

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE MEETING
MINUTES OF PUBLIC MEETING**

DATE.....AUGUST 1, 2018
TIME.....4:40PM
PLACE.....COUNTY OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE, IN 47901

MEMBERS PRESENT

Larry Leverenz
Jackson Bogan
Carl Griffin
Tom Murtaugh
Gerry Keen
Gary Schroeder
Jerry Reynolds

MEMBERS ABSENT

Greg Jones

STAFF PRESENT

Sallie Fahey
Kathy Lind
Zach Williams, Atty.

OTHER APC MEMBERS PRESENT

OTHER ATTENDEES

Steve Clevenger
Erin Ehrman
David Loser
Julie Peretin
Jim Pairitz
Kay Pairitz
Ellen Reifenberger
Kay Miller
Bill Miller
Shane O'Malley
Matt Washburn
Lisa Decker
Chet Helton
Chin Lee
Chuck Hardesty
Chad Spitznagle
Jeremy Slater
Erin Easter
Linda Mason
Brenda Edwards
Will Peugeot
Zachary Blackwood
Flo Blackwood

Chair Jackson Bogan called the meeting to order.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the June 6, 2018 Joint Ordinance and Bylaw Committee meeting. Jerry Reynolds seconded and the motion passed by unanimous voice vote.

II. PROPOSED ZONING MAP FOR THE US 231 CORRIDOR:

A look at the existing zoning map and the draft zoning map, based on the recently adopted US 231 Corridor Plan amendment to the Comprehensive Plan

Sallie Fahey wanted to make everyone aware that this is not the only time they will hear this proposal. Tonight we are providing a first-look. A meeting invitation was mailed and she thinks there are people who may want to speak this afternoon. Staff will send a more formal letter to the property owners within the corridor along with the existing zoning map and the proposed zoning map. She and Kathy Lind discovered that the maps were not part of the initial mailing. This issue will be discussed again at the September meeting.

She displayed the existing zoning map and the proposed zoning and said the current zoning map is on the left with the proposed zoning map on the right. We are only dealing with the portion of the US 231 corridor within the City of West Lafayette. No rezoning is taking place in this corridor outside the city limits. The general business (GB) area on the existing zoning map at US 231 and US 52 represents the intersection where Meijer and Menards are located along with their outlots. She pointed out some of the existing zoning moving south along the corridor, including the GB area at US 231 and Cumberland and the neighborhood business zoned land on the southwest side of that intersection. After some residentially zoned land, the zoning is primarily zoned agricultural (A) all the way down through the Purdue Airport and out to the new Aerospace Park being developed. The office research piece (OR) at the northwest corner of SR 26 and US 231 is the land PRF just rezoned in the last couple of months. There is R2 zoning in the corridor near the old intramural fields and the existing I3 zoning is associated with Purdue University land. The proposed zoning for the entire airport area and Aerospace Park is I2. I2 is the middle density of the three industrial zoning districts.

Tom Murtaugh asked if changing the eastern area from I3 to I2 affect any current uses/users.

Sallie Fahey replied that it does not affect any current users and the rezone is being done with PRF's blessing. PRF has also asked for additional office research (OR) zoning west and north of the part they already rezoned to OR. The R3W zoning shown on the proposed map is a holding zone for the new "live, work, recreate, play" area that PRF is beginning to develop. She added that we have a couple of planned developments (PD) whose zoning won't be changed with additional OR around that that will expand Discovery Park. At this time, we propose keeping the Purdue West Shopping Center zoned GB because that is the best zoning for the existing uses. The area might be rezoned when PRF decides what they want to do with the area. Staff is proposing neighborhood business (NB) for the open field across from the shopping center. Residential zoning is proposed to the north with several existing zones staying as they are currently zoned. She went on to say this proposal has been through a steering committee that worked extensively with staff and the major landholders in the area have also been involved. Staff is ready to answer any questions.

Jackson Bogan referred to the two small existing pieces of GB in the northern section on the existing map and said it appears we are proposing changing the zoning for those pieces.

Kathy Lind explained that the proposed zoning map does not show the right-of-way being zoned GB. We are not taking GB zoning away from anyone; those GB zoned properties are staying the same.

Ellen Reifenberger, 4113 Copper Valley Road, Lafayette, IN 47905, said she owns property but had to move when they built this corridor because her property was unlivable during construction. She is not sure if her property is being rezoned or not. Her property is on the northwest corner of US 231 and Lindberg.

Sallie Fahey said staff will send another notification along with maps. If the maps do not help she invited her to stop by the APC office to get a definite answer. From what Ellen Reifenberger described, it looks like the

property is being proposed to be rezoned from R1 to R2. She explained that single-family homes and duplexes are permitted in the R2 zones. Ellen Reifenberger has more than a month to decide if she is opposed to rezoning her property.

Chet Helton, 2751 Lindberg Road, West Lafayette, IN 47906, pointed to his property on the map and said the proposal is to rezone his property from R1 to R2. His property has been handed down through a couple of generations and that will continue for the next 60 years. He is not too concerned about the R2 zoning but he is concerned about how this will affect his property tax.

Sallie Fahey said Mr. Helton can check with the County Assessor but it is her understanding that zoning is not part of the equation for assessment.

Tom Murtaugh concurred.

Gary Schroeder said how the property is used affects the taxes.

Linda Mason, 1811 SR 26 West, West Lafayette, IN 47906, said she has seen earlier versions of the proposed zoning map at earlier public meetings. Her property is at the corner of SR 26 and Newman Road across from the new Purdue Energy complex and at one point the proposal was to rezone her property and two others to multi-use similar to what Purdue is doing in the yellow zone on the map. She asked what zoning is being proposed for her property.

Sallie Fahey said the proposal is to keep her property zoned R1 as are the other lots she is talking about.

Chin Lee, 2801 Ibis Court, West Lafayette, IN 47906, said he lives north of Lindberg in the Wake Robin Subdivision, east of the railroad tracks. His property backs up to the pond in the front of the subdivision with his home facing Lindberg. He is concerned about what will happen to the south side of Lindberg Road between the railroad tracks and US 231. He wants to be sure that area will not be rezoned to commercial or R2.

Sallie Fahey said right now the zoning is A and the proposal is for a rezone to single-family residential with a minimum of 6,000 sq. ft. lots (R1B). A small piece is being proposed R2. She referred to the maps to show the location of Mr. Lee's home and where R2 zoning is being proposed in the northwest corner and also for a strip of land where the soccer fields were once located. R2 is duplex zoning and the R2 zoning will go just past the first road into Sherwood Forest on the south side of Lindberg. She added that nothing is changing on the north side of Lindberg because that area is not located in the West Lafayette city limits.

Carl Griffin joined the meeting in progress.

Brenda Edwards, 3307 Tealberry Drive, West Lafayette, IN 47906, said she lives at the corner of US 52 and US 231 behind the strip mall where Monical's Pizza is located. She sees that GB zoning is being proposed for that area and she is concerned if all the uses will have straight access onto US 231.

Sallie Fahey explained that those GB properties are already developed so there will be no changes in that area.

Brenda Edwards said there is open farm land behind her property coming toward Cumberland.

Sallie Fahey agreed that GB is being proposed for that area. She went on to say that when INDOT built US 231 they allowed for only one access onto US 231 and that access is on the property Brenda Edwards is referring to. All other property owners were paid not to have an access.

Will Peugeot, 2444 DePauw Drive, West Lafayette, IN 47906, said much of this land is zoned A and he wonders what the impact on agriculture will be on those locations once they are rezoned.

Sallie Fahey said agriculture production is allowed in most zoning districts so rezoning A zoned land will not have an effect on an existing agriculture operation. She went on to say our ordinances and long range plans

are geared to and have policy that says that the long term future for land that is or can be served by sanitary sewer should not be agriculture.

Will asked if the land can be sold as agriculture land.

Sallie Fahey said zoning is conferred to the land and not the owner. Any rights land has now it will still have with a new owner.

Kathy Lind said you can raise crops on the land once it is rezoned but you cannot have animal production in a residential zone.

Zachary Blackwood, 2547 Nottingham Place, West Lafayette, IN 47906, said he has been living in the Sherwood Forest neighborhood for the past couple of months and he and his family love the area and the neighborhood. He also loves the view of the woods from his backyard. One of the goals of the rezone is to promote the identity of the neighborhood. He asked the Committee to consider the special identity Sherwood Forest has as a neighborhood and having R2 zoning next to the neighborhood will have a negative impact.

Matt Washburn, 408 North 8th Street, Lafayette, IN 47901, said he is representing the property owner on the R1 zoned property on the northeast corner of Lindberg and US 231. The proposal is for R2 but based on his 27 years in commercial real estate, the properties in the northeast and southeast corners of the intersection should have business zoning. There is a mixed zoning of R1, R2, and PD already in the area and he thinks business zoning is more appropriate at signalized intersections of 4-lane highways.

Sallie Fahey said when INDOT was looking at extending US 231 north of the Wabash River over 35 years ago, staff began to take an unofficial look at future zoning. Staff knew that once the road was announced there would be people asking questions about possible zoning. Since that time, APC staff has told every property owner that it is staff's opinion that the Lindberg intersection was not appropriate for business because there was too much residential already developed there. Staff believes that US 52 and Cumberland are the appropriate places for new commercial zoning and we have stuck to that story over the years.

Matt Washburn said the property was zoned business when West Lafayette came through and bought an easement on the property he is referring to. The City has looked at that intersection from a business approach when determining valuations.

Sallie Fahey said that is not how West Lafayette feels today but they may have felt that way at some point in the past. She thinks West Lafayette valued the land they bought as an easement as if it had business potential. She does not think the land was ever zoned business.

Jackson Bogan said the zoning on the piece Matt Washburn is referring to is remaining the same so as not to intrude on existing properties/uses.

Sallie Fahey said the purpose of keeping the property zoned residentially is to make it similar to what is already there. She said we will send a more detailed letter along with the current zoning map and the proposed zoning map to all the property owners with land in the rezoning area. The property owners will also have an opportunity to talk about their property with staff at the APC office in the basement of this building. This agenda item will be added to the September Ordinance Committee meeting for further discussion. At that time the Committee can recommend changes and pass the US 231 Corridor zoning map on to the full APC as is or with the recommended changes. The APC public hearing will be another opportunity for citizens to speak to the proposal. Once the proposal is passed out of the Plan Commission, the Plan will be sent to the West Lafayette Common Council for another public hearing followed by a vote to adopt or not adopt the Plan.

III. PROPOSED CHANGES TO MULTI-FAMILY ZONES:

A discussion on some needed changes regarding height and density in the R3U and R3W zones

Multi-Family Zones

Kathy Lind said staff has been looking at making changes to this section of the ordinance for a while. The maximum height allowed by the ordinance in the R3U zone is 35' but the ordinance allows a building to be erected to a height in excess of that if its setback exceeds minimum requirements. You would get 2' of bonus height for each 1' of additional setback over the minimum requirements on all sides. The problem is that we do not want large setbacks in the urban zones and would prefer buildings built closer to the sidewalks. This is an easy fix because we can just eliminate that in the R3U zone as well as in the R1U and R2U zones. This brings up the issue of should we allow a height limit of 40' in the R3U zone. The R3W and R4W zones have a height restriction of 14' measured from the ground to the uppermost floor of a building. Right now we are seeing buildings being constructed that are over 100' in the Village and it seems ridiculous to have this old standard. The 14' height restriction limited multi-family buildings to 2.5 floors. She referred to the variance recap sheet included in the packet that shows there have been numerous requests for height variances in the R3W and R4W zones in West Lafayette over the past couple of years. Staff has agreed that a 40' height in the R3W zone seems to be a good fit. The ordinance limits the multi-family density to 15 units per acre and an increase in the density involves a rezone to R4W. She then pointed out that density is the only difference between the R3W and R4W zones. People have been doing planned developments to avoid rezoning to R4W. Having 50-60 units per acre is not unusual for a PD. It seems silly to have the density cap in R3W at 15 units per acre when we have thrown it out the window time and time again.

Sallie Fahey said nobody can really use the R3W and doing a PD is the only way to develop. She thinks there should be some places to build by-right at that density.

Jackson Bogan asked if staff is asking for no density cap in the R3W zone or to increase the cap.

Kathy Lind said staff is asking for no density cap because right now there is no cap in the R3 zone. That works because parking, setbacks, etc. limit what can be done.

Sallie Fahey said there are other requirements that get a person toward a density.

Jackson Bogan says it does not look like we can hurt ourselves by eliminating the density cap.

Carl Griffin asked how many units you can get per acre factoring in setback, parking standards, etc.

Sallie Fahey said that depends on what style of construction is used. Multiple 3-4 story buildings on one lot gets you one kind of density and one higher building will get you a different density.

Kathy Lind pointed out that we can get rid of the R4W zone entirely if we eliminate the density cap. There are only three properties zoned R4W and staff will initiate a rezone for those properties to R3W if the text amendment is approved.

Jackson Bogan asked if the three property owners will incur any expenses for the rezones.

Sallie Fahey replied that APC will file for the rezone and there will no fees to the property owners.

Gary Schroeder said that Carl Griffin's issue is more than density because it also has to do with unit sizes (one-bedroom, studio, two-bedroom, etc.). There are some bizarre restrictions that skew what people build and that is not always good because you may end up building the wrong unit because you have to. This text amendment will fix more than just the density of 15 units per acre.

Carl Griffin asked if staff can display the West Lafayette zoning map to eyeball where R3 zoning is now. He would like to look at the Fowler area and the R3W and R3U zones in that area.

Sallie Fahey displayed the West Lafayette zoning map.

Gary Schroeder said the R4W zones are at 320-326 North Chauncey, 202 South River Road, and at the intersection of Kalberer and Yeager.

Carl Griffin asked if staff has a timeline for this ordinance amendment.

Kathy Lind replied that the amendment can go to APC after this Committee recommends approval of the amendment. The first meeting APC could hear the amendment is at the September.

Carl Griffin thinks the R4W issues are very isolated and he would like to have a little time to think about raising the height limit to 40' in the R3U zone.

Gary Schroeder pointed out that a building can be constructed higher than 40' by moving the setback back and taking advantage of the 2' in height increase for every 1' setback increase on all sides.

Jackson Bogan asked how many people take advantage of that.

Kathy Lind said that happens a lot for apartments. She used the apartments on the south side of Sagamore and west of West Lafayette as examples of taller apartment buildings because the setbacks are greater.

Carl Griffin and Gary Schroeder talked about how sometimes things self-limit themselves without doing a PD.

Kathy Lind said we see that section of the ordinance used more often in the suburban kinds of developments instead of in the urban developments. She hopes that answers his earlier questions.

Jackson Bogan said it appears this will make things a little more intense for current landowners rather than taking things away.

Kathy Lind said that is one way to put it but you could also say we are eliminating the variances we hear every month and that is a good thing.

Jackson Bogan said both ways are wins.

Gary Schroeder thinks there are height limitations because of the fire department's limitation/capacities 30 years ago.

CB Parking

Kathy Lind reminded the Committee that Chris Shelmon asked the Committee to look at reducing the parking standards in the CB district. He suggested amending the ordinance to require one parking space per unit. She said she spoke with Lafayette staff several times about the request and they are not ready to make that change.

Gary Schroeder pointed out that the parking standards can be reduced with a variance. The BZA does not see that very often.

Kathy Lind pointed out that the Lafayette Division of the BZA hears quite a few parking variances in the CB zone.

Jackson Bogan concurred.

Sallie Fahey thinks Lafayette is concerned that the public parking garages are filling up and they have commitments for the city-owned lands to the west of City Hall for new development. Until Lafayette can figure out where their new public parking garages to take up some of the slack will be located, Lafayette is cautious about doing away with the parking requirement.

Jackson Bogan said he never heard that.

Sallie Fahey said she had never heard that either until Kathy raised this proposal with Lafayette staff.

Jackson Bogan asked if the Committee wants to look at this issue or move forward.

Carl Griffin asked if staff is proposing a 40' height measured from the top, in R3U to allow the buildings to be true 3-story buildings.

Jackson Bogan asked what the normal height of a 3-story building is.

Kathy Lind said generally you can say 10' per floor.

Sallie Fahey thinks with a 35' height requirement to the peak of the roof you have to put half of the ground floor apartments underground. She pointed that a lot of the 80's apartments south of State were built this way.

Jerry Reynolds used Georgetown Apartments on South 18th Street as an example, and said they sunk the basement to end up with a 2-story building so they did not have to install a sprinkler system. Now any multi-family buildings over two-stories has to be sprinkled.

Carl Griffin said in the style and design section of our Form-based Code we talked about things we want to happen in the New Chauncey Neighborhood. He wonders if maybe we are not shooting ourselves in the foot by saying allowing a height of 40' to the top of the building because by doing that we will be dictating a certain roof pitch. He suggested making the allowable height to 35' in the 3rd floor because that allows a builder to be more creative with the roof lines.

Sallie Fahey said one of the reasons for going up in height is to get steeper roof pitches.

Carl Griffin said staff deals with this issue all the time. He is fine with the proposal if staff thinks allowing a 40' height in R3W gets us to where we want to be while helping the developer and architect.

Jackson Bogan said another option is to limit the number of floors but limiting how high each floor can be.

Sallie Fahey said Gary Schroeder suggested making the height allowance 35' to the eave in the R3W zone because then we will not have to regulate how high the roof is.

The Committee concurred but asked that this issue be brought back to the Ordinance Committee next month to allow everyone time to think about what is being proposed.

Chad Spitznagle, 222 North Chauncey, West Lafayette, IN 47906, West Lafayette Engineer's Office, had no comment.

Sallie Fahey said staff might consult with Gary Schroeder if he is willing because he has experience with building apartments.

IV. FLOOD PLAIN & QUARRYING

Sallie Fahey said staff would like to bring back the issue of not allowing mining and quarrying in the flood plain as soon as there is space on the agenda. She advised the Committee that the legislation did not pass in the last legislative session but she thinks it will come back in the next legislative session. We would like to have something in place because if the issue passes the legislature can grandfather local ordinances that prohibit it or they can override local ordinances. The Alcoa mining case in Booneville, IN started all this at the state level. The Town of Booneville passed a separate ordinance, not a zoning ordinance, banning and placing restrictions on a specific quarry Alcoa wanted to start up again. Zach Williams took a look at the case and said the ruling does not help us or hurt us. The court did uphold a ban on blasting within 1000' of utility infrastructure or residential infrastructure but generally said bans like these need to be done in the zoning ordinance.

Zach Williams concurred and said any ban on mining or quarrying has to be done through the zoning process. He is willing to talk about the Booneville case but the case does not have too much to do with what we are looking at. It is a good study how other communities are dealing with these issues.

Sallie Fahey said she and Kathy Lind will go back and look at the Committee's directives the last time this issue was discussed.

V. CITIZEN COMMENTS:

Wind Turbines

David Loser, 6780 Sleeper Road, Lafayette, IN 47909, said recently his family was contacted by a wind turbine company and the company left a contract for him and his family to look over. He started doing some research on the language in the contract like participating land owner and non-participating land owner. His property is surrounded by large land owners and a lot of the owners do not live on their property. It seems like the property rights of the large land owners supersede the property rights of the smaller land owners because their land values may go up for a participating land owner while the values will surely go down for a non-participating owner. Other counties that have welcomed wind farms have realized the mistakes they made with their setback requirements. The southwest corner of the county where he lives is the least populated portion of the county but there are a lot of small residential properties in that area. The wind tax credits will run down to about 8% of what they are now in a couple of years so the companies are pushing and rushing to establish the farms. He asked the Committee to look at road conditions, setback, and noise limits.

Gary Schroeder asked if David Loser lives in Shadeland. He also asked Mr. Loser if he is aware there is a wind turbine ordinance in Tippecanoe County because there already are rules and regulations in place.

David Loser replied that he lives just outside Shadeland in Wayne Township. He is aware of Tippecanoe County's wind ordinance. He understands there are things the incorporated towns can do for extra territorial protection for an additional four miles out of the town limits.

Sallie Fahey said the incorporated towns can do that only if there is no plan commission in the county. The town might be able to do that if the town has a plan commission and the county does not or if the county has a plan commission and the town does not. We have an Area Plan Commission in Tippecanoe County so we have the same regulations through Lafayette, West Lafayette, Dayton, Battle Ground, Clarks Hill, and Tippecanoe County. Shadeland does not get extra territorial jurisdiction because the County already has jurisdiction through the Area Plan Commission.

Tom Murtaugh asked if Shadeland has an ordinance.

Sallie Fahey said Shadeland has an ordinance but it does not follow the planning section of the statute. She is not sure how Shadeland's ordinance would stand up in court.

Zach Williams said there isn't a problem until an ordinance is tested in court. At that time it will matter how the ordinance was passed and enacted.

Tom Murtaugh asked David Loser if Invenergy was the company that contacted him.

David Loser replied that Invenergy contacted him.

Carl Griffin asked when we passed the wind ordinance.

Julie Peretin, 10 North 19th Street, Lafayette, IN 47904, said the wind ordinance was passed in 2010.

Carl Griffin said the wind ordinance went through the public hearing process and the county already has an existing ordinance and the wind energy companies understand that those are our rules.

David Loser asked Carl Griffin if he thinks we need to update the ordinance by increasing the setbacks.

Tom Murtaugh mentioned that Jim and Kay Pairitz have reached out to him and he will be meeting with them later this month to talk about the ordinance.

David Loser said the contract he received has two, 25-year terms and it seems like the second 25-years is at the discretion of the wind energy company so there is no way for the land owner to opt out.

Zach Williams said he made sure Mr. Loser was able to bring up all his issues but he reminded him that he only gets five minutes to speak. He suggested that Mr. Loser give the Committee an outline of what he thinks needs to be changed for consideration by the Committee at a later date.

David Loser said his greatest concern is land owners who do not live on their property or even live in the county. The power generated by the wind farm does not stay in Tippecanoe County.

Jackson Bogan asked Mr. Loser what changes he would like made to the current ordinance with regard to setbacks.

David Loser said currently the ordinance requires a 1500' setback from the non-participating property line and he would like to see that setback increased to 2640'.

Jackson Bogan asked David Loser to submit his requests to staff for the Committee to consider.

Jim Pairitz, 8323 West 1200 South, West Point, IN 47992, said several months ago we heard about two wind companies signing up people in Montgomery County. The citizens became concerned and they are talking to their Commissioners about the Montgomery County wind ordinance. He talked to Commissioner Murtaugh who suggested they go out and look at what other counties are doing. He distributed a handout showing the results of their research and it appears that every county in Central Indiana has improved or is considering improving their rules for WECS. He distributed a handout showing the following:

- nine counties have banned WECS;
- five counties have significantly strengthened the protections provided to their citizens;
- three counties have moratoriums to provide more time to evaluate their ordinance;
- three counties have made some improvements but are still working to address citizens' concerns; and
- eleven more counties that have citizen groups who are actively seeking protection.

He plans to ask Tippecanoe County to review the existing zoning ordinance to look at the setbacks and sound levels and compare the number to what other counties are doing or have done in the past eight years.

Jackson Bogan said it is premature to hear about this issue or discuss it. He asked Jim Pairitz to allow the Committee some time to look over the handout.

10-Acre Parcelizations

Charles Hardesty, 3609 Mulberry Drive, Lafayette IN 47905, displayed an aerial photo and pointed out the property he owns: a 10-acre tract on CR South 900 East. There are four, 10-acre tracts and one of the 10-acre tracts was split into a 5-acre tract and two, 2.5 acre tracts. That used up all the division rights. He wants to be able to break down his 10-acre tract to two, 5-acre tracts. A couple of families want to build on his properties and he thinks that is good for the community.

Tom Murtaugh asked Kathy Lind to break down how dividing parent tracts work and why the ordinance was written that way.

Kathy Lind explained that in this case the parent tract is 40-acres. A parent tract is the property's configuration as of November 19, 1979 when the subdivision ordinance took effect. A parent tract can be divided into four lots or parcels smaller than 10 acres in size. 10-acre tracts and layer are exempt from the subdivision ordinance so for a 40-acre tract I could create four, 10-acre tracts by simply recording deeds. In that case no subdivision or parcelizations would be required. Any division smaller in size than 10 acres has to be parcelized or subdivided. In the case we are talking about, all the green area on the map in the southeast quadrant is three parcelizations that have taken all the development rights out of the 40-acre parent tract. Technically you can get up to four divisions but Mr. Hardesty cannot divide his 10-acres

because he would be creating two parcels making a total of five out of the parent-tract. The only person who can further divide the land is the person with the 5-acre tract. She informed the Committee that a couple of times every month she has to sit down with somebody and tell them they cannot divide their 10-acre lot. She had a couple in earlier today with the same situation and she thought they may attend the hearing today.

Sallie Fahey pointed out that the other side of the issue is that if we did not have parent tracts fixed in time everybody who bought something large enough to parcelize would be able to do that. In this case, if everyone was able to parcelize their 10-acre tract, we could have up to 16 lots in this area and all of a sudden we would have what amounts to a subdivision in a rural area without ever having to go through the subdivision process. Public roads would not be created and we are trying to avoid the kind of sprawl that would develop.

Tom Murtaugh asked if that was done due to the "slider" situation.

Sallie Fahey replied that was before they figured out how to do "sliders".

Carl Griffin asked what a "slider" is.

Sallie Fahey explained that people would look for farms to buy that had a lot of parent tracts like a 300-acre farm with six parent tracts. The buyer would then parcelize and create 10-acre tracts out of each one of the parent tracts. Through a complicated deeding process they would move the building rights from the four lots and 10-acre tracts down into one area and essentially create a subdivision.

Carl Griffin said Mr. Hardesty's problem could be addressed by formally subdividing.

Sallie Fahey said Chuck Hardesty has no frontage on a public road so you cannot do a minor subdivision without frontage on a public road. He could do a major subdivision except he is probably too far away from R1 zoning for it to make a lot of sense.

Carl Griffin asked if the land is being used agriculturally right now.

Chuck Hardesty replied that it is agriculturally used. He has been patiently trying to get this land divided for 18 years. He understands staff's points and that is why he is only asking for two, 5-acre tracts.

Carl Griffin wonders how people will access Mr. Hardesty's lots if a flag lot must have frontage on a public road.

Chuck Hardesty said back in 2000 Tippecanoe County put in a road on CR 950 by redoing the gravel road from CR 850 to CR 950 and brought the road all the way up into the split of the 10-acre and two, 5-acre tracts where they made another gravel road all the way up to corner of his property.

Sallie Fahey said she is not sure the County put in the road but the person who sold him the property probably put the road in.

Chuck Hardesty said the County did all the roadwork and drainage on CR 950 back in 2000 and graveled all the way back to his area.

Tom Murtaugh does not think the County installed the gravel road. He thinks whoever is farming the land installed the gravel road.

Jackson Bogan asked Kathy Lind to look at some options to have a lengthy discussion on the pros and cons of this request.

Sallie Fahey said staff will have to figure out if there is a way of doing something without opening up the floodgates all over the county.

Larry Leverenz referred to the aerial and said it looks like there are a bunch of little lots all over the place. He asked how they got here.

Sallie Fahey replied that when the subdivision ordinance was adopted in 1979 we did allow four parcelizations or four minor subdivision lots out of a parent tract. Using those four parcelization rights on multiple parent tracts is when sliders became a problem. The County Commissioners agreed to fix that problem by eliminating parcelizations in all but AA zones and reduced the number to two. In its place we put in the ability to do a rural estate subdivision, which required both a rezone and a less-rigorous subdivision process. This property would not qualify for a rural estate because the land is in agricultural production. A couple of years ago we relented a bit and allowed two lots in A zones but that was still based on the parent tract capability. She is not sure if some of those homes were done as four parcels out of a parent tract a long time ago or old 5-acre tracts from the subdivision ordinance that went back to 1962. There are little pockets around the county where there are some very old 5-acre tracts or parcelization lots.

Elevating Houses in the Flood Plain

Erin Ehrman, 9736 Morningside Lane, Delphi, IN 46923, said he would like the Committee to amend the ordinance to allow him to elevate his home in the Flood Plain (FP). There was a window of time when this was allowed but he was financially unable to raise his home during that window. His home flooded in 2003. He feels the County will be able to collect more taxes if homes in the FP could be raised to make them livable. Raising his home would give it some value because right now he has something he can never sell. The assessed value the County is willing to pay will not allow him enough money to put toward another home. He would like this item put on an agenda and so it can be revisited.

Sallie Fahey said the original window was two years but the window was extended once or twice and it ended up being three or four years.

Erin Ehrman said he would like the Committee to do whatever needs to be done so he can raise his home to get it out of the FP. He has been working on this for quite some time because he spoke with Zach Williams on July 5th about the issue.

Zach Williams said he remembers talking to Erin Ehrman on July 5th but the Ordinance Committee was not scheduled to meet in July. That is why he asked him to come to this meeting to make his request.

Jackson Bogan said he cannot speak for the Committee right now but he thinks it will be a tough sell because he is not sure the Committee wants to revisit this issue.

Sallie Fahey said if the Committee decides to revisit this issue, staff will notify Mr. Ehrman when that discussion will take place.

VI. ADJOURNMENT:

Gary Schroeder moved to adjourn the meeting.

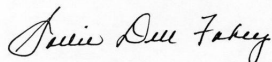
The meeting adjourned at 6:15p.m.

Respectfully submitted,



Linda Underwood
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director