

ROLL CALL

Harry Baumgartner, Jr.	Jerome Markley
Angie Dial	Keith Masterson
Jarrold Hahn	Mike Morrissey
Bill Horan	Tim Rohr
Richard Kolkman	John Schuhmacher
Finley Lane	

Michael Lautzenheiser, Jr., Director

The November 1, 2012 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Jerome Markley. Eleven members were present for roll call.

**APPROVAL OF MINUTES:**

The minutes from the October 25, 2012 meeting were not complete as of the November 1, 2012 meeting.

**NEW ITEMS:**

**A12-11-31                    JEFFERSON TWP., NW/4 15-28N-12E S & P Rentals, Inc. requests approval for a development plan for an 8ft X 40ft addition. The property is located at 404 N. Jefferson St., Ossian, IN 46777 and is zoned B-1.**

Brad Pursley, with the Ossian Deli, stated that they would like to add 8ft X 40ft addition to the back of the building. He stated that it would be for more storage and extra cooler space.

Joel Hoehn, Stody & Associates, explained that the addition would be panel construction, which is the same type of construction as the previous addition from last year. The addition will be over existing concrete surface, which will cause no change in the drainage. It will still drain out to Heyerly Street to the existing storm sewer and then flows north. There will be gutters on the additions just as the existing building has now.

Angie Dial stated that the Town of Ossian had no concerns with the project due to the fact that there will be no additional load on the sewer or water systems.

Conditions: None  
Motion to Approve: Jarrod Hahn  
Second: Tim Rohr  
Vote: 11-0

**A12-11-32                    LANCASTER TWP., SW/4 20-27N-13E William Gerber requests approval for a 4.41 acre division of a minor subdivision. The property is located at 7337 E 200 N, Craigville, IN 46731 and is zoned A-1.**

Joel Hoehn, Stody & Associates, stated that Mr. Gerber is selling part of his property and wishes to retain the east 216ft which is partially wooded. He is asking that his split be able to be split again. He would keep the 4.41 acres and sell the 11.21 acres with the house and buildings.

Michael Lautzenheiser, Jr. explained that the split was an older one that was done prior to the current ordinance and that the petition met all of the qualifications for the one time exemption.

## Conditions:

Motion to Approve: Bill Horan

Second: Jarrod Hahn

Vote: 11-0

**A12-11-30 JACKSON TWP., SW/4 12-25N-10E Bruce E & Jodi R Leas (Property owner); Jason Leas & Joel Leas (Proposed CAFO owners) request approval for 2 -4,000 head wean to finish CAFO barns. The property is located at 800 S & 700 W, Warren, IN 46792 and is zoned A-1.**

Joel Leas, proposed CAFO owner, stated that they would like to construct two new 4,000 head finishing hog barns. The barns will be 300ft from the north property line, 239ft from the east property line and 300ft from the west property line.

Joel Hoehn, Stody and Associates, explained that the two barns are going to be titled on two separate properties. The detention basin for the barns will be on the west property, therefore there will have to be a storm water agreement. He advised that all of the drainage off of the building goes into the detention basin. Then, goes into a tile on the north end of the property and eventually gets to the Salamonie River through the Harold legal open drain. He stated that there will be the typical double row of 6ft tall trees along the south end of the buildings. There is also screening along the east side. The buildings fans will be on the north and south ends. The property will be accessed from an existing stone drive on the north side of the property that comes off of 700W. The hog buildings to the west are also owned by Jason Leas and Joel Leas. They will come up with a driveway agreement to come across the existing property to the new structures.

Kari Steele, Ag Environmental Systems, explained that she has helped with the project and the trees that are to be planted are a mix of fast growing quick lived, mostly pine and spruce trees. However, the mix also includes some slower growing, longer lived and deciduous trees. There is evidence that the larger leaf base also provide a lot of filtration. There is an NRCS standard for tree mix that is prescribed to be used at the site.

Michael Lautzenheiser, Jr. stated that the Plat Committee approved the addition and split required to divide the property into two parts. There was the discussion at the meeting about not meeting the 300ft setback from each property line. He advised that there were three locations where this setback would not be met. This would reflect in the deduction of points taken from the end total. The petition lists 319 points; however, Mr. Lautzenheiser believes that it should be 295 because it is 20 points off for the first variance and then 10 points for each additional variance after that. This was the only points question that the Plat Committee had. The Committee also discussed the drainage easement for the storm water to travel from the east property to the west where the detention basin will be located. Plus they talked about the need for a shared drive way and maintenance agreement through all of the properties that it would take for the drive to get out to the road.

Ms. Steele stated that Jason and Joel will eventually own all of the properties between the two sets of barns. Therefore, the agreement will not be between four separate people.

Jarrod Hahn stated that there should be some sort of road plan for how the supplies and materials will get to the site and this should be discussed with the county highway department. This would help limit the roads used and therefore limit the damage to the roads.

Joel Leas stated that they have been approved through IDEM for this project. He informed the board that during the construction of the existing hog barns the materials were brought to the sight on 700 W off of State Road 218. He also stated that they are planning on constructing the structures next year at the

beginning of spring and that the existing barns were constructed during the fall and winter. The new barns will be about a thousand feet due east of the existing barns.

John Brickley, owner of the property to the north of the proposed location, provided photos to the board members. He stated that during the summer the smell of the existing barns does come through the 500 feet of trees to his property. He advised the board that during one manure application, there was manure draining across a field to an open ditch. He confronted the individual applying the manure about the problem, and Mr. Brickley was informed that this is done all the time and there was nothing that he could do about it. He expressed his concerns about the open ditch and the water being contaminated. He also questioned who would be responsible for the clean-up. He advised the board that he contacted IDEM about this issue and they would not respond. He requested that a moratorium on CAFOs be in place until the local governing bodies have a plan of action on how to handle the errors on manure application.

Bill Horan advised that IDEM is supposed to deal with issues based on complaints and investigate them. He explained that the first thing in the process is documenting the complaint. Then each CAFO has a Manure Management Plan, which states where and how the manure will be applied. This would be reviewed to determine if the capacity limits were exceeded on a particular field. He explained that he was unsure what IDEM did beyond that. Mr. Horan stated that he didn't know if there could be fines or some other form of penalties or what would be done to fix it.

Kari Steele explained that IDEM is required by law to investigate any complaint that goes through IDEM's Spill-line. She also provided contact telephone numbers for IDEM personnel to Mr. Brickley. She explained that the manure management plan limits the distance to an open ditch that manure can be applied. For surface application, it must be 100 feet away from an open ditch. For injection, it can be applied as close as 10 feet. However, Ms. Steele states that the Leas do not get that close with their application.

Dan Crickard, resides on 700 W across from the existing barns, stated that all of the drainage runs south towards the Salamonie River. He explained that water currently runs from the existing barns across his property and then to the river. He stated that he trusts the way that the petitioners run their CAFO and has been in the facility and commented on how clean it is. Mr. Crickard said that manure is spread around his house and he has never had an issue with it. He supports the petition.

Jason Leas stated that they have not had any IDEM violations with the existing barns. He also explained that the manure application mode is injection and then incorporation at the end of the rows.

Michael Lautzenheiser, Jr. explained the moratorium process. He stated that it is advertised like an ordinance amendment. Then there would be a public hearing and go through the same process like any other zoning ordinance amendment. Which would take the board's recommendation either for or against to each one of the towns' boards and the county commissioners, who would then vote to either approve or deny the moratorium. Finally it would be put into place. The Area Plan Commission does not make the final approval. The moratorium must have a start date and an end date. It cannot be in place forever.

Gene Bowyer, Chester Township, stated that he opposes this project. He questions the number of CAFOs that will be allowed into the area. He also stated his concerns on the air and water quality. He's also concerned with the possibilities for diseases. He commented on the state of soil quality in Ohio and the fact that they are no longer allowed to spread manure on their land.

Mr. Lautzenheiser stated that there should be conditions for the petition. One condition could be a road use plan discussed with the highway department. Other conditions would be the need for a shared driveway and drainage agreement. He stated that the point total should reflect 295 and a commitment would need to be recorded stating that the required 220 points would be maintained.

Conditions: Highway road management agreement with Hwy Dept, Storm Water Agreement, Shared drive use agreement, and show points as 295 plus have an agreement to maintain points.

Motion to Approve: Mike Morrissey

Second: Bill Horan

Vote: 11-0

## **DISCUSSION:**

### **Violation: V 2012-003 – John E. Hofstetter**

Michael Lautzenheiser, Jr. explained the notification letter that was sent out after the previous APC meeting and BZA meeting. He also stated that he had recently gone to the property to take photos and noted that there was work that was done on the fence in order to move it out of the county right of way; however there was no progress on changing the truck body into an accessory structure.

John Hofstetter stated that the fence is out of the right of way and that the sheds violation has been corrected with the permit. The truck body has been moved and leveled so he is hoping to get the metal siding on it depending on the weather. Mr. Hofstetter said that he does not believe that he could meet the BZA deadline to complete the accessory structure. However, he will come to the November BZA meeting to inform the board of his progress and explain where he is at in the process.

Mr. Lautzenheiser advised the board that the permits issued for the sheds took care of that part of the violation. The fence violation has been taken care of due to part of it being removed and the remainder being moved out of the right of way. He stated that there was some general clean-up that still needed to be done and the balance of the violation will be handled through the BZA.

### **Violation: V 2012-009 – Adam P. & Josey D. Kahn**

Adam Kahn explained the progress that he has made with the septic. He has met with Heath Butz about the privy and was informed that with the permit he would have 2 years to have it be completed. He informed the board that he has all of the paperwork filled out for Mr. Butz, however he just has not been able to get in contact with him to drop it off. Mr. Kahn then addressed the issue with the semis and explained that they are not titled in his name, but are in Rock Leasing and he is waiting to hear from them. He explained that he would like to scrap them. He stated that he has been clearing the junk from his property. Then he informed that the Area Plan office had corrected his address and he changed the number on his mail box.

Mr. Lautzenheiser stated that the semis do need to be removed from the property. He also explained that the trailer that has the living unit in it must be removed from the site as well.

Mr. Kahn stated that the Health Department has no issue with the living arrangement in the trailer as long as no plumbing or water lines are going into or out of it. He explained that the trailer is registered and that it is basically an RV. However, the trailer is not plated.

Michael Lautzenheiser, Jr. stated that the ordinance does not allow for a semi-trailer to ever be a permanent residence. He then went on to further explain that campers and single wide mobile homes are not allowed as residence in A-1 zoning unless with BZA special exception to be placed on a property that has an existing dwelling. He then listed what the violations were and if they had been completed.

Conditions: Septic progress or resolved, Old trailers moved or destroyed, and continued clean-up of the property by next regular APC meeting.

Motion to Approve: Jarrod Hahn

Second: Mike Morrissey

Vote: 11-0


The board discussed the possibility of drafting language for a moratorium for review. The Comprehensive Plan and the direction that it is going was also talked about. It should be completed by the end of the summer of 2013.


Marsha Hotopp and Leslie Gaskil questioned Wind Capital's project and tax abatement.

The board informed them that Wind Capital has not filed a petition with the Area Plan office yet. They also explained that they are unsure on all of the processes it takes to file for and approve a tax abatement because that is done through the county council.

**ADVISORY:**

Mike Morrissey made a motion to adjourn the meeting. Bill Horan seconded the motion and the motion passed with a vote of 11-0. The November 1, 2012 Area Plan Commission meeting adjourned at 9:03 p.m.

  
\_\_\_\_\_  
Jerome Markley, President

ATTEST:   
\_\_\_\_\_  
Michael Lautzenheiser Jr., Secretary