

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 May 2, 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:

The minutes from the April 4, 2013 were not finished at the time of this meeting.

OLD ITEMS:

V2012-009: Adam P. & Josey D. Kahn

Michael Lautzenheiser, Jr updated the board on the violation and stated that last month there was another complaint about junk. He explained that when he visited the site during this week, there was decent clean up and one of the semi-trailers had been removed; however the privy has not been installed yet. He stated that it has been close to a year since this violation was first brought to the offices attention. He advised the board of the conditions that were passed during the last meeting where this violation was discussed.

The board discussed what could be done to correct this issue. They talked about previous violations that were sent court papers, and how those issues were resolved along with the amount of time that it took to remedy the situations.

Conditions: Seek an injunction and a \$500 fine plus court cost.

Motion: Tim Rohr

Second: Mike Morrissey

Vote: 11-0

V2012-036: Andrew B. Price

Mr. Lautzenheiser advised the board that Mr. Price updated him on the progress that they are making of moving out of the business. The Prices are continuing to work on the house that they will be moving in to. Mr. Price stated that he had contractors lined up to start doing work, but they would need more time, probably 60 days. Mr. Lautzenheiser explained that the initial violation letter for this was sent out earlier this year.

Conditions: Extend time to July meeting.

Motion: Jarrod Hahn

Second: Keith Masterson

Vote: 11-0

NEW ITEMS:

A13-05-11 NOTTINGHAM TWP., SE/4 21-25N-12E Heartland Dairy Holdings LLC requests approval for a dairy CAFO. The property is located at 9075 S 250 E, Keystone, IN 46759 and is zoned A-1.

Ron Goldsberry, construction manager for Heartland Dairy Holdings, explained that they would like to convert the structure into a heifer raising facility. He stated that there will not be any milking done there. The cattle will be between 10 weeks and 21 months old. They would hold a maximum of about 2,200 head of cattle at a time. He explained that he has a letter from Prible Farms and they will handle all of the CAFOs manure application and where it will be applied. He also explained they are going to use automatic waterers; however he could not find any studies to say how much they water they would save versus using a trough. Mr. Goldsberry provided the board with a letter from the Ohio Department of Agriculture about the owner of Heartland Dairy Holdings LLC, John Glessner. The letter is about a deficiency with the manure storage at one of the dairies. Mr. Goldsberry stated that since the letter the issue has been fixed. He went on to explain his background in the agricultural field. He advised the board that the lagoon expansion would be clay lined and it will be made larger than necessary. There will be a core trench around the lagoon. He stated that the double tree buffer would be used instead of the mound due to the drainage. Mr. Goldsberry explained that there will be a truck route established and reviewed by the highway department.

Michael Lautzenheiser, Jr. explained the point system (220 are needed) and then went over areas in the point system where there were some discrepancies on the petition. He stated that the points that are guaranteed due to setbacks and other factors total 175 points. He proceeded to go over the information that was received that night and add the points to the initial 175. Mr. Goldsberry and the board discussed manure applications and the best type to be used in this area, due to its proximity to Petroleum. With the additional points for conditions, the petition is up to 255.

Conditions: IDEM permit approval, all or part of the parcels of the property combined into one, agreement to maintain minimum points recorded, and the use of injection for manure application

Motion to Approve: Jarrod Hahn

Second: John Schuhmacher

Vote: 11-0

A13-05-12 ROCKCREEK TWP., NW/4 33-27N-11E Precision Soya of Indiana, LLC request approval for a Development Plan for a 39' X 19' warehouse roof addition that will be 45'10" tall. The property is located at 3906 W 100 N, Bluffton, IN 46714 and is zoned I-1.

Jaime Chappman, project manager, stated that the roof is being extended up to 45'10" in one section of the warehouse, which is 39' X 19' and there will also be another small area of about 4' X 9'. They want to put some bins in the warehouse to do automated packaging. He explained that this increase will actually be shorter than the tower that is in another part of this section of the structure. The addition will be constructed the same as the rest of the facility and match in color. He advised that no additional hard surface was being added.

Conditions:

Motion to Approve: Mike Morrissey

Second: Jarrod Hahn

Vote: 11-0

DISCUSSION:**Comprehensive Plan update**

Michael Lautzenheiser, Jr. updated the board of the progress of the comprehensive plan questionnaires. He explained going to the three high schools and presenting a version of the questions to the government and econ classes. He also explained that the office received 40 questionnaires, which represented about 75 people. He advised that the next steering committee meeting would be May 16, 2013 to discuss if enough data was received and create a plan of action for the remainder of the year.

LED sign complaints

Mr. Lautzenheiser explained to the board the complaints that were received from Ossian Town board and complaints that the APC office received. The LED sign brightness will be something that would need to be looked at with future ordinance amendments. He explained that the biggest issue was the level of brightness at night and stated that there are ways with the signs to dim them during certain hours. He advised the board that he has looked into other counties' sign ordinances.

The board discussed the number of signs that are in the area. Angie Dial stated that there are seven LED signs in Ossian. They talked about having the town board talk with the businesses to try and come to a resolution. The board also talked about how any changes to the ordinance as far as brightness of the signs were concerned would not affect the existing LED signs.

Flood damage assessments

Mr. Lautzenheiser talked about one of the office's jobs is being the flood plain manager and advised the board of the flood damage that occurred at Stoney Creek mobile home park in Zanesville. He stated that the assessment currently stands that one home was verified by a private contractor to have damage that needed to be repaired and that none of the mobile homes would need to be removed because the damage that was done was not significant, which is over 50% of the value of the property. He stated that none of the mobile homes currently have flood insurance and he would like to promote flood insurance to them, which would still be voluntary. He commented on some of the exterior items that were damaged by the flood and stated that the gas meters were removed from the flood and replaced after the water receded.

Special meeting dates for Apex wind projects

Amanda Studebaker discussed what would be on the agenda for the June 6, 2013 meeting. Mr. Lautzenheiser stated that he would not be at the meeting, but Andy Antrim, the APC attorney, would be available for the board at the meeting. He also stated that Mr. Antrim would be available to provide the board with information about case law involving development plans in general, if the board wanted that. The board decided to keep the regular meeting date for the five items that are on the agenda and have Mr. Antrim in attendance to help the board and discuss the case law. There will be a separate meeting in June for the sole purpose of the Apex wind projects. Ms. Studebaker informed the rest of the board of possible meeting dates that the 4-H building would be available. The board discussed the dates.

Special meeting to occur at 7:00pm at the 4-H park on Monday, June 17, 2013

Motion: Bill Horan

Second: Richard Kolkman

Vote: 8-0-3 (Jarrod Hahn, Keith Masterson, and Mike Morrissey abstained)

Jarrod Hahn, Keith Masterson, and Mike Morrissey left due to conflict of interest. Mr. Lautzenheiser explained the Apex projects and stated that the two initial phases, totaling 87 turbines, was modified in November 2012 is requesting another modification. He also stated that the petition for 69 turbines that was heard at the April 4, 2013 meeting is being amended. The changes are for larger wind turbine models and reduction in the total number of turbines. He explained to the board that for the modification, if the board votes no that it goes back to what was approved in the November 2012 meeting.

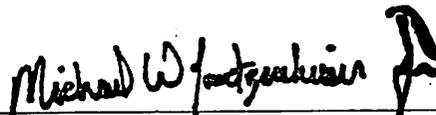
Bill Morris questioned the status of the petition that was approved on March 1, 2012. Mr. Lautzenheiser explained that it was modified in November 2012 and that petition is the current approved plans on record.

The board questioned the number of modifications that can be done to a petition and also if there is an expiration date for the plans. Mr. Lautzenheiser stated that with the current ordinance there is no limit on the number of times a petition can be modified. He stated that once a development plan is approved by the APC there is no expiration date for it. He explained that the two year condition that was put on the petition at the November 2012 meeting was for any changes made after the two year mark was that they had to have a public hearing no matter what. Mr. Lautzenheiser stated that any ordinance revisions or amendments would only affect new filings and there is no retroactive law making through the zoning and planning process.

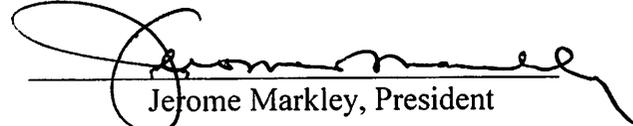
ADVISORY:

John Schuhmacher made a motion to adjourn the meeting. Harry Baumgartner, Jr. seconded the motion and the motion passed with a vote of 8-0. The May 2, 2013 Area Plan Commission meeting adjourned at 8:54p.m.

ATTEST:



Michael Lautzenheiser Jr., Secretary



Jerome Markley, President