

ROLL CALL

Dan Baumgardner	Jerome Markley
Harry Baumgartner, Jr	Mike Morrissey
Kip Bunch	Tim Rohr
Todd Fiechter	
Jarrod Hahn	Becky Stone-Smith
Bill Horan	

Michael Lautzenheiser, Jr., Director

The September 1, 2016 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Jerome Markley. Mr. Markley informed the audience and board that the meeting would be moved to the Library due to the attendance number and restarted once the meeting room was set up. Mr. Markley re-called to order at 7:43p.m. Ten members were present for roll call. John Schuhmacher was absent. Mr. Markley introduced Kip Bunch as the new board member representing the Town of Uniondale.

**APPROVAL OF MINUTES:**

Jarrod Hahn made a motion to approve the minutes with changes from the August 4, 2016 meeting. Tim Rohr seconded the motion; the motion carried 9-0-1. Todd Fiechter abstained from voting.

**OLD ITEMS:**

**A 15-07-10 WELLS COUNTY Ordinance Amendments**

- **Zoning Ordinance**
  - **New & Adjusted land uses.**
  - **Special Exception requirement amendments.**
  - **Sign Ordinance amendments.**
  - **Recreational Vehicle regulation amendments.**
  - **Development Plan expiration regulation amendments.**
  - **Additional and updated ordinance definitions.**

Michael Lautzenheiser, Jr. explained amendment #1 and went thru each line on the permitted use chart showing items that were added. He talked about amendment #2 and how an existing accessory structure could be turned into a 2<sup>nd</sup> residence for family and medical need thru the BZA. Mr. Lautzenheiser, Jr. explained the timeline with amendment #3 which added a 6 month removal timeline for the 2<sup>nd</sup> residence for the family and medical need section. He talked about amendment #4 and how the sign ordinance was going to change. He said that it would be removing content based signs and how they would be replaced with non-content language. He also talked about that in the downtown areas some signs and awnings can be placed in the Right-Of-Way (ROW) if certain requirements have been met. Mr. Lautzenheiser, Jr. also explained that M-1 & M-2 zoning classifications needed to be added to the sign ordinance. He informed the board that amendment #5 was going to be removing and adding a new specific section for RV's. Amendment #6 would add a timeline to development plan projects. He said that the project would need to be permitted within 2 years and final stages completed with 10 years. Mr. Lautzenheiser, Jr. explained that in amendment #7 the definitions were being updated and added due to the proposed amendment changes in the ordinance. He talked about amendment #8 and how there were items that needed the boards input toward the final numbers that would be passed on to the County Commissioners and City/Town Boards. Jerome Markley asked if the vote could be split up and recommended #1-7 and then vote on #8, #9, and #10 separately.

**AMENDMENTS #1-7**

Mike Morrissey felt that the original issue with the slaughter housed was resolved. Jerome Markley asked if the Board had any questions regarding amendments #1-7. Bill Horan asked how the numbers were determined for the slaughter houses. Michael Lautzenheiser, Jr. said that they were based on a review of the 2 existing slaughter houses in Wells County. Mr. Markley asked if the 2 year/10 year timeline in amendment #6 was commonly used. Mr. Lautzenheiser, Jr. explained that many communities reapply as parts come to the point for development. He said that our board has always looked at the plans in a whole and that this was a timeline to help move the process along.

Jerome Markley asked if there were any comments or questions from the public regarding amendments #1-7. Michael Reynolds asked if the small slaughter house item has always been in ordinance or if it was something new. Michael Lautzenheiser, Jr. explained that it was a new item in the ordinance idea to provide opportunity to provide small farm to fork production. Mr. Reynolds said that he thought the number seemed high for a small slaughter house. Jarrod Hahn said that it was similar to Craigville's and Zanesville's processing numbers. Mr. Markley reminded the board that they were just voting on the amendments #1-7 and that it would need to be a motion for Do Pass, Do Not Pass, or No Recommendation.

**Conditions:**

Motion to Send Do Pass Recommendation: Jarrod Hahn

Second: Mike Morrissey

Vote: 10-0

**AMENDMENT #8**

Jarrod Hahn mentioned that he felt that the camping season is closer to 8 months vs 6 months in the first part and that 30 days seemed short for the second part and suggested 90 days. He also recommended 3 years before a renewal would be needed. Jerome Markley asked if there were any public comment or questions. Ken Zimmerman asked about using an RV in the woods and if it would require a special exception. Michael Lautzenheiser, Jr. said that it would only if it was being occupied consecutively as a residential use. Doug Klefecker asked about State Highway trailers and trailers used for schools. Mr. Lautzenheiser, Jr. explained that they are temporary structures and have different regulations. Doug Sundling said that RV's are for recreational use only and built to substandard housing guidelines. He said that he considered RV's as Tiny Homes. He felt that amendment #8 should be for recreational use not long term residency. Mr. Sundling talked about tax abatements and RV's being used as long-term rentals. He felt that there needed to be an annual review of the RV's to make sure they were being maintained. He said that he felt that the proposed distance was a good compromise if they were going to be used as long-term rentals. He said that the neighbors want them moved to the back of the property and not next to the homes. Mr. Markley asked Mr. Sundling to clarify his opinions for the proposed changes. Mr. Sundling said that he felt it should stay at 6 months and that it could always be lengthened to 8 months. He thought that it should have to be reviewed every year to make sure it is maintained. He also wanted to see the units sit 300' from property line and said that he thought it was a good compromise. Mr. Hahn mentioned that the inspection could be running on thin ice if based on outside appearance opinion. He said that a business would need more than a 1 year assurance. Mr. Lautzenheiser, Jr. said that the special exception would be for the site not the individual PMRV's. Kip Bunch talked about the 1 year vs 3 year time period and business costs and how it wouldn't be regulating the RV. Mr. Lautzenheiser, Jr. explained that it would be for the ability for sites to be used as extended stays. Mr. Sundling asked what a campground was. He said that he wants to see Ryan and the KOA succeed but that it's caused issues with neighbors. Doug Williams talked about the PMRV's being near the empty lots and how it is affecting the selling of those lots. Ted Smith thought there was a misunderstanding with the

RV's and how they are not looking to be a mobile home rental. He said that it is more like a temporary housing solution for construction workers that go job to job and could stay for a year. He said that the park models seemed to be temp housing and not a mobile home. He talked about Katrina and how people lived in PMRV's for 3 years. Mr. Smith said that it was a gray area with the tiny home trend and state standards. Ryan Crismore, KOA General Manager, explained the extended stay reservations that are offered in the KOA industry and talked about the park model lodging. He said that nobody lives there permanently in the PMRV's. He also mentioned that the neighbors built homes there after PMRV's were placed. Mr. Crismore talked about how it is being business to Bluffton. He asked the board to really consider the 3 year timeline instead of the 1 year option. He agreed that the normal camping season is 8 months. He said that the business wouldn't survive if the park models can only be occupied for half a year since it is a campground they should be allowed to be open all year. Mr. Markley asked Mr. Crismore to tell the board which options he would like to see. Mr. Crismore answered that he would like to see 8 months instead of the 6 months, 3 years instead of the 1 year option, and would like it to be 50' from property line not the 200' or 300'. Todd Fiechter asked if the current PMRV's would be grandfathered in. Mr. Lautzenheiser, Jr. explained that they may not be grandfathered in since ordinance in place if for 6 month occupancy and that it was not desired by KOA. He also explained that the units need to be readily towable and that there was some concern of meeting federal rule. Mr. Fiechter asked what the timeline was regarding the PMRV history. Mr. Crismore said that they were purchased in summer of 2014 and that they were bought knowing they were PMRV's. He said that the reason for bringing the PMRV's was to help bridge the gap needed to change business model. Mr. Markley asked if the board had any additional questions. Mr. Fiechter asked how something would quality as grandfathered. Mr. Lautzenheiser, Jr. said that it would have needed to be placed in compliance before ordinance was changed.

Conditions:

Motion to Send Do Pass Recommendation with selected numbers: Kip Bunch

Second: Todd Fiechter

Vote: 6-4 (Dan Baumgardner, Harry Baumgartner, Jr., Jarrod Hahn, & Tim Rohr)

## **NEW ITEMS:**

### **A 15-09-15 WELLS COUNTY Ordinance Amendments**

- **Zoning Ordinance**
  - **Maintenance Bond.**
  - **IDEM CFO Permit required prior to application.**

Michael Lautzenheiser, Jr. explained the proposed amendments #9 & 10. He said that in amendment #9 that all development plans would require working with the County Highway to determine a heavy haul route to be used along with a road usage bond to help control damages. He talked about amendment #10 and how it would require CFO development plans to obtain their IDEM permit before applying for the development plan. Jerome Markley asked about the reasoning behind the amendments. Mr. Lautzenheiser, Jr. explained that amendment #9 was to help with construction traffic and control damage to multiple road by having a certain traffic route. He said that amendment #10 was about initial notification and that he currently didn't recommend passing amendment #10 by sending a Do Not Pass Recommendation for #10. Mr. Markley asked the board for questions and comments regarding amendments #9 & 10. Tim Rohr asked if the amendments should be split apart. Mr. Markley and Mr. Lautzenheiser, Jr. agreed that it would be a good thing to split them apart. Todd Fiechter asked if it was just for the rural community and if there had been damage to road in the past. Mr. Lautzenheiser, Jr. gave examples of past development plans and how it would be for the entire county and not just rural areas. He said that he couldn't speak on behalf of the highway department on repairs that have been needed in the past.

Jerome Markley opened the discussion to the public for comments and questions. Doug Klefeker, CFO owner, talked about the CFO's he owns and how he is proud of the county ordinance. He felt that over the years that it gets harder and harder to get a CFO approved. Mr. Klefeker said that he didn't think the road maintenance bond was needed since there has been money left over in highway department fund over the years and that the roads aren't being maintained to begin with. He talked about having traffic routes with previous barns thru the Plat Committee and how when there was a problem they got the stone to fix it. Mr. Markey asked if he thought the Plat Committee could handle the routes. Mr. Klefeker said that yes they thought it could just be handled by the Plat Committee and didn't feel it was necessary to make more changes to the CFO Ordinance. He talked about how the legal and professional fees are a lot higher for the IDEM permit. He also asked who determined if there was damage to the roads. Michael Lautzenheiser, Jr. said that it would be the Highway or Street Departments and legislative bodies that would make the decisions regarding the road damage. Mr. Klefeker recommended that the Plat Committee handles the traffic plans, and he didn't recommend passing the bond or IDEM amendments. He said that they aren't building barns to annoy people in the community. Joel Fiechter talked to the board about IDEM permits and the many parts that go into applying for and maintaining one. He talked about the required distance for letter notification and how the IDEM permitting process is very expensive. He also mentioned that the Wells County Ordinance goes above and beyond state requirements and how applying to both IDEM and Wells County should be done at the same time. Travis Frauhiger said that he doesn't approve of the new proposed amendments. He told the board and the public that they keep records of all reports, inspections, violations, manure information, etc. He also said that IDEM has to renew their plans every 5 years. He said that they are doing the best they know how on the barns. Mr. Markley said that he understood where they were coming from. Jamie Jenson said that she was speaking on behalf of Craigville. She voiced concern about not being notified from the hog operation that was recently approved and said that it wasn't fair. She said she had a petition with 43 names on it that didn't agree with the decision made the previous month. She talked about the concern of flooding in that area and asked how it would affect the wells, canals, etc. She asked who was looking out for the tax paying citizens in the small towns without governments. Mr. Lautzenheiser, Jr. explained that the Area Plan Office placed a legal ad in both the Bluffton News-Banner and the Ossian Journal per state law. He said that the office also posts a sign on the site to help with the notification. He also said that it is IDEM's requirement that they notify within ½ mile. Tyson Brooks said that he is favorable for amendment #9 and gave a handout that was performed by the Purdue Extension Study. He said that a high percentage of people live in rural Wells County. He didn't like the manure traffic on county roads. Todd Fiechter said that he appreciated the research. Paul Rumble talked about the 2 CFO's that he owns in Wells County. He said that the Plat Committee review worked excellent for incoming and exiting routes. He didn't agree with the road maintenance bond unless it came with tax abatement. He talked about the CFO's being the livelihood of farmers and the tradition of Wells County. Mr. Rumble said that even though he didn't live in Wells County he was proud to do business in Wells County. He said that livestock has been part of the community from the start. Randy Plummer, Phenix Farms, talked about the number of jobs provided. He explained the work they provide for the CFO's and how he didn't feel the amendments were needed. He said that all concrete is taxed and that construction is good for the county. Mr. Plummer talked about the expenses that come with the IDEM permits. Steve Harvey talked about how his son hopes to start farming next year. He said that he is against proposed amendments in order to keep business available for future farmers. Mike Fiechter said that thru CFO's they contribute to the county and that it provides a way for his sons to be able to stay in county and work. He said that the amendments aren't needed. He said that the manure used equals approx. 5% of fertilizer used and that animal waste could be considers organic fertilizer. He talked about the tax contributions that come with CFO's. He also mentioned that being able to maintain a multigenerational farm is a wonderful thing and how it's great to be able to have his sons working full time with him. He said that he understood the concerns but we need to embrace agriculture not hinder it. Chuck Brooks said that a lot is unknown and that the questions citizens have are legitimate concerns. He asked what the tipping point was and recommended an environmental impact study. He said that agriculture isn't a bad things it's just that there is a lot of unknown. Mr. Plummer said that levels in the soils are based on crop production.

Michael Reynolds talked about the road quality on 800 E and the rain causing it to become a soft road. He didn't see what the problem was with having a written route that trucks needed to follow. He said that he appreciated the farmers but didn't see how the amendments would keep anyone from farming. Steve Aschliman said that he is pro-farmer and has been working in the Ag field. He said that CFO's are more like a factory and not a family farm. He said that he felt the road amendment is a good thing. Mr. Klefeker mentioned the money left over and how it wasn't used to maintain roads. He didn't think there should be an increase on wheel taxes until roads were improved to begin with. Tamara Robbins said that the money is going to be spent to fix roads. She suggested making the heavy haul route (9A) and the bond (9B) separate items for voting. Jarrod Hahn said that having a plan is not a bad idea for heavy traffic but was unsure about the bond. He said that the Plat Committee discusses road use often with development plans and it wouldn't be a bad thing. He felt that the bond is possibly taking things too far at this time. Ms. Jenson voiced concern again about the CFO operations and distance from places thru the county. Mr. Markley told her to contact the commissioners with her concerns. Ms. Jenson said that she respects the farmers and that she understands the petition met the ordinance. She was just worried about the longevity of Craigville. Todd Fiechter talked about the road and how the county was working on fixing them. He talked about the hiring of Nate Rumschlag, the county engineer, and the grant that has been award to help with roads and bridges as well. Ms. Robbins asked about the setbacks with the amendments and if a permit had been issued for a home would that be able to stop a CFO from getting approved. Mr. Lautzenheiser, Jr. said that it could be argued both ways. Ms. Robbins said that if the ordinance was met then it needs to be done thru the state too. Mr. Hahn explained that the county and state work together. Ms. Robbins said that she originally thought that if the state approved it first then it wouldn't need to go thru the county. Mr. Hahn asked if having an internal policy to notify commissioners in place was on vs. approving amendment #10. Mike Morrissey said that he was ok with amendment #10 not happening. Chris Frauhofer asked if someone would buy land before knowing a septic would work and how it was similar to the land needed for a CFO. He said you want approvals before purchasing. Ann Frauhofer said that the road maintenance bond wasn't needed and how the county roads are improving. Mr. Rumble suggested that if IDEM permits were required 1<sup>st</sup> then nothing should be needed on county side besides an internal review. Dan Hunt talked about how Craigville needs to be preserved. He said that the tiles that run thru town need fixed. Mr. Markley suggested taking it up with the commissioners. Mr. Hunt voiced concern about CFO's and how Craigville needed a representative on the board. Ms. Jenson said that there wasn't any support for the towns with tax paying citizens. Mr. Markley said that she could come to the meetings and that they were always open to the public. Mr. Hahn explained that when the Zoning Ordinance was setup there was a ½ mile buffer put in place for the unincorporated communities that had a port office to help those areas. Bruce Leas talked about how the rules have been added to more and more over the last 4 years. He said that they can't send a letter to everyone in the county. Ms. Jenson talked about the washout leaving a 6' gap on SR 301. Mr. Markley asked the board if there were any additional comments or questions.

**AMENDMENT #9A**

Conditions:

Motion to Send Do Pass Recommendation: Jarrod Hahn

Second: Mike Morrissey

Vote: 10-0

**AMENDMENT #9B**

Conditions:

Motion to Send Do Not Pass Recommendation: Jarrod Hahn

Second: Kip Bunch

Vote: 10-0

**AMENDMENT #10**

Conditions:

Motion to Send Do Not Pass Recommendation: Bill Horan

Second: Harry Baumgartner, Jr.

Vote: 10-0

**OTHER BUSINESS:**

**V2012-036: Andrew Price**

Michael Lautzenheiser, Jr. told the board that he thought there was a plan in place that was agreeable. He also said that the office hasn't heard anything from Mr. Price regarding the violation. He suggested turning it over to the attorney.

Conditions:

Motion to Send to Attorney: Mike Morrissey

Second: Tim Rohr

Vote: 10-0

**V2015-019: Michelle Helmick**

Michael Lautzenheiser, Jr. informed the board that the manufactured home was still there, however, there had been more vegetation removed around the unit. He suggested continuing to the next meeting.

Conditions:

Motion to Continue to October 6th Meeting: Jarrod Hahn

Second: Mike Morrissey

Vote: 9-1 (Tim Rohr)

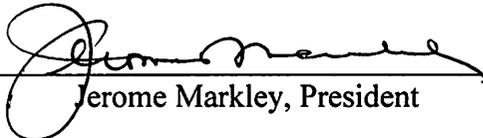
**DISCUSSION:**

**ADVISORY:**

Jerome Markley confirmed the October 6, 2016 meeting.

**ADJOURN:**

Todd Fiechter made a motion to adjourn the meeting. Kip Bunch seconded the motion. The September 1, 2016 Area Plan Commission meeting adjourned at 10:55 p.m.

  
Jerome Markley, President

ATTEST:   
Michael Lautzenheiser Jr., Secretary