

ROLL CALL

Dan Baumgardner	Jerome Markley
Harry Baumgartner, Jr	Keith Masterson
Jarrold Hahn	Mike Morrissey-absent
Bill Horan	Tim Rohr
Richard Kolkman	John Schuhmacher
Finley Lane	

Michael Lautzenheiser, Jr., Director

The February 6, 2014 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Jerome Markley. Ten members were present for roll call. Mike Morrissey was absent.

APPROVAL OF MINUTES:

Bill Horan made a motion to approve the minutes from the January 2, 2014 meeting. John Schuhmacher seconded the motion; the motion carried 10-0.

OLD ITEMS:

NEW ITEMS:

A14-02-02 LAFAYETTE TWP. ALLEN COUNTY, SE/4 33-29N-11E Monwell & Ann Sheley request approval for a 4.236 acres tract to be zoned R-1. The property is located at 17501 Indianapolis Rd, in Zanesville and is currently zoned B-2

Michael Lautzenheiser, Jr. stated that the property zoned B-2, does touch property inside the Zanesville corporate town limits, that is zoned R-1 & R-2 on the south and east side of B-2 property. He also stated outside of our jurisdiction in Allen County the property located on the other side of ditch is zoned A-1.

Monwell Sheley stated they had a greenhouse business in that location ten years ago.

Michael Lautzenheiser, Jr. stated the comprehensive plan does unite the property for the new zoning.

Jarrold Hahn stated changing the zoning for the B-2 property to R-1, currently corrects what the property is used for.

Conditions: verification from Town Board of Zanesville.
Do Pass Motion to Approve: Jarrod Hahn
Second: John Schuhmacher
Vote: 10-0

A14-02-03 Comprehensive Plan Sec. 11-12 Plan Commission Rural Representation

Michael Lautzenheiser, Jr. advised the board on the Board membership options. He stated option#1 would keep 1 member from each participating legislative body with increasing Bluffton's membership to 2 and the county's to 6. Option#2 is the most conservative, not changing anything from the Indiana code.

Mr. Lautzenheiser then explained in the Indiana code 7-211 Section, can make your own board if each of legislative bodies agreed to it. He also stated the Area Plan Commission met in 1969, for the first time, at that time they had 7 members. It increased to 9 members in 1971, when they added the county surveyor and extension agent. He stated the towns of Zanesville, Uniondale, Poneto, Vera Cruz, could have an

advisory board and have one member represent all four small towns. He also explained the back side of page, the options and the population for the county is 52%- Urban and 48%- rural on the chart.

Jerome Markley asked about option#1 if it would add additional expenses.

Mr. Lautzenheiser replied yes it would have some additional expense and have to be budgeted.

Mr. Markley asked if there is a regulation on option#2 for advisory board.

Mr. Lautzenheiser replied there is a regulation on how the advisory board is set up, Town council of each town appoints a member to the advisory board, the members appointed will vote on one to represent the four towns, then the meeting will be held in the largest population town.

William C. Morris of 1373 W 1050 S, Keystone, IN 46759, stated examining the board as it stands the biggest weakness that Mr. Morris sees is population base on the 2010 census, 600-Zanesville, 310-Uniondale, 166-Poneto, and 80-Vera Cruz, total population for the four towns 1,056 people. The total population for Wells county 27,636, so the 1,056 people of the four towns make up 4% of the population, however the four town representatives make up 36% of the voting power on the Area Plan Commission board. He also stated looking at the options, personally options#2, he has some questions on 36-7-4-207, under item #6 Bluffton would have two members, and Ossian entitled to one member. He also stated the advisory council of town affairs, there's a section in the Indiana code, 36-7-4-207 item #7 states one (1) representative from each town having a population of more than two thousand one hundred (2,100), and one (1) representative from each town having a population of two thousand one hundred (2,100) or less that had a representative before January 1, 1979.

Mr. Morris asked if the advisory council of town affairs existed in 1967.

Mr. Lautzenheiser replied yes.

Mr. Morris asked about the existing town affairs from 1971 until 2014.

Mr. Lautzenheiser stated it was still in existence in 1979.

Mr. Morris asked if Michael interpretation would be that the advice that existed in 1979 fall under this statute.

Mr. Lautzenheiser replied yes.

Mr. Morris asked the board to look at option#2 under item 2 and 3 listed county commissioner and county council appointment, it shows it citizen member, is there anything preventing it from item 2 and 3 being an elected official.

Mr. Lautzenheiser replied yes, He explained in section 36-7-4-208 item D, if the city has an even number of representatives than county has an odd number of representatives, can be the other way around odd numbers for city and even numbers for county, then they would use C3,C4,C5,and C6.

Mr. Morris stated item #6 section 36-7-4-208, one citizen member who is (A) a resident of the unincorporated area of the county (B) a resident of the county who is also an owner of real property located in whole or in part in the incorporated area of the county.

Jarrod Hahn asked if Mr. Morris was asking could you appoint a trustee.

Mr. Morris stated what I'm exactly asking is could it be written into the membership that it would be an elected official.

Jarrold Hahn asked Mr. Morris if he was asking for example could it be the trustee or elected official.

Mr. Morris stated his real opinion would be the Area Plan Commission could be made up of the county trustees.

Mr. Lautzenheiser explained the term citizen member is defined as a person that may not hold and elected office, when the term of citizen member is used in the Indiana code, it means a nonelected person etc.

Mr. Morris stated he thinks majority of the Area Plan Commission should be made up of elected officials, who then have to answer to the voters.

Mr. Lautzenheiser explained option of changing option#2 the way to change it from a citizen member, would have each one of the legislative bodies agreed to change 36-7-4-211 language to have the county commissioners.

Jack Pace commented on how the Area Plan Commission members are appointed.

Jerome Markley stated that the board answers to no elected officials.

Mr. Hahn commented that he is not opposed to changes, so long as it's not changed just for the sake of change.

Mr. Lautzenheiser explained the only two people in option#2 to be rural representation, one from county commissioners and one from county council. They are the only ones required by law.

Mr. Hahn stated his opinion that he likes the idea of the advisory plan commission, but he does not think it would change the end results.

John Schuhmacher commented on how the board votes on each individual petition as they see it. He also stated that the board isn't told how to vote.

Mr. Lautzenheiser explained the Indiana code section 211, which is currently how the board is set up. He also stated that the options sheet states for the option is to stay with Area Plan Commission law. He advised the overall option is that county and each of legislative body or incorporated towns can do as well, is one option leave it how it's currently now, second option county and at less one other town. If the county doesn't participate, each town needs to have their own advisory plan commission Third option; City of Bluffton would have the only option to pick their own plan commission. Fourth option, each one of the towns could chose not to have advisory plan commission. If the City of Bluffton decides to have their own plan commission nothing would change, but if the county would change each town would be responsible for funding their own plan commission.

Mr. Markley question the board, when you vote on an issue, do you vote based upon what you think is best for Wells County or the best interest of the group that appointed you.

Mr. Schuhmacher commented it's based upon the petition and information you have in front of you at the time.

Keith Masterson agreed with Mr. Schuhmacher. He also commented that he follows the ordinance and the law.

Mr. Hahn commented that the job on the board is ministerial and determine if the petition met the rules. He also compared his position on this board to his elected position as county surveyor.

Leslie Gaskill questioned why the board was in existence if they board does not make the ordinance. She also questioned if a board member felt that an ordinance was bad what could be done.

The board advised that they are in existence to make sure that petitions meet the ordinance. She was informed that the ordinance would still have to be followed. However, the ordinance can be changed if the board feels like there is an issue with part of the rules, but the board does not have the final say on amending the ordinance. Mr. Lautzenheiser stated that conditions or commitments could be added to a petition approval in order for the petition to meeting the ordinance. The conditions or commitments cannot be to add something greater than what the ordinance calls for. Bill Horan commented that people's interpretation of the ordinance can differ to some extent.

Mr. Morris questioned the CAFO petition from the January 2014 meeting and the waivers that were permitted. He commented on how if the ordinance is set in stone then there should not be the latitude to waive requirements. Mr. Lautzenheiser stated that the ordinance is set in stone and the procedure for the modification along with what information needs to be proved is in the CAFO ordinance. Mr. Morris then commented that the board's job is not just ministerial because judgment does go into the decisions about waivers and modifications of petitions. Then he brought up the modifications that were granted to Apex for their WECS petition.

Mr. Lautzenheiser stated that any changes to the ordinance would occur towards the end of the year rather than continually changing the ordinance throughout the year as decisions are made based on the comprehensive plan. He explained that the board membership establishing ordinance is the first section of the zoning ordinance. If there would be a change, then Mr. Lautzenheiser would like to have that part of the ordinance drafted first.

The board discussed the options of board membership make up. They talked about what option looked best or which option members were leaning towards, either leaving the board as is or Option#1 or Option#2.

Mr. Morris stated that he would like to see a county commissioner on the board rather than having an appointment from them.

Mr. Hahn asked Mr. Lautzenheiser to provide the board with information at their March meeting about what would be needed from the commissioners to amend the ordinance to have a commissioner on the board rather than an appointment. He also would like information on the logistics of what it would take to have an advisory plan commission.

Conditions:

Motion to continue to next meeting: Jarrod Hahn

Second: Keith Masterson

Vote: 10-0

OTHER BUSINESS:

V2013-029 – Thompson Violation (Jade M. Heyerly)

Michael Lautzenheiser Jr. explained the violation to the board. He stated that there was a permit issued for a car port at Mr. Heyerly's current property and upon inspection, it was determined that the car port was within the 5ft minimum setback from the east property line.

Jade Heyerly stated that he was informed of where to set the car port after he got the permit. He explained that he was at work when the car port was placed on his property, but there were paint marks to indicate where it should go. He commented that he didn't understand how his privacy fence could be closer to the property line than the car port, which he stated was not a permanent structure. He then complained about him paying the fee to go before the BZA and then being able to leave the car port where it is.

Jarrold Hahn stated three options for Mr. Heyerly: 1.) hiring a professional land surveyor to determine where the property line is and if the car port really is 5ft from that line. 2.) go before the BZA to request a variance. Or 3.) move it back so that it is 5ft away from the east property line.

Mr. Heyerly advised the board that he would have the car port moved by June 1, 2014.

Conditions:

Motion review at June meeting: Bill Horan

Second: Finley Lane

Vote: 10-0

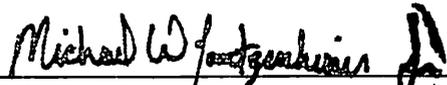
DISCUSSION:

ADVISORY:

ADJOURN:

Finley Lane made a motion to adjourn the meeting. Bill Horan seconded the motion. The February 6, 2014 Area Plan Commission meeting adjourned at 9:00 p.m.


Jerome Markley, President

ATTEST: 
Michael Lautzenheiser Jr., Secretary