

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
NOVEMBER 2018 REGULAR MONTHLY MEETING
AGENDA**

DATE: November 1, 2018

PLACE: Commissioner's Court Room
3rd Floor, Delaware County
Building

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Kathy Carey
Jerry Dishman
Shannon Henry

Andrew Ellis
Teresa Hensley
Jesse Landess
Michael Mueller

Rickie Sipe
Nathan Vannatter

Advisory Members

Duke Campbell

Mark Carter

Tom Borchers

MINUTES: Consideration of the October 4, 2018 regular monthly meeting minutes.

UNFINISHED BUSINESS:

MPC 03-18A Jurisdiction: County Commissioners

Being a continuation of a public hearing on the matter of a proposed amendment to the text of the Delaware County Comprehensive Zoning Ordinance regarding confined feeding operations and concentrated animal feeding operations.

LEGISLATIVE ACTION:

REPORT FROM DIRECTOR:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
NOVEMBER 2018 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday, November 1, 2018 at 6:00 P.M., in the Commissioner's Court Room of the Delaware County Building, Muncie, Indiana. President Andrew Ellis called the meeting to order.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Ms. Moody called roll and the following members were present: Mr. Borchers, Ms. Carey, Mr. Carter, Mr. Dishman, Mr. Ellis, Mr. Henry, Ms. Hensley, Mr. Landess, Mr. Mueller, and Ms. Sipe. Mr. Campbell arrived at 6:04 P.M. Absent: Mr. Vannatter.

Ms. Moody stated that Ms. Quirk, attorney for the Board, was also absent due to a pre planned trip.

Mr. Henry made a motion to approve the October, 2018 regular monthly meeting minutes. Mr. Dishman seconded the motion. Voting in Favor: Mr. Dishman, Mr. Ellis, Mr. Henry, Mr. Landess, Mr. Mueller, and Ms. Sipe. Voting against: none. Abstaining: Ms. Carey and Ms. Hensley. Motion carried, October, 2018 minutes approved.

UNFINISHED BUSINESS:

MPC 03-18A Jurisdiction: County Commissioners

Being a continuation of a public hearing on the matter of a proposed amendment to the text of the Delaware County Comprehensive Zoning Ordinance regarding confined feeding operations and concentrated animal feeding operations.

Debra Oliver, 20899 N. CR 100W, Muncie, Indiana, (records show 4826 S. Gadbury Rd., Hartford City, Indiana), appeared. She stated that she purchased her 10 acres of land in 1997 to be away from the cars and gases due to her asthma and COPD. She stated that she would not be able to enjoy her garden or her yard if she would be within a mile of a CAFO. She stated that due to a house fire she had to stay with her daughter for awhile who lives near a CAFO and she had to cover her face to get from the car to the house and was not able to be outside. She stated that she also had a 10 year old grandson who had asthma and he can't be outside either. She stated that her asthma was so bad that the last time she started feeling bad she had to call an ambulance because it happens so fast and that she was hospitalized. She stated she would not be able to enjoy her home because she would have to be inside all the time so she asks the Board to not allow the CAFO.

Thomas Oliver, 20899 N. CR 100W, Muncie, Indiana, (records show 4826 S. Gadbury Rd., Hartford City, Indiana) appeared. He stated that if you measure straight across the land, the proposed CAFO would be less than ½ mile from their home.

Mr. Ellis stated that the Ordinance was the topic and not one specific property.

Ron Orebaugh, 9691 S. CR 300E, Muncie, Indiana, appeared in opposition of the draft. He stated that he worked on the original setbacks with IDEM and that we should be ok with that. He stated that he had 40 acres across the road from his house, and according to this proposal he would not be allowed to place a building there. He stated that there are young people in Delaware County that want to make a living in animal agriculture and if they are denied they would leave and that the County would be losing 75-80 thousand dollars in taxes. He stated that he had spent 20 years on the State Pork Producers Board and that the setbacks that were established then worked and that they would work now.

Angela Lankford, 2600 N. Wheeling Ave., Muncie, Indiana, appeared. She stated that she was a natural resource student at Ball State and that she could see both the agricultural side and that of the community. She stated that if it was not for the proposed CAFO no one would be here to propose an ordinance. She stated that the draft was better than nothing and better than IDEM. She stated that as a community we need more protection from the harm they can cause to the environment and that it should be added as a special use.

Justin Arnold, 7405 N. Buddy Dr., Muncie, Indiana, appeared. He stated that it was great that young people in the community want to continue with agriculture but we also need to make sure they are responsible in how they do things. He stated that this ordinance is a step in that direction but that they could be dealt with a little better.

Kathy Chambers, 3601 W. CR 1270N, Muncie, Indiana, appeared. She stated that the proposed Light operation would affect her life due to the elevation and extreme run off of water to her property and down the road to the creek. She stated that she understood the topic was not just the Light property, but that this was not the right place for this operation. She stated that she did not appreciate the eye rolls from some of the panel and asked if they would like to have e-coli running under their homes and on to the river.

Ms. Moody stated that her concerns were noted and asked that she address the Board with her comments.

Ms. Chambers stated that she was concerned about the closeness of the proposed operation to people in the area and the extreme amount storm water runoff. Ms. Chambers stated that she had pictures. She stated that this needed to be a site by site evaluation and that Light's property was not a good site and people would get hurt.

Mr. Carter stated that tonight was about the ordinance, not a specific proposed operation.

Jim Harker, 12605 N. Chestnut St., Eaton, Indiana, appeared. He stated that it was naïve to count on 20 year old technology from IDEM to say what an acceptable buffer should be. He stated that the ordinance would affect people and these operations should be in industrial settings

instead of rural areas. He stated that there was ground better suited for this type of operation than the Light's.

Mr. Arnold, 7405 N. Buddy Dr., Muncie, Indiana, stated he had made a comment at the last meeting about the square mile radius and had mentioned an amendment should be added to say if there are over 50 residences it would not be a good site. He stated that even if such an area would be excluded, it would be responsible to include that in the ordinance.

Duke Campbell, 1515 E. 18th St., Muncie, Indiana, appeared. He asked if IDEM recognized farm field tiles that go into regulated drains.

Ms. Moody stated that they do not have a setback from a field tile.

Mr. Campbell stated it was hard to tell where those were located and that a complete survey at a proposed site would be worth looking into when someone starts the application process. Mr. Campbell stated that a test dig could be helpful.

Ms. Moody stated that the proposed ordinance does have a setback from regulated drain tiles and IDEM does not. She stated that it was not in effect for the field tiles because their locations are not always know.

Perry Evans, 2250 W. CR 1270N, Muncie, Indiana, appeared. He stated that in 2008 when he tried to get a building permit to build his home, he was denied due to the soil. He stated that it makes sense to look into it before there was an accident. He stated that it was great it was being worked on and there were still a few things to be looked at a little more.

Joe Russell, 3501 E. CR 700N, Eaton, Indiana, appeared. He stated that he was a 6th generation farmer. He stated that he grew up near his family livestock operation and for 30 years he lived 1.1 miles from a CAFO with no problems. He stated that farming is a risky business due to floods, droughts, insects etc. He stated that his greatest concern was a government office having an influence on his ability to be successful, and this was an example of that. He stated that he served on the committee to work on the ordinance and it was hard to find people with animal experience to make decisions that are not just emotional. He stated that what was not addressed was smaller operations and those are not regulated. He stated that passing this ordinance would be the beginning of the end of animal agriculture in Delaware County. He stated that he still suggests cutting the setbacks in half or do nothing because IDEM has done a good job.

Dave Ring, 12660 E. Eaton-Albany Pike, Dunkirk, Indiana, appeared. He stated that Delaware County was a densely populated county with no CAFO ordinance in place, but most counties do. He stated that this was not a particularly strict ordinance and it was obvious through the process that people do not want to live near a CAFO. He stated that without any protective ordinance in place, we will continue to lose population as CAFOs come to the county and that will mean a loss of tax dollars. He stated that we need to enact an ordinance and make it stronger to protect the residents and not be industry favored.

Linda Hanson, 1400 W. North St., Muncie, Indiana, spokesperson for The League of Women Voters of Muncie-Delaware County, appeared. She stated that she had sat in on some of the committee meetings and that they worked diligently to come up with the ordinance. She stated that she knows that not everyone was happy, on either side, but we need to have this ordinance.

She stated that listening to the concerns of the residents raises concerns about watershed and how those downstream would be affected. She stated that the ordinance needs to include a special use permit to have each individual site examined to see what will happen with the water to find sites that would be appropriate.

Mr. Henry stated that he had the GIS Department make maps of the county broken to show the impact of the ordinance with the exception of property line setbacks to see where a CAFO could potentially be located. He stated that there was no way to make a map to show sites for potential CAFOs without going through each area and looking at all if the details. He stated that this was a complicated ordinance, and that more time was needed to go over all of the information and get an idea of where they could be placed. He stated that in the next Commissioner's meeting they would try to extend the moratorium for another month as well.

Mr. Henry made a motion to continue MPC 03-18A to the January 3, 2019 regular monthly meeting. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Ellis, Mr. Henry, Ms. Hensley, Mr. Landess, Mr. Mueller, and Ms. Sipe. Voting against: none. Motion carried, MPC 03-18A continued.

Ms. Moody stated that since there was no December meeting, the next business meeting for the Plan Commission would be Thursday, January 3, 2019.

Mr. Henry stated that if anyone wanted to look at these maps to get with Ms. Moody.

REPORT FROM DIRECTOR

Ms. Moody stated that the 2019 meeting schedule was ready and the Plan Commission meets the first Thursday of each month unless it was a Holiday. She stated that the only change to the 2019 schedule would be to move the July 4th meeting to July 11th if that was acceptable. She stated that if the members had any questions or needed more information about the proposed ordinance to contact her.

ADJOURNMENT:

Andrew Ellis, President

Marta Moody, Secretary