

ROLL CALL

Dan Baumgardner	Jerome Markley
Harry Baumgartner, Jr	Keith Masterson
Jarrold Hahn	Mike Morrissey
Bill Horan	
Richard Kolkman	John Schuhmacher
Finley Lane	

Michael Lautzenheiser, Jr., Director

The November 6, 2014 meeting of the Area Plan Commission was called to order at 7:00 p.m. by President Jerome Markley. Ten members were present for roll call.

**APPROVAL OF MINUTES:**

Bill Horan made a motion to approve the minutes from the October 2, 2014 meeting. Finley Lane seconded the motion; the motion carried 10-0.

**OLD ITEMS:**

**A 14-09-20 UNION TWP. NE/4 04-28N-11E Zanesville Lions Club requests approval for a 185' communication tower with lightening rod. The property is located at 3088 W. Van Horn St., Zanesville, IN 46799 and is zoned R-2.**

Russell Brown, on behalf of Skyway Towers for Verizon Wireless, talked about the layout of tower & ground equipment having 4 carriers (Verizon and 3 other carriers). The tower will stand at 185' so no FAA lighting should be required; however they are waiting on a final determination from the FAA. He also included a fall letter to show how the tower is constructed and if it would collapse how it would collapse in on itself. It's built to withstand 90mph wind with 1/2 inch of ice. He said that these towers are structurally sound and could withstand a natural disaster. He obtained surrounding land owner waivers for not meeting setbacks.

Jarrold Hahn asked about the 3 additional carriers and if that meant Verizon would use more than one. Mr. Hahn asked if emergency services would be allowed on the tower.

Russell Brown answered Mr. Hahn's questions with stating that Verizon could have more than one antenna if the need was there. Also, emergency services are allowed on those towers with a written lease.

Michael Lautzenheiser Jr. asked about the anti-climb of 15 ft. for the tower since it wasn't shown in the findings.

Russell Brown stated that the plans show 15ft mark that was required per the condition upon rezoning is understood.

Laura Brothers asked if the tower 1 1/2 miles away was a tower for Verizon. Why couldn't we just add more antennas to that tower?

Russell Brown couldn't comment on the coverage on the other tower.

Conditions: Development plan is contingent on the Town Board of Zanesville approval of the petitioners zoning request. Also, the anti-climbing device must be 15 feet from the ground.

Motion to Approve: Jarrod Hahn

Second: Bill Horan

Vote: 9-1 (John Schuhmacher)

**A 14-09-21 NOTTINGHAM TWP. SE/4 21-25N-12E Sunshine Dairy, LLC requests approval for a new 6,855,614 gal. manure lagoon on an existing CAFO. The property is located at 9075 S 250 E, Keystone, IN 46759 and is zoned A-1.**

Petitioner requested meeting to be continued to the next meeting.

Conditions:

Motion to Continue to December 4, 2014 Meeting: Mike Morrissey

Second: Jarrod Hahn

Vote: 10-0

**NEW ITEMS:**

**A 14-11-24 HARRISON TWP. NE/4 08-26N-12E Bluffton First Church of the Nazarene requests approval for a development plan for a 36' x 40' garage addition. The property is located at 1515 Clark Ave., Bluffton, IN 46714 and is zoned R-1.**

Fred Rupel, representative for Bluffton First Church of the Nazarene, wants to build on to the existing building to house the new church bus. Michael Lautzenheiser Jr. notified committee that all items brought up at Plat Committee have been addressed, but the board needs to be aware that the petition is using the one time building exemption for drainage detention requirements. Mike Morrissey requested that the one-time exemption be explained. Michael Lautzenheiser Jr. explained that anytime a building addition that takes less than ¼ acre of new hard surface can use the one-time exemption. Mike Lautzenheiser Jr. stated that there is no current detention on site detention. Jarrod Hahn said that there is an existing swale but no detention.

Fred Rupel is picking up permit on November 7, 2014.

Conditions:

Motion to Approve: Jarrod Hahn

Second: Harry Baumgartner Jr.

Vote: 10-0

**A 14-11-25 LAFAYETTE TWP. ALLEN CO. SW/4 34-29N-11E Grace Bernice Klausky request rezoning approval for 0.40Acres in the Town of Zanesville to be zoned R-2. The property is located at 10836 S. County Line Rd, Zanesville, IN 46799 and is zoned B-2.**

Dennis Ellet, Ellet Realty in Zanesville, stated they can't get financing due to the business zoning vs. residential zoning. There hasn't been a business there for 50-60 years. It's a corner property where the property to the North is business and property to the East is residential. Michael Lautzenheiser Jr. stated that the Comprehensive Plan designates area to be zoned for residential use. Jarrod Hahn asked if the properties in the Comprehensive Plan have to ask and/or file a petition to be rezoned one at a time or will it be town wide? Michael Lautzenheiser Jr. explained that the petition will start with the Town Board of Zanesville and they will request the Area Plan Commission review a new revised zoning map to have them make a recommendation. John Schuhmacher said that the Town Board supports this.

Conditions:

Motion to give Do Pass Recommendation: Bill Horan

Second: Jarrod Hahn

Vote: 10-0

**A 14-11-26 UNION TWP. NE/4 04-28N-11E Zanesville Lions Club request rezoning approval for an 80 x 80 leased area to be zoned A-R. The property is located at 3088 W. Van Horn St., Zanesville, IN 46799 and is zoned R-2.**

Russell Brown, on behalf of Skyway Towers for Verizon Wireless, requested the Plan Commission to recommend favorably to the Zanesville Town Board to allow rezoning of the 80' x 80' space to be used for wireless communication facility only. He provided the board with an information packet.

Michael Lautzenheiser Jr. stated that the Comprehensive Plan had a suggestion for Park or Open Space to be zoned C-1. Property is currently zoned R-2. Nearest Agricultural property is 1600' SW of property. Neighboring properties especially E/S/W of the site are Residential in nature.

John Schuhmacher complimented on how the Lion's Club does a wonderful job doing a number of things for the community. He wants to see them have a good income. He said that there could be a little bit of a problem to get passed by the town board due to the rezoning needed. It's not Agricultural or Industrial zoning so it will be hard to pass due to spot zoning, height factors, and health risk factors.

Mike Morrissey asked if there were any other land opportunities currently zoned which will allow this.

Russell Brown said that to his knowledge, there are no other known towers or tall structures within the area. He explained the way a need is determined. The center of need is located in about 1/2 mile radius for the search area. Five property owners were approached and only one accepted. Their goal is to meet zoning/setbacks to make the process go smoothly and quickly if at all possible. However, this case is a reactive process, they are trying to fix the needs for the public and this is the only owner willing to accept the offer. That is why they are asking for these changes. This is their only option for placement of the tower in the area.

Jarrold Hahn commented on the notes from the Development Plan. All neighboring land owners signed the waiver for the setback showing support. That does not mean they want it rezoned, but are okay with the tower being there. He can't see many things a property that size being used for anything else beside the tower.

John Schuhmacher mentioned the website Steel in the Air and how they are showing 10 communication towers within a 4 mile radius of Zanesville.

Russell Brown talked about the 1/2 - 1 mile distance in size and unloading some need in the area to provide coverage. He stated it would act as a relief tower.

John Schuhmacher asked about adding more antennas to existing towers.

Russell Brown explained the challenges that would be involved for the process of adding more antennas. Mr. Brown talked about how the data needs have doubled. This is reactive to existing demands; this tower's goal would be to relieve 30% off the existing tower. He stated that the land owner commitment to use the tower as a wireless communication tower only.

John Schuhmacher asked about the safety concerns on EMF and people's health.

Russell Brown said that the emissions are regulated by OSHA and Federal Government. The FCC stated that anything above 30' should not have any harm to the people on the ground. He said there isn't a known study of causal connection between cell phone and towers to people's health. He went on to explain radio wave lengths.

Laura Brothers spoke on her concern of health issues. She lives within 2 blocks of property. Ms. Brothers asked would happen if tower goes down. She feels that it should go on open/farm land.

Melba Edwards, works for Lion's Club, said that the Lion's Club has the only park in Union Twp. Zanesville is incorporated due to the Lion's Club keeping the park open and running for the town. The club needs help with funding the park, pavilions, playground, baseball diamonds, and future splash pad. She mentioned everyone having dropped calls. She feels it would help with home businesses and downtown area.

Robin Phillips, member of Lion's Club, asked how often a cell tower fall and health issues. Talked about how Mr. Brown addressed those issues. She said it's only that small area that we want rezoned which isn't going to be used for anything else. She doesn't see an issue with the rezoning.

Russell Brown stated that they understand that all they can get a recommendation from the APC to send to the Town Board of Zanesville.

Jerome Markley stated the 3 options for recommendations – Do Pass Recommendation, Do Not Pass Recommendation, or No Recommendation.

Michael Lautzenheiser Jr. discussed Do Pass Recommendation with a condition to restrict use to just the communication tower as a 4<sup>th</sup> option.

Conditions: The area being rezoned shall only be used as a communication tower.

Motion to give Do Pass Recommendation: Jarrod Hahn

Second: Keith Masterson

Vote: 9-1 (John Schuhmacher)

#### **OTHER BUSINESS:**

##### **Jack Pace – CAFO moratorium request**

Jack Pace asked for a Moratorium of 3 years for CAFO's for the health and safety of rivers/water/streams in this county. He mentioned that IDEM as of September 3<sup>rd</sup> has 41 CAFO operations in Wells Co. and Indiana has 625 which average out to 7 per county. Mr. Pace went on to talk about how we are leading the state by a large margin. He said we need to slow down to review the health & safety concerns. He has collected articles about CAFO health concerns. One example of issue is an article on the algae in the Wabash River. Mr. Pace said that we need to stop for a period of time until all the issues are understood. There is too much run off from fields to open ditches.

Gene Boyer mentioned a Dr. Oz article on beef imports from US to Europe and how they have decreased due to how we inject hormone and antibiotics into the animals. He mentioned that 80% of antibiotics sold are for farm animals. Mr. Boyer said that the article went on to say that FDA approved use of hormones and they show no connection between cancers and eating red meat that was injected into those animals.

Jarrold Hahn talked about how we started discussing CAFO's and now we are talking about antibiotics. He went on to talk about raising animals. Mr. Hahn said that these are two different arguments. The reason we give the animals antibiotics is to prevent them from getting the diseases that can be caught by the deer population.

Jack Pace spoke on the tendency for CAFO's to use more antibiotics than small cattle operations. He brought up article 14 for health & safety concerns. Mr. Pace talked about the McKinney Paxton ditch and the dumping that goes into that ditch. IDEM shows 543,000+ animals. He says that we need to slow down, if we are unsure, then we need to stop.

Robert Lee talked about his Hog Farm (CAFO) and how it's run by 3 people. He mentioned the Indiana Right to Farm Act. Mr. Lee said that the act is constitutional and designed to create more Ag activities. He went on to say that the County Government can't stop farms activities. Mr. Lee explained the tests that need done and the activities that need followed.

Jarrold Hahn spoke about the committee and how they looked at the rules for CAFO's. He felt that the committee met a common ground and wants to see how it plays out. He talked about how there were only 3 volunteers that spent their time on the committee.

Mike Morrissey said that to average the CAFO's by 92 counties isn't accurate since not all of Indiana is Ag land or suitable for Ag.

Jerome Markley said that Section 14 is brought up a lot and it is just one part of the Ordinance. The ordinance says that CAFO's are allowed in Wells County. In order for a moratorium to be established the ordinance needs to be changed and the sub-committee is reviewing that process.

Bill Horan feels that Wells County is great for farm land. If a family wants to continue to grow their farm being able to sell their crops thru their livestock, it's a value added to the farm. He doesn't see it as a health and safety issue.

Jarrold Hahn talked about sitting on two river basin commissions. He talked about how the water quality gets better from Ohio to Huntington Co. That shows Wells Co. farmers are more responsible with applying fertilizer. Mr. Hahn said that algae blooms are caused by phosphorus in a fresh water system. He said that studies are showing that the farms are having more run off due to the fertilizer not getting worked into the ground (No Till). There are 438,000 acres fertilized so the phosphorus is not just caused by the manure from CAFO's, but the fertilizer itself.

Jerome Markley commented on # of CAFO's & farm operations differ from last century. Increasing acreage farmed and number of animal raised have to change to sustain farming profits.

Jack Pace addressed Mr. Lee; he knows where he is coming from. He said that Mr. Lee is one of the good guys. He wants everyone to wake up to the health and safety issue. Mr. Pace commented on hard rain and run off from the fields. He understands that it's not just the CAFO's but it's just a starting point. He's sure that his creek was contaminated after 5 inches of hard rain. Mr. Pace brought up another CAFO in Nottingham petition. He's worried about our kids and their kids. He wants us to start caring about our health and safety in this county.

Michael Lautzenheiser Jr. explained that a moratorium is used as a tool. It's not successfully used to stop projects as it's turned over in the court systems. He suggests being part of the Redraft Committee discussions to help redraft future ordinances.

Mike Morrissey said that those discussions look at all facets of zoning and ordinance.

Jack Pace said that it's been going on for 2 years. Ordinance says that there can't be a CAFO within one mile of Bluffton. Why are there are two distances allowed? He commented on ordinance changes to Bluffton but not the County. Mr. Pace brought up the CAFO with Lagoons ordinance change in Bluffton.

Michael Lautzenheiser Jr. spoke in regards to ordinance amendments that the City of Bluffton adopted in short order. He said that the Plan Commission meeting before that had the public hearing and discussed the item to make the recommendation to accept ordinance amendment. He again suggested being part of the Redraft Committee if you want to voice your opinions on the discussions.

Paul Rumble thanked the board for their patience and common sense on this issue. He said that as a CAFO operator they feel that they have a mark on their back. He likes to be involved and want to continue to be a valuable part to the community by bringing in jobs to the community.

**V2014-002: Harry F. & N. Jeanne Wilson**

Michael Lautzenheiser Jr. asked if anyone was there in regards to this violation. We've sent letters to the site and different addresses. They have attempted to clean site but stopped after auction. No record of sale. Michael feels that the only way we can get their attention is by seeking legal enforcement thru the courts.

Jarrod Hahn asked about Allen County Code Enforcement and if they enforce our ordinance.

Michael Lautzenheiser Jr. they don't enforce the zoning requirements, but they do enforce county wide ordinance. Michael asked that the board allow a posting a second violation letter on the property stating that legal action will be taken if it's not fixed by the December 4<sup>th</sup> meeting.

Conditions:

Motion to Post Violation Letter on the property: Jarrod Hahn

Second: Mike Morrissey

Vote: 10-0

**V2014-004: William D. Farabee**

Petitioner requested meeting to be continued to the next meeting.

Conditions:

Motion to Continue to December 4, 2014 Meeting: Jarrod Hahn

Second: Harry Baumgartner Jr.

Vote: 10-0

**V2014-013: Monty D. Sliger**

Michael Lautzenheiser Jr. said they are in the process of resolving the violation by making the semi-trailer road legal rather than being used as an accessory structure.

Conditions:

Motion to Continue to December 4, 2014: John Schuhmacher

Second: Finley Lane

Vote: 10-0

**V2014-016: RTT Investments**

Michael Lautzenheiser Jr. explained that they had already filed the Development Plan to comply with violation.

Conditions:

Motion to Continue to December 4, 2014: Mike Morrissey

Second: Keith Masterson

Vote: 10-0

**Hiring office administrative assistant**

Michael Lautzenheiser Jr. said that Suzie Freck verbally accepted the job offer to start Monday, November 10, 2014 with the Board Approval.

Conditions:

Motion to Approve: Bill Horan

Second: Jarrod Hahn

Vote: 10-0

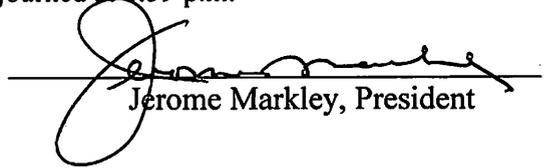
**DISCUSSION:**

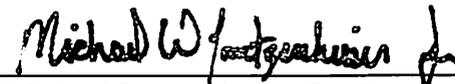
**ADVISORY:**

Michael Lautzenheiser Jr. mentioned the Redraft Committee's request for Volunteers.

**ADJOURN:**

Mike Morrissey made a motion to adjourn the meeting. Richard Kolkman seconded the motion. The November 6, 2014 Area Plan Commission meeting adjourned at 8:59 p.m.

  
Jerome Markley, President

ATTEST:   
Michael Lautzenheiser Jr., Secretary