

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 September 6, 2012 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Jerome Markley. Ten members were present for roll call. Bill Horan was absent.

APPROVAL OF MINUTES:

Jarrold Hahn made a motion to approve the minutes from the August 20, 2012 meeting. Mike Morrissey seconded the motion; the motion carried 8-0-2, with Angie Dial and Harry Baumgartner, Jr. abstaining.

NEW ITEMS:

A12-09-20 HARRISON TWP., NW/4 04-26N-12E Habegger Frauhiger, Inc. requests approval for a development plan for a 10,720 sqft. warehouse. The property is located at Washington St. between the railroad and Union St. on the south side, Bluffton, IN 46714 and is zoned I-1.

Steve Frauhiger, with Habegger Frauhiger, explained where the proposed location was and that they had gone through the Plat Committee to get those lots combined. The proposed structure would be a 110ft X 90ft warehouse and the height would be 20'ft to the square. All of the utilities have been moved on the site to accommodate for the building.

Joel Hoehn, with Stoodly & Associates, stated that the ridge line of the structure would run east and west, which will cause water flow to the gutters on the north and south. The area is an existing stone parking area therefore they will just be covering hard surface with hard surface. The water flows out to Washington Street and into the storm sewer, which flows down to Union Street and gets down to Lancaster Street and then off to the Wabash River. He advised that the existing asphalt south of the alley is being maintained and they are going to match that grade.

Michael Lautzenheiser, Jr. explained what general changes were discussed at the Plat Committee meeting. The plans have changed to reflect the inclusion of the drainage narrative. The change of electrical locations are not shown, however Mr. Lautzenheiser stated that he was notified that the City of Bluffton have relocated the utility poles. He explained that upon Andy Antrim's review of the petition, that #4 in the findings was answered "Yes" with an explanation of "Not needed." There is a need for a traffic management plan based on the fact that there will be parking and truck traffic.

Mr. Frauhiger stated that from the front of where the building will be located to the edge of Washington Street is 50ft. and that area would run the whole length of the property. That 50ft area is where truck unloading would take place. The trucks would come off of Indiana Street, then turn east into that property and be parallel to Washington Street. He advised that if there were curbing and a designated entrance and exit it would hinder the use of the area. He stated that due to the trucks, there would be no

permanent parking there. Mr. Frauhiger explained that there would be three large overhead doors on the north side of the building, which is where material would be loaded and unloaded from trucks throughout the day. He stated that he would like the site to have a separate address from the lumber store and explained that if there weren't an address then the trucks would still pull into the store's parking lot.

Conditions: Explanation of traffic management plan.

Motion to Approve: Jarrod Hahn

Second: John Schuhmacher

Vote: 10-0

A12-09-21 LANCASTER TWP., SW/4 27-27N-12E Marbank Financial Corporation (Markle Bank) requests approval for a development plan for a building expansion. The property is located at 1405 Baker Pl., Bluffton, IN 46714 and is zoned B-2.

Angie Topp, with Markle Bank, stated that the mortgage department for the north office branch has expanded staff and this addition would provide four offices for the added staff, plus a new conference room for mortgage closings.

Joel Hoehn, with Stoodly & Associates, stated that the area where the addition will be is currently a grass surface. The ridge line on the addition will run east and west to remain consistent with the existing building and there will be gutters on both sides. This will cause the water flow to be to the north and to the south. Most of the surrounding area is hard surface. On the south side of the location, water flows south and then goes west to the side ditch along State Road 1. From there, it flows south to Coopers Center ditch and then flows west. On the north side of the location, water flows to the west to the side ditch along State Road 1. From there, it goes under State Road 1 and follows the swale through Stoney Creek, into the golf course, and then ultimately works its way southwest to the Wabash River. Mr. Hoehn advised that the building façade will be the same; however the roof line will be higher than the existing structure.

Conditions:

Motion to Approve: Mike Morrissey

Second: Jarrod Hahn

Vote: 10-0

A12-09-22 LANCASTER TWP., NW/4 05-27N-12E Northern Wells Community School requests approval for a 120' ft. communication tower. The property is located at 1100 E. US Hwy 224, Ossian, IN 46777 and is zoned A-1.

Jeff Miller, Northern Wells Community Schools, stated that their previous communication tower was damaged by storms at the end of June. If they wanted a replacement tower of the same size, it would have been 6-8 weeks and they had an August 1st deadline due to school starting. The communication tower links the schools together and also communication to the buses. He said that when speaking with the tower vendor, there was a tower coming off of the production line that the school could have; however it was 120ft, which is 30ft taller than the original tower. He advised the board that he was in communication with the Area Plan office about the construction and they decided to be in violation to get the tower up in time to meet the beginning of school deadline. Mr. Miller advised the board that they have put anti-climb skirting along the bottom of the tower along with a barbed wired fence around the tower.

Joel Hoehn, with Stoodly & Associates, stated that the new tower was constructed where the previous tower was located at. Therefore, there were no drainage issues. He advised that they confirmed the height to be 120ft and it is located over 400ft from the road.

Michael Lautzenheiser, Jr. explained how the tower met the ordinance requirements. He advised that the tower was too short for needing to meet any FAA requirements. However, information was turned into the FAA to be put on their maps. He suggested that the school work on a plan for if this were to occur in the future with these types of situations.

Conditions: None

Motion to Approve: Jarrod Hahn

Second: Angie Dial

Vote: 10-0

A12-09-23 HARRISON TWP., SE/4 04-26N-12E Bluffton Regional (Park Center) requests approval for a development plan for a building expansion. The property is located at 1115 S. Main St., Bluffton, IN 46714 and is zoned R-2.

Art Hastings, direct at Bluffton Park Center, stated that the expansion would be for offices to bring core staff members from the north office to this facility. In addition to the offices, there would also be a larger group room. This building expansion would not add any additional clients.

John Berghoff, architect for the project, explained that following the Plat Committee meeting, he checked with Doug Sundling about if storm drainage was available in the alley to the east and it is not. There were additional changes made from the Plat Committee suggestions. On the north side of the existing building, the gutter will be removed, due to concerns from the north property owner, and replaced with a larger gutter. There will be one downspout and the water will be redirected to the west and then to the street drain. For the addition, half of that water will shed to the north and on to the neighboring property; however, the amount of square footage draining to the north has been reduced by about 28%. Mr. Berghoff stated that the building and the addition are 5ft 4in from the north property line.

Michael Lautzenheiser, Jr. advised the board of additional items that were discussed at the Plat Committee. He explained that this property is zoned R-2, which does not allow medical facilities. The petitioner would need to file for an expansion of a legal non-conforming use with the BZA, which they have done and it will be heard in a few weeks. Any motion would be pending the results of that hearing. Mr. Lautzenheiser also questioned signage change on the site plans. Mr. Berghoff stated that there is no sign change and that the additional signs on the site plans were noting were the no parking sign and traffic signs were at.

Conditions: BZA approval of the legal non-conforming use expansion; updated site plans with the legal description & drainage narrative on; if there is a drainage problem that appears after construction, petitioner will be part of the solution.

Motion to Approve: Jarrod Hahn

Second: Mike Morrissey

Vote: 10-0

A12-09-24 LANCASTER TWP., SW/4 22-27N-12E Tim Bryant (Parlor City Pawn) requests approval for a development plan for a 42' X 72' steel building. The property is located at 2357 N. Main St., Bluffton, IN 46714 and is zoned B-3.

Chase Fiechter, with Parlor City Pawn, stated that the storage building would be put up to the east of the existing structure. The new building will about double the size of the location. It will not be for public access. It is strictly for storage purposes. The proposed location of the structure should maintain adequate space for customer parking. He explained that the area is currently packed gravel and that with the proposed structure, the drainage and flow should be the same as it currently is. The retention pond that is east of the property on Outdoor Concepts is where drainage flows to and this will not change.

Michael Lautzenheiser, Jr. explained what occurred in the Plat Committee meeting and that the site plan reflects the changes that were suggested. He advised that Andy Antrim mentioned that number 11 and 12 on the findings document explanations are adequate; however the questions need to be answered yes to qualify for approval.

Jarrod Hahn advised the board on the detention pond at Outdoor Concepts. He stated that when the development plan came through the detention pond was designed to accept water from this proposed site. The detention pond water is used for growing product at their nursery.

Conditions: Answer "yes" to petition questions 11 & 12.

Motion to Approve: Mike Morrissey

Second: John Schuhmacher

Vote: 10-0

A12-09-25 CHESTER TWP., NE/4 36-25N-11E PAL Swine Farms, LLC (Paul Rumple) requests approval for 2 -4,400 head wean to finish CAFO barns. The property is located at 366 W 1100 S., Keystone, IN 46759 and is zoned A-1.

Paul Rumple, member of PAL Swine Farms, explained that they are proposing 2 – 4,400 head swine finishing facilities. He advised that the house on the property is owned by PAL; however it has a life lease on it.

Joel Hoehn, Stody and Associates, explained that the site will be 19.51 acres, with two buildings that run in an east to west direction. The buildings will be 417ft X 81.84ft, with the peak running east and west. The water flow from the north side of the north building will go into the wooded area. The southerly flow of the north building will run between both buildings into the center of the site with the pipe drainage system. This will take the storm water to a detention basin that is on the south side of the proposed development. Currently the water shed on the 80 acre farm goes from the southwest and flows to the northeast. There are approximately 50 acres in the current water shed. 6.2 of those acres will be removed and run that through the detention basin. The detention basin will drain into an existing 10in private field tile that will flow to the Nusbaumer legal tile drain, which is north of 1100 S. Then it would drain into the Scuffle Creek, which will flow into the Salamonie River. Mr. Hoehn stated that the proposed drive for the site is on the east side of the property and there will be a 30ft buffer of trees along the east side of the drive. The drive is proposed on the east side to keep truck traffic from having to pass the existing residential home that is to the northwest corner of this property. They are proposing to plant tree buffer on the west side of the property line, which would be similar to the buffer along the east side of the drive.

Mike Veenhuizen, with Livestock Engineering Solutions, provided the board with a few handouts. He explained the aspects of site selection and site planning. He stated that PAL Swine purchased the woods and the Rumples own the tillable ground to the south and west of that property. They are requesting a setback waiver to the east, south and west. He advised that the most significant request is the one to the east as it relates to the ordinance. The objective was to take advantage of the wooded area to provide both a visual and a ventilation screen. In order to do that, the buildings would be 105ft from the east property line. The south and west setbacks have also been asked to be reduced to 105ft for minimizing the amount of tillage ground affected. He showed the board how the buildings would look on handouts. One was with them being at 105ft from the property line and a second as if they were to maintain the 300ft setback. Mr. Veenhuizen explained the reason for the 105ft east setback request, stating that if the 300ft setback were to be met then the buildings would stick out from the woods by about 200ft. He stated that having the woods screen the buildings would be to the benefit of the neighbor to the north, which is the closest house at 802ft to 820ft depending on where the buildings would be. He advised that being 105ft

from the east property line makes the most sense in the overall siting of the plan and is the best siting for all parties affected.

Mr. Veenhuizen explained the Purdue air quality model that he provided to the board. He stated that the model assumed full size pigs. He also provided the board with information from other university studies and results for odor models. He went on to further explain the models, credits, and deductions. He advised the board that the developer of the model did not give enough credit to the shelter belt. Mr. Veenhuizen stated that the belt improved the situation and went on to explain how the shelter belt is better for reducing odor and particulate matter transmission. He then addressed the point system. If all the property line setbacks were met, the shelter belt to the north, and no berm and mound, then the project would have 280 points. He explained where the points are deducted. Twenty points were removed for not meeting the east property line setback and ten points deducted for both the south and west property line setback reductions. This would leave 240 points for the project. He then further elaborated on how the points were met.

Jarrold Hahn commented on what was discussed at the Plat Committee meeting. He stated that there should be some type of road plan in place with the county highway department for the routing of the supply trucks. He also made mention of the smaller hog operation that is just a mile south of this location in Blackford County. He stated that at the Plat Committee meeting they also asked that a valve be in place in the outlet from the detention pond so that in the event of a spill that valve can be closed off to prevent flow going off site. The stop valve is located in their plan.

Paul Rumble advised that the road plan for construction would have loaded truck going in one way and empty trucks leaving the site a different direction so that no traffic hazards are created. He stated that the hog operation in Blackford County has maybe 20-30 sows. Mr. Rumble advised the board that they have spoken to the individual that owns that operation and he has no issues with their plan.

Joel Hoehn stated that there is roughly 700ft between the east drive for the CAFO to the house on the north side of 1100 S. The house is a farmstead and not a rental property.

Mike Veenhuizen advised the board that IDEM notifications go out to all land owners and tenants within a half mile radius of the site. He clarified that the permit for this project was submitted to IDEM 45 days ago and it is still under review. No permit has been issued from IDEM yet. However, all of the site visits have been completed.

Mr. Rumble stated that members of PAL Swine have spoken to the residents within a mile radius except for one individual. They have talked with the residents that are to the east of the site up to a mile and a half, due to the fact that they are in the direction of the prevailing wind. They presented the plan to the neighbors and spoke with them about any concerns they had with the project. He advised the board that he would prefer to have the east setback at 105ft because it does help with screening and traffic. He also stated that after construction, there will be a double row of trees planted on the east and west side that will grow together like a hedge and reach up to 25ft tall.

Alesha Alstoft, daughter of Susan Durham, stated that her mother owns the house to the southeast of the site and the house would be the one most affected by the project. She said that her mother was currently out of the state and proceeded to read a letter that she drafted. The letter stated Ms. Durham's concerns about contaminants in water, airborne pathogens, odor, and reduction in property value, which could be as high as 88%. The letter also addressed the issue of the potential wind turbines around the site. It stated that there would be seven turbines within one square mile of the CAFO, if the development for them is successful. Ms. Durham requested that the petition be denied.

Ms. Alstoft provided the board with statistics on CAFOs. She stated that an average hog would produce six pounds of manure a day. For the proposed CAFO, if they were to only spread manure once a year then they would be spreading 19 million gallons of manure. She addressed concerns about spreading and the possibility of the manure draining into her mother's pond and contaminating it. She also stated concerns for the local watershed and it being tainted or used up. She explained some studies that were located on the internet.

Wyatt Hasinbiller, Susan Durham's son, stated his concerns about the semi-trucks turning on to 1100S and the state of the road itself. He commented that previous manure application on the field around his mother's house did run off into her pond. He stated that he was skeptical of the trees being used as filters for the odor and particulates. Mr. Hasinbiller explained that his mother has a geo-thermal unit for her house and the air in-take for the system sits in the pole barn. Any of the air and odor from the CAFO will be pulled through the air in-take and could make the interior of the house smell.

Gene Bowyer, Jackson Township resident, stated his concerns with the southern part of Wells County being saturated with CAFOs. He expressed his fears of the manure running off of the fields and contaminating the surrounding waterways and wells.

Jack Pace addressed his problem with the CAFOs being operated by a non-resident of Wells County. He commented on the approval of the new manure lagoon setbacks. He expressed his dissatisfaction of Bluffton having a mile setback, where rural houses only have an 800ft setback from CAFOs.

Jacob Slusher stated that he and his brother Logan are part owners of PAL Swine and are residents of Wells County. They will be doing the day to day operations at the site.

Merrill Butterfield explained a situation that occurred near his property. He stated that chicken manure was brought over from Ohio and dumped on the field across the road from his house. Then a sheriff deputy stopped at his house due to the scent and told him that he had an LP leak. Mr. Butterfield informed the deputy that there was no leak and the odor was coming from the chicken manure. He took the deputy around his two tanks to show that there was no leak. He addressed his concerns with manure coming into the county from other areas and the possibility of well contamination.

Mike Veenhuizen, with Livestock Engineering Solutions, stated that there were two new CAFO permits pending with IDEM. He addressed the issue of leak testing or detected for lagoons or underneath a barn. Based on IDEM requirements, the need to have a perimeter tile around the base of the tank, which is to be installed between 12in and 24in below the floor and within 2ft to 5ft outside the tank. Any leaking would be picked up by that perimeter tile. IDEM will test the water in that tile at each inspection to make sure it is clean. Mr. Veenhuizen commented on the issue of spreading manure on a field near an open water source. He advised that for injection it is 25ft from the surface of the water and for surface application it has to be 100ft away. Then the property line setback for injection is zero feet and for surface application it would need to be 50ft from the line.

Paul Rumble stated that the manure will be applied to the ground owned by S & S Family Farms. He advised that the manure is tested every year along with the soil before applying. It will be applied by injection and the nitrogen and phosphorus standards will be met, due to a pit additive that they will use which will stabilize the nitrogen in the manure. He stated that they do have additional 500 acres signed up so if they need more land to apply the manure to that they have that available.

Dave Lowe, Jay County resident, stated that there are 88 CAFOs in his county. He addressed the ground nutrients and the need for manure fertilizer and he commented on the purpose of the fans in the facility. He stated that Jay County is better because of having CAFOs.

The board discussed non-resident CAFO owners and owner/operators that live near their CAFO site. They then went on to discuss the point system and the site setback reduction, plus how a CAFO is approved and what all needs to be filed with the CAFO submission.

Conditions: setback reduction to 105ft; intersection problems would require the petitioner to be part of the solution; and agreement to maintain points be recorded

Motion to Approve: Mike Morrissey

Second: Jarrod Hahn

Vote: 10-0

OTHER BUSINESS:

Barbara Sha Cox, Indiana CAFO Watch, provided the board members with copies of other county ordinances. She gave some background information on herself. She's a retired RN and is a fourth generation farmer with a small cow and calf cooperation. She is pro agriculture, however is against industrial farming. Ms. Sha Cox explained how the organization started with just two counties, but they are now in 74 counties. She then went on to address the new IDEM regulations as of July 1, 2012. She then commented on the other rules that will be effective in February 2013. She also made note that the state chemist would be regulating the spreading of manure.

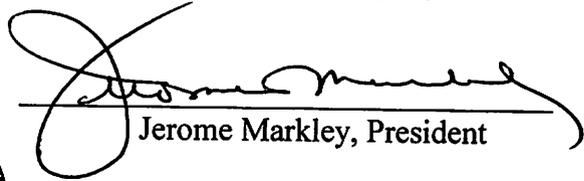
Ms. Sha Cox then went over a hand out that she presented the board, which had several website links for the board members to visit. She stated that Indiana leads the cases in the United States of Swine Flu. She then went on to address a study done by the University of Minnesota on MRSA and being contagious from swine to human. She explained the illness PRRS, a virus that can be contracted by hogs. She said that hog illnesses should be taken into account and that there should be setbacks between CAFO operations.

Ms. Sha Cox then encouraged the board to look at Union County's ordinance and consider adding a financial assurance package as part to the ordinance. This would be for protection if wells go bad, improve road damages, and other issues arise. Next she commented on a Purdue link that said economists are saying that there will be record pork losses within the industry, which could cause CAFO foreclosure. She then addressed the devaluation of property values due to these operations. Finally, she addressed water contamination concerns. She talked about the E-coli in stream beds, blue green algae in the Salamonie River, and the 303D list from IDEM which shows the water tables for the counties. She then questioned any DNR studies that were done on the water sheds. She stated that there is no official setback for Indiana CAFO Watch, but most people say one mile and that would be from the property line rather than the dwelling. She also highly recommend that there be a minimum acreage for a CAFO be set and that the setback between CAFOs be at least 2 miles apart.

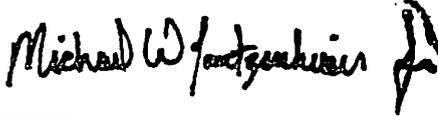
Greg Slipher, livestock specialist with Farm Bureau, stated that the CAFOs are being built in agricultural zoned areas. He addressed the property value issue and stated that there has only been one study done through IU that looked at actual sales values. He commented on that CAFOs are an appropriate use for the way that the land is zoned. Mr. Slipher said that there are other counties that have a higher concentration of swine CAFOs, such as Carroll County with 105 and Dubois County with 102.

ADVISORY:

Mike Morrissey made a motion to adjourn the meeting. Finley Lane seconded the motion and the motion passed with a vote of 10-0. The September 6, 2012 Area Plan Commission meeting adjourned at 10:35 p.m.



Jerome Markley, President



ATTEST:

Michael Lautzenheiser Jr., Secretary