

ROLL CALL

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

Michael Lautzenheiser, Jr., Director

The October 3, 2013 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:

Jarrold Hahn made a motion to approve the minutes from the September 5, 2013 meeting. Mike Morrissey seconded the motion; the motion carried 11-0.

NEW ITEMS:

A13-10-29 HARRISON TWP., SW/4 04-26N-12E Agland Grain Inc. requests approval for a development plan for a 160' diameter permanent grain storage structure. The property is located at 1136 Clark Ave., Bluffton, IN 46714 and is zoned I-1.

Daniel Fonte, manager of Agland Grain, stated that they want to build a flat storage pile for corn. The structure would be 145' in diameter with the pad of the structure measures 160' in diameter. He explained the fill system from an 80' auger coming off of a bin and filling the pile to a height of approximately 31'. Mr. Fonte stated that the base of the structure would be about 4" of #2 stone with lime stone on top of that. Then the cover will be made of woven canvas. He explained the four fan aeration system, which will run a couple of months per year and be set up in a way to keep the noise away from the neighboring property closest to the pile, which is about 60-70' to the property line. Mr. Fonte explained that there have been previous temporary grain structures but they have been too laboring to put up and take down, which is why they are requesting a permanent structure. He stated that the storage capacity for the structure would be about 215,000 bushels.

Michael Lautzenheiser, Jr. explained that the drainage was discussed at the Plat Committee meeting. He stated that a grass area was to be dug out to provide a detention area required for the additional stone that is to be placed on the property. He advised that there were no issues with the city and that no new utilities were needed at the property.

Conditions:

Motion to Approve: Jarrold Hahn

Second: Mike Morrissey

Vote: 11-0

Administrative Assistant Appointment

Michael Lautzenheiser, Jr. explained his selection of Julie Eicher for the role of the new administrative assistant once Amanda Studebaker leaves the office. He was asking the board for a motion to accept his recommendation.

Conditions:

Motion to Approve: Bill Horan

Second: Richard Kolkman

Vote: 11-0

A13-10-30 WELLS COUNTY Comprehensive Plan 2014-2024

Michael Lautzenheiser, Jr. described what a comprehensive plan is and what should be included in the plan. He stated how the comprehensive plan is used. He explained how this new comprehensive plan was created and how the steering committee developed a questionnaire and collected the data. On September 4, 2013, the steering committee certified to the APC the proposed plan with a recommendation to adopt. Mr. Lautzenheiser gave a brief description of what is in the proposed plan. He then went on to explain the purpose of the night's hearing of the proposed comprehensive plan. He advised the board that the comprehensive plan is a resolution and not law. It is to be used as a guidance tool.

Andy Antrim commented on the comprehensive plan being a statement of objectives and a statement of policy. He reiterated that the plan is not an ordinance and it is not a law.

John Schuhmacher advised the board that on page 33 under 13-07, the correct name for the park is the Zanesville Lions Community Park. He explained that the park is under a lease and he wanted to get the name correct for the record.

William (Bill) Morris, 1373 W 1050 S, quoted from page 12 number 7 about wind turbines in the proposed comprehensive plan. He listed the 10 lessons learned by the citizens during the two year wind turbine issue. He then questioned the board on what they learned with their experience with the wind turbine issue. He quoted from page 13 chapter 11 about the statement of objectives for the future development of the jurisdiction. He stated that he feels the community involvement was not complete because the input of the 1700 signatures, that were against the wind farms, were not taken into consideration. He believes that their views should have been more forcefully reflected in the proposed comprehensive plan. Mr. Morris went on to page 17 chapter 11 section 7 which dealt with alternative energy and stated that wind energy does not qualify under this topic. He explained that fossil fuels are still used in wind farms during times that the wind isn't blowing. He quoted from 11-07-D-3 objectionable attributes and then listed objectionable qualities of wind turbines that were brought up by citizens during public hearing about wind turbines. He explained that industrial wind turbines should be listed under 11-06 heavy industrial uses rather than 11-07. Then Mr. Morris went into the zoning ordinance and read from article 12, specifically quoting from 12-01, 12-02, 12-05, 12-06, and 12-08. He questioned the reasoning for exempting large WECs from these points in the ordinance. Next he addressed data that was in a publication by the Northwest Mining Association, which explained the amount and materials used to construct a wind turbine. He performed the calculations for the Apex project and came up with these numbers: 28,672 tons of steel, 384 tons of copper, 256 tons of aluminum, 166 tons of rare earth materials, and 153,600 tons of concrete. He reiterated that large wind turbines are a heavy industrial use. He also restated that wind turbines are not alternative energy with their use of fossil fuel. He explained that wind turbines should be listed under heavy industrial use and limited to I-2 zoning areas within an existing industrial park.

Chuck Brooks commented on the fact that the public is here to understand. He stated what the board is responsible for and what the citizens expect from the board.

Ted Claghorn, 4536 E 650 S, questioned the proposed plan. He wanted to know the need for the plan, how it came about, and who was involved. He commented on how lengthy the document is and questioned the way that the plan was laid out. He questioned the development of the plan due to contradiction in some of the answers, with people being for and people being against a topic, such as CAFOS and wind farms. He stated that he finds it difficult to create action points for the topics where there is community contradiction. Mr. Claghorn commented on the democratic process and when a vote occurred on the wind turbine issue before it was put in the ordinance. Then, he stated that he felt that all of the public comments at the meetings were falling on deaf ears. He next addressed the issue of the APC's mistake on the WECS ordinance and their correction with the revision of the setback to 1800ft from the property line. Mr. Claghorn then addressed his displeasure with the way the legal notices for the meetings are advertised.

Mr. Lautzenheiser explained that the steering committee decided on the topics that would be covered in the comprehensive plan and they chose the topics from a list that is allowable to be in a comprehensive plan based on Indiana Code. They picked ones that they felt were applicable for the county. He addressed the issue of conflicting items on some issues in the proposed plan. Mr. Lautzenheiser stated that section 10-03 is specifically the high schoolers', in the government classes of the three schools, view on the county and sections 11, 12, & 13 came from the questionnaire. He then addressed the process of the wind turbine ordinance being drafted in 2008.

Jarrold Hahn commented on the discussions that took place during the steering committee meetings and the issues that were brought up. However, not all of the topics that were discussed were applicable for a comprehensive plan per the Indiana Code. He stated that he disagreed with Mr. Claghorn's comment about the public's comments falling on deaf ears. He commented about discussions of ordinance revisions and not all board members getting their way. However once the ordinance is in effect, all board members have to enforce it. He addressed what he learned during the process of ordinance revisions during the crafting of the CAFO and WECS ordinance. Mr. Hahn informed Mr. Claghorn that the law states how the newspaper has to place and handle all legal ads.

Andy Antrim answered Mr. Claghorn's question about who decides if consideration is given in regards to the comprehensive plan. He stated that when a new ordinance is drafted that it must go before the legislative bodies and they are the ones that make the decision on if the ordinance should be enacted. Then Mr. Lautzenheiser stated that the APC has to provide findings to the legislative bodies that show due regards was paid to the comprehensive plan. Mr. Antrim advised that the Indiana Code requires the APC to prepare a comprehensive plan. He explained that IC 36-7-4-501 states that a comprehensive plan is not an option and if there was not a plan in place then there would be no zoning in the county, which would cause a free for all. Mr. Lautzenheiser then explained the process of having a zoning ordinance and that the first requirement states that there must be a comprehensive plan adopted by the APC. He then commented on the length and difficulty to use the current comprehensive plan (1993-2013).

Mr. Hahn also commented on the current comprehensive plan and how it was created in 1993 and based on current issues at that time. He then explained the reason from going from a 20 year plan to a 10 year plan. He addressed the issue of the board members doing their research in order to try and make their best decision for the county.

Jack Pace commented on wind turbines and CAFOs, about how controversial the topics have been for the county. He stated that he attends the meetings and the issues have not been resolved. He requested that the board listen to the citizens. He stated that ag-1 has been turned into an industrial site by the board approving the 128 wind turbines.

Mr. Lautzenheiser stated that the board did listen to the people. He explained that they listened by having wind turbines listed under 11-08 discouraged land uses, in the proposed comprehensive plan.

Kari Cale, 7830 S 100 E, commented that the pages online did not match the pages at the open house due to the steering committee members not being listed. She then commented on the fact that all of the language written in the plan about the wind farms seemed to be in a negative context. It does not seem unbiased. She questioned why the document already said "adopted". She stated that she thought the steering committee members should be made public so that the community knows who is representing them.

Mr. Lautzenheiser stated that the "adopted" on date is just a place holder in the file for when the plan does get approved. He explained that if changes were made to the document before approval, then the date would change to reflect when the plan was adopted.

Marilyn Maddox stated that she was one of the individuals on the steering committee. She explained how difficult it was to find people that wanted to participate on the committee. She stated how they used the 1993 plan as a guideline and from that they determined areas that needed to be worked on. She questioned if there was a chance to move the large wind turbines to the heavy industrial area in the proposed comprehensive plan.

Mr. Lautzenheiser explained that the current ordinance does state that wind turbines are a permitted use in I-2 zoned areas. He said that what the comprehensive plan is stating is that multiple avenues need to be open to make wind turbines from an encouraged use to be changed to a discouraged use, which could be done by changing the approval process. The comprehensive plan was written open enough to see if a BZA special exception could be used or adding a completely new zoning district that properties would have to be rezoned to, which would mean that it would have to be approved by a legislative body.

Mr. Hahn commented on the possible special exception route and explained that the BZA members are all appointed. He stated that the BZA has more latitude to make their decisions. He advised that this could be a disadvantage.

Jerome Markley advised that ordinance revisions would come after the comprehensive plan comes into effect after January 1, 2014.

Mr. Hahn questioned if changes could be made to the proposed comprehensive plan before it were adopted. He stated that he wanted more time to do some research. He also questioned the public if their concern was just for large industrial wind turbines or all wind turbines. The audience stated that it was just large wind turbines that they were concerned about.

Mr. Lautzenheiser stated that the board could look at the sections on alternative energy and discouraged land uses, in the comprehensive plan, and look at considering large wind turbines as potentially only a heavy industrial use or an aspect similar to that.

Mike Morrissey commented on the plan and stated that it was a goal not a law. He questioned why it couldn't be in two different sections even if it is contradictory. He stated that it would just show that the issue is divided among the community and that it would need to be looked at from both sides.

Cheryl Flack commented on living and working in downtown Bluffton. She addressed her concerns with the recent amount of fires occurring in the downtown area. She stated that the laws about building inspections need to be enforced. She explained that there needs to be a building inspector that follows the rules and does what needs to be done. She commented on the 2 hour parking and how that is penalizing some people that want to come downtown to do business if they stay over the 2 hours. Mrs. Flack requested that the downtown be free parking. She believes that there is adequate parking in the area. She addressed her concerns of the downtown being deserted of stores. She requested that consideration be given to small business owners and historical buildings that are worth saving.

Mrs. Cale addressed another aspect of the comprehensive plan about the entertainment offered in the county. She stated that there is very little entertainment choices in the county and money was leaving the county because of it. She explained that one entertainment option was the Gospel Barn and commented on the approved wind farm's turbines that are going to be located near it. She stated that this source of entertainment could leave the county.

Donna Deschaine, owner of 118 W. Market, questioned when enforcement was going to occur over the removal of the remains of the old Hideaway building. She was informed that the Bluffton City Council and Board of Works are the ones to ask.

Sharon Bulger questioned who to talk to about the tickets because of the 2 hour parking downtown. She was informed that it was the Bluffton City Council. She stated that 2 hours is not enough time for people that want to shop downtown. She commented on a couple of issues that she has had with her customers and the parking.

Mr. Hahn and Mr. Lautzenheiser discussed the time it would take to get the proposed comprehensive plan through all of the legislative bodies. It was determined that there was enough time to do this before the end of the year, if the board wanted to table the meeting and make changes to the document.

Mr. Antrim clarified that the sections of the plan about the large wind turbines that are to going to be looked at were 11-06, 11-07, 11-08, and 11-17 for the downtown parking.

Conditions: Asked Mr. Lautzenheiser for proposed language for large wind turbines in industrial zoned areas along with language for the downtown parking issue.

Motion to Continue to November 7, 2013: Jarrod Hahn

Second: John Schuhmacher

Vote: 11-0

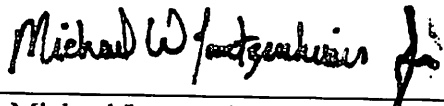
DISCUSSION:

Tim Rohr questioned the status of the Kahn violation. Mr. Lautzenheiser informed the board that Mr. Kahn is currently in incarcerated, therefore, the violation is at a hold. He stated that other than the one semi-trailer on the property, he is in compliance with the ordinance.

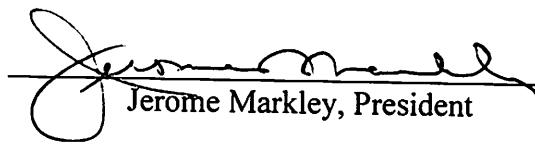
ADVISORY:

Mike Morrissey made a motion to adjourn the meeting. Bill Horan seconded the motion. The October 3, 2013 Area Plan Commission meeting adjourned at 9:33p.m.

ATTEST:



Michael Lautzenheiser Jr., Secretary


Jerome Markley, President