MINUTES
BARTHOLOMEW COUNTY PLAN COMMISSION MEETING
FEBRUARY 10, 2016 AT 8:30 A.M.
CAL BRAND MEETING ROOM, CITY HALL
COLUMBUS, INDIANA

MEMBERS PRESENT: Zack Ellison, Rick Flohr, Tom Finke, Lisa Moore, Phyllis Apple, Don Meier, Jason Newton, Kris Medic, Jorge Morales and Russ Poling, Sr. (City Plan Commission Liaison).

MEMBERS ABSENT: None.

STAFF PRESENT: Jeff Bergman, Sondra Bohn, Allie Keen, Melissa Begley, Ashley Klingler, Cindy Boll (Deputy County Attorney), and Danny Hollander (County Engineer).

CONSENT AGENDA

Minutes of the January 13, 2016 Meeting (Approval and Signing).

Motion: Mr. Finke made a motion to approve the minutes. Ms. Apple seconded the motion and it carried unanimously by voice vote.

OLD BUSINESS REQUIRING COMMISSION ACTION

None

NEW BUSINESS REQUIRING COMMISSION ACTION

MA/P-16-01: South Hill Farms Estates, Section II, Phase 4 Major Subdivision – A request by Robert Donica for approval of a preliminary plat which includes a total of 5 lots on approximately 6.02 acres. The property is located at the end of Willow Bend Drive, just north of Wisteria Lane, in Sand Creek Township.

Ms. Keen presented the background information on this request.

Mr. Robert Donica and Nathan Gray and Rik Sanders with ER Gray & Associates represented the petitioners.

Mr. Sanders stated the proposed subdivision is for the purpose of creating 5 new lots on 6.02 acres. He stated they are asking for approval so they could build single family residences on these lots.

Mr. Ellison opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Ellison closed the meeting to the public.

Motion: Mr. Flohr made a motion to approve this request with all technical comments being addressed. Ms. Apple seconded the motion and it carried with a vote of 9-0.

General Resolution 2016-01 (CFO/CFO'S Zoning Ordinance Amendments) – A resolution making a recommendation to the Board of County Commissioners regarding proposed amendments to the Confined Feeding Operation (CFO) and Concentrated Animal Feeding Operation (CFO'S) provisions of the Zoning Ordinance.

Mr. Ellison stated that after hearing the two cases CFO before the Board of Zoning Appeals in 2014 it was determined that the Zoning Ordinances for CFO'S's should be reviewed and during the review find out if there were any changes that needed to be made. Mr. Ellison stated a study committee was formed that Kris Medic was chosen to lead.

Mr. Ellison stated they met for sixteen months, had 21 meetings and made four site visits to current operational CFOS. He stated there was not a complete agreement between the committee members, resulting in the majority and the minority groups. He stated the two different reports were enclosed in the packets and were available to the public online. Mr. Ellison stated there were many experts that gave presentations to the Committee.

Mr. Ellison stated the three County maps posted on the wall at this meeting that represent the current zoning ordinance and the majority and the minority maps to the Committee recommendations indicate where CFOSs can be located. He stated the only areas that could be used would be in white.

Mr. Ellison stated that after consulting with legal counsel there was no member of the Bartholomew County Plan Commission that would be disqualified to vote on this Resolution due to their position on this Board.

Mr. Ellison read a list of members on the Study Committee.

Mr. Bergman stated there was a deadline of February 1, 2016 for documents or presentations to be filed in the Planning Department to be sent out with packets to the members of this Board. He stated staff had received three items after the deadline that had been distributed at the Commission member's seats before the meeting.

Mr. Bergman stated the step that is being taken today is the formal discussion of formal changes to the Zoning Ordinance. The discussion needs to start with a specific proposal. He stated the Resolution on the agenda provides the majority recommendations as that starting point. The Commission has desecration to make changes and amendments as necessary through the discussions.

Mr. Bergman stated the Plan Commission would make a recommendation to the Bartholomew County Commissioners and they will take final action on the request.

Mr. Ellison opened the meeting to the public.

Mr. Dennis Tibbetts stated it was his opinion that the setbacks should be larger and each case should go through the conditional use process for approval.

Ms. Rebecca Lorenz expressed concern over health issues and the risks that go along with the operation of a CFO.

Mr. David Harpehau stated that he was impressed with the minority report and the presentation given by Dr. Heber.

Mr. John Grace stated he did not agree with the setbacks and possible contamination of the water supply.

Mr. David Baker stated that a study of wind speeds should have been done because of the stench.

Ms. Olivia Fahey stated she was opposed to CFO's in the community.

Mr. Don Strietelmeier stated that when people move to the country it is expected that there would be farming and livestock located there. He stated there were too many residential homes being built in the county on farm land.

Ms. Toni Whiteside spoke in favor of CFO's.

Mr. Kathy Hershey stated that IDEM does not do their job and do not monitor the water near the CFO's properly.

Mr. Rob Eikenbary stated he was concerned about the makeup of the Study Committee. He said it did not represent a cross section of the community. He also was in favor of each case requiring a conditional use for a variance.

Ms. Annalee Huey stated she had done extensive research in Indiana regarding CFO's and thought the setback should be larger than proposed by the Committee majority.

Mr. Mike Percy stated that he was in favor of using Dr. Heber modeling from Purdue that would calculate setbacks each CFO that would locate in Bartholomew County.

Mr. John O'Halloran presented a Power Point presentation. He expressed concerns about the values of property that would be decreased if a CFO located near them.

Mr. Ralph Slone stated these decisions need to be made by elected officials not members on a board or committee. He stated the process is not fair. Mr. Slone stated all the people should be represented.

Mr. Gary Fisher stated CFO's were valuable to communities because of the economy effect they have from the product. He stated the CFO's are regulated by IDEM.

Mr. Jim Stafford stated that CFO's were regulated by IDEM and a common sense approach needs to be used. He supports the majority report.

Mr. Charles Hainz stated the financial burden should be on the people who own the CFO's if they fail. He expressed concern about proper distance from wells.

Mr. Charles Mitch stated size is important, he endorsed the model process used by Dr. Heber and stated a conditional use variance would need to be obtained to start a CFO's in Bartholomew

County. He stated he agreed with the minority opinion.

Ms. Kristen Whittington stated that farm land is just not soybeans and corn. She stated the land is needed to produce many different products. Ms. Whittington stated she works across the state for CFO'S's and it is her opinion that they are very important to the community. Ms. Whittington stated that this is a part of the Comprehensive Plan.

Ms. Kate O'Halloran stated she was concerned with public health issues, she stated they are numerous and complex. She stated it was her opinion that the setbacks were not large enough and they should go through the conditional process to obtain permission.

Mr. David Apple stated this should be given careful consideration.

Mr. Tom Heller stated that 10 acres was not large enough for a CFO's.

Ms. Jean Terpstra stated that the owners of the CFO's should be liable for any damages done to their surrounding neighbor's property. They should be able to help people recover if a disaster occurs because of a CFO's through liability insurance. She was against the majority report.

Mr. Ellison closed the meeting to the public.

Mr. Bergman stated that there is a set of criteria for making these kinds of decisions. In this case the Indiana code says that that the Plan Commission members must pay reasonable regard to the Comprehensive Plan, current conditions in each district, most desirable use for land in each district, conservation of properties values and responsible growth and development.

Mr. Bergman stated as the Plan Commission contemplates the ordinance there are a number of details that will come up and members will be asked to give some thoughts to these.

Mr. Flohr stated that this has been a difficult process and the Plan Commission has done the best they could with the information that has been given to them. He stated when you look at the Comprehensive Plan there are many things in the proposed Zoning Ordinance revision that may not be consistent with this Plan. He stated as a Commission member there is a lot of work to do. Everything needs to be looked at carefully and determine if changes need to be made to the Comprehensive Plan. He stated it was his opinion that another meeting was needed.

Ms. Apple stated from what she has heard from this meeting these public comments do not need to be repeated at another meeting. Mr. Ellison stated that he agreed with this and stated there will be some new public comments taken at the March, 2016 meeting.

Motion: Mr. Flohr made a motion to continue this request to the March 9, 2016 Plan Commission meeting. Mr. Morales seconded the motion and it carried with a vote of 9-0.

The members of the Plan Commission agreed that the same rules that were used at this meeting will be in effect for the March 2016 meeting. The meeting will be held from 8:30 a.m. to 11:00 a.m. The members agreed that they want to limit public input to only new information, which likely would mean only new speakers.

DISCUSSION ITEMS

Mr. Bergman stated that someone from the Bartholomew County Plan Commission would be needed to fill a position on the MPO's Long Range Transportation Plan Steering Committee. Mr. Bergman stated there would be a commitment of 4-6 meetings. He stated this is required by the federal government as a condition for our local communities to receive funds for transportation projects. The plan has to be updated on a regular basis and will set a vision for the next several years. Jason Newton volunteered to represent this Commission.

DIRECTOR'S REPORT

None

ADJOURNMENT 11:15 A.M.

Zack Ellison, President

Tom R. Finke, Secretary