

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 October 4, 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. Mike Morrissey was absent.

APPROVAL OF MINUTES:

Jarrold Hahn made a motion to approve the minutes from the September 6, 2012 meeting. Finley Lane seconded the motion; the motion carried 10-0.

NEW ITEMS:

A12-10-26 JEFFERSON TWP., NE/4 21-28N-12E Perma-Column, Inc. requests approval for a development plan for a 50ft X 180ft warehouse addition. The property is located at 400 Carol Ann Lane, Ossian, IN 46777 and is zoned I-1.

There was no representation from Perma-Column, Inc. at the meeting.

Conditions: None
Motion to Continue: Jarrold Hahn
Second: Harry Baumgartner, Jr.
Vote: 10-0

A12-10-27 JEFFERSON TWP., SW/4 15-28N-12E The Town of Ossian requests approval for a development plan for the construction of fishing pond, nature swale, skate park & ADA picnic area. The property is located on 900 N between State Road 1 and Little River Trace, Ossian, IN 46777 and is zoned R-1.

Angie Dial excused herself due to being on the Ossian Town Board. Tim Rohr also excused himself due to being on the Ossian Parks Board.

Marty Spees, engineer, explained the project which will be improvements to the existing Archbold Wilson Park. Currently there is an asphalt walking trail around the park and the proposed project would add a fishing pond, along with a swale at the northeast corner of the park which would collect the drainage. The some of the water from the swale will go into the main pond and some of the water will stay in the swale and head to the south through a culvert under the existing pathway. Then would be taken out to the north side of 900 where it will connect into the 900 ditch. Mr. Spees stated that this is phase one of the project and the complete concept would be that the pond would be twice as large as shown in the current site plans. Phase two has yet to be determined due to the uncertainty of funding. He advised the board that the existing clay tile in the field will either be routed into the pond or around it, whichever is more feasible based on the elevation. He explained the other amenities that are being purposed are an 80ft X 30ft concrete pad for a skate park and an ADA accessible picnic area. The

entrance and parking area will be gravel with the exception of two ADA concrete parking stales. He stated that a majority of the project will be excavation and embankment. All of the dirt from the excavation will remain on site. The plans show a large hill which will be were the dirt from the pond is mounded. Where the mound is located at is in an existing slope which would flow from the south to the northeast; therefore this should not cause any drainage issues because the water will flow directly towards the pond.

Jarrold Hahn explained what was discussed at the Plat Committee meeting. He stated his concerns about the 36in outlet tile from the pond flowing into the 15in culvert under Little River Trace. He explained that if there were to be any further development that the 15in culvert would need to be replaced with a larger one. Mr. Hahn stated that he has been out at the site to help the petitioner locate the tiles and suggest possible locations to reroute the tile to. He explained that due to the elevation, the Bunn tile which is county regulated will have to be rerouted around the pond. To do so, they would need Drainage Board approval. He addressed the off-site erosion control fence that is located on the property to the south which is owned by Wells County Revitalization and stated that there should be an agreement between the two parties that this would be acceptable. He stated that there are also some off-site improvements on The Bridges Subdivision, which would also need an agreement between the two parties. Mr. Hahn advised the petitioner that with the mound it could potentially cause a drainage issue for the south property owner. If this occurs, the petitioner would need to be a part of the solution.

LuAnn Martin, Ossian Town Manager, advised that there is an agreement with Wells County Revitalization that is currently being worked on. She stated that they have met with owners of The Bridges Subdivision and they are still working out that agreement. Ms. Martin stated that none of the property will be farmed. The proposed site will all be in grass and mowed.

Conditions: Off-site improvement agreements with The Bridges Subdivision and Wells County Revitalization, approval of the Bunn tile reroute design by the Drainage Board, south end approval by the Wells County Highway Department and Wells County Commissioners if in the right of way, drainage issue develops because of mound petitioners would be part of the solution.

Motion to Approve: Jarrod Hahn

Second: Bill Horan

Vote: 8-0

A12-10-28 JACKSON TWP., SW/4 10-25N-10E Jake D. Lewis requests approval for a 15 acre division of a minor subdivision. The property is located at 7717 S 900 W, Warren, IN 46792 and is zoned A-1.

Joel Hoehn, Stody & Associates, explained that the Parmeter's are purchasing the total property from Jake Lewis. However, the bank is only willing to give them a mortgage on the house and 15 acres. This is the reason for the need of a split. He stated that with the sell off the property line on the survey is 16ft from the pond. The petitioner has already filed a variance with the BZA to reduce the 20ft setback from the pond to the property line.

Jarrold Hahn addressed concerns that were brought up at the Plat Committee meeting. One of those was the fact that the driveway would be over both parcels. He suggested a shared driveway agreement be recorded just in case one property would sell separately in the future.

Conditions: Variance approval by the BZA and a shared driveway agreement.

Motion to Approve: Bill Horan

Second: John Schuhmacher

Vote: 10-0

OTHER BUSINESS:**Violation: V 2012-003 – John E. Hofstetter**

John Hofstetter did not attend the meeting.

Michael Lautzenheiser, Jr. explained the violation of two shed being built without permits, a fence being in the road right of way, plus a truck body being used as an accessory structure; and what has occurred at the property since the initial complaint and first violation letter sent out on March 27, 2012. He stated that Mr. Hofstetter went before the BZA for a variance for the truck body. It was approved to be used as an accessory structure with the condition that a roof and siding be attached. This has not been done yet. The permits were obtained for the two sheds and there has been progress on cleaning up the property. He stated that communication has been missing here recently between Mr. Hofstetter and our office. With the last letter that was sent out on August 24, 2012, there was no response.

The board discussed what progress was made along with which board had jurisdiction over certain aspects of the violation.

Conditions: A letter and verbal explanation that the violation needs to be 100% resolved by December 1, 2012.

Motion to Approve: Bill Horan

Second: John Schuhmacher

Vote: 10-0

Violation: V 2012-009 – Adam P. & Josey D. Kahn

Michael Lautzenheiser, Jr. explained the four parts of the violation being junk accumulation on the property, semitrailers that are located on the property are being used as accessory structures and a dwelling, the dwelling does not have an accepted septic system, and finally the address being used for the property was not obtained through our office.

Adam Kahn stated that the Craigville post office gave him the address for the property. He advised that they are working on cleaning up the property, which is a slow process due to the fact that people are still using it to dispose of their trash. The semis are empty and are in the process of being removed. He advised that his family's intentions are to move back west and use this property like a camp ground for when they have to come back to visit family that they don't have to stay with family members. If that is not possible, then they will sell the property.

Mr. Lautzenheiser explained that in Wells County there cannot be a residence on a property without septic or waste removal being approved. He stated that a privy would still need approval by the Health Department.

Mr. Kahn stated that if there had to be a perk test done for the Health Department in order to get a privy or septic system, that the property couldn't pass because of the fact there had been so much waste dumped at the location.

The board speculated on the fact that they doubted the Health Department would approve of any dwelling being built on a property that could never be approved for a septic system. It was also discussed that our office could not permit any construction on a residence without the Health Department approval on how the waste will be handled.

Adam Kahn spoke with Heath Butz from the Health Department about a year and a half ago about a privy. He said that Mr. Butz didn't believe that would be a problem to put in; however he never followed up with the Health Department on what needed to be done.

Conditions: 30 days to remove the semitrailers being used as accessory buildings, need a status update on septic or waste removal plan with the Health Department, continuous progress on junk removal from the property, and our office will issue a new address for the location.

Motion to Approve: Jarrod Hahn

Second: Finley Lane

Vote: 10-0

Amending CAFO Ordinance: Jack Pace

Jack Pace provided the board with a handout of his recommendations for an amendment to the setback distances. He is requesting the setback from a residence be increased from 800ft to 1200ft. He believes that Five Points School and historical sites should be included in the educational institutions and receive a setback of one mile. He also recommends that there be a setback between CAFOs, which would include satellite lagoons, and he is suggesting two miles. Mr. Pace questioned the one mile setback from incorporated towns. He then explained the Five Points 501(c)(3) tax exempt non-profit status and purpose as an educational and historic site. He listed the classes and groups that have utilized the facility. Mr. Pace explained that there has been paper work filed with the state to have Five Points School be listed on the registry of Indiana historical sites. He went on to explain the history of the school.

The board discussed the fact that the purposed use of the property is how the setbacks are determined. Is the property an educational institution or is it a public use area? It is possible that this site could fall into either category. The ordinance definitions of education and public use were read aloud. It was also determined that there could be an additional field added to the table for historical sites with its own setback.

Mr. Pace expressed his concerns with the potential manure lagoon on 600 W and 1100 S. He also addressed issues of CAFOs being in A-1 zoning, when it is agricultural business. He questioned the quality of the air, due to the odor, and the safety of the wells and open water that surrounds the CAFOs.

Gene Bowyer, Jackson Township resident, commented on the history of the Five Points School and his concerns with industrial farming. He too questioned the safety of the wells and open water ways that surround CAFOs. He stated that due to IDEM cuts, they don't make as many inspections and are relying more on neighbors' complaints and concerns to do checkups on operations. Mr. Bowyer advised the board that IDEM has no setbacks between CAFOs. He stated that he would prefer a five mile setback between CAFOs.

DISCUSSION:

Special Meeting: Metaldyne M&A Bluffton, LLC

Metaldyne M&A Bluffton, LLC has requested a special APC meeting for their development plan in order to try and speed up the approval time so that they could start construction of their building addition as soon as possible. They have paid the fee for the special meeting.

Conditions: Special meeting held on October 25, 2012 at 7:30pm

Motion to Approve: Bill Horan

Second: Jarrod Hahn

Vote: 10-0

Additional Meeting

Michael Lautzenheiser, Jr. explained the petitions, which includes a CAFO, that have been filed and will be heard on the November 1, 2012 APC meeting. He then advised that there is a tentative filing for a modification to APEX's phase 1 and phase 2 wind plans. This would only happen if the suit is dropped before the legal ads go in the newspapers. Then their petition would be scheduled on the November 1, 2012 date as well. However, due to the size of the crowd that the meeting could drawl, it would be beneficial to have it be held elsewhere and the next available date at the 4-H grounds would be November 8, 2012. Should there be two separate meetings or hear all of the petitions together?

Conditions: Special meeting held on November 8, 2012 at 7:30pm pending the suit being dropped before the legal ad is due.

Motion to Approve: Jarrod Hahn

Second: Finley Lane

Vote: 10-0

Other discussion

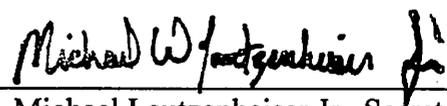
Mr. Lautzenheiser restated that board members should not accept gifts of any value. This could be considered a bribe.

Marcia Hotopp, Harrison Township resident, questioned if there has been any updates on wind turbines in Harrison Township and if there was a map of the plans available. She was informed that there have been no petitions that have come through the office. The board also informed her that there is a map of the outline of the area being impacted by the turbines, but there would be no turbine locations on it. The map would be available at the Auditor's Office.

ADVISORY:

Angie Dial made a motion to adjourn the meeting. Richard Kolkman seconded the motion and the motion passed with a vote of 10-0. The October 4, 2012 Area Plan Commission meeting adjourned at 9:38 p.m.


Jerome Markley, President

ATTEST: 
Michael Lautzenheiser Jr., Secretary