

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF MEMORANDUM**

18-W-ZOA-1 ZONING CODE TEXT AMENDMENT

Text changes related to Agricultural and Residential uses

MAY 16, 2018

AGENDA ITEM: 4

BACKGROUND

In 2017 both the Plan Commission and Board of Zoning Appeals heard cases involving Confined Feeding Operations (“CFO”). Additionally, smaller CFOs were granted building permits under the zoning regulations then currently in place. These occurrences raised concerns about the applicable zoning regulations. Additionally, the possibility of incoming residential growth into certain areas was suggested as a corollary topic, since agriculture and land development have often been at odds, and since the 2011 Comprehensive Plan potentially designates sizable areas as residential uses.

In September 2017, the IO-AGR overlay district was adopted with the intent “to restrict temporarily certain types of development in the areas most susceptible to adverse effects of incongruous development while revisions to the Zoning Code and Zoning Map are planned and implemented.” The Plan Commission then established a Code Development Committee to aid staff in researching, discussing, and developing those revisions. The first meeting of that Committee was in November, and has been meeting roughly bi-weekly since that time. The anticipated timeline was to have recommendations to the Commission in May, due in part to the complications of arranging committee meetings during the summer.

Activities of the committee have been distributed to the Commission at a previous meeting, but have included discussion of the underlying issues at hand, research into the nature of CFOs, examination of problems with residential growth in proximity to agriculture, and beginning conceptualization of code changes. While the meetings were sometimes contentious and not always amicable, the committee did have the benefit of fostering some mutual understanding of the ideas and concepts being discussed. However, because in large part due to timing, this has not yet yielded a singular recommendation for the Commission.

SUMMARY

Instead this has culminated in what has been submitted for the Commission’s consideration and initial public hearing. There are four suggested alternatives for review (not including a “do nothing” alternative), which have been included in the packets in both original form and in a consistent format for cross-comparison:

- Two produced by staff based on the apparent common ground of the committee’s work.
 - One that proposes to utilize only development standards to address issues that would apply generally (labeled “Alternative A”).
 - One that proposes a new zoning district to be applied to certain geographic areas intended for development in the near future (“Alternative B”).
- One produced by some of the committee members that is yet to be discussed by the entire committee that includes possible development standards that include a broad range of topics (“Alternative C”).
- One produced by another group of committee members that is also yet to be discussed by the entire committee that includes a few development standards that have relatively significant impact in siting CFOs (“Alternative D”).

Being as the details of these alternatives still have yet to be discussed by the committee, and these alternatives are still somewhat conceptual, staff does not suggest that the Plan Commission should act upon

any of them at this May meeting. Instead, staff encourages the Commission to give thought and feedback on a higher-level that the committee may use, along with initial public input, to evaluate and scrutinize the alternatives at another meeting to be scheduled at the end of May. This evaluation would be forwarded to the Commission for more detailed consideration at the June meeting.

Such high-level feedback may include:

- Whether to create a new zoning district or to only use development standards
- Whether to consider additional regulations beyond the location of CFO and residential development
- What non-zoning code recommendations should be made, for example to recommend updating the Comprehensive Plan

Staff will provide specific explanations, insights, and details on the alternatives at the meeting.

REVIEW CRITERIA

Indiana Code §36-7-4-603 and Section 12.2(F) of the zoning ordinance state the criteria listed below to which the Commission must pay “reasonable regard” when considering amendments to the zoning ordinance.

1. The most recently adopted Comprehensive Plan;
2. The current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction;
5. Responsible development and growth;
6. The public health, safety and welfare.

Date memo completed: 5/11/18

PLAN COMMISSION ACTION									
Motion By:					Second By:				
<i>Vote:</i>	Banks	Deckard	Johnson	Mynhier	Western	Wolf	Wolfe	Woodmansee	Wright
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									