

ROLL CALL

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

Michael Lautzenheiser, Jr., Director

The January 2, 2014 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.

**ELECTION OF OFFICERS FOR 2014**

**President:** Jerome Markley

**Vice-President:** Mike Morrissey

**Secretary:** Michael Lautzenheiser, Jr

Motion to retain the same President, Vice-President, and Secretary: Jarrod Hahn

Second: Richard Kolkman

Vote: 11-0

**Appointment to the BZA:** Harry Baumgartner, Jr.

Motion to retain current BZA appointment: John Schuhmacher

Second: Mike Morrissey

Vote: 11-0

**Plat Committee:** Michael Lautzenheiser, Jr., Jarrod Hahn, Bill Horan, Jerry Petzel, and Gary Shaw

Motion to retain the current Plat Committee members: Mike Morrissey

Second: Keith Masterson

Vote: 11-0

**APC Attorney & Compensation Agreement:** Andy Antrim

Motion to retain Mr. Antrim at the same rate: Bill Horan

Second: Jarrod Hahn

Vote: 11-0

**APPROVAL OF MINUTES:**

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

**OLD ITEMS:**

**V2012-009 – Adam P. & Josey D. Kahn**

Michael Lautzenheiser, Jr. stated that there was no return contact from the letter that was sent out. Therefore the matter is ready to move on to the attorney, if that's the board's decision. Several of the board members stated that the semi-trailer that was on its side has been removed. Mr. Lautzenheiser

explained that if the trailer is gone, then the violation has been corrected and they just didn't contact our office.

**V2012-036 - Andrew B. Price**

Mr. Lautzenheiser stated there was also no contact from Mr. Price at this time. Therefore, he is unaware of what the timeline for completion on the correction of the violation is.

Conditions: Next 30 days to get in contact with the office for an update before further action is taken.

Motion: Mike Morrissey

Second: Jarrod Hahn

Vote: 11-0

**V2013-006 - A & T Lance**

Mr. Lautzenheiser explained that there was no response from the property owner, but he has until spring of this year to comply with the ordinance.

**V2013-007 - Dennis Berlin Sr.**

Mr. Lautzenheiser updated the board on the appeal of the violation letter, which was continued to the next BZA meeting. Therefore, no action is needed by the APC at this time.

**V2013-023 - Rex Bates**

Mr. Lautzenheiser explained the initial contact; however within the last month there has been no communication. He stated that Mr. Bates has also not been in contact with the health department due to changing the mobile home on the site. He stated that the board could request him to show up at the next meeting or have our attorney to contact Mr. Bates. Mr. Lautzenheiser restated the violation and explained that the health department advised that a new septic would need to be put in for the additional mobile home.

Conditions: Have Andy Antrim send a letter out to Mr. Bates.

Motion: Jarrod Hahn

Second: Mike Morrissey

Vote: 11-0

**NEW ITEMS:**

**A14-01-01 NOTTINGHAM TWP., NW/4 20-25N-12E Dustin M. & Amanda L. Wilkerson requests approval for two 101'10" x 341' CAFO barns for 9,240 wean-to-finish pigs. The property is located at 1518 E 900 S., Keystone, IN 46759 and is zoned A-1.**

Mike Veenhuizen, Livestock Engineering Solutions, explained the site location was an existing farm with a cattle feeding operation on it with just under the number of head to require an IDEM permit. He explained that with the new hog facilities, they have applied for an IDEM permit. He stated that the proposed buildings would be about 100ft south of the existing livestock structure. Mr. Veenhuizen advised that the current plan is to build one building and then Mr. Wilkerson would meet the IDEM permit approval process of beginning the project within 2 years and completing it within 4 years. He stated that they are asking for a couple of waivers due to the distance from the on-site non-CAFO well and the distance to the Rock Creek. He explained that the existing residential well is about 380-390ft, which does not meet the 500ft requirement from the proposed buildings. He stated that the Wilkerson's do reside on the property and that the well is for their own use. Mr. Veenhuizen advised that the drainage of the proposed structures would be away from the well. He explained that the second waiver was for the distance from the second proposed building to the Rock Creek. He stated that the building would be less than 300ft. They are proposing a dry retention basin to the west of the structures. There is currently a natural swale there. The dry basin would have a control valve. He explained that the site predominately

drains to the west southwest. They are proposing to include a berm on the west edge that would extend to the north edge of the existing cattle barn. This would then wrap around and create at least a 300ft flow path. Mr. Veenhuizen then went on to explain the suitability of the site. He stated that the Wilkerson's own the wooded property to the west of the site. He explained that the buildings would be ventilated with fans that would blow west towards the wooded buffer area. He explained the odor setback model and the Purdue land use model. He stated that the potentially highest risk area of the Purdue model is to the house directly to the north of the site.

Dustin Wilkerson advised that the woods to the west of the site would remain in place as a buffer as long as the facility was in use.

Mr. Veenhuizen restated the location of the buildings on the site and the location of the residential well. He also restated IDEM requirements for distance from wells. He advised the board that with IDEM's regulations there is an issue with the structure's location to the Rock Creek, but they submitted the plans to them with the berm diversion. He explained that the berm is about 1ft higher than the existing grade and the diversion is about half a foot lower.

Jarrold Hahn commented on the berm's 300ft path. He stated that all detention areas are being asked to have a shut off valve in case of spills. He then explained that the Rock Creek has water quality testing done either 4 or 6 times every year.

Michael Lautzenheiser, Jr. advised the board that if they are interested in approving the petition, then the 2 waivers would need to be accepted and a written commitment to maintain 220 point would need to be recorded. He stated they have provided proof to verify the points discrepancy that was addressed in the director's opinion letter.

Mr. Veenhuizen then discussed the points of the project. He stated that they originally stated there were 355 points. Mr. Lautzenheiser verified 195 of those points. He explained the documents that were provided to justify the additional point requirements. He stated that now the plan has 335 points. He then commented on the waiver to be closer to Rock Creek. He explained that if the buildings were moved to meet the 300ft from the creek then they would be too close to the east property line and not be able to meet the property line setback.

Mr. Hahn advised Mr. Wilkerson that there needs to be a truck route established with the County Highway department for the construction material and concrete coming onto the site. This is to eliminate the amount of road damage. He also stated that it would be Mr. Wilkerson's responsibility to police the trucks to make sure that they are using the approved route.

Ray Hartman, 1244 E 900 S, stated that he lives next door to this site. He addressed his concerns with the amount of CAFOs in the area. He also stated his concerns for the smell and the effect that a CAFO being so close to his house would have on his well and the water table. He then addressed the affect that this CAFO would have on his property value.

Mr. Hahn explained the possible solution to the potential well problem. He stated that if the CAFO well pumps 100,000 gallons a day that it has to be registered with the DNR. They will investigate any issues that occur with neighboring wells and if it is determined that the CAFO well is the cause of the residential well to dry up, then the DNR requires the CAFO owner to pay for a new well.

Mr. Lautzenheiser stated that the APC couldn't state whether property values would go up or down based on this project. He advised that studies have not proven property values being affected one way or the other.

Conditions: Waiver of setback from the open drain (Rock Creek) and waiver for the setback to the well, record agreement to maintain points, all of IDEMs permits are met, and that the woods to the west should remain as is to continue to be a buffer.

Motion to Approve: Bill Horan

Second: Jarrod Hahn

Vote: 11-0

### **Comprehensive Plan Section 11-12: Plan Commission Rural Representation**

Michael Lautzenheiser, Jr stated that many of the questionnaires that were received back from the Comprehensive Plan had comments about a lack of rural representation on the board. The steering committee then put together a section in regards to that with two action points that the APC and legislative bodies need to look at. He commented that the current rural representatives being that of County Commissioners' appointments.

The board discussed the fact that the commissioners' appointments and the school boards/superintendents' appointments could be either rural or from a town. It was stated that they can take who they can get as far as APC appointments. Then, the list of board member appointments and where they are from were talked about. Next, there were questions on if the surveyor or extension officer needed to be a county resident. The surveyor needs to be because it's an elected official. The extension officer gets appointed by the extension advisory board and a majority of the time it is a resident of the county; however there have been some instances where the individual is not a resident of that county.

Mr. Lautzenheiser advised the board of the available alternatives to how the APC board could be constructed. He stated that under Indiana Code, which spells out in detail, that any town existing before 1976 would have a member representative no matter the town's population. Any town over 2,100 in population is to have a representative on the board. He stated that an issue with going directly out of the Indiana Code is that the town of Zanesville was incorporated in 1993 and therefore would not automatically be granted a board member. However, if there was another town that would fall into that same category, then they could have an advisory board and have one member represent both towns on the APC. Then the city of Bluffton would have two members granted: one being a city council member and the other being a citizen appointment from the city. This is due to the population of Bluffton. This would total 7 members and then the county would have 6 members: one county commissioner member, one county council member, one commissioner rural citizen appointment, one council rural citizen appointment, either the surveyor or extension officer, and an appointment from the school boards/superintendents. This type of board would have 13 members.

Mr. Lautzenheiser then explained the Indiana Code section 211, which is currently how the board is set up. This states that the legislative body of the county can pass an ordinance that states at least one member is appointed from each town. This is why Bluffton only has one appointment, where the spelled version of the code would give them two and Zanesville has an appointment, where the other code stated that they would not have a representative. He advised that these are the two best options either go with what Indiana Code specifically says or have a customized version that the county commissioners would vote on. Next, he informed the board of a third option, which he was not in favor of. It would be where each town has their own advisory plan commission. He stated that the reason he is not in favor of this is because the APC allows for continuity between each jurisdiction. With an advisory plan commission, there could be multiple rules between each of the jurisdictions.

**Official board calendar for 2014**

The days where changes from the original schedule were discussed and agreed upon

Conditions:

Motion to Approve: Mike Morrissey

Second: Bill Horan

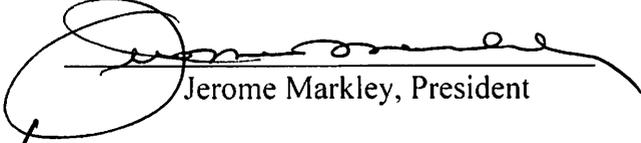
Vote: 11-0

**Board training discussion**

The board talked about previous training that was done on flooding and state roads. It was determined that flooding would be a good training topic. Bill Horan advised the board that through the Purdue Extension, he receives regular planning educational training program updates and he stated that there is a data based software program that he was going to try and get someone in front of the board to explain the mapping program with all of the layers available.

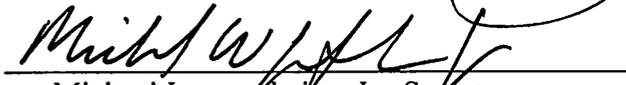
**ADVISORY:**

Jarrold Hahn made a motion to adjourn the meeting. John Schuhmacher seconded the motion. The January 2, 2014 Area Plan Commission meeting adjourned at 9:14 p.m.



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Jerome Markley, President

ATTEST:   
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Michael Lautzenheiser Jr., Secretary