated that part of the process needs to make sure that the site is being evaluated. She added her concerns as to why the manure needs to be addressed. She stated that EPA defines small, medium, and large CAFOs. When addressing what numbers we would consider for the moratorium, maybe we could entertain some of these numbers from the EPA.

Mr. Van Wye added that we are between two counties that have run the Amish out with their policies. He stated that Steuben County Lake Association will stop you before you build. He addressed that we are being pushed and some are going to take advantage of this. We don't have the money like Allen and Steuben to fight this. He addressed why we need to review operations like this.

Mr. Gaumer stated that we need to be careful when we talk about a certain population. With the Amish population coming we don't need to be regulating who's coming to the County. He stated that he would be willing to talk to anyone personally to address any concerns. He added that any permit being submitted goes through technical review and multi departments are notified of what is being built. He reached out to Steuben, Noble, and Whitley counties to see what their regulations are. He stated that Whitley is the only one that has responded back. They don't have any regulations with numbers under the threshold for confined feeding operations. He stated that permits are available online on the Beacon website and can be searched. If you would like a copy of the permit they can be requested at our office.

Mr. Lanning asked what some of the things are that the public or members want to see. He addressed is setbacks the issue or is it the neighbors being aware of the project being built within a square mile. He asked for some direction as to what the main concerns are.

Jessica Fogle approached the podium to address the questions that were asked. She stated that we would like to see improved transparency. We need to understand what the commonsense controls are of the ordinances and what they should be. She stated that it would be good to perhaps engage the Indiana Land Resources Council. In 2016 Purdue University Extension released a report called the County Regulation of Confined Feeding Operations in Indiana. They provided a wonderful analysis for what counties have requirements related to CFOs and which fall under the IDEM threshold. She addressed that there's a wealth of information on the topic. She stated how important this is sense it's been a long-standing issue. She added that time needs to be taken to review what these commonsense standards are. She stated with certainty that setbacks and transparency are two critical issues.

Mr. Fogle approached the podium again addressing that they had conversations with farmers that own regulated CAFOs. Even after understanding what we were concerned about, they had concerned with these facilities under the threshold. He addressed that this wasn't only applying to a group of non-farmers. He added that conversations have taken place to get a general idea of what we would be looking to go after.

Mr. Gaumer stated that any regulated CAFOs by IDEM still follow our same setback standards. He stated that there are no standards for CAFOs to address setbacks. If they meet the A2 zoning district and go to the BZA they can still be 30 feet from the property line, being no setback distance from a residence. When there aren't any regulations in place he speaks to IDEM requirements. He addressed that experts would need to be hired to manage these facilities. He stated that these processes are done by other agencies outside of DeKalb County. He added that the only thing we could regulate is setbacks and landscape buffers if needed. He stated that public notice could be done to some extent.

Mr. Lanning asked if it was a CAFO being built would public notice be required. Mr. Gaumer stated that public notice would not come from the county, it would be through IDEM's requirements.

Scott Seiler approached the podium stating that his family are farmers. He's not anti-farm, just wanting to make sure these farms are being managed in the correct way. He stated that he would like to encourage more research to be done and review the packet that was provided.

Mr. Carnahan asked if there were any more comments from the public. He asked if the board had any further discussion.

Mr. Lanning inquired if we needed to address the moratorium. Mr. Van Wye stated that he thought we agreed to have Mr. Hartman put something together and bring it forward. Mr. Carnahan stated that the moratorium wasn't on the agenda for tonight.

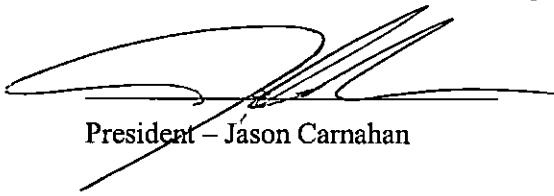
Mr. Kruse stated that he and Mr. Hartman can discuss this if the board choices to bring it forward. If a moratorium is proposed there will need to be a public notice sent out.

Mr. Gaumer stated that he would need to send this out 15 days before the meeting. He asked Mr. Hartman to let him know if we will be moving forward with this.

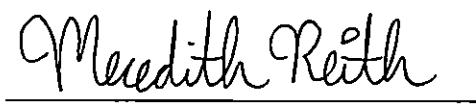
There were no further questions or comments.

ADJOURNMENT:

Jason Carnahan adjourned the meeting at 7:44 p.m.



President – Jason Carnahan



Secretary – Meredith Reith