

MARCH 16, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, March 16, 2020, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Mr. Larry N. Miller, Mr. Terry A. Martin, and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Larry Miller, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Dennis Kratz seconded the motion and it carried unanimously.

NUISANCE HEARING – RAE ANN BRILEY, 3685 N 200 E, LAGRANGE, INDIANA

Mr. Bill Stewart, Code Enforcement Officer, explained that the Rae Ann Briley nuisance is in compliance. Mr. Dennis Kratz made a motion to dismiss the hearing. Mr. Dennis Kratz seconded the motion and it carried unanimously.

NUISANCE ISSUE – GERRI HYDORN, 6930 N 320 E, LAGRANGE, INDIANA

Mr. Bill Stewart, Code Enforcement Officer, explained that he would like to continue the nuisance hearing on the Gerri L. Hydorn property at 6930 N 320 E, Howe, Indiana. Mr. Terry Martin made a motion to continue the hearing on April 20, 2020 and have the President sign the order. Mr. Dennis Kratz seconded the motion and it carried unanimously.

THE MASTERS TOUCH CONTRACT – FORM 11

Mr. Kurt Bachman, County Attorney, informed the Commissioners his office has reviewed the contract with The Masters Touch for the Form 11's. Mr. Terry Martin made a motion to accept the contract with Masters Touch LLC and authorize the President to sign it. Mr. Dennis Kratz seconded the motion and it carried unanimously.

AMENDMENT TO THE ZONING ORDINANCE

On December 30, 2019 the following Amendment to the Zoning Ordinance was tabled:

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-03-23C

AN ORDINANCE AMENDING THE COUNTY OF LAGRANGE ORDINANCE NUMBER 2005-11-17A, COMMONLY KNOWN AS "THE LAGRANGE COUNTY ZONING ORDINANCE", AS AMENDED, TO ADD OR AMEND REGULATIONS REGARDING ZONE DISTRICTS, USE REGULATIONS, DIMENSIONAL STANDARDS, AND DEFINITIONS AND RULES OF INTERPRETATION.

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 December 16, 2019 the LaGrange County Plan Commission, after notice to all interested parties pursuant to I.C. 5-3-1, did conduct a public hearing on said recommended amendments pursuant to I.C. 36-7-4-604, and thereafter certified to the Board of Commissioners of the County of LaGrange a favorable recommendation for the consideration and adoption of said amendments; and

WHEREAS, on December 30, 2019, the Board of Commissioners of the County of LaGrange 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. That the Board of Commissioners of the County of LaGrange in paying reasonable regard to the

statutory criteria set forth in I.C. 36-7-4-603, 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;

MARCH 16, 2020

REGULAR SESSION

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

ITEM I

That ARTICLE 2: ZONE DISTRICTS, should be amended as follows:

Section (F)(2) Districts: That the regulations found in Section (F)(2) shall be amended to read as follows:

(2) Districts - Wind Energy Conversion System (WECS) – Overlay District

The purpose of the WECS Overlay District is to provide additional regulations for the location, construction, and operation of a WECS in order to achieve the benefits of a WECS and to avoid and/or minimize the risks, dangers and inconvenience to the health, safety and welfare of LaGrange County.

ITEM II

That ARTICLE 3: USE REGULATIONS, should be amended as follows:

Section (A) Agricultural Use Table – Table 3-A-1: That the Agricultural Use table shall be amended to read as follows:

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)
	Migrant 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	
Agricultural	Agricultural building	P	
	Agribusiness	P	Art. 3 – Sec. (C)(3)(b)
	Auction	P	
	Campground or RV park	C	Art. 5 – Sec. (G)(5)
	Carriage; wagon; buggy manufacturing	P	
	Commercial dog breeding facility	P	Art. 3 – Sec.(C)(3)(d)
	Construction Type Businesses	P	
	Farm Market	P	
	Greenhouse	P	
	Home-based business 1	P	Art. 3 – Sec. (C)(3)(a)(i)
	Home-based business 2	P	Art. 3 – Sec. (C)(3)(a)(ii)
	Home-based business 3	P	Art. 3 – Sec. (C)(3)(a)(iii)
	Kennel	P	
	Mini-warehouse or RV storage	C	
Retail Units	P		

MARCH 16, 2020

REGULAR SESSION

AGRICULTURAL USE TABLE			
P=Permitted by Right C=Conditional Use			
Use Category	Specific Use	Zoning District	Additional Regulations
		A-1	
	Riding stable	P	
	Shooting Range	C	
	Stable (commercial)	P	
	Stable (private)	P	
	Winery	P	
	Cemetery	P	
	Private school	P	
Institutional	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	

Section (B) Residential Use Table – Table 3-B-1: That the Residential Use table shall be amended to read as follows:

RESIDENTIAL USE TABLE					
P=Permitted by Right C=Conditional Use					
Use Category	Specific Use	Zoning Districts			Additional Regulations
		S-1	U-1	L-1	
Residential	1-family dwelling	P	P	P	Art. 3 – Sec. (C)(2)(a)
	2-family dwelling		P		Art. 3 – Sec. (C)(2)(a)
	Boarding or rooming house		C		Art. 3 – Sec. (C)(2)(c)
	Manufactured home subdivision	P	P		Art. 5 – Sec. (G)(3)
	Manufactured home park	C	P	C	Art. 5 – Sec. (G)(4)
	Multifamily dwelling		P		Art. 3 – Sec. (C)(2)(a)
	Guest Quarters	C	C		
Business	Boat storage			C	
	Campground or RV park	C	C	C	Art. 5 – Sec. (G)(5)
	Home-based business 1	P	P	P	Art. 3 – Sec. (C)(3)(a)(i)
	Marina	C	C	C	
	Mini-warehouse or RV storage		C		

RESIDENTIAL USE TABLE					
P=Permitted by Right C=Conditional Use					
Use Category	Specific Use	Zoning Districts			Additional Regulations
		S-1	U-1	L-1	
Agriculture	Plant Nursery	P			
	Small Animals	P	P		Art. 3 – Sec. (C)(3)(e)
Institutional	Cemetery	P	P	P	
	Public school	P	P	P	
	Private park or recreational facility	C	C	C	Art. 3 – Sec. (C)(4)(b)
	Private school	C	C	C	
	Public park or recreational facility	P	P	P	Art. 3 – Sec. (C)(4)(b)
	Religious facility	P	P	P	Art. 3 – Sec. (C)(4)(a)

Section (C)(1)(a) AFO’s and CFO’s: That the regulations found in Section (C)(1)(a) shall be amended to read as follows:

(a) AFO’s and CFO’s

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, except for calf/heifer operations. An animal feeding operation for calves/heifers is ten (10) animal units. An animal feeding operation for calves/heifers is also required to follow the requirements of the State of Indiana for a CFO. 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.

Section (C)(1)(e)(1): That the regulations found in Section (C)(1)(e)(1) shall be amended to read as follows:

- I. CFO’s and CAFO’s shall follow all IDEM and OISC (Office of Indiana State Chemist) rules/regulations. CFO’s and CAFO’s shall submit a copy of the approved IDEM application with all attachments. AFO’s shall follow all OISC Rules/regulations for staging and applying manure. Additionally, CFO’s and CAFO’s shall submit required spreading acreage mapped with sensitive areas identified. Sensitive areas shall include residential zones, surface waters and waterways, natural wetlands, groundwater recharge areas, and tile drainage inlets. Copies of signed agreements, if necessary, shall be included;

Section (C)(2)(a)(vi): That the regulations found in Section (C)(2)(a)(vi) shall be added as a new section to read as follows:

- (vi) No building permit shall issue without the submittal and approval of an erosion control plan with the Plan Commission in the U-1, S-1, and L-1 zoning districts.

Section (C)(2)(b) Migrant Worker Housing: That the regulations found in Section (C)(2)(b) shall be amended to read as follows:

(b) Migrant Worker Housing

- (i) Migrant worker housing shall be used exclusively as living quarters for farm laborers.
- (ii) All private living quarters constructed, renovated, or used for sleeping purposes and residential migrant housing shall provide a minimum of 50 square feet for each occupant. In a room where workers cook, live, and sleep a minimum of 100 square feet per person shall be provided.

MARCH 16, 2020

REGULAR SESSION

Section (C)(3)(a) Bed and Breakfast Use: That the regulations contained in Section (C)(3)(a) Bed and Breakfast Use should be removed and all further subsections in this Section shall be renumbered accordingly.

Section (C)(3)(b) Agribusiness: That the regulations found in Section (C)(3)(c) Agribusiness shall be renumbered to Section (C)(3)(b) and shall be amended to read as follows:

(b) Agribusiness

- (i) If wholesale or retail sales are involved, the total footprint of all buildings used for Agribusinesses on any lot or parcel shall not exceed 10,000 square feet.
- (ii) If wholesale or retail sales are involved, there shall be no more than 3 buildings used for Agribusinesses on any lot or parcel.
- (iii) No more than 3 acres of land shall be devoted to Agribusiness use including but not limited to areas used for structures, parking, storage, display, setbacks, and landscaping.
- (iv) The owner or occupant of the farm must be engaged in the Agribusiness. A maximum of 3 employees will be permitted outside of the owner.
- (v) Off-street parking for customers and employees shall be provided in accordance with Article 5, Section B. If the operator of the business provides an affidavit stating that employees do not require parking, the staff shall permit an equivalent reduction in the required parking spaces. Any parking demands not consistent with the affidavit shall be considered to be a violation of this Ordinance.

Section (C)(3)(d) Commercial Breeding Facility: That the regulations found in Section (C)(3)(e) Commercial Breeding Facility shall be renumbered to Section (C)(3)(d) and shall be amended to read as follows:

(d) Commercial Breeding facility

The facility, outdoor runs and any other facility not within an enclosed building shall be set back at least 200 feet from each property line abutting a residential district or an institutional use, and, at least 100 feet from any other property line. A Commercial Zoning Compliance Certificate is required after meeting the following criteria:

- i. Submittal and approval of a site plan with a waste disposal plan in compliance with the Indiana State Department of Health.
- ii. Indiana Council for Animal Welfare (ICAW) membership required before Zoning Compliance Certificate can be issued.
- iii. Copy of USDA application before Zoning Compliance Certificate can be issued.
- iv. Signed affidavit of approval by neighboring landowners located within 500 ft. of facility.
- v. Must maintain USDA license and ICAW membership or be liable for red tags, county fines, and immediate revoking of Commercial Breeding Facility Zoning Certificate.
- vi. USDA/BOAH permit required to operate a breeding facility.
- vii. Building permit required for new structures.
- viii. Updated copy of all licenses/permits upon every renewal.

Section (D) Business Use Table – Table 3-D-1: The specific use of Rental Units should be added to the Business Use Table as follows:

<p>BUSINESS USE TABLE</p> <p>P=Permitted by Right C=Conditional Use</p>
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MARCH 16, 2020

REGULAR SESSION

Use Category	Specific Use	Zoning Districts				Additional Regulations
		B-1	B-2	B-3	B-4	
Business	<u>Rental Units</u>					

Section (H) O-1 Overlay District: That the regulations contained in Section (H) O-1 Overlay Districts should be removed and all further subsections in this Section shall be renumbered accordingly.

Section (I) O-2 Scenic Corridor Overlay District: That the regulations contained in Section (I) O-2 Scenic Corridor Overlay Districts should be removed and all further subsections in this Section shall be renumbered accordingly.

Section (K)(3)(a)(i) Agricultural and Residential Districts – Table 3-K-1: That the regulations found in Section (M)(3)(a)(i) Agricultural and Residential Districts – Table 3-K-1 shall be renumbered to Section (K)(3)(a)(i) and the Specific Use of a 2nd dwelling unit shall be amended in the Permitted Accessory Uses Table to read as follows:

PERMITTED ACCESSORY USES AGRICULTURAL AND RESIDENTIAL DISTRICTS P = Permitted				
Specific Use	Zoning Districts			
	A-1	S-1	U-1	L-1
2nd dwelling unit (with 10 acres or more)	P			

ITEM III

That ARTICLE 4: DIMENSIONAL STANDARDS, should be amended as follows:

Section (A)(3) Agricultural Zone: That the regulations found in Section (A)(3) shall be amended to read as follows:

(3) Agricultural Zone

In Agricultural zones the roadside setback for all commercial construction shall be 125 feet from the center line of the County road and 25 feet from the side property line and rear property line. 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.

Section (A)(3) Agricultural Zone – Table 4-A-1: That the Zoning Districts of O-1 and O-2 shall be removed from the Minimum Front Setback Distances Table and the regulations found in said Minimum Front Setback Distances Table shall be amended to read as follows:

MINIMUM FRONT SETBACK DISTANCES (Feet)					
Zoning District	Arterial	Major Collector	Minor Collector	Local	Subdivision
A-1	110	85	85	80	45
S-1	100	75	60	50	45
U-1	85	65	65	35	40
L-1	100	75	60	50	45
B-1	100	75	65	60	45

MARCH 16, 2020

REGULAR SESSION

B-2	90	65	55	50	40
B-3	100	70	55	50	50
B-4	80	60	40	None	None
I-1	110	85	65	35	35
I-2	125	85	80	50	50
I-3	110	85	65	50	50

Section (A)(4)(a) Agricultural Dimensional and Intensity Standards – Table 4-A-2: That the Agricultural Dimensional and Intensity Standards Table – Table 4-A-2 shall be amended to read 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 Not including the R/W	150	Art. 4 – Sec. (A)(2)	10	5	35
AFO					
N/A		125	100	100	35
New CFO					
30		200	200	200	35
New CAFO					
120		500	500	500	35
Agribusiness					
5	150	Art. 4 – Sec. (A)(2)	25	25	35

Section (A)(6)(a) Residential Dimensional and Intensity Standards – Table 4-A-4: That the Residential Dimensional and Intensity Standards Table – Table 4-A-4 shall be amended to read as follows:

RESIDENTIAL DIMENSIONAL AND INTENSITY STANDARDS									
Zoning District	Specific Use		Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Maximum Lot Coverage (%)
			Area (square feet)	Width (feet)	Front	Side	Rear		
S-1	1-fam. dwelling	With sewer	15,000	100	Art. 4 – Sec. (A)(2)	15	10	35	40
		Without sewer	43,560	150		20	15		25
U-1	1-family dwelling		5,000	50	Art. 4 – Sec. (A)(2)	7	15	35	70

RESIDENTIAL DIMENSIONAL AND INTENSITY STANDARDS									
Zoning District	Specific Use		Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Maximum Lot Coverage (%)
			Area (square feet)	Width (feet)	Front	Side	Rear		
	2-family dwelling		7,000	60	Art. 4 – Sec. (A)(2)	10	15	35	70
	Multifamily dwelling		7,000 plus 1,500 per dwelling unit	75	Art. 4 – Sec. (A)(2)	20	20	35	60
L-1	1-family dwelling	With sewer	20,000	100	Art. 4 – Sec. (A)(2)	7	15	35	40
		Without sewer	43,560	150		20	20		
A-1	1-family dwelling		43,560	150	Art. 4 – Sec. (A)(2)	10	5	35	
	2 dwellings		10 acres or more	150	Art. 4 – Sec. (A)(2)	10	5	35	

Section (B)(5)(c)(iii): That the regulations found in Section (B)(5)(c)(iii) shall be amended to read as follows:

- (iii) Towers and utility structures including but not limited to water towers, electric power and communication transmission lines.

ITEM IV

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 V

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption of the amendments to the LaGrange County Zoning Ordinance as provided herein may be continued although the use does not conform with the provisions of this Ordinance. However, only the portion of the land or water in actual use may be so continued, and the structure or area within which the use is contained may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or official order, so as to comply with the provisions of the Zoning Ordinance as amended herein. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance as amended herein.

ITEM VI

MARCH 16, 2020

REGULAR SESSION

This Ordinance shall be effective upon promulgation according to law.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Larry Miller seconded the motion and it carried with Mr. Dennis Kratz opposing. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Larry Miller seconded the motion. Mr. Dennis Kratz voted no. The Ordinance will be placed on the agenda for a future Commissioner meeting for second reading.

CONFLICT OF INTEREST STATEMENT DISCLOSURE STATEMENT

Mrs. Kathryn Hopper, County Auditor, presented a Uniform Conflict of Interest Disclosure Statement from Tad Hite. Mr. Dennis Kratz made a motion to accept. Mr. Terry Martin seconded the motion and it carried unanimously.

LAGRANGE COUNTY HEALTH BOARD APPOINTMENT

Mr. Terry Martin made a motion to appoint Rhonda Sharp, M.D. to the LaGrange County Board of Health. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Dennis Kratz made a motion to approve the vouchers. Mr. Terry Martin seconded the motion and it carried unanimously.

FEBRUARY 2020 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending February 29, 2020, in the amount of \$26,852,394.64 and investments of \$23,347,000.00. Mr. Terry Martin made a motion to accept the report. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MINUTES

Mr. Terry Martin made a motion to approve the minutes of the March 2, 2020 regular meeting and the March 9, 2020 joint executive session. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Dennis Kratz made a motion to approve the memorandum for the March 11, 2020 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – WEBSITE REQUESTS FOR PROPOSAL

At 9:00 a.m. Mr. Bob Murphy, Information Technology Director, opened requests for proposals for a County website. Two quotes were opened as follows:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
eGov Strategies LLC	Indianapolis, IN	\$19,415.00
BCS Management	Roanoke, IN	30,825.00

Mr. Terry Martin made a motion to take the proposals under advisement. Mr. Dennis Kratz seconded the motion and it carried unanimously.

NORTHEAST INDIANA SOLID WASTE MANAGEMENT DISTRICT– COMPOST SITE

Mr. Steve Christman, Executive Director of the Northeast Indiana Solid Waste Management District was present. The District would like to relocate the LaGrange County compost lot to the LaGrange Convenience Center. The areas of concern are the increasing abuse of the facility and increased liability.

CORRESPONDENCE

MARCH 16, 2020

REGULAR SESSION

LaGrange County Clerk of the Circuit Court – February 2020 report

LaGrange County Treasurer – February 2020 report


Lakeland School Corporation – letter of support to reduce speed limit on County Road 075 N

Lakeland Intermediate School – letter of support to reduce speed limit on County Road 075 N

United States Department of Agriculture Rural Development – Summary of Programs

ADJOURNMENT

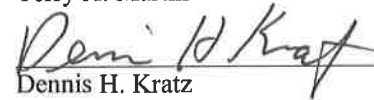
There being nothing further to come before the Board at this time, Mr. Terry Martin made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Dennis Kratz seconded the motion and it carried unanimously.



Larry N. Miller

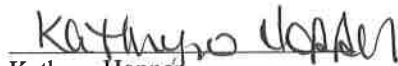


Terry A. Martin



Dennis H. Kratz

ATTEST:



Kathryn Hopper
LaGrange County Auditor