

MARCH 16, 2015

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, March 16, 2015, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Terry A. Martin, Larry N. Miller, John A. (Jac) Price; and LaGrange County Auditor, Kay M. Myers. Mr. Jac Price called the meeting to order and led those present in saying the Pledge of Allegiance to the Flag. Mr. Larry Miller made a motion to adopt the proposed agenda with flexibility. Mr. Terry Martin seconded the motion and it carried unanimously.

BUILDING DEPARTMENT VEHICLE

At the March 2, 2015 Commissioners meeting it was approved to pay for a truck for the Building Department out of the Cumulative Capital Development Fund. Since Building Department penalty and re-inspection fees are being deposited into the Rainy Day fund per Ordinance 2011-10-3D, Mr. Larry Miller made a motion to pay for the Building Department vehicle out of the Rainy Day Fund instead of the Cumulative Capital Development Fund. Mr. Terry Martin seconded the motion and it carried unanimously.

EXECUTIVE SESSION

Mr. Larry Miller made a motion to set March 30, 2015 at 10:00 a.m. for an executive session. Mr. Terry Martin seconded the motion and it carried unanimously.

HOWE FIRE TRUCK

Mr. Kurt Bachman, County Attorney, reported that there are issues with the vendor for the Howe Fire Truck.

HOWE / MONGO FIRE DEPARTMENT

Mr. Larry Watson, Howe Fire Department, informed the Commissioners that at the time of the lease of the Indiana Toll Road there was a verbal understanding with Congressman Marlin Stutzman and Senator Bob Meeks that the Mongo and Howe Fire Departments were to receive \$500,000.00 each due to number of calls responded to on the Toll Road. Mr. Jac Price outlined the procedure that will need to be followed for any funds to be distributed from the Major Moves fund.

COUNCIL FOR A DRUG FREE LAGRANGE COUNTY

Ms. Angie Kresse presented the 2015 Grants for the Council for a Drug Free LaGrange County. The grants total \$16,956.38. Mr. Larry Miller made a motion to approve the grants. Mr. Terry Martin seconded the motion and it carried unanimously.

BUILDING DEPARTMENT

Mr. Tom Marks, Building Commissioner, presented a notice to the State officially appointing Johnny Boggs as the Building Department Commissioner effective April 1, 2015 and a letter of congratulations. Mr. Larry Miller made a motion to approve and authorize the President to sign. Mr. Terry Martin seconded the motion and it carried unanimously.

COMMITTEE REPORTS

Mr. Larry Miller reported on the plat meeting.

Mr. Jac Price reported on the Drainage Board, and attendance of a hate crime meeting.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kay. Myers, County Auditor, presented the Accounts Payable Vouchers. Mr. Larry Miller made a motion to approve the vouchers. Mr. Terry Martin seconded the motion and it carried with Mr. Jac Price abstaining.

MINUTES

Mr. Terry Martin made a motion to approve the March 2, 2015 regular meeting minutes. Mr. Larry Miller seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Larry Miller made a motion to approve the memorandum for the March 11, 2015 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

FEBRUARY 2015 FINANCIAL REPORT

Mrs. Kay Myers, County Auditor, presented the financial statement for the month ending February 28, 2015, in the amount of \$7,572,577.61. Mr. Larry Miller made a motion to approve the report. Mr. Terry Martin seconded the motion and it carried unanimously.

PROBATION OFFICERS – EQUIPMENT PURCHASE

Mr. Bob Murphy, Information Technology Director, requested approval to purchase 5 laptops and 5 tablets for the Probation Officers out of the Juvenile Detention Alternative Initiative (JDAI) grant. Total cost of the items is \$7,129.45. Mr. Larry Miller made a motion to approve the purchases. Mr. Terry Martin seconded the motion and it carried unanimously.

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SUBDIVISION PLATS

The following subdivision plats were presented for approval:

Miller Addition

There is one lot in this subdivision, in Clearspring Township, located at 4460 S 500 W, Topeka. Section 18, Township 36N, Range 9E. The owner is Mark Miller. Mr. Larry Miller made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

Calvin's Clearspring Acres

There are two lots in this subdivision, in Clearspring Township, located west of 1225 W 550 S, Wolcottville. Section 23, Township 36N, Range 9E. The owners are Calvin and Karen Lambright. Mr. Larry Miller made a motion to approve the plat. Mr. Terry Martin seconded the motion and it carried unanimously.

HIGHWAY DEPARTMENT – TIME CLOCK PURCHASE

Mr. Jeff Brill, Highway Superintendent, requested authorization to purchase a new time clock for \$385.82. Mr. Terry Martin made a motion to approve the purchase. Mr. Larry Miller seconded the motion and it carried unanimously.

HIGHWAY DEPARTMENT – OUT OF STATE TRAVEL REQUEST

Mr. Jeff Brill, Highway Superintendent, requested approval for out of state travel to attend THE 2015 North American Snow Conference in Grand Rapids, Michigan in April. Mr. Larry Miller made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

ZONING ORDINANCE AMENDMENTS

Mr. Bob Shanahan Zoning Administrator presented the following zoning ordinance amendments for consideration:

ORDINANCE NO. 2015-03-16

AN ORDINANCE AMENDING THE COUNTY OF LAGRANGE ORDINANCE NUMBER 2005-10-17A, COMMONLY KNOWN AS "THE LAGRANGE COUNTY ZONING ORDINANCE", AS AMENDED, TO ADD OR AMEND REGULATIONS REGARDING FARM MARKET, FARMERS MARKET, AFOs, and COMMERCIAL CONSTRUCTION IN AGRICULTURAL ZONES.

WHEREAS, the LaGrange County Plan Commission is an advisory plan commission established pursuant to I.C. 36-7-4-202; and

WHEREAS, the LaGrange County Plan Commission has determined that in the interest of promoting the public health, safety and general welfare of the community, certain regulations and amendments to the LaGrange County Zoning Ordinance would be appropriate; and

WHEREAS, on February 23, 2015 the LaGrange County Plan Commission, after notice to all interested parties, did conduct a public hearing on said recommended amendments pursuant to I.C. 36-7-4-604, and thereafter certified to the LaGrange County Board of Commissioners a favorable recommendation for the consideration and adoption of said amendments; and

WHEREAS, on March 16, 2015, the LaGrange County Board of Commissioners did conduct a regular meeting with regard to the certified proposed amendments pursuant to I.C. 36-7-4-607, after all notices of its intention to consider said amendments had been provided as required by law and in paying reasonable regard to the statutory criteria set forth in I.C. 36-7-4-603, the LaGrange County Board of Commissioners have determined that the adoption of the proposal of the LaGrange County Plan Commission is appropriate and in the best interests of the welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LAGRANGE COUNTY, INDIANA, THAT THE ZONING ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF LAGRANGE COUNTY, INDIANA, ON THE 17th DAY OF NOVEMBER, 2005, AND AS AMENDED THEREAFTER, BE HEREBY AMENDED AS FOLLOWS:

ITEM I

That under Article 3: Use Regulations, Section (A) Agricultural Use Table 3-A-1, should be amended to read as follows:

Table 3-A-1

AGRICULTURAL USE TABLE			
P=Permitted by Right C=Conditional Use			
Use Category	Specific Use	Zoning District	Additional Regulations
		A-1	
Residential	1-family dwelling	P	Art. 3 – Sec. (C)(2)(a)
	2-family dwelling	P	Art. 3 – Sec. (C)(2)(a)
	Farm worker housing	P	Art. 3 – Sec. (C)(2)(b)
Crops	All crop raising (field crops, truck gardens, etc.)	P	
Livestock	Animal feeding operation	P	Art. 3 – Sec. (C)(1)
	Concentrated feeding operation	P	Art. 3 – Sec. (C)(1)
	Confined Animal Feeding Operation	P	Art. 3 – Sec. (C)(1)
	Pasturing	P	
Business	Agricultural building	P	
	Agribusiness	P	
	Auction	P	
	Bake Shop	P	
	Bed and breakfast use	P	Art. 3 – Sec. (C)(3)(a)
	Bicycle Shop	P	
	Blacksmith Shop	P	
	Butcher Shop	C	
	Campground or RV park	C	Art. 5 – Sec. (G)(5)
	Carriage; wagon; buggy manufacturing	P	
	Cider mill	P	
	Dry goods store	P	
	Dress Making	P	
	Farm-based Business	P	Art. 3 – Sec. (C)(3)(c)
	Farmers Market	P	
	Farm Market	P	
	Furniture and Cabinet shop	P	
	Greenhouse	P	
	Home-based business	P	Art. 3 – Sec. (C)(3)(b)
	Mini-warehouse or RV storage	C	
	Plant Nursery	P	
	Riding stable	P	
	Roadside stand	P	
	Shoe shop	P	
	Shooting Range	C	
	Stable (commercial)	P	
	Stable (private)	P	
Tailor shop	P		
Tool Sharpening	P		
Woodworking	P		
Winery	P		
Institutional	Cemetery	P	
	Private school	P	
	Public school	P	
	Public park or recreational facility	P	Art. 3 – Sec. (C)(4)(b)
	Prison	C	
	Private park, recreational, or entertainment facility	C	Art. 3 – Sec. (C)(4)(b)
	Religious facility	P	Art. 3 – Sec. (C)(4)(a)
	Waste disposal facility	C	
	Other institutional use	C	

ITEM II

That under Article 3: Use Regulations, Section (C) Use Specific Standards for Agricultural and Residential Districts, (1) Agricultural Uses, AFOs, CFOs and CAFOs, (e) Manure Management Plans, Subsection 3 and 4 should be removed:

- ~~3. All AFO's, CFO's and CAFO's shall submit a manure management plan which includes the following:~~
 - ~~a. A soil test on all spreading acreage within the past three years. Soils tests shall be done according to Purdue University Cooperative Extension Service recommendations.~~
 - ~~b. Required spreading acreage is necessary when manure is spread within the jurisdiction of LaGrange County. If manure is disposed of outside LaGrange County, subsections (c) and (d) requirements shall not apply, however, a surety will be required noting the method of disposal and location of disposal site.~~
 - ~~c. The minimum spreading acreage needed which shall be calculated based on the soil test and agronomic needs of crops expected over five years.~~
 - ~~d. Required spreading acreage mapped with sensitive areas identified. Sensitive areas shall include residential zones, residences, businesses, schools, churches, surface waters and waterways, natural wetlands, floodplains or floodways, groundwater recharge areas, and tile drainage inlets. Copies of signed agreements, if necessary, shall be included.~~
 - ~~e. Plans for adequate storage. Storage facility plans should follow recommendations of the Midwest Plan Service or be designed by a licensed, Professional Engineer (P.E.). No storage structure/tank shall be used unless it is designed for manure storage. Stacked, staged, or composted manure must be stored on an impervious surface and diked to prevent nutrient leaching/runoff at production facilities or in the field.~~
 - ~~f. All manure management plans will be reviewed and approved by the LaGrange County Soil and Water Conservation District. The District may assist the applicant in developing manure management plans.~~
 - ~~g. As long as all structural requirements are met, conditional/provisional approval may be granted for the purpose of construction and a final occupancy approval shall be required verifying that all requirements have been satisfied before an AFO, CFO, or CAFO may be stocked with livestock.~~
- ~~4. All AFO's, CFO's and CAFO's with manure spreading agreements shall file same with the LaGrange County Soil and Water Conservation District on a yearly basis, prior to January 31st.~~

ITEM III

That under Article 3: Use Regulations, Section (C)- Use Specific Standards for Agricultural and Residential Districts, Subsection (1) Agricultural Uses, AFOs, CFOs and CAFOs, subparagraph (b) Site Plan Submission, item number 8 thereafter shall be amended as follows:

- 8. Evidence of compliance with ~~the manure management plan~~ the requirements set forth in Article 3, Section (C)(1)(~~d~~)(e) herein.

ITEM IV

That under Article 3: Use Regulations, Section (D) Business Use Table 3-D-1 should be amended to read as follows:

(D) Business Use Table

Table 3-D-1

BUSINESS USE TABLE						
P=Permitted by Right C=Conditional Use						
Use Category	Specific Use	Zoning Districts				Additional Regulations
		B-1	B-2	B-3	B-4	
Residential	1-family Dwelling		P		P	Art. 3 – Sec. (C)(2)(a)
	2-family dwelling		P		P	Art. 3 – Sec. (C)(2)(a)
	Multifamily dwelling	P	P	C	C	Art. 3 – Sec. (C)(2)(a)
	Rooming or boarding house				C	Art. 3 – Sec. (C)(2)(c)
Business	Agribusiness	P	P	P	P	
	Automobile body shop	P		P		
	Automobile service	P	P	P		
	Big box retail	P		P		
	Business service	P	P	P	P	
	Campground or RV Park	C		C		Art. 5 – Sec. (G)(5)
	Clinic	P	P	P	P	
	Commercial center	P	P	P	P	
	Commercial recreation	P	C	P	C	
	Convenience store	P	P	P	P	
	Drive-in establishment	P	P	P	P	
	Drive-through establishment	P	P	P	C	Art. 3 – Sec. (E)(4)
	Farmers Market	P	P	P	P	

BUSINESS USE TABLE						
P=Permitted by Right C=Conditional Use						
Use Category	Specific Use	Zoning Districts				Additional Regulations
		B-1	B-2	B-3	B-4	
	Garden center	P	P	P	P	
	Gasoline station	P	P	P	P	
	General retail	P		P	P	
	Hotel and motel	P	P	P		
	Mini-warehouse	P		P		
	Outdoor retail sales	P		P		
	Personal services	P	P	P	P	
	Professional office	P	P	P	P	
	Retail services	P	P	P	P	
	Veterinary clinic	P	P	P	P	
Institutional	Cemetery	C	C	C	C	
	Hospital	P		P	P	
	Nursery school	P	P	P	P	
	Personal care	P	P	P	P	
	Private park or recreational facility	P	P	P	P	Art. 3 – Sec. (C)(4)(b)
	Private school	C	C	C	C	
	Public building or use	P	P	P	P	
	Public park or recreational facility	P	P	P	P	Art. 3 – Sec. (C)(4)(b)
	Public school	C	P	C	P	
	Religious facility	P	P	P	P	Art. 3 – Sec. (C)(4)(a)

ITEM V

That under Article 4: Dimensional Standards, Section (A) Dimensional Standards, should be amended to insert the following subparagraph (3), and the remaining subparagraphs of Section (A) shall be renumbered as a result thereof:

- (3) In Agricultural zones the roadside setback for all commercial construction shall be 125 feet from the center line of the County road. Commercial construction roadside setbacks from State Highways shall be the greater of, 125 feet from the center line of the road or 60 feet from the State Highway right of way line.

ITEM VI

That under Article 4: Dimensional Standards, Section (A) Dimensional Standards, Table 4-A-2 Agricultural Dimensional and Intensity Standards should be amended as follows:

AGRICULTURAL DIMENSIONAL AND INTENSITY STANDARDS					
Minimum Lot Dimensions		Minimum Setbacks (feet)			Max.Height (feet)
Area (acres)	Width (feet)	Front	Side	Rear	
Residential Uses					
1	150	Art. 4- Sec. (A)(2)	10	5	35
AFO					
N/A		100ft. 125 ft.	100	100	35
New CFO					
30		200ft.	200	200	35
New CAFO					
120		500ft.	500	500	35
Farm Based Business					
5	150	Art. 4- Sec. (A)(2)	10	5	35

ITEM VII

Article 9: Definitions and Rules of Interpretation, Section (M) Definitions shall be amended to insert a new subsection (15) to define Animal Unit; the renumbered subsection (16) shall be amended to define Animal Feeding Operation (AFO); subsection (127) Roadside Stand shall be deleted from the definitions; a definition for Farm Market shall be added as

subsection (60); and a definition for Farmers Market shall be added as subsection (61) as follows, all remaining subsections shall be renumbered accordingly:

(15) **Animal Unit** is 1000 pounds of live animal weight from any and all livestock raised.

(16) **Animal Feeding Operation (AFO)** means a lot or facility where thirty (30) or more animal units have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility. Animal feeding operation includes animal confinement buildings and animal waste storage facilities. Two or more animal feeding operations under common ownership are considered, for the purposes of these regulations, to be a single animal feeding operation if they adjoin each other. Livestock markets and sale barns are excluded. An Animal Feeding Operation which meets the criteria for a Concentrated Feeding Operation (CFO) or a Confined Animal Feeding Operation (CAFO) is thereby excluded as an Animal Feeding Operation and shall be required to meet the CFO or CAFO regulations set forth herein.

~~(127) **Roadside Stand** means a structure or portion thereof for the shelter, display and sale of agricultural products produced on the premises with no space for customers within the structure itself.~~

(60) **Farm Market** means a structure or portion thereof for the shelter, display and sale of food products, as specifically authorized by Indiana House Enrolled Act 1309, which products shall be produced on the premises with no space for customers within the structure itself. The term Farm Market shall be synonymous with the term Roadside Stand throughout this Ordinance.

(61) **Farmers Market** means a market at which two or more farmers or growers gather on a regular recurring basis to sell a variety of fruits, vegetables, food products allowed pursuant to Indiana House Enrolled Act 1309 and homemade crafts, which are sold directly to the public by the producer or producers. The term Farmers Market shall not include the resale of produce, food products or crafts which were not produced by the vendor themselves on the vendor's premises.

ITEM VIII

Article 5, Development and Design Standards, Section (B) Parking and Loading, subsection (5) Table 5-B-3 shall be amended to replace the term "Roadside Stands" with the term "Farm Markets."

ITEM IX

Article 3 Use Regulations, Section (C) Use Specific Standards for Agricultural and Residential Districts, Subsection (1) Agricultural Uses, AFOs, CFOs and CAFOs, (a) AFOs and CFOs shall be amended and the Animal Unit Calculation Table added as follows:

(1) Agricultural Uses, AFOs, CFOs and CAFOs

(a) AFOs and CFOs

Animal feeding operations and concentrated feeding operations shall comply with all state and county health and environmental regulations, as well as all federal laws governing such uses. An animal feeding operation is thirty (30) animal units or more as determined from the following table. When more than one type of animal is maintained in the operation, the number of animal units is the sum of the animal units for each type of animal. To use the following table, first determine the total number of animals by type. Multiply the number by the "animal unit factor" in column 3 to give the number of animal units by animal type. Add all the numbers from column 4 to get the total number of animal units for your facility.

TABLE 3-C-1

ANIMAL UNIT CALCULATION TABLE

1. Animal Type	2. Number of Animals	3. Animal Unit Factor	4. Number of Animal Units
Beef Dairy Calves under 400 lbs		.2	
Milking and Dairy Cows		1.2	
Heifers 800 to 1200 lbs.		1.0	
Heifers 400 to 800 lbs		.6	
Steers or Cows (400 lbs) to market		1.0	
Bulls		1.4	
Veal Calves		.3	
Pigs up to 55 lbs.		.05	
Pigs 55 lbs. to market		.30	
Sows		.4	
Boars		.5	
Chicken Layers		.004	
Chicken Broilers		.005	
Ducks		.006	

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Turkeys		.02	
Sheep		1	
Draft Horse		2.0	
Buggy/Pleasure Horse		1.0	
Bison		1.0	
Any Other Animal Not Listed in this Table		Average weight of the animal in pounds divided by 1,000 pounds	
Total Number of Animal Units (Add up all numbers in column 4)			Animal Units =

ITEM X

Article 3: Use Regulations, Section (B) Residential Use Table 3-B-1 should be amended to remove the use “Stable (private)” from the Agricultural category, for the reason that the use Stable (private) is not currently permitted in the Residential Zoning Districts of S-1, U-1 or L-1 pursuant to a previously passed ordinance and therefore the Residential Use Table 3-B-1 should be amended to correct the scrivener’s error in the current printed version of the Zoning Ordinance.

ITEM XI

No part of this Ordinance shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable. All other terms and conditions of the LaGrange County Zoning Ordinance which are not modified and amended herein, including all Sections and Subsections thereof that have not been amended or set forth within these amendments, shall remain in effect and shall be renumbered to account for the amendments set forth herein.

ITEM XII

The text amendments to the LaGrange County Zoning Ordinance which are set forth herein were given a positive recommendation to the LaGrange County Board of Commissioners by the LaGrange County Plan Commission following a public hearing on the 23rd day of February, 2015.

Mr. Terry Martin made a motion to approve the amendments to the Zoning Ordinance. Mr. Larry Miller seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Larry Miller seconded the made a motion and it carried unanimously.

CORRESPONDENCE

- LaGrange County Clerk of the Circuit Court – February 2015 report
- LaGrange County Treasurer – January 2015 report
- LaGrange County Weights and Measures – February 16 – March 15, 2015 report
- LaGrange County Board of Zoning Appeals - Notice of Public Hearing Mr. Omer Troyer, 0490 E 100 S, LaGrange, Indiana

ADJOURNMENT

There being nothing further to come before the Board at this time, Mr. Larry Miller made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.

John A. Price

Larry N. Miller

Terry A. Martin

ATTEST:

Kay M. Myers
LaGrange County Auditor