Wells County Area Plan Commission
Requirements for a Confined Feeding Operation (CFO) or Manure Lagoon Development Plan

Filing and Meeting dates are available at the Area Plan Commission Office and the Wells County Area Plan Commission Web Site (www.wellscounty.org).

Copies of the Wells County Zoning Ordinance and Wells County Subdivision Control Ordinance are available for purchase at the Wells County Area Plan Commission Office or may be viewed and printed online at the Wells County Area Plan Commission Web Site (www.wellscounty.org).

1) FEES
   a. Filing Fee:
      i. $100.00 (Payable to Area Plan Commission) (Staff Development Plan) or
      ii. $200.00 (Payable to Area Plan Commission) (APC Development Plan)
         (Filing fee set forth by the Wells County APC Fee Schedule)
   b. Sign Fee: $15.00 (Payable to Area Plan Commission)
      (Public advertisement sign required by APC Rules of Procedure)
   c. Legal Add: $116.00 (Payable to Bluffton News Banner)
      (Legal advertisement required by IC 5-3-1)
      (Removed if Area Plan Commission Staff approved)

2) Filing
   a. Filled Out and Signed Petition (this document)
   b. Current Deed for the affected property
   c. 5 copies of the survey / plat (Must Be 24" x 36" and prepared by a licensed land surveyor)
   d. Adoption and implementation of an environmental management system (EMS) recognized by the Indiana Department of Environmental Management - OR - the applicant has a Natural Resource Conservation Service (NRCS) approved soil conservation plan for all acreage on which manure is applied.
   e. The IDEM approved manure management plan and closure plan.
   f. Status of any applicable permits from other local, state or federal regulatory agencies
   g. Copy of Notice of Agriculture Activity Form (if property is zoned A-1 or A-R)
   h. If petition is not signed by legal owner(s) then applicable Power of Attorney, Trust documents, and/or death certificate(s) are required.

3) APPEAL PERIOD: 30 DAYS
   (State required appeal period set forth in IC 36-7-4 and the Wells County Zoning Ordinance)

* All Fees Are Not Refundable
* As A Petitioner You Are Responsible For Reviewing The Wells County Zoning Ordinance And Subdivision Control Ordinance Requirements For Your Petition. The Area Plan Commission Office Staff Will Be Available To Answer Any Questions You May Have.
* A COMPLETE FILING DOES NOT GUARANTEE APPROVAL. (THE FILING MUST MEET THE APPLICABLE REQUIREMENTS OF THE WELLS COUNTY ZONING AND SUBDIVISION CONTROL ORDINANCE TO BE APPROVED.)

APC STAFF: Michael Lautzenheiser Jr. (Director); Suzie Gentis (Administrative Assistant); Tracey Ulmer (Part-Time Clerical)
CONFINED FEEDING OPERATION (CFO) OR MANURE LAGOON DEVELOPMENT PLAN

PETITION FOR DEVELOPMENT PLAN APPROVAL: **__________________________________________
** This line is to be filled out by the APC Office.

Owner of Real Estate (Petitioner): ______________________________________________________

Address: ______________________________ City: ___________ State: _______ Zip: ________

Phone #: ________________________________ E-Mail: ________________________________

Plans Prepared By: ________________________________________________________________

Address: ______________________________ City: ___________ State: _______ Zip: ________

Phone #: ________________________________ E-Mail: ________________________________

Property Location: ________________________________________________________________

Property Description: ____________________________________________________________

Proposed Development Plan: _______________________________________________________  

Current Zoning Classification: ____________

Comes now the (Area Plan Commission’s Staff / Area Plan Commission) and in support of  
granting “Petitioner’s” Petition for Development Plan makes the following Findings of Fact, to  

w wit:

“Petitioner” filed a Petition for a Development Plan as to the following described real estate  
located in _____________ Township, Wells County, Indiana; more particularly described on  
Exhibit A attached hereto.

The sign as required by the Plan Commission has been duly posted in accordance with the Rules  
of Procedure of the Plan Commission more than fourteen days prior to the Plan Commission  
hearing. (Removed if Area Plan Commission staff approval)

On _________________, the Area Plan Commission conducted a public hearing on the Petition in  
accordance with the Rules of Procedure of the Area Plan Commission and the following evidence  
was heard. (Removed if Area Plan Commission staff approval)

APC STAFF:  Michael Lautzenheiser Jr. (Director); Suzie Gentis (Administrative Assistant);  
Tracey Ulmer (Part-Time Clerical)
(1) What CFO or Manure Lagoon Development Plan jurisdiction does this project fall under?
   (Section 14-06 (1) of the Wells County Zoning Ordinance on Pg. 67)
   a. List ______________________________________________________________
      ______________________________________________________________
      ______________________________________________________________

(2) What is the percentage increase in hard surface for this project? ___________________
   (Section 14-06 (2) of the Wells County Zoning Ordinance on Pg. 67 - 68)
   (Hard Surface Definition is located in the Wells County Zoning Ordinance on Pg. 88)

   ___________________ ÷ ___________________ = ________________   X 100
   Proposed Additional   Preexisting Hard          Increase in Hard
   Hard Surface          Surface                   Surface

(3) What CFO or Manure Lagoon Development Plan approval agency does this project fall under?
   (Section 14-06 (2) of the Wells County Zoning Ordinance on Pg. 67 - 68)
   (Circle the one that applies)
   a. Plan Commission - greater than 25% additional hard surface
   b. Plan Commission Staff – less than or equal to 25% additional hard surface

(4) Does your project qualify for the CFO or Manure Lagoon Development Plan exemption?
   (Section 14-06 (3) of the Wells County Zoning Ordinance on Pg. 68)
   (Hard Surface Definition is located in the Wells County Zoning Ordinance on Pg. 90)
   (Circle the one that applies)
   a. (YES) less than or equal to 500 square feet of new hard surface
      Explain how the proposed CFO or manure lagoon development does not violate or
      cause a violation to any of the development requirements ___________________
      ________________________________________________________________________
      ________________________________________________________________________
      ________________________________________________________________________
   b. (NO)

(5) The property shall be zoned A-1 in compatibility with the permitted use section of the
    Zoning Ordinance.
   (Section 14-06 (4) (A) (a) of the Wells County Zoning Ordinance on Pg. 68)
   a. Does the Petition Meet the Requirement? (YES or NO)
   b. Explain: __________________________________________________________________
      __________________________________________________________________________
      __________________________________________________________________________

APC STAFF:  Michael Lautzenheiser Jr. (Director); Suzie Gentis (Administrative Assistant);
            Tracey Ulmer (Part-Time Clerical)
(6) The property shall meet the minimum setback requirements.  
   (Section 14-06 (4) (A)(b) of the Wells County Zoning Ordinance on Pg. 68 - 69)  
   a. Does the Petition Meet the Requirement? (YES or NO)  
      1. Setback from any home that is not located on property. _____________ ft  
      2. Setback from any business. ___________ ft  
      3. Setback from any school. _____________ ft  
      4. Setback from any church. _____________ ft  
      5. Setback from any open legal drain, stream, or river without a twenty (20)  
         foot filter strip. ______________ ft  
      6. Setback from any open legal drain, stream, or river with a twenty (20) foot  
         filter strip. ______________ ft  
      7. Setback from any R-1, R-2, R-3, S-1, A-R, or PUD Zoning type. ________ ft  
      8. Setback from any Municipal boundary. ___________ ft  
      9. Setback from any Non-Incorporated town plat with a post office. _______ ft  
     10. Setback from any Public Use Area. _____________ ft  
      11. Setback from any well other than to service the CFO, Manure Lagoon,  
          other structures (including a residence) located on the same parcel as the  
          CFO or Manure Lagoon. ______________ ft  
      12. Setback from any property line, except if the reduction of the three  
         hundred (300) foot setback would benefit the setback from a residential  
         structure that is not located on the subject parcel. A CFO or Manure  
         Lagoon’s property line may be lowered to a minimum of one hundred  
         (100) feet under this provision. Please Explain (if needed). _____________  
             ___________________________________________________________________

(7) The CFO or Manure Lagoon shall adopt and implement an environmental management  
   system (EMS) recognized by the Indiana Department of Environmental Management – OR  
   - the Natural Resource Conservation Service (NRCS) approved soil conservation plan for  
   all acreage on which manure is applied.  
   (Section 14-06 (4) (A) (c) of the Wells County Zoning Ordinance on Pg. 69)  
   a. Does the Petition Meet the Requirement? (YES or NO)  
      b. Explain: ___________________________________________________________________
         ___________________________________________________________________
      c. If YES Please attach a copy of the written proof of compliance.
(8) **The CFO or Manure Lagoon shall have an Indiana Department of Environmental Management approved manure management plan. If an emergency causes the approved manure management plan to be violated, the Approval Agency shall be notified. (Section 14-06 (4) (A) (d) of the Wells County Zoning Ordinance on Pg. 69)**
   a. Does the Petition Meet the Requirement? (YES or NO)
   b. Explain: 
   c. If YES Please attach a copy of the written proof of compliance.

(9) **The CFO or Manure Lagoon shall have an Indiana Department of Environmental Management approved closure plan. (Section 14-06 (4) (A) (e) of the Wells County Zoning Ordinance on Pg. 69)**
   a. Does the Petition Meet the Requirement? (YES or NO)
   b. Explain: 
   c. If YES Please attach a copy of the written proof of compliance.

(10) **A Manure Lagoon shall include engineered construction plans which meet the Indiana Department of Environmental Management’s design standards for a Manure Lagoon or a Satellite Manure Lagoon must be provided to the Approval Agency upon filing a petition. (Section 14-06 (4) (A) (f) of the Wells County Zoning Ordinance on Pg. 69)**
    a. Does the Petition Meet the Requirement? (YES or NO)
    b. Explain: 
    c. If YES Please attach a copy of the written proof of compliance.

(11) **A CFO or Manure Lagoon shall have a suitable truck turnaround area so that semi-trailers do not have to back into the facility from the road or back into the road from the facility. (Section 14-06 (4) (A) (g) of the Wells County Zoning Ordinance on Pg. 69)**
    a. Does the Petition Meet the Requirement? (YES or NO)
    b. Explain: 
    c. If YES Please attach a copy of the written proof of compliance.
A CFO or Manure Lagoon shall score a minimum of two hundred twenty (220) points as defined in the following point system.

(Section 14-06 (4) (A) (h) of the Wells County Zoning Ordinance on Pg. 69-71)

a. Does the Petition Meet the Requirement? (YES or NO)

1. Additional residential separation distance. __________ pts
   Explain:_____________________________________________________
   ___________________________________________________________

2. Anaerobic Digester Odor abatement technique. __________ pts
   Explain:________________________________________________________________
   ___________________________________________________________

3. Tier 1 Odor abatement techniques. __________ pts
   Explain:________________________________________________________________
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________

4. Tier 2 Odor abatement techniques. _____________ pts
   Explain:________________________________________________________________
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________

5. Liquid manure injection. __________ pts
   Explain:________________________________________________________________

6. Applicant has gone 5 years without an environmental violation. _____ pts
   Explain:________________________________________________________________
   ___________________________________________________________

7. Community support. _______ pts
   Explain:________________________________________________________________
   ___________________________________________________________

8. Filter strip a minimum of twenty (20) feet of even width. _______ pts

9. If a waiver is granted by the Approval Agency for one (1) or more of the minimum requirements listed in this section the following point penalty shall be assessed. (1st waiver = -10pts, additional waiver(s) = =20pts)
   __________pts
   Total Points __________________

(Any CFO or Manure Lagoon which receives approval automatically shall agree to a commitment to maintain a point level at or above two hundred twenty (220) points for the life of the property.)
The proposed development shall meet the Storm Water Standards of the Subdivision Control Ordinance and any adopted standards of the affected community. Written proof shall be obtained from the affected community that the plans meet their minimum standards.  
(Section 14-06 (4) (B) of the Wells County Zoning Ordinance on Pg. 71)  
(Section 14-04 (4) (B) d) of the Wells County Zoning Ordinance on Pg. 64)  
(Article 7 of the Wells County Subdivision Control Ordinance on Pg. 122)  

a. Does the Petition Meet the Requirement? (YES or NO)  
b. Explain:  
_________________________________________________________________  
_________________________________________________________________  
_________________________________________________________________  

c. If YES Please attach a copy of the written proof of compliance.

Any publicly maintained storm water drainage facilities shall be located in a recorded storm water easement in favor of the affected community which meets the easement standards set forth in Zoning Ordinance and Subdivision Control Ordinance.  
(Section 14-06 (4) (B) a) of the Wells County Zoning Ordinance on Pg. 71)  
(Section 14-04 (4) (B) e) of the Wells County Zoning Ordinance on Pg. 64)  

a. Does the Petition Meet the Requirement? (YES or NO)  
b. Explain:  
_________________________________________________________________  
_________________________________________________________________  

Any driveway access point made to a publicly maintained street shall be constructed in conformance with the adopted standards of the affected community. Written proof shall be obtained from the affected community that the plans meet their minimum standards.  
(Section 14-06 (4) (C) (a) of the Wells County Zoning Ordinance on Pg. 71)  
(Section 14-04 (4) (C) a) 1) of the Wells County Zoning Ordinance on Pg. 64)  

a. Does the Petition Meet the Requirement? (YES or NO)  
b. Explain:  
_________________________________________________________________  
_________________________________________________________________  

c. If YES Please attach a copy of the written proof of compliance.

Driveway accesses should be located directly across from other driveway accesses on the other side of the street from the driveway accesses, unless the Approval Agency finds it not to be feasible.  
(Section 14-06 (4) (C) (a) of the Wells County Zoning Ordinance on Pg. 71)  
(Section 14-04 (4) (C) a) 2) of the Wells County Zoning Ordinance on Pg. 65)  

a. Does the Petition Meet the Requirement? (YES or NO)  
b. Explain:  
_________________________________________________________________  

APC STAFF: Michael Lautzenheiser Jr. (Director); Suzie Gentis (Administrative Assistant); Tracey Ulmer (Part-Time Clerical)
Anytime driveway access is required on an arterial street the use of one (1) of the
following access reduction methods shall be installed.
(Section 14-06 (4) (C) (a) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (C) a) 3) of the Wells County Zoning Ordinance on Pg. 65)
(See definition of arterial public way in the Wells County Zoning Ordinance on Pg. 86)

a. Does the Petition require access to an arterial street (YES or NO)
b. If YES, what access reduction method will be utilized?
   (Circle the one that applies)
   1. Frontage road
   2. Rear collector road
   3. Shared driveway system
c. If YES, explain ______________________________________________________
   ___________________________________________________________________
   ___________________________________________________________________

The installation of driveway access improvements (deceleration lanes, acceleration
lanes, passing blisters, and center turn lanes) shall be required if qualifications found
within the most recent version of the Indiana Department of Transportation’s Driveway
Permit Manual or Indiana Department of Transportation’s Indiana Design Manual have
been met for the specific form of driveway access improvement.
(Section 14-06 (4) (C) (a) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (C) b) 1) of the Wells County Zoning Ordinance on Pg. 65)

a. Does the Petition Meet the Requirement? (YES or NO)
b. Explain: ___________________________________________________________
   ___________________________________________________________________
   ___________________________________________________________________

All setback requirements shall be met as required by this Zoning Ordinance.
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (D) of the Wells County Zoning Ordinance on Pg. 65)
(Section 9-15 of the Wells County Zoning Ordinance on Pg. 51)

a. Does the Petition Meet the Requirement? (YES or NO)
b. Explain: ___________________________________________________________________
   ___________________________________________________________________
(20) All height requirements shall be met as required by this Zoning Ordinance.  
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)  
(Section 14-04 (4) (E) of the Wells County Zoning Ordinance on Pg. 65)  
(Section 9-15 of the Wells County Zoning Ordinance on Pg. 51)  
a. Does the Petition Meet the Requirement? (YES or NO)  
b. Explain: __________________________________________________________  
___________________________________________________________________  
___________________________________________________________________  
c. What is the overall height? __________________________________________

(21) All accessory structure requirements shall be met as required by this Zoning Ordinance.  
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)  
(Section 14-04 (4) (F) of the Wells County Zoning Ordinance on Pg. 65)  
(Section 11-01 of the Wells County Zoning Ordinance on Pg. 53)  
a. Does the Petition Meet the Requirement? (YES or NO)  
b. Explain: __________________________________________________________  
___________________________________________________________________  
___________________________________________________________________

(22) All fence requirements shall be met as required by this Zoning Ordinance.  
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)  
(Section 14-04 (4) (G) of the Wells County Zoning Ordinance on Pg. 65)  
(Section 11-02 of the Wells County Zoning Ordinance on Pg. 53)  
a. Does the Petition Meet the Requirement? (YES or NO)  
b. Explain: __________________________________________________________  
___________________________________________________________________  
___________________________________________________________________

(23) All off street loading requirements shall be met as required by this Zoning Ordinance.  
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)  
(Section 14-04 (4) (H) of the Wells County Zoning Ordinance on Pg. 65)  
(Section 11-05 of the Wells County Zoning Ordinance on Pg. 54)  
a. Does the Petition Meet the Requirement? (YES or NO)  
b. Explain: __________________________________________________________  
___________________________________________________________________  
___________________________________________________________________
All off street parking requirements shall be met as required by this Zoning Ordinance.
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (I) of the Wells County Zoning Ordinance on Pg. 65)
(Section 11-06 of the Wells County Zoning Ordinance on Pg. 54)
  a. Does the Petition Meet the Requirement? (YES or NO)
  b. Explain: __________________________________________________________
     ___________________________________________________________________
     ___________________________________________________________________

All pond requirements shall be met as required by this Zoning Ordinance.
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (J) of the Wells County Zoning Ordinance on Pg. 65)
(Section 11-07 of the Wells County Zoning Ordinance on Pg. 54-55)
  a. Does the Petition Meet the Requirement? (YES or NO)
  b. Explain: __________________________________________________________
     ___________________________________________________________________
     ___________________________________________________________________

All sign requirements shall be met as required by this Zoning Ordinance.
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (K) of the Wells County Zoning Ordinance on Pg. 65)
(Section 11-08 of the Wells County Zoning Ordinance on Pg. 55)
  a. Does the Petition Meet the Requirement? (YES or NO)
  b. Explain: __________________________________________________________
     ___________________________________________________________________
     ___________________________________________________________________

All easement requirements shall be met as required by this Zoning Ordinance.
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (L) of the Wells County Zoning Ordinance on Pg. 65)
(Section 11-12 of the Wells County Zoning Ordinance on Pg. 56)
  a. Does the Petition Meet the Requirement? (YES or NO)
  b. Explain: __________________________________________________________
     ___________________________________________________________________
     ___________________________________________________________________

All lighting requirements shall be met as required by this Zoning Ordinance.
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (M) of the Wells County Zoning Ordinance on Pg. 65)
(Section 11-10 of the Wells County Zoning Ordinance on Pg. 56)
  a. Does the Petition Meet the Requirement? (YES or NO)
  b. Explain: __________________________________________________________
     ___________________________________________________________________
     ___________________________________________________________________

APC STAFF: Michael Lautzenheiser Jr. (Director); Suzie Gentis (Administrative Assistant);
            Tracey Ulmer (Part-Time Clerical)
(29) All site triangle requirements shall be met as required by this Zoning Ordinance.
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (N) of the Wells County Zoning Ordinance on Pg. 65)
(Section 11-11 of the Wells County Zoning Ordinance on Pg. 56)
   a. Does the Petition Meet the Requirement? (YES or NO)
   b. Explain: ______________________________________________________
       ______________________________________________________

(30) All temporary structures shall be met as required by this Zoning Ordinance.
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (O) of the Wells County Zoning Ordinance on Pg. 65)
(Section 11-09 of the Wells County Zoning Ordinance on Pg. 55)
   a. Does the Petition Meet the Requirement? (YES or NO)
   b. Explain: ______________________________________________________
       ______________________________________________________

(31) All sidewalks shall meet the minimum requirements set forth by the Americans with Disabilities Act (ADA). If a sidewalk is located in a public right-of-way it shall be installed to the affected communities standards. Written proof shall be obtained from the affected community that the plans meet their minimum standards.
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (P) of the Wells County Zoning Ordinance on Pg. 65)
   a. Does the Petition Meet the Requirement? (YES or NO)
   b. Explain: ______________________________________________________
       ______________________________________________________

(32) All development shall be in compliance with all local and state floodplain regulations.
(Section 14-06 (4) (D) of the Wells County Zoning Ordinance on Pg. 71)
(Section 14-04 (4) (Q) of the Wells County Zoning Ordinance on Pg. 65)
(See Wells County Ordinance for Flood Hazard Areas on Pg. 129)
   a. Does the Petition Meet the Requirement? (YES or NO)
   b. Explain: ______________________________________________________
       ______________________________________________________

c. What flood zones are located on the property? (AE – Floodway, AE, A, or X) (Circle all that apply)
Firefighting equipment and prevention measures acceptable to the local Fire Department shall be readily available and apparent when any activity involving the handling of storage of flammable or explosive materials is conducted. All development plans, PUD(s), and major subdivisions shall meet fire code standards established by the state of Indiana and the local fire department. (Section 11-13 of the Wells County Zoning Ordinance on Pg. 56)

a. Does the Petition Meet the Requirement? (YES or NO)
b. Explain: __________________________________________________________
   ___________________________________________________________________
   ___________________________________________________________________

PETITIONER’S SIGNATURE:

__________________________________________  __________
Signature                                      Date

__________________________________________  __________
Signature                                      Date

__________________________________________  __________
Signature                                      Date

__________________________________________  __________
Signature                                      Date

(This petition must be signed by 50% of the owners/sellers. If the power of attorney or the trustee is filing this petition then the proper paperwork shall be submitted proving their title to the Area Plan Commission)
CONFINED FEEDING OPERATION (CFO) OR MANURE LAGOON DEVELOPMENT PLAN

(FOR OFFICE USE ONLY)

Board of Zoning Appeals Variance(s): ____________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

Area Plan Commission / Plan Commission Staff Waiver(s): __________________________
_____________________________________________________________________________
_____________________________________________________________________________

Conditions or Commitments: ______________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

Plan Commission Approval Only
Wherefore, based upon the above findings of fact and upon the Motion of _____________, duly seconded by _____________, the Petition for a Development Plan by “Petitioner” is hereby granted by a vote of _______ in favor and _______ opposed.

Granted this ____ day of ________, _______.

________________________
Area Plan Commission President

________________________
Area Plan Commission Secretary

Plan Commission Staff Approval Only

Wherefore, based upon the above findings of fact and the Petition for a Development Plan by “Petitioner” is hereby granted.

Granted this ____ day of ________, _______.

________________________
Michael W. Lautzenheiser, Jr.
Wells County Area Plan Commission
Executive Director

APC STAFF: Michael Lautzenheiser Jr. (Director); Suzie Gentis (Administrative Assistant);
Tracey Ulmer (Part-Time Clerical)
NOTICE OF AGRICULTURAL ACTIVITY

TO: ALL PETITIONERS IN AGRICULTURAL ZONED AREAS OF WELLS COUNTY, INDIANA

This notice is given to you because of your petition to move into an area of Wells County that is zoned for Agriculture.

The purpose of this notice is to assure you are aware that all agricultural operations are allowed in this area.

Agricultural activity may include, but is not limited to, grazing of livestock, confined feeding of livestock, application of animal manure to land, application of herbicides and pesticides to fields and growing crops, creation of dust from field operations and noise from livestock and machinery operations which includes the drying and transportation of grain, sometimes with machinery that has a “Slow Moving Vehicle” emblem on it, meaning it is traveling at 25 mph or less.

People who choose to live in these areas must understand that agricultural operations may be occurring nearby.

You must also understand that Indiana has a “RIGHT TO FARM” law that protects farm operations from unwarranted nuisance suits by neighbors who move next to an existing farm operation. Farm operations do not constitute a nuisance so long as they are not negligently maintained, do not endanger human health and do not cause bodily injury to third parties.

By signing this notice form you verify that you have received it, read it and understand it.

You are not giving up the right to seek redress for negligence by individuals associated with a farm operation or by other residents of the area.

I, _______________________________ CERTIFY THAT I HAVE RECEIVED THIS NOTICE. I HAVE READ IT AND I UNDERSTAND IT.

______________________________
Printed Name

_________________________________
Date

APC STAFF: Michael Lautzenheiser Jr. (Director); Suzie Gentis (Administrative Assistant);
Tracey Ulmer (Part-Time Clerical)