

Commissioners Patrick Clawson, John Brown and William Brown conducted a public hearing on the proposed zoning ordinance the 5<sup>th</sup> day of April 2014 at 1:00 p.m. in the Carroll County Circuit Courtroom. Approximately 125 people were in attendance.

Commissioner Chairman Patrick Clawson opened the hearing. The following concerns were discussed:

Q: Marion Minnick of Yeoman asked about the size of building lots; is a larger lot now required?  
A: In rural residential, lot size goes from 1 acre to 1.5 acres.

Q: If your house is destroyed, can it be rebuilt?  
A: You can build on the existing footprint. If you want you can ask for a variance to make the structure non-conforming.

Cynthia Harmon added that if the ordinance is approved, then non-incorporated towns will be asked to look at their ordinance. It cannot be less restrictive, but can be more restrictive. Harmon added that the present ordinance states the same as the proposed ordinance. With respect to non-conformity; the language is the same. It is a protection, not a hindrance. It is not aimed to harm you, it is aimed to protect.

Q: Jerry Robertson of Jefferson Township read the statement in the proposed ordinance and felt it was saying the opposite from what Harmon stated. Robertson asked how the Board of Zoning appeals was formed.  
A: They are appointed.

S: Everett Snoeberger of Camden shared his interpretation of the ordinance and stated of the 2 ordinances, it would be the most restrictive. It was his opinion that depending on the structure, it would determine if the site plan was required. He feels it is not ready for the Commissioners to pass. He thought if wording was added that it can be reviewed by the Board it would be better.

Q: Carl Perry of Rossville stated his house was non-compliant.  
A: Patrick Clawson stated that if your house is compliant today it will be compliant under the new ordinance if they can be approved for septic and well.

Q: Don Wallace from Clay Township asked the purpose of the new ordinance and why it was needed.  
A: Clawson stated that most of it was to change the wording and bring it up-to-date.

Q: Is the ordinance to control new or protect old?  
A: Clawson felt it was to protect the new; a safety. So septic systems can have more space and roads can handle the driveways and traffic. Clawson stated it could be left as it is presently written, but don't complain if a CAFO is built in their backyard. It was brought up that the Commissioners could not ask for a change to the ordinance, it had to be done by the Zoning Board; that is a State statute. William Brown felt the whole ordinance was trying to get a balance, but feels it is strong toward CAFOs.

Q: Shirley Inman, Horseshoe Bend, stated that if a structure is built on the same footprint then it should be OK; have the wording in the ordinance to allow that. She also felt the ordinance already in place is not being enforced. She lives next to a dump. The Court fined him \$50.00 last year and still nothing has been done.  
A: Clawson stated there are steps that have to be taken to do anything with nuisance properties; they are working within the law. The Court did not tell him he had to comply with the ordinance.

S: CAFOs are presently 800' and are going to 1,500'; it was felt that was not enough. Those already with an approved CAFO permit but haven't started to build, can build with the 800' setback.

Q: Lisa Bough who lives on 500 S, asked the purpose of the rural residential and how they arrived at it. She feels Area Plan was trying to assess the value of land and they were not capable to do that.  
A: Cindy Harmon stated it was to bring forth the comprehensive plan, trying to reserve land for its best use and use non-farm friendly land for residential.

Q: It was asked if there was anything in the ordinance to stop a sewer district from going through their land.  
A: It is not covered in the zoning ordinance.

S: Brad Jervis from 500 S said it seemed foolish to him to make his area rural residential because it is bottom land and can't build a house or CAFO there.

Q: Ron Slavens, Adams Township, stated he has a farm in a rural residential area and wanted to know how the rural residential areas were determined.  
A: Clawson stated the rural residential areas were determined by a consultant.


Q: Lee Lucas, Tippecanoe Township, is alarmed about the 1 acre she owns, if she needs to rebuild she would have to have a sewer.  
A: Clawson stated that if the Sanitarian approved the septic it would not be a problem to rebuild.

S: Rick Ayres has a CAFO and asked if a rural residential had to stay 1,500' away from him. Also, what if a person does not want to sell in the rural residential area; rural residential is right over his CAFO. There was concern about the assessed value of agriculture land in a rural residential area.

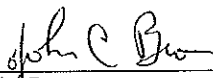
- S: Kevin O'Farrell feels the ordinance is dividing the County and feels the value of land will rise.
- Q: Rex Wilson, Tippecanoe Township, stated insurance says you have to rebuild 80%. He is also concerned about the camper and motor home issue.
- A: Storage of a camper is not the issue. It is if you want to live in it for more than a short period of time. If going to live in it you need to have a permit, the purpose is to deal with septic.
- Q: Tom Coble, Tippecanoe River, Jefferson Township, asked if he dumped his sewage into his own sewer, does he have to have a permit. He has lived in it while building his house; he lives in a flood plain.
- S: Carl Perry, Delphi, commended the Commissioners for having a public hearing. His concerns were if the family comes and brings their campers they can only sleep in it and have a minimum number of days.
- S: Tom Collins, 500 W is concerned about the road; 500 S which is in a rural residential area, there is no road to support that as a rural residential area.
- A: William Brown explained how years ago it was determined by the federal government what roads needed to be paved. Patrick Clawson stated that recently the Commissioners have looked at the list of roads and have made changes to the list of roads that are important. Clawson added that sub divisions need to put in their own roads and meet certain standards before the County will take them over.
- S: Tammy Melson, residing on 500 W, has only lived in the area about 2 years. It has been refreshing to live in a County where people are so kind and helpful. They moved here because of the tax rate and is concerned that the ordinance will increase taxes substantially.
- Q: Steve Bough, 500 S, asked if the meeting was advertised correctly.
- A: Clawson stated it was; the Commissioners were in compliance. There is only one newspaper and the meeting was mentioned multiple times. William Brown stated they did try evening meetings and in other locations, but no one attended. Travis Flora felt the elected officials have done their job.
- Q: Marlene Joseph, Tippecanoe Township, asked if it was true that if the Commissioners did nothing within 90 days it would automatically become law.
- A: That is State law.
- Q: Is it State law to have a zoning ordinance?
- A: It is not.
- Q: Can the ordinance be a referendum on a ballot?
- A: William Brown answered it cannot. Indiana is not a referendum State, it is a representative State.
- S: William Brown felt the ordinance should not be put upon the people, it was way too restrictive; he was going to vote against it.
- S: John Brown added the meeting had been publicized to the best of our ability and thanked everyone for coming. He was going to vote against the proposed ordinance.
- Q: Harold Jervis, 500 S/Cutler, asked if amendments could be made to the present ordinance.
- A: There have been some.
- S: Pat Robertson, Tippecanoe Township, stated she has read all the Commissioner minutes for last 8 years and the Commissioners never asked to have the zoning ordinance rewritten.
- Q: Debbie Lowe, Carroll County Comet, asked what the next step was.
- A: Patrick Clawson stated a vote would be taken at Monday's regular meeting of the Carroll County Commissioners.
- Q: If the ordinance is denied, then what happens?
- A: It was thought Area Plan had 45 days to either accept or reject their decision. The Auditor will contact Ted Johnson, County Attorney, to alert him to be prepared Monday for the options available to the Commissioners.

John Brown made a motion to adjourn; William Brown seconded; passed unanimously.

**CARROLL COUNTY BOARD OF COMMISSIONERS:**

  
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 Patrick F. Clawson, Chairman

*Absent*  
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 William R. Brown, Vice Chairman

  
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 John C. Brown

**ATTEST:**

  
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 Elaine Hathaway, Auditor